Title 23

LAND USE CODE

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

23.54	Quantity and Design Standards for Access and Off-Street Parking	23-508
23.55	Signs	23-531
23.57	Communications Regulations	23-545
Division 3 Overlay Districts		
23.59	General Provisions	23-554.2
23.60	Shoreline District	23-554.2
23.61	Station Area Overlay District	23-614
23.64	Airport Height Overlay District	23-615
23.66	Special Review Districts	23-619
23.67	Southeast Seattle Reinvestment Area	23-645
23.69	Major Institution Overlay District	23-646
23.71	Northgate Overlay District	23-663
23.72	Sand Point Overlay District	23-680
23.73	Pike/Pine Overlay District	23-686.1
23.74	Stadium Transition Area Overlay District	23-686.3

Subtitle IV Administration		
Division 1 Land Use Approval Procedures		
23.76	Procedures for Master Use Permits and Council Land Use Decisions	23-692.1
23.78	Establishment of Criteria for Joint Use or Reuse of Schools	23-706
23.79	Establishment of Development Standard Departure for Public Schools	23-706.1
23.80	Essential Public Facilities	23-706.4
Division 2 General Terms		
23.84	Definitions	23-706.5
23.84A	Definitions	23-738
23.86	Measurements	23-740.29
Division 3 Implementation		
23.88	Rules; Interpretation	23-785
23.90	Enforcement of the Land Use Code	23-787
23.91	Citation--Hearings--Penalties	23-790

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

(Ord. 110381 § 1(part), 1982.)

Introduction: User Information

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

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

Subtitle I.

General Provisions

Chapter 23.02

TITLE AND PURPOSE

Sections:

23.02.010 Title.

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

23.02.020 General purpose.

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

(Ord. 117570 § 4, 1995: Ord. 110381 § 1(part), 1982.)

Chapter 23.04

APPLICABILITY

Sections:

23.04.010 Transition to the Land Use Code.

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

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

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

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

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

23.04.040 Major Institution transition rule.[1]

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

A. The development program component, as described in subsections D and E of Section 23.69.030, of a master plan which was adopted before the effective date of the 1996 Major Institutions Ordinance, or for which an application was filed before the effective date of the 1996 Major Institutions Ordinance and which was subsequently adopted, shall remain effective through its adopted expiration date. If no expiration date was

adopted for a development program that was adopted before the effective date of the 1996 Major Institutions Ordinance, it shall expire on May 2, 2000. Amendments to a development program component shall be subject to the provisions of Section 23.69.035. The institution may choose to update the entire development program component, as described in subsections D and E of Section 23.69.030, by applying for an amendment pursuant to Section 23.69.035. The Director may require new or changed development standards as part of this process, and any prior expiration date would be eliminated.

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

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

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

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

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

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

4. If no election is made, the master plan shall be subject to the procedures and provisions in effect at the time of filing.

(Ord. 118362 § 1, 1996; Ord. 116744 § 1, 1993; Ord. 115002 § 2, 1990.)

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

Chapter 23.06

AMENDMENTS TO THE LAND USE CODE

Sections:

23.06.010 Text amendment procedures.

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

Subtitle II.

Platting Requirements

Chapter 23.20

GENERAL PROVISIONS

Sections:

23.20.002 Purpose.

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

23.20.004 Exemptions from platting regulations.

The provisions of Subtitle II shall not apply to:

1. Cemeteries and other burial plots while used for that purpose;

2. Divisions of land into lots or tracts each of which is one one-hundred-twenty-eighth (1/128) of a section of land or larger or five (5) acres or larger if the land is not capable of description as a fraction of a section of land;

3. Divisions made by testamentary provisions, or the laws of descent;

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

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

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

Exemptions provided by this section shall not be construed as exemptions from compliance with other applicable development standards required by this Code.
(Ord. 122311, § 4, 2006; Ord. 115875 § 1, 1991: Ord. 110570 § 1(part), 1982.)

23.20.008 Compliance with state law and Land Use Code.

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

23.20.012 Effect of noncompliance.

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

Chapter 23.22

SUBDIVISIONS

Sections:

Subchapter I

Preliminary Plat Process

23.22.016 Application.

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

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

C. Applications shall be processed according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and the additional procedures established in this subchapter. In event of a conflict, the procedures contained in this subchapter control.
(Ord. 118012 § 2, 1996: Ord. 117432 § 31, 1994; Ord. 112522 § 15 (part), 1985: Ord. 110570 § 1 (part), 1982.)

23.22.020 Content of preliminary plat application.

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

1. The name of the proposed subdivision;

2. North arrow and scale; the location of existing property lines; streets, building, if any; watercourses and all general features;

3. The legal description of the land contained within the subdivision;

4. The names and addresses of all persons, firms and corporations holding interest in the lands, including easement rights and interest;

5. The proposed names, locations, widths, dimensions and bearings of proposed streets, alleys, easements, parks, lots, building lines, if any, and all other information necessary to interpret the plat, including the location of existing utility and access easements which are to remain, all horizontal references (any reference to bearings, azimuths, or geographical or state plane coordinates) shall reference the North American Datum of 1983 (1991 adjustment);

6. The location of streets in adjoining plats and the approximate locations of adjoining utilities and proposed extensions into the plat;

7. The names of adjoining plats;

8. The name, address and telephone number and seal of the registered land surveyor who made the survey or under whose supervision it was made;

9. The date of the survey;

10. All existing monuments and markers located by the survey;

11. The zoning classification applicable to the land within the subdivision;

12. The conditions of or the limitations on dedications, if any, including slope rights;

13. Contour intervals as required, based upon the North American Vertical Datum of 1988;

14. Property information including, but not limited to, address, legal description, and Assessor's Parcel number;

15. Evidence of ownership or authorization from the property owner to make the application;

16. A signed statement of financial responsibility by the applicant and owner acknowledging financial responsibility for all applicable permit fees;

17. Drainage plan;

18. Landscape plan;

19. Identification of any adjacent property within three hundred (300) feet of the proposed subdivision that is owned or controlled by the applicant; and

20. Specific location and description of all trees at least six (6) inches in diameter measured four and one-half (4 1/2) feet above the ground, with species indicated.

B. Any plat submitted that covers only a part of the subdivider's tract shall be accompanied by a sketch showing the proposed future street system in the remainder of the tract so that the street layout of the tract may be considered as a whole.

C. The plat shall comply with the technical requirements of Subchapter V.
(Ord. 121291 § 6, 2003; Ord. 119791 § 1, 1999; Ord. 118012 § 3, 1996: Ord. 110570 § 1(part), 1982.)

23.22.024 Distribution of preliminary plans.

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

A. Director of Public Health;

B. Superintendent of City Light;

C. Director of Housing;

D. Superintendent of Parks and Recreation;

E. Director of Seattle Public Utilities;

F. Chief, Fire Department;

G. Metropolitan Services Department;who shall review the preliminary plat and, within thirty (30) days, furnish the Director with a report as to the effect of the proposed subdivision upon the public health, safety and general welfare, and containing their recommendations for approval or disapproval of the preliminary plat. The reports of the Director of Transportation and the Director of Seattle Public Utilities shall also include a recommendation as to the extent and type of improvements to be provided in dedicated areas and a preliminary estimate of the cost of these improvements.
(Ord. 119273 § 44, 1998: Ord. 118409 § 164, 1996: Ord. 117263 § 1, 1994: Ord. 110570 § 1(part), 1982.)

23.22.028 Effect of preliminary plat approval.

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

B. No subdivision requirements which become effective after the approval of a preliminary plat for a subdivision shall apply to such subdivision unless the Hearing Examiner determines that a change in conditions created a serious threat to the public health or safety.
(Ord. 118794 § 1, 1997: Ord. 118409 § 165, 1996: Ord. 112522 § 15(part), 1985; Ord. 110570 § 1(part), 1982.)

Subchapter II

Preliminary Plat Considerations

23.22.050 Topographical and surface hazards--Protective improvements.

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

23.22.052 Dedications required.

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

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

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

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

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

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

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

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

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

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

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

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

G. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the Right-of-Way Improvements Manual. Easements shall meet the requirements of Section 23.53.025.
(Ord. 122205, § 3, 2006; Ord. 118012 § 5, 1996: Ord. 115568 § 1, 1991: Ord. 115326 § 1, 1990; Ord. 110669 § 3, 1982; Ord. 110570 § 1(part), 1982.)

23.22.054 Public use and interest.

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

and shall be clearly shown on the final plat. The Hearing Examiner shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.
(Ord. 119791 § 2, 1999: Ord. 118012 § 6, 1996: Ord. 110570 § 1(part), 1982.)

23.22.056 Flood control zone.

No plat shall be approved by the Hearing Examiner covering any land situated in a flood control zone as provided in RCW Chapter 86.16 without the prior written approval of the State Department of Ecology.
(Ord. 118794 § 2, 1997: Ord. 110570 § 1(part), 1982.)

23.22.058 Environmentally critical areas.

No plat shall be approved by the Hearing Examiner covering any land situated in a riparian corridor, wetland and wetland buffer, or steep slope and steep slope buffer unless in compliance with the applicable provisions of Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas.
(Ord. 122050 § 3, 2006; Ord. 118794 § 3, 1997: Ord. 116262 § 2, 1992.)

23.22.060 Transportation concurrency level-of-service standards.

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

23.22.062 Unit lot subdivisions.

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

B. Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

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

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

E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot

than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

F. The fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the King County Department of Records and Elections.
(Ord. 122190, § 1,, 2006; Ord. 119618 § 1, 1999; Ord. 119239 § 1, 1998.)

Subchapter III

Review of Final Plat

23.22.064 Filing with Director of Transportation.

A. Time of Filing.

1. A final plat meeting all the requirements of RCW Chapter 58.17 and of this chapter, shall be filed with the Director of Transportation within five (5) years of the date of preliminary plat approval.

2. Within thirty (30) days of the date of filing of the final plat, unless the applicant consents to an extension of the time period, final plats shall be approved or disapproved by action of the Council, or returned to the applicant. This approval shall proceed pursuant to the procedures of this chapter.

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

1. A final plat consistent with the technical requirements of Section 23.22.066 and Subchapter V;

2. A complete survey of the section or sections in which the plat or replat is located, or as many sections as may be necessary to properly orient the plat within the section or sections;

3. Complete field and computation notes as provided in Section 23.22.094;

4. A title report from a title company licensed to do business in the state showing the ownership and title of all parties of interest in the subdivision and confirming that title of the lands as described and shown on the final plat is in the name of the owners signing the certificate required in Section 23.22.068;

5. A guarantee deposit in an amount established by the Director of Transportation sufficient to cover the expense of the City in checking the plat, advertising the ordinance, and posting notices.
(Ord. 118409 § 166, 1996: Ord. 118012 § 7, 1996: Ord. 110570 § 1(part), 1982.)

23.22.066 Technical standards for final plat.

A. The final plat shall be prepared upon the best grade of tracing medium and shall be eighteen (18)

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

1. The name of the subdivision;

2. The lines, widths and names of all streets, avenues, places, parks or other public property, and the location of monuments marking the same;

3. The length and direction of all lot lines, also the angles made by lot lines with the street lines;

4. The location of control points and monuments together with all ties;

5. The names of all subdivisions immediately adjacent;

6. The scale and north point;

7. The boundary of the tract as covered by the plat showing courses and distance on the plat;

8. The initial point;

9. All protective improvements and restrictions on uses;

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

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

C. The description, dedication, acknowledgment, certificates of the City Director of Executive Administration and County official performing the duties of the County Treasurer, certificates of approval by the Director of Transportation, the City Clerk and the Director, and recording certificate, shall be lettered with india ink or substantially equivalent lettering material and shall be substantially in the form set forth in the Director of Transportation's Subdivision Manual.
(Ord. 120794 § 293, 2002; Ord. 118409 § 167, 1996: Ord. 116368 § 302, 1992; Ord. 110570 § 1(part), 1982.)

23.22.068 Certificates required.

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

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

and other structures;

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

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

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

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

23.22.070 Director's action on final plat.

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

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

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

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

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

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

23.22.072 Submission of final plat to Council.

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

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

C. If either Director determines that the requirements of this chapter have not been met, the final plat shall be returned to the applicant for modification, correction or other action as may be required for approval; provided, that the final plat shall be forwarded to the Council together with the determination of the Directors, upon written request of the subdivider.
(Ord. 118409, § 170, 1996: Ord. 118012 § 9, 1996: Ord. 110570 § 1(part), 1982.)

23.22.074 Council determination of final plat.

A. The Council shall determine:

1. Whether the final plat is in substantial conformance with the approved preliminary plat;

2. Whether the requirements imposed when the preliminary plat was approved have been met;

3. Whether the bond, if required by the City, is sufficient in its terms to assure completion of improvements; and

4. Whether the requirements of state law and the Seattle Municipal Code which were in effect at the time of preliminary plat approval have been satisfied by the subdivider.

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

C. A subdivision shall be governed by the terms of approval of the final plat and any lots created thereunder shall be deemed to meet lot requirements imposed by this Land Use Code for a period of no less than five (5) years unless the City Council finds that a change in circumstances creates a serious threat to the public health or safety in the subdivision.
(Ord. 118409 § 171, 1996: Ord. 118012 § 10, 1996: Ord. 110570 § 1(part), 1982.)

23.22.078 Resubmission.

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

1. The subdivider has corrected those deficiencies of the final plat, attachments to it, or improvements, any or all of which caused the final plat to be returned or disapproved;

2. The final plat is resubmitted within the five (5) year period after the date of approval of the preliminary plat as provided in Section 23.22.064 or within six (6) months from the date of Council disapproval whichever is later;

3. The final plat was not disapproved by Council with prejudice against resubmission;

4. The subdivider has not accepted any proffered refund of filing fees paid for individual lots.

B. Any subdivision, the final plat of which is disapproved for reasons of nonconformance with the approved preliminary plat and any requirements or conditions attached to it, may be submitted as a preliminary plat, and shall be considered a new and separate application for all intents and purposes.
(Ord. 118012 § 11, 1996: Ord. 110570 § 1(part), 1982.)

Subchapter IV

Reserved Land

23.22.082 Land reserved for public use.

Any public agency with the power to acquire land by condemnation or otherwise for public use may, at any time prior to final approval of a preliminary plat, notify the council and the subdivider of its intention to acquire some or all of the land in the proposed subdivision for public use, and may request that the Council require its dedication for the use. In the event the land is not dedicated for the use, the public agency may request that the Council require the reservation of the land for a stated period not to exceed the two (2) years following the Council's approval of the final plat, during which time the agency may acquire the land. If the Council finds that the public health, safety, or general welfare will be served, it may require as a condition precedent to approval of the final plat that the land or that part of it as the Council deems appropriate be designated on the plat as reserved land and that for the period requested or a shorter period as the Council deems sufficient, the reserved land not be developed for uses other than the contemplated public use. A public agency may accelerate the expiration date of a reservation period by filing written notice with the King County Director of Records and Elections of its intention to abandon its right to acquire the reserved land.
(Ord. 110570 § 1(part), 1982.)

23.22.084 Reserved land to show on plat.

The subdivider may indicate on the plat that if the reserved land is not acquired for public use, it shall be subdivided and if the subdivider does so the plat shall show the configuration and dimensions of the proposed lots, blocks, streets, easements and like features in the reserved area.
(Ord. 110570 § 1(part), 1982.)

23.22.086 No development on reserved land.

No building permit or other development permit shall be issued for improvements on reserved land during the period of reservation unless the public agency has abandoned its rights and except as expressly authorized by the Council at the time the final plat is approved.
(Ord. 110570 § 1(part), 1982.)

23.22.088 Development if not acquired.

If the public agency has not acquired or commenced proceedings to acquire the reserved lands within the period set by the Council, the subdivider may proceed to develop land lying within the reserved area in conformity with the final plat. No improvements shall be made upon reserved land which is made available for development until adequate security for development of all required public and protective improvements has been provided.
(Ord. 110570 § 1(part), 1982.)

Subchapter V

Survey Requirements

23.22.092 Registered land surveyor.

A survey of every proposed subdivision and the preparation of preliminary and final plats of the subdivision shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All surveys shall conform to standard practices and principles for land surveying.
(Ord. 110570 § 1(part), 1982.)

23.22.094 Computations--Notes.

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

1. The ties to each permanent monument;

2. At least three (3) durable, distinctive reference points or monuments;

3. Sufficient data to determine readily the bearing and length of each line;

4. The base meridian referred to.

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

C. Primary survey control points shall be referenced to section corners and monuments, and corners of adjoining subdivisions, or portions of subdivisions shall be identified and ties shown.
(Ord. 118409 § 172, 1996: Ord. 110570 § 1(part), 1982.)

23.22.096 Permanent control monuments.

A. Permanent control monuments shall be established at:

1. All controlling corners on the boundaries of the subdivision;

2. The intersections of centerlines of roads within the subdivisions;

3. The beginning and ends of curves on centerlines;

4. All block corners.

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

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

D. Each lot corner shall be marked by a three-quarter (3/4) inch galvanized iron pipe, twenty-four (24) inches in length, or approved equivalent, driven into the ground.
(Ord. 118409 § 173, 1996: Ord. 110570 § 1(part), 1982.)

23.22.098 Property contiguous to water.

If any land in a subdivision is contiguous to a body of water, a meander line shall be established along the shore at a safe distance back from the ordinary high water mark. Property lying below and beyond the meander line shall be defined by distance along the side property lines extended from the meander line. If the thread of a stream lies within a subdivision or forms the boundary of a subdivision, such thread shall be defined by bearings and distances as it exists at the time of the survey.
(Ord. 110570 § 1(part), 1982.)

Subchapter VI

Design and Construction Standards

23.22.100 Design standards.

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

A. Streets and Alleys.

1. All subdivisions shall be served by one (1) or more streets providing adequate ingress and egress to and from the subdivision.

2. New streets within each subdivision shall conform with the City's thoroughfare and circulation plans and shall provide for the continuation of streets that serve the property contiguous to the subdivision. Streets serving lots on two (2) sides shall be at least sixty (60) feet wide unless a narrower street is warranted by special physical circumstances as determined by the Director, in consultation with the Director of Transportation, or as specified in Section 3.1.2b (for nonarterial streets) or 3.1.1a (for arterials) of the Right-of-Way Improvements Manual.

3. Street intersections shall be as nearly at right angles as practicable and in no event shall the angle formed be less than thirty (30) degrees.

4. A cul-de-sac shall be designed according to the Right-of-Way Improvements Manual to provide a circular turnaround at the closed end. A tee or other reasonable alternative may be authorized by the Hearing Examiner in lieu of the turnaround. Cul-de-sac streets shall not exceed four hundred fifty (450) feet in length and the right-of-way shall be at least fifty (50) feet wide, except under special circumstances a lesser width will be permitted.

5. Street networks shall provide ready access for fire and other emergency vehicles and equipment, and routes of escape for inhabitants.

6. Alleys shall be at least sixteen (16) feet wide plus such additional width as shall be necessary for an adequate turning radius.

B. Blocks. Blocks shall be designed to assure traffic safety and ease of traffic control and circulation. Blocks shall be identified by letters or numbers.

C. Lots.

1. Every lot shall be provided with convenient vehicular access to a street or to a permanent appurtenant easement which satisfies the requirements of Section 23.53.005.

2. Lots shall be numbered with reference to blocks.

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

E. Drainage, Storm Sewer and Utility Easements.

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

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

F. Underground Utility Installation. Subdivisions located adjacent to subdivisions having underground utility lines shall provide underground utility lines including but not limited to those for electricity, telephone, CATV and street lighting.
(Ord. 122205, § 4, 2006; Ord. 121477 § 1, 2004; Ord. 119239 § 2, 1998; Ord. 118794 § 4, 1997; Ord. 118409 § 174, 1996: Ord. 110570 § 1(part), 1982.)

23.22.102 Improvements.

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

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

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

D. Service Mains and Fire Hydrants. Prior to the construction of any structure in the subdivision, service mains and fire hydrants shall be installed in accordance with plans and specifications prepared or adopted by the Director of Seattle Public Utilities and in accordance with requirements and standards of the Seattle Public Utilities and the Fire Department.
(Ord. 118409 § 175, 1996: Ord. 110570 § 1(part), 1982.)

23.22.106 Exceptions.

Exceptions from the design standards and improvement requirements set forth in this subchapter may be authorized by the Hearing Examiner in those instances where it is deemed that hardship, topography or other factual deterrent conditions prevail, and in such manner as it considers necessary to maintain the intent and purpose of the regulations and requirements. Approval by the Hearing Examiner of a preliminary plat on which variations and exceptions are clearly indicated shall constitute authorization of the variations and exceptions.
(Ord. 118794 § 5, 1997: Ord. 118566 § 1, 1997: Ord. 110570 § 1(part), 1982.)

Chapter 23.24

SHORT PLATS

Sections:

23.24.010 Filing of application.

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

B. A survey of each proposed short subdivision and preparation of the short plat for it shall be made by or under the supervision of a registered land surveyor who shall certify on a short plat that it is a true and correct representation of the lands actually surveyed.
(Ord. 118012 § 12, 1996: Ord. 110570 § 1(part), 1982.)
Cases: A building permit issued in violation of this ordinance and RCW Chapter 58.17 is invalid. Kates v. Seattle, 44 Wn.App. 754, 723 P.2d 493 (1986).

23.24.020 Content of application.

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

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

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

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

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

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

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

G. Specific location and description of all trees at least six (6) inches in diameter measured four and one-half (4 1/2) feet above the ground, with species indicated.
(Ord. 120117 § 2, 2000; Ord. 119791 § 3, 1999: Ord. 110570 § 1(part), 1982.)

23.24.030 Content of short plat.

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

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

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

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

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

B. The certificate and instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land subdivided and shall be recorded as part of the final plat. Any dedication, donation, or grant as shown on the face of the short plat shall be considered to all intents and purposes as a quitclaim deed to the donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors.
(Ord. 110570 § 1(part), 1982.)

23.24.035 Access.

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

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

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

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

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

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

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

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

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

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

E. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the Right-of-Way Improvements Manual. Easements shall meet the requirements of Section 23.53.025.
(Ord. 122205, § 5, 2006; Ord. 115568 §§ 2, 3, 1990; Ord. 115326 § 2, 1990.)

23.24.040 Criteria for approval.

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

1. Conformance to the applicable Land Use Code provisions, as modified by this chapter;

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

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

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

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

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

7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing; and

8. Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.

B. If the short subdivision contains a proposed dedication, the Director shall refer the matter to the Director of Transportation for report and recommendation. The short plat or dedication instrument shall be transmitted to the City Council for acceptance of the dedication by ordinance.
(Ord. 121163 § 1, 2003; Ord. 120691 § 4, 2001; Ord. 119791 § 4, 1999; Ord. 119239 § 3, 1998; Ord. 118414 § 2, 1996; Ord. 118409 § 176, 1996: Ord. 117570 § 7, 1995; Ord. 117430 § 2, 1994; Ord. 117263 § 2, 1994; Ord.

116262 § 3, 1992; Ord. 111390 § 2, 1983; Ord. 110669 § 4, 1982; Ord. 110570 § 1(part), 1982.)

23.24.045 Unit lot subdivisions.

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

B. Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

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

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

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

F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections. (Ord. 122190, § 2, 2006; Ord. 119618 § 2, 1999; Ord. 119239 § 4, 1998; Ord. 118794 § 6, 1997: Ord. 118414 § 3, 1996: Ord. 117430 § 3, 1994.)

23.24.046 Multiple single-family dwelling units on a single-family lot.

A. The provisions of this section apply exclusively to the short subdivision of a lot in a single-family zone containing more than one (1) existing single-family dwelling unit.

B. A lot in a single-family zone containing more than one (1) existing single-family dwelling unit may be divided in accordance with this chapter as long as each of the following conditions is satisfied:

1. Each existing single-family dwelling unit was legally established by permit or is eligible to be established as a nonconforming development in accordance with Section 23.42.102, Establishing nonconforming status;

2. Each existing single-family dwelling unit was constructed prior to February 20, 1982;

3. Each resulting lot has one (1), but no more than one (1), existing single-family dwelling unit;

4. Parking is provided in accordance with Section 23.44.016, Parking location and access, unless the Director determines that at least one (1) of the following conditions is present:

a. Providing parking accessory to an existing single-family dwelling unit is undesirable or impractical because of the location of an environmentally critical area, existing drainage patterns, natural features such as significant trees, or access to a resulting or adjacent lot; or

b. The short subdivision cannot be configured to provide parking in compliance with Section 23.44.016;

If the Director determines that at least one (1) of the foregoing conditions is present, the Director may waive or modify the parking requirements of Section 23.44.016 as long as the short subdivision does not reduce the number of off-street parking spaces existing prior to the short subdivision. In connection with such waiver or modification, the Director may require access and parking easements as conditions of approval of the short subdivision; and

5. Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:

a. Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and

b. No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.

C. Structures on lots for which the Director has waived or modified development standards according to subsection B of this section will be treated as nonconforming and be subject to Section 23.42.112. (Ord. 121476 § 1, 2004; Ord. 121163 § 2, 2003.)

23.24.050 Director's decision.

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

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

C. A short plat shall be governed by the terms of approval of the Director's decision, and any lots created thereunder shall be deemed to meet lot requirements imposed by this Land Use Code for a period of no less than five (5) years unless the City Council finds that a change in circumstances has occurred.
(Ord. 121476 § 2, 2004; Ord. 120609 § 1, 2001; Ord. 110570 § 1(part), 1982.)

23.24.060 Redivision procedures.

Within a five (5) year period following the filing of a short subdivision in accordance with the provisions of Chapter 23.22, property within that short subdivision may not be further divided through the short subdivision process if it would result in more than a total of nine (9) lots. However, any revision of the lot lines of an approved short subdivision in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter 23.28.
(Ord. 118794 § 7, 1997: Ord. 110570 § 1(part), 1982.)

Chapter 23.28

LOT BOUNDARY ADJUSTMENTS

Sections:

23.28.010 Purpose.

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

23.28.020 Application for approval of lot boundary adjustment.

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

1. A plan showing the proposed change and containing standard survey data;

2. A plot plan as appropriate showing the location and dimensions of existing structures in relation to the proposed lot boundary adjustment;

3. A legal description of the property involved;

4. Name and address of owner(s) of the property involved.

(Ord. 110570 § 1(part), 1982.)

23.28.030 Criteria for approval.

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

1. No additional lot, tract, parcel, site or division will be created by the proposed adjustment;

2. No lot is created which contains insufficient area and dimensions to meet the minimum requirements for development as calculated under the development standards of the zone in which the lots affected are situated, except as provided in Section 23.44.010, and under any applicable regulations for siting development on parcels with riparian corridors, shoreline habitat, shoreline habitat buffers, wetlands, wetland buffers or steep slopes in chapter 25.09. Any required nondisturbance area shall be legibly shown and described on the site plan, and a covenant shall be required as set out in Section 25.09.335;

3. No lot is created which does not have adequate drainage, water supply and sanitary sewage disposal, and access for vehicles, utilities and fire protection;

4. The lot boundary adjustment is consistent with applicable provisions of the Land Use Code, Title 23.

B. An application for a lot boundary adjustment on a parcel containing and environmentally critical area or buffer shall include the information described in Section 25.09.330, unless the Director determines that some of the information listed is not necessary for reviewing the application.

(Ord. 122050 § 2, 2006; Ord. 116262 § 4, 1992: Ord. 110570 § 1(part), 1982.)

Subtitle III.

Land Use Regulations

Division 1

Land Use Zones

Chapter 23.30

ZONE DESIGNATIONS ESTABLISHED

Sections:

23.30.010 Classifications for the purpose of this subtitle.

All land within the City shall be classified as being within one (1) land use zoning designation.

A. General Zoning Designations. The zoning classification of land shall include one of the designations in this subsection A. Only in the case of land designated "RC" the classification shall include both "RC" and one additional designation in this subsection A, which shall be a designation for a multifamily zone.

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

B. Suffixes--Height Limits and Letters. The zoning classification for land subject to some of the designations in subsection A of this section may include one (1) or more numerical suffixes indicating height limit(s) or a range of height limits, or one or more letter suffixes, or both. A letter suffix may be included only in accordance with provisions of this title expressly providing for the addition of the suffix. A zoning classification that includes a numerical or letter suffix or both denotes a different zone than a zoning classification without any suffix or with additional, fewer or different suffixes. Except where otherwise specifically stated in this title or where the context otherwise clearly requires, each reference in this title to any zoning designation in subsection A of this section without a suffix, or with fewer than the maximum possible number of suffixes, includes any zoning classifications created by the addition to that designation of one or more suffixes.

(Ord. 122311, § 5, 2006; Ord. 121782 § 1, 2005; Ord. 118302 § 2, 1996: Ord. 117430 § 4, 1994: Ord. 115002 § 3, 1990: Ord. 114888 § 1, 1989: Ord. 114887 § 1, 1989: Ord. 114196 § 1, 1988: Ord. 113658 § 1, 1987: Ord. 112777 § 1, 1986: Ord. 112519 § 2, 1985: Ord. 112134 § 4, 1985: Ord. 11110 § 2, 1983: Ord. 110793 § 1, 1982: Ord. 110570 § 5, 1982: Ord. 110381 § 1(part), 1982.)

23.30.020 Zone boundaries.[1]

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

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

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

23.30.030 Property not specifically zoned.

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

(Ord. 110381 § 1 (part), 1982.)

Chapter 23.32

LAND USE MAPS[1]

Sections:

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

23.32.006 Underlying zones established.

The zone classifications established in Section 23.30.010 and their boundaries within the City are established as shown on the series of maps, marked Exhibit "A" to the ordinance from which this section derives.
(Ord. 117570 § 9, 1995: Ord. 110381 § 1(part), 1982.)

23.32.010 Overlay districts established.

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

23.32.016 Official Land Use Map.

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

Chapter 23.34

AMENDMENTS TO OFFICIAL LAND USE MAP (REZONES)

Sections:

Subchapter I

Procedure

23.34.002 Standard rezone procedures.

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

23.34.004 Contract rezones.

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

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

Subchapter II

Rezone Criteria

23.34.007 Rezone evaluation.

A. The provisions of this chapter apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

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

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

D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.

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

F. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.
(Ord. 122311, § 6, 2006; Ord. 120609 § 2, 2001; Ord. 118408 § 2, 1996; Ord. 117430 § 5, 1994.)

23.34.008 General rezone criteria.

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

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

2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.

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

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

D. Neighborhood Plans.

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

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

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

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

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

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

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

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

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

   c. Distinct change in street layout and block orientation;

   d. Open space and greenspaces.

3. Zone Boundaries.

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

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

(2) Platted lot lines.

b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.

4. In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.

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

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

a. Housing, particularly low-income housing;

b. Public services;

c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;

d. Pedestrian safety;

e. Manufacturing activity;

f. Employment activity;

g. Character of areas recognized for architectural or historic value;

h. Shoreline view, public access and recreation.

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

a. Street access to the area;

b. Street capacity in the area;

c. Transit service;

d. Parking capacity;

e. Utility and sewer capacity;

f. Shoreline navigation.

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

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

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

(Ord. 121700 § 3, 2004; Ord. 120691 §§ 3, 5, 2001; Ord. 120609 § 3, 2001; Ord. 118408 § 3, 1996; Ord. 117929 § 6, 1995; Ord. 117430 § 6, 1994: Ord. 114725 § 1, 1989; Ord. 113079 § 2(part), 1986; Ord. 112522 § 6(part), 1985; Ord. 110381 § 1(part), 1982.)

23.34.009 Height limits of the proposed rezone.

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

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

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

C. Height and Scale of the Area.

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

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

D. Compatibility with Surrounding Area.

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas

excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

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

E. Neighborhood Plans.

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

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

(Ord. 121476 § 3, 2004; Ord. 117430 § 7, 1994.)

23.34.010 Designation of single-family zones.

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

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

1. A neighborhood plan has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix when applicable;

2. The rezone is:

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

b. Within the areas identified on Map P-1 of the adopted North Beacon Hill Neighborhood Plan, and the rezone is to any Lowrise zone, or to an NC1 zone or NC2 zone with a 30' or 40' height limit.

(Ord. 122311, § 7, 2006; Ord. 121700 § 4, 2004; Ord. 120117 § 4, 2000; Ord. 119796 § 1, 1999: Ord. 119724 § 1, 1999; Ord. 117430 § 8, 1994: Ord. 112522 § 6(part), 1985; Ord. 110381 § 1(part), 1982.)

23.34.011 Single-family zones, function and locational criteria.

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

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

1. Areas that consist of blocks with at least seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use; or

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

3. Areas that consist of blocks with less than seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:

a. The construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or

b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, not including detached accessory dwelling units, or

c. The number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or

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

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

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

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

a. That the construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or

b. That the number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or

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

d. That the area shows an increasing number of improvements or rehabilitation efforts to single-family structures, not including detached accessory dwelling units.

D. Half-blocks at the edges of single-family zones which have more than fifty (50) percent single-family structures, not including detached accessory dwelling units, or portions of blocks on an arterial which have a majority of single-family structures, not including detached accessory dwelling units, shall generally be included. This shall be decided on a case-by-case basis, but the policy is to favor including them.
(Ord. 122190, § 3, 2006; Ord. 117430 § 9, 1994: Ord. 112522 § 6(part), 1985; Ord. 110381 § 1(part), 1982.)

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

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

B. Locational Criteria. An RSL zone shall be appropriate only under circumstances as provided in Section 23.34.010 B.
(Ord. 117430 § 10, 1994.)

23.34.013 Designation of multifamily zones.

An area zoned single family that meets the criteria of Section 23.34.011 for single-family designation, may not be rezoned to multifamily except as otherwise provided in Section 23.34.010 B.
(Ord. 117430 § 11(part), 1994: Ord. 116795 § 3, 1993: Ord. 114886 § 2, 1989.)

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

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

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

1. Development Characteristics of the Area.

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

b. Areas with a mix of single-family structures, small multifamily structures, and single-family structures legally converted into multiple units where, because of the type

and quality of the existing housing stock, it is desirable to limit new development opportunities to infill projects and conversions that preserve the existing character.

2. Relationship to the Surrounding Area.

a. Areas that do not meet single-family criteria, but are otherwise similar in character and adjoin areas zoned single-family or Lowrise 1 without necessarily the presence of a significant topographical break or open space to provide a transition to increased density;

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

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

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

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

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

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

1. Development Characteristics of the Area.

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

b. Areas with:

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

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

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

2. Relationship to the Surrounding Areas.

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

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

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

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

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

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

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

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

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

1. Development Characteristics of the Areas.

a. Areas that feature a mix of single-family structures and small to medium multifamily structures generally occupying one (1) or two (2) lots, with heights generally less than thirty (30) feet;

b. Areas suitable for multifamily development where topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;

c. Areas occupied by a substantial amount of multifamily development where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make an intermediate

intensity of development desirable.

2. Relationship to the Surrounding Areas.

a. Properties that are well-suited to multifamily development, but where adjacent single-family areas make a transitional scale of development desirable. It is desirable that there be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature providing physical separation from the single-family area. However, this is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas;

b. Properties that are definable pockets within a more intensive area, where it is desirable to preserve a smaller scale character and mix of densities;

c. Properties in areas otherwise suitable for higher density multifamily development but where it is desirable to limit building height and bulk to protect views from uphill areas or from public open spaces and scenic routes;

d. Properties where vehicular access to the area does not require travel on "residential access streets" in less intensive residential zones.

(Ord. 118794 § 9, 1997; Ord. 771430 § 11(part), 1994: Ord. 116795 § 3, 1993: Ord. 114886 § 2, 1989.)

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

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

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, properties that may be considered for an L3 designation are limited to the following:

a. Properties already zoned L3;

b. Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established;

c. Properties within an urban center or village, except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or

d. Properties located in the Delridge Neighborhood Revitalization Area, as shown in Exhibit

23.34.020 A, provided that the L3 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.

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

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

a. Development Characteristics of the Area.

(1) Either:

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

(b) Areas that are within an urban center or urban village, except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or

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

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

b. Relationship to the Surrounding Areas.

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

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

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

(4) Properties that are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.

(Ord. 121700 § 5, 2004; Ord. 120694 § 1, 2001: Ord. 119714 § 4, 1999; Ord. 119691 § 1, 1999; Ord. 119637 § 1, 1999; Ord. 119635 § 1, 1999; Ord. 119521 § 1, 1999; Ord. 119403 § 5, 1999; Ord. 119322 § 5, 1998; Ord. 119217 § 6, 1998; Ord. 118794 § 10, 1997; Ord. 117430 § 11(part), 1994: Ord. 116795 § 3, 1993: Ord. 114886 § 2, 1989.)

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

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

B. Locational Criteria.

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

a. Properties already zoned L4;

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

c. Properties within an urban center or urban village, except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or

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

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

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

a. Development Characteristics of the Area.

(1) Either:

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

(b) Areas that are within an urban center or urban village, except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village, or

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

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

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

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

b. Relationship to the Surrounding Areas.

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

(2) Properties in areas that are directly accessible to regional transportation facilities,

especially transit, providing connections to major employment centers, including arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by higher density development. Vehicular access to the area should not require use of streets passing through less intensive residential areas;

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

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

(Ord. 121700 § 6, 2004; Ord. 120694 § 2, 2001: Ord. 119714 § 5, 1999; Ord. 119691 § 2, 1999; Ord. 119637 § 2, 1999; Ord. 119635 § 2, 1999; Ord. 119521 § 2, 1999; Ord. 119403 § 6, 1999; Ord. 119322 § 6, 1998; Ord. 119217 § 7, 1998; Ord. 118794 § 11, 1997; Ord. 117430 § 11(part), 1994: Ord. 116795 § 3, 1993: Ord. 114886 § 2, 1989.)

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

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

B. Locational Criteria.

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

a. Properties already zoned Midrise;

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

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

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

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

a. Either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. Street grid and block orientation, or

d. Significant open space and greenspaces.

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

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

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

B. Locational Criteria.

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

a. Properties already zoned Highrise;

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

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

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

3. Other Criteria. The Highrise zone designation is most appropriate in areas generally

characterized by the following:

a. Either:

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

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

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

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

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

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

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

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

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

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

23.34.046--23.34.056 Reserved by 110381.

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

A. Function.

1. Purposes. Areas that serve as the following:

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

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

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

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

2. Desired Characteristics. Areas that provide the following:

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

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

B. Location Criteria.

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

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

a. Existing Character.

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

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

b. Physical Factors Favoring RC Designation.

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

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

(3) Streets with adequate access and circulation;

(4) Insufficient parking in adjacent commercial zone results in parking spillover on residential streets.

(Ord. 117430 § 12, 1994: Ord. 112777 § 2(part), 1986.)

23.34.072 Designation of commercial zones.

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

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

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

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

E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.
(Ord. 120691 § 6, 2001; Ord. 117430 § 13, 1994: Ord. 112777 § 2(part), 1986.)

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

A. Function. To support or encourage a small shopping area that provides primarily convenience retail sales and services to the adjoining residential neighborhood, where the following characteristics can be achieved:

1. A variety of small neighborhood-serving businesses;

2. Continuous storefronts built to the front lot line;

3. An atmosphere attractive to pedestrians;

4. Shoppers walk from store to store.

B. Locational Criteria. A Neighborhood Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Outside of urban centers and urban villages, or within urban centers or urban villages where isolated or peripheral to the primary business district and adjacent to low-density residential areas;

2. Located on streets with limited capacity, such as collector arterials;

3. No physical edges to buffer the residential areas;

4. Small parcel sizes;

5. Limited transit service.

(Ord. 122311, § 8, 2006; Ord. 117430 § 14, 1994: Ord. 112777 § 2(part), 1986.)

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

A. Function. To support or encourage a pedestrian-oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where the following characteristics can be achieved:

1. A variety of small to medium-sized neighborhood-serving businesses;

2. Continuous storefronts built to the front lot line;

3. An atmosphere attractive to pedestrians;

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

B. Locational Criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extend for more than approximately two blocks;

2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;

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

4. A mix of small and medium sized parcels;

5. Limited or moderate transit service.

(Ord. 122311, § 9, 2006; Ord. 117430 § 16, 1994: Ord 112777 § 2(part), 1986.)

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

A. Function. To support or encourage a pedestrian-oriented shopping district that serves the surrounding neighborhood and a larger community, citywide, or regional clientele; that provides comparison shopping for a wide range of retail goods and services; that incorporates offices, business support services, and residences that are compatible with the retail character of the area; and where the following characteristics can be achieved:

1. A variety of sizes and types of retail and other commercial businesses at street level;

2. Continuous storefronts or residences built to the front lot line;

3. Intense pedestrian activity;

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

5. Transit is an important means of access.

B. Locational Criteria. A Neighborhood Commercial 3 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. The primary business district in an urban center or hub urban village;

2. Served by principal arterial;

3. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;

4. Excellent transit service.

(Ord. 122311, § 11, 2006; Ord. 117430 § 18, 1994: Ord. 116795 § 4, 1993: Ord. 112777 § 2(part), 1986.)

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

A. Function. To provide for an auto-oriented, primarily retail/service commercial area that serves surrounding neighborhoods and the larger community, citywide, or regional clientele.

B. Locational Criteria. A Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Outside of urban centers and urban villages or, within urban centers or urban villages, having a C1 designation and either abutting a state highway, or in use as a shopping mall;

2. Retail activity in existing commercial areas;

3. Readily accessible from a principal arterial;

4. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;

5. Predominance of parcels of 20,000 square feet or larger;

6. Limited pedestrian and transit access.

(Ord. 122311, § 13, 2006; Ord. 117430 § 20, 1994: Ord. 112777 § 2(part), 1986.)

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

A. Function. To provide for an auto-oriented, primarily non-retail commercial area that provides a wide range of commercial activities serving a community, citywide, or regional function, including uses such as

manufacturing and warehousing that are less appropriate in more-retail-oriented commercial areas.

B. Locational Criteria. A Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Outside of urban centers and urban villages or, within urban centers or urban villages, having a C2 designation and abutting a state highway;

2. Existing commercial areas characterized by heavy, non-retail commercial activity;

3. Readily accessible from a principal arterial;

4. Possibly adjacent to manufacturing/industrial zones;

5. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;

6. Predominance of parcels of 30,000 square feet or larger;

7. Limited pedestrian and transit access.

(Ord. 122311, § 14, 2006; Ord. 117430 § 21, 1994: Ord. 112777 § 2(part), 1986.)

23.34.086 Pedestrian designation (suffix P), function and locational criteria.

A. Function. To preserve or encourage an intensely retail and pedestrian-oriented shopping district where non-auto modes of transportation to and within the district are strongly favored, and the following characteristics can be achieved:

1. A variety of retail/service activities along the street front;

2. Large number of shops and services per block;

3. Commercial frontage uninterrupted by housing or auto-oriented uses;

4. Pedestrian interest and activity;

5. Minimal pedestrian-auto conflicts.

B. Locational Criteria. Pedestrian-designated zones are most appropriate on land that is generally characterized by the following conditions:

1. Pedestrian district surrounded by residential areas and/or major activity centers; or a commercial node in an urban center or urban village;

2. NC zoned areas on both sides of an arterial, or NC zoned block faces across an arterial from a park, major institution, or other activity center;

3. Excellent access for pedestrians, transit, and bicyclists.

(Ord. 122311, § 15, 2006; Ord. 112777 § 2(part), 1986.)

23.34.089 Locational criteria--Station Area Overlay District.

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

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

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

   a. High levels of pedestrian activity at street level in commercial and mixed-use zones; or

   b. Presence of a wide variety of retail/service activities in commercial and mixed-use zones; or

   c. Minimal pedestrian-auto conflicts; or

   d. Medium to high residential density in close proximity to light rail stations or access to other high capacity transit.

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

   a. Presence of medium to high density residential zoning in proximity to the proposed light rail station or access to other high capacity transit;

   b. Presence of a commercial or mixed-use area where goods and services are available to the public and where opportunities for enhancement of the pedestrian environment exist;

   c. Opportunities for new development to access transit, bicycle and pedestrian modes of transportation;

   d. Opportunities for construction of new development that will support transit;

   e. Properties zoned Single-family may only be included within the overlay district when it can be demonstrated that the criteria for Single-family designation cannot be satisfied.

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

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

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

(Ord. 120452 §1, 2001.)

23.34.090 Designation of industrial zones.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Changes in street layout and block orientation;

4. Open spaces and greenspaces.

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

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

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

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

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

a. Suitable water access for marine industrial activity,

b. Upland property of sufficient depth to accommodate industrial activity,

c. An existing character established by industrial uses and related commercial activity including manufacturing use, warehousing, transportation, utilities, and similar activities;

2. Areas directly related to major rail lines serving industrial businesses;

3. Areas containing mostly industrial uses, including manufacturing, heavy commercial, warehousing, transportation, utilities and similar activities;

4. Large areas with generally flat topography;

5. Areas platted into large parcels of land.

(Ord. 117430 § 23, 1994: Ord. 113658 § 2(part), 1987.)

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

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

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

1. Areas that are developed with industrial activity or a mix of industrial activity and a wide range of commercial uses;

2. Areas where facilities, such as the Kingdome or Design Center, have established a more commercial character for the surroundings and have created the need for a broader mix of support uses;

3. Areas with adequate access to the existing and planned neighborhood transportation network; where additional trips generated by increased commercial densities can be accommodated without conflicting with the access and circulation needs of industrial activity;

4. Areas where increased commercial densities would allow the economic reuse of small sites and existing buildings no longer suited to current industrial needs;

5. Areas that, because of their size and isolation from a larger industrial area due to separation by another type of zone or major physical barrier, such as an arterial or waterway, can accommodate more nonindustrial activity without conflicting with the industrial function of the larger industrial area;

6. Large areas with generally flat topography;

7. Areas platted into large parcels of land.

(Ord. 117430 § 24, 1994.)

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

A. Function. An area that provides an appropriate transition between industrial areas and adjacent residential zones, or commercial zones having a residential orientation and/or pedestrian character.

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

1. Areas containing industrial uses or a mix of industrial activity and a wide range of commercial uses which are located on the edge of a larger industrial area designated Industrial General 1 (IG1), Industrial General 2 (IG2), or Industrial Commercial (IC).

2. Areas where a transition is needed to protect a less-intensive zone from potential negative impacts of industrial activity when the area directly abuts a residential, Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 3 (NC3), Commercial 1 (C1), or Commercial 2 (C2) zone with a substantial amount of residential development and/or pedestrian character.

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

1. Topographic Conditions. Significant changes in topography within an industrial area may provide a good boundary for the Industrial Buffer zone by reducing the noise and visual impacts of the larger industrial area on an abutting, less-intensive zone.

2. Development Patterns. Changes in the type of activity and/or the scale of existing development occurring along the edge of an industrial area may create conditions that are more compatible with the abutting, less-intensive zone.

3. Grid and Platting Patterns. Changes in block sizes, shifts in the street grid, a major arterial, undeveloped streets, platted lot lines, and other factors related to the platting pattern often create separate areas which, when located along the edge of an industrial area, can reinforce the transition desired in the Industrial Buffer zone.

4. Special Features. Certain natural or built features such as railway lines, open spaces, transmission line rights-of-way, and waterways may, because of their width, siting, or landscaping, separate the edge of an industrial zone from a larger industrial area, helping to establish the edge of the Industrial Buffer zone.

(Ord. 122311, § 17, 2006; Ord. 118414 § 4, 1996; Ord. 117430 § 25, 1994: Ord. 113658 § 2(part), 1987.)

23.34.096 Locational criteria--Industrial Commercial (IC) zone.

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

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

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

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

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

E. Areas which are underutilized and, through substantial redevelopment, could provide the type of campus-like environment attractive for new technology-oriented industrial and commercial development.
(Ord. 113658 § 2(part), 1987.)

23.34.100 Designation of Downtown zones.

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

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

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

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

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

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

high densities of development.

D. Relationship to Surrounding Activity. A single, contiguous area which is centrally located in relation to other downtown districts having lower intensities of development and more mixing of uses.
(Ord. 117430 § 28, 1994.)

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

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

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

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

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

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

E. Heights. Two (2) height classifications of DOC-2 shall provide transition between the high structures of the DOC-1 designation and areas adjacent to this classification. Generally, maximum heights should be lower in the southern part of downtown to provide transition to Pioneer Square and the International District.
(Ord. 117430 § 29, 1994.)

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

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

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

B. Scale and Character of Development. Areas with moderate scale buildings and well defined

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

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

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

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

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

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

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

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

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

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

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

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

A. Function. Areas that provide a mixed use community where housing and associated services and amenities predominate. Office, retail and other commercial uses shall be compatibly integrated with the

predominant residential character at low to moderate densities.

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

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

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

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

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

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

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

23.34.114 International District Mixed (IDM) zone, locational criteria.

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

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

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

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

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

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

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

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

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

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

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

E. Heights. One (1) of three (3) height districts may be applied to maintain existing views from upland public spaces and provide a transition in scale between the waterfront and downtown.
(Ord. 117430 § 37, 1994.)

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

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

23.34.124 Designation of Major Institution Overlay (MIO) districts.

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

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

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

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

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

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

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

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

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

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

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

C. Height Criteria. The following criteria shall be used in the selection of appropriate height

designations for: 1) proposed new Major Institution Overlay districts; 2) proposed additions to existing MIO districts; and 3) proposed modifications to height limits within existing MIO districts;

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

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

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

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

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

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

23.34.126 Designation of the Seattle Mixed (SM) zone.

The Seattle Mixed (SM) zone is applied to achieve the goal of a diverse, mixed-use community with a strong pedestrian orientation. The zone permits a wide range of uses and promotes density to encourage a mixed-use neighborhood. This zoning designation balances the need for flexibility and a variety of activities with the need to provide adequate direction to ensure the presence of housing and commercial activities critical to the success of an urban neighborhood.
(Ord. 121782 § 4, 2005; Ord. 118302 § 3, 1996.)

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

In considering rezones to the Seattle Mixed (SM) zone designation the following function and locational criteria shall be taken into consideration:

A. Function. An area that provides for a wide range of uses to encourage development of the area into a mixed-use neighborhood with a pedestrian orientation or an area that is in transition from traditional manufacturing or commercial uses to one where residential use is also appropriate;

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

C. Relationship to Surrounding Activity. An area that provides a transition from a densely

developed or zoned neighborhood or from industrial activity;

D. Mix of Use. An area within the SM zone may be identified for the purposes of encouraging a primarily residential character. Such an area shall be designated as Seattle Mixed/Residential (SM/R). Within the SM/R area, nonresidential uses shall generally be of modest scale or neighborhood-serving in character;

E. Height. Height limits of forty (40) feet, fifty-five (55) feet, sixty-five (65) feet, seventy-five (75) feet, eighty-five (85) feet, and one hundred twenty-five (125) feet may be applied to land zoned SM. A forty (40) or fifty-five (55) foot height shall be applied to the SM/R designation, or where it is appropriate to limit the intensity and scale of new development. A sixty-five (65) foot, seventy-five (75) foot or eighty-five (85) foot height shall apply where it is appropriate to provide for a uniform and pedestrian scale. A one hundred twenty five (125) foot height may be designated to serve as transition from areas where greater heights are permitted. (Ord. 121782 § 5, 2005; Ord. 118302 § 4, 1996.)

Division 2

Authorized Uses and Development Standards

Chapter 23.40

COMPLIANCE WITH REGULATIONS REQUIRED--EXCEPTIONS

Sections:

23.40.002 Conformity with regulations required.

The establishment or change of use of any structures, buildings or premises, or any part thereof, shall require approval according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, except as permitted in 23.47A.004 E and F. No use of any structure or premises shall hereafter be commenced, and no structure or part of a structure shall be erected, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations specified in this title for the zone and overlay district, if any, in which it is or will be located. Owners of such structures, building or premises or parts thereof are responsible for any failure of such structures, buildings or premises to conform to the regulations of this title and for compliance with the provisions of this title in or on such structures, buildings or premises. Any other person who created, caused or contributed to a condition in or on such structure, building or premises, either alone or with others, is also responsible under this title for any failure to conform to the regulations of this title. Building and use permits on file shall be prima facie evidence of the time a building was built or modified, or a use commenced, and the burden of demonstrating to the contrary shall be upon the owner. Changes to existing structures that make the structures nonconforming may be permitted if the changes are required by law for reasons of health and safety.

(Ord. 122311, § 18, 2006; Ord. 121093 § 1, 2003: Ord. 119473 § 1, 1999: Ord. 118794 § 14, 1997: Ord. 112522 § 7(part), 1985: Ord. 110669 § 6, 1982; Ord. 110381 § 1(part), 1982.)

23.40.004 Reduction of required spaces.

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

B. Legally established parking spaces or loading areas existing on or after July 24, 1957 that became required as accessory to a principal use on or after July 24, 1957, may not be eliminated unless at least an equal number of spaces serving the use for which they are required and meeting the requirements of this Code are provided.

C. No minimum lot area, yard, setback, open space, landscaping, access, screening or other element of a development used to meet a development standard for one (1) use or structure may be used to meet the development standards of another use or structure except as specifically provided in this Code.
(Ord. 111390 § 3, 1983: Ord. 110669 § 7, 1982.)

23.40.006 Demolition of housing.

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

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

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

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

D. The housing unit(s) to be demolished have been continuously vacant since January 1, 1974.
(Ord. 118414 § 5, 1996; Ord. 115058 § 3, 1990.)
1. Editor's Note: The Seattle Building Code is set out at Subtitle I of Title 22 of this Code.

23.40.008 Demolition of landmarks.

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

B. In the event that the Director believes that demolition of a landmark is required for reasons of health and safety under Chapter 22.206 or 22.208 of the Housing and Building Maintenance Code or under the provisions of the Seattle Building Code,[1] the Director shall consult with the Landmarks Preservation Board and with the Director of the Department of Neighborhoods about alternatives to demolition. The Director shall not order demolition of a landmark until all alternatives to demolition have been explored, unless the Director is faced with a threat to the public health and safety that is so imminent as to preclude all deliberation. (Ord. 116540 § 2, 1993.)

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

23.40.020 Variances.

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

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

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

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

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

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

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

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

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

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

this Land Use Code.
(Ord. 120691 § 9, 2001; Ord. 118727 § 1, 1997: Ord. 117570 § 11, 1995: Ord. 117383 § 2, 1994; Ord. 113263 § 2, 1986; Ord. 112522 § 7(part), 1985; Ord. 111390 § 4, 1983; Ord. 110669 § 8, 1982: Ord. 110381 § 1(part), 1982.)
1. Editor's Note: The Official Land Use Map is codified at the end of this title.

23.40.030 Undeveloped streets--Modification of certain development standards.

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

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

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

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

D. Existing streetscapes and development patterns are not disrupted.
(Ord. 115326 § 3, 1990.)

23.40.040 Reasonable accommodation.

The Federal Fair Housing Act requires that reasonable accommodations be made in rules, policies, practices, or services, when such accommodations may be necessary to afford handicapped people equal opportunity to use an enjoy a dwelling. The Director is therefore authorized to make accommodations in the provisions of this title as applied to dwellings occupied or to be occupied by handicapped persons as defined in the Federal Fair Housing Act, when the Director determines that such accommodations reasonably may be necessary in order to comply with such Act.
(Ord. 117202 § 24, 1994.)

23.40.050 Demonstration program for innovative housing design.

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

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

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

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

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

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

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

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

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

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

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

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

   c. A departure may be allowed for additional height up to a maximum of two (2) stories, in order to accommodate detached accessory dwelling units in a single story unit above a detached garage and other detached accessory dwelling units of a similar height; provided that, no height departure may be granted that would result in a structure that is higher than the maximum allowed for single-family structures in single-family zones other than lots zoned residential small lot.

3. A maximum of ten (10) projects that include cottage housing, tandem housing or small lot

single-family development may be allowed in a single-family zone, contrary to the minimum lot area requirements of Section 23.44.010 and other development standards contained in Chapter 23.44. Such development must comply with the residential small lot development standards, Chapter 23.43, except that modifications to the development standards contained in Chapter 23.43 may be allowed as departures through the design review process as follows:

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

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

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

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

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

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

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

of the zone, may be allowed as long as:

a. No additional floors are constructed as a result of this additional height;

b. The overall scale of development as viewed from the street front has generally not increased;

c. The structure is compatible with the neighborhood, and with the scale of development allowed in the zone;

d. A height exception under Section 23.47A.012 A1 will not be requested as part of the project; and

e. If private views protected by Section 23.47A.012 A1c will be blocked by the demonstration project, no additional height greater than the additional height that could be granted by a height exception under Section 23.47A.012 A1b may be granted by a height departure under the demonstration program.

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

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

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

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

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

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

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

a. The building official determines that the permit complies, or is modified to comply, with the code or codes in effect on the date of application renewal; or

b. The work authorized by the permit is substantially underway and progressing at a rate approved by the building official. "Substantially underway" means that work such as excavation, inspections, and installation of framing, electrical, mechanical and finish work is being completed on a continuing basis;

c. Commencement or completion of the work authorized by the permit was delayed by litigation, appeals, strikes or other causes related to the work authorized by the permit, beyond the permit holder's control; and

d. For any demonstration project in a landslide-prone area, the requirements of SMC Section 25.09.345 also apply.

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

(Ord. 122311, § 19, 2006; Ord. 120318 § 2, 2001; Ord. 119784 § 2, 1999; Ord. 119368 § 7, 1999; Ord. 119241 § 8, 1998.)

Chapter 23.41

EARLY PROJECT IMPLEMENTATION

Sections:

Part I Design Review

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

Part I Design Review

23.41.002 Purpose and intent.

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

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

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

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

23.41.004 Applicability.

A. Design Review Required.

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

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

i. Lowrise (L3, L4),

ii. Midrise (MR),

iii. Highrise (HR),

iv. Neighborhood Commercial (NC1, 2, 3)

v. Seattle Mixed (SM), or

vi. Industrial Commercial (IC) zone within the South Lake Union Urban Center; or

b. Is located in a Commercial (C1 or C2) zone, and:

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

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

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

2. Design review is required for all new Major Institution structures that exceed SEPA thresholds in

the zones listed in subsection A1 of this section, unless the structure is located within a Major Institution Overlay (MIO) district.

3. Downtown design review is required for all new structures that equal or exceed any of the following thresholds:

DOC 1, DOC 2 or DMC Zones

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

DRC, DMR, DH1 or DH2

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

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

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

6. New multifamily or commercial structures in the zones listed in subsection A1 of this section, that are subject to SEPA solely as a result of the provisions of Section 25.05.908, Environmentally Critical Areas, are exempt from design review except as set forth in subsection A5 of this section.

B. Design Review--Optional.

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

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

3. Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, an administrative design review process (Section 23.41.016) is an option to an applicant for new multifamily and commercial structures in Lowrise, Midrise, and Commercial zones to protect a tree over two (2) feet in diameter measured four and one-half (4 1/2) feet above the ground, even when the project exceeds SEPA thresholds but design review would not otherwise be required by subsection A, above.

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

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

1. New structures located within special review districts, as regulated by Chapter 23.66;

2. New structures within Landmark districts as regulated by SMC Title 25, Environmental Protection and Historic Preservation;

3. New structures that are within the historic character area of the Downtown Harborfront 1 zone, as regulated by Section 23.60.704, or are otherwise required to undergo shoreline design review as regulated by Chapter 23.60;

4. New monorail transit facilities that have been subject to review by the Seattle Design Commission; and

5. New light rail transit facilities that have been subject to review by the Seattle Design Commission.

(Ord. 122054 § 4, 2006; Ord. 121782 § 6, 2005; Ord. 121563 § 1, 2004; Ord. 121278 § 1, 2003; Ord. 120928 § 1, 2002; Ord. 120611 § 4, 2001; Ord. 119972 § 1, 2000; Ord. 119490 § 1, 1999; Ord. 119399 § 1, 1999: Ord. 118980 § 1, 1998; Ord. 118362 § 4, 1996; Ord. 118302 § 5, 1996; Ord. 118012 § 13, 1996: Ord. 117430 § 40, 1994; Ord. 116909 § 1(part), 1993.)

23.41.006 Design Review Districts Map.

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

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23.41.008 Design Review Board.

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

shall:

1. Synthesize community input on design concerns and provide early design guidance to the development team and community; and

2. Recommend to the Director specific conditions of approval which are consistent with the design guidelines applicable to the development; and

3. Ensure fair and consistent application of Citywide or neighborhood-specific design guidelines.

B. Design Review Board Membership Criteria.

1. Members shall reside in Seattle; and

2. Members should possess experience in neighborhood land use issues and demonstrate, by their experience, sensitivity in understanding the effect of design decisions on neighborhoods and the development process; and

3. Members should possess a familiarity with land use processes and standards as applied in Seattle; and

4. Consistent with the City's Code of Ethics, SMC Section 4.16.070, no member of the Design Review Board shall have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in a project under review by the Design Review Board on which that member sits.

C. Design Review Board Composition.

1. The Design Review Board shall be composed as follows:

Design Review Board Composition

Representation	Development Interests	Design Professions	General Community Interests	Local Residential Interests	Local Business Interests
Number	7	7	7	7 (1/district)	7 (1/district)
Selection Process	3 appointed by Mayor, 4 by Council	3 appointed by Mayor, 4 by Council	3 appointed by Mayor, 4 by Council, 1 pursuant to SMC 3.51[1]	Nominated by community and business organizations, respectively; jointly appointed by Mayor and Council	
Confirmation Process	Confirmed by Council	Confirmed by Council	Confirmed by Council	Confirmed by Council	

[1] One (1) designated young adult position is added to the Design Review Board pursuant to the Get Engaged Program, SMC Chapter 3.51. The selection process and term of service related to this young adult position are set forth in SMC Chapter 3.51.

2. Term. Upon appointment to the Design Review Board, a member shall serve for a period of two years. A member may be re-appointed to subsequent terms pursuant to the selection and confirmation process in subsection C1 of this Section.

D. Design Review Board Assignment.

1. Each design review district shall be assigned a Design Review Board consisting of five (5) members, as follows:

   a. One (1) member representing development-related interests;

   b. One (1) member representing general community interests;

   c. One (1) member representing the design professions;

   d. One (1) member representing local residential interests; and

   e. One (1) member representing local business interests.

2. Three (3) Design Review Board members shall be a quorum of each District Design Review Board.

3. The five (5) Design Review Board members assigned to each project as described in subsection D1 of this section shall be known collectively as the District Design Review Board. All members of the District Design Review Board shall be voting members.

4. Substitutions.

   a. In the event that more projects are undergoing simultaneous design review than a District Design Review Board can review in a timely manner, the Director may assign such projects to a geographically unassigned Substitute Design Review Board, whose five (5) members the Director may select from the Substitute Design Review Board membership described in subsection D5, so long as the five (5) members represent each of the five interests required by subsection D1.

   b. If an individual District Design Review Board member is unable to serve, the Director may either appoint an individual from another District Design Review Board or may appoint a Substitute Design Review Board member from the Substitute Design Review Board membership described in Subsection D5 to serve in his or her absence, provided that each interest group is represented by one (1) member.

   c. The Director may assign a Design Review Board to review a project outside of its designated district in order to expedite review, provided that the local residential representative and local business representative shall review development only within their district. In such a case, the Director shall appoint the local residential representative and the local business representative from the District Board from which the project

originated, or a local residential representative and a local business representative from the Substitute Design Review Board provided in subsection D5, or any combination thereof, to review the project, so long as the local residential representative and the local business representative appointed are from the same geographic district as the project to be reviewed.

5. Substitute Design Review Board Membership.

a. Membership criteria:

(1) A person must have been a member of the Design Review Board whose term has expired;

(2) A person must indicate a willingness to continue participation on the Board; and

(3) A person must have, in the opinion of the Director, demonstrated a commitment to Design Review through exemplary attendance and Board participation.

b. The term of service for Substitute Design Review Board members is indefinite.

E. Meetings of the Design Review Board.

1. Project-specific early design guidance public meetings shall be held as required in Section 23.41.014 B. Notice of meetings of the Design Review Board shall be provided as described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

2. All meetings of the Design Review Board shall be held in the evening in a location which is accessible and conveniently located in the same design review district as the proposed project. Board meetings are open to the general public. The actions of the Board are not quasi-judicial in nature.

(Ord. 121475 § 1, 2004; Ord. 120914 § 5, 2002; Ord. 118980 § 3, 1998: Ord. 118672 § 1, 1997: Ord. 118012 § 15, 1996; Ord. 117075 § 1, 1994; Ord. 116909 § 1(part), 1993.)

23.41.010 Design review guidelines.

A. The "Guidelines for Multifamily and Commercial Buildings, 1998 (Amended 2006)" and neighborhood design guidelines approved by the City Council and identified in subsection B of this section, provide the basis for Design Review Board recommendations and City design review decisions, except in Downtown, where the "Guidelines for Downtown Development, 1999" apply. Neighborhood design guidelines are intended to augment and make more specific the "Guidelines for Multifamily and Commercial Buildings, 1998 (Amended 2006)" and the "Guidelines for Downtown Development, 1999." To the extent there are conflicts between neighborhood design guidelines and the "Guidelines for Multifamily and Commercial Buildings, 1998 (Amended 2006)" or "Guidelines for Downtown Development, 1999", the neighborhood design guidelines shall prevail.

B. The following Neighborhood design guidelines are approved:

1. "University Community Design Guidelines, 2000;"

2. "Pike/Pine Urban Center Village Design Guidelines, 2000;"

3. "Roosevelt Urban Village Design Guidelines, 2000;"

4. "Ballard Municipal Center Master Plan Area Design Guidelines, 2000;"

5. "West Seattle Junction Urban Village Design Guidelines, 2001;"

6. "Green Lake Neighborhood Design Guidelines, 2001;"

7. "Admiral Residential Urban Village Design Guidelines, 2002;"

8. "South Lake Union Neighborhood Design Guidelines, 2005;

9. "Northgate Urban Center and Overlay District Design Guidelines, 2003;"

10. Belltown Urban Center Village Design Guidelines, 2004;

11. Wallingford Neighborhood Design Guidelines, 2005;

12. Capitol Hill Neighborhood Design Guidelines, 2005;

13. Greenwood/Phinney Neighborhood Design Guidelines, 2005;

14. Othello Neighborhood Design Guidelines, 2005;

15. North Beacon Hill Design Guidelines, 2006; and

16. North District/Lake City Guidelines, 2006.

(Ord. 122334, § 1, 2007; Ord. 122311, § 108, 2006; Ord. 122152, § 1, 2006; Ord. 122033 § 1, 2006; Ord. 121891 § 1, 2005; Ord. 121781 § 1, 2005; Ord. 121759 § 1, 2005; Ord. 121534 § 1, 2004; Ord. 121476 § 4, 2004; Ord. 121305 § 1, 2003; Ord. 121303 § 1, 2003; Ord. 120785 § 1, 2002; Ord. 120447 § 1, 2001; Ord. 120209 § 1, 2000; Ord. 120081 § 1, 2000; Ord. 119399 § 2, 1999; Ord. 118012 § 16, 1996; Ord. 116909 § 1(part), 1993.)

23.41.012 Development standard departures.

A. Departure from Land Use Code requirements may be permitted for new multifamily, commercial, and Major Institution development as part of the design review process. Departures may be allowed if an applicant demonstrates that departures from Land Use Code requirements would result in a development that better meets the intent of adopted design guidelines.

B. Departures may be granted from any Land Use Code standard or requirement, except for the

following:

1. Procedures;

2. Permitted, prohibited or conditional use provisions, except that departures may be granted from development standards for required Downtown street level uses;

3. Residential density limits;

4. In Downtown zones, provisions for exceeding the base FAR or achieving bonus development as provided in Chapter 23.49;

5. In Downtown zones, the minimum size for Planned Community Developments as provided in Section 23.49.036;

6. In Downtown zones, the average floor area limit for stories in residential use in Chart 23.49.058D1;

7. In Downtown zones, the provisions for combined lot developments as provided in Section 23.49.041;

8. In Downtown Mixed Commercial zones, tower spacing requirements as provided in 23.49.058E;

9. Downtown view corridor requirements, provided that departures may be granted to allow open railings on upper level roof decks or rooftop open space to project into the required view corridor, provided such railings are determined to have a minimal impact on views and meet the requirements of the Building Code;

10. Floor Area Ratios;

11. Maximum size of use;

12. Structure height, except that:

    a. Within the Roosevelt Commercial Core building height departures up to an additional three (3) feet may be granted for properties zoned NC3-65', (Exhibit 23.41.012 A, Roosevelt Commercial Core);

    b. Within the Ballard Municipal Center Master Plan area building height departures may be granted for properties zoned NC3-65', (Exhibit 23.41.012 B, Ballard Municipal Center Master Plan Area). The additional height may not exceed nine (9) feet, and may be granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan;

    c. In Downtown zones building height departures may be granted for minor communication utilities as set forth in Section 23.57.013B;

13. Quantity of parking required, maximum parking limit in Downtown zones, and maximum number of drive-in lanes, except that within the Ballard Municipal Center Master Plan area required parking for ground level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2000" may be reduced, but shall not be less than the required parking for Pedestrian-designated areas shown in Section 23.54.015 Chart D;

14. Provisions of the Shoreline District, Chapter 23.60;

15. Standards for storage of solid-waste containers;

16. The quantity of open space required for major office projects in Downtown zones as provided in Section 23.49.016B;

17. Noise and odor standards;

18. Standards for the location of access to parking in Downtown zones;

19. Provisions of Chapter 23.52, Transportation Concurrency Project Review System;

20. Provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements, except that departures may be granted from the access easement standards in Section 23.53.025 and the provisions for structural building overhangs in Section 23.53.035;

21. Definitions; and

22. Measurements.

C. Limitations upon departures through the design review process established in subsection B of this section do not limit departures expressly permitted by other provisions of this title or other titles of the Seattle Municipal Code.

(Ord. 122311, § 20, 2006; Ord. 122235, § 1, 2006; Ord. 122054 §§ 5, 6, 2006; Ord. 121782 § 7, 2005; Ord. 121359 § 1, 2003; Ord. 120928 § 2, 2002; Ord. 120611 § 6, 2001; Ord. 120447 § 2, 2001; Ord. 120443 § 2, 2001; Ord. 120410 § 3, 2001; Ord. 120209 § 2, 2000; Ord. 120081 § 2, 2000; Ord. 119972 § 4, 2000; Ord. 119399 § 3, 1999: Ord. 119370 § 1, 1999: Ord. 118362 § 5, 1996; Ord. 118302 § 6, 1996; Ord. 118012 § 17, 1996; Ord. 117943 § 1, 1995: Ord. 116909 § 1(part), 1993.)

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23.41.014 Design review process.

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

B. Early Design Guidance Public Meeting.

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

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

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

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

b. A drawing of existing site conditions, indicating topography of the site and the location of structures and prominent landscape elements on or abutting the site (including but not limited to all trees six (6) inches or greater in diameter measured four and one half (4 1/2) feet above the ground, with species indicated); and

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

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

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

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

C. Guidelines Priorities.

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

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

or otherwise requested notification, and to the project proponent.

3. The project proponent is encouraged to meet with the Board and the public for early resolution of design issues, and may hold additional optional meetings with the public or the Board. The Director may require the proponent to meet with the Board if the Director believes that such a meeting may help to resolve design issues.

D. Application for Master Use Permit.

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

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

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

E. Design Review Board Recommendation.

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

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

F. Director's Decision.

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

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

3. The Director's design review decision shall be made as part of the overall Master Use Permit decision for the project. The Director's decision shall consider the recommendation of the Design

Review Board, provided that, if four (4) or more members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision that makes compliance with the recommendation of the Design Review Board a condition of permit approval, unless the Director concludes that the recommendation of the Design Review Board:

a. Reflects inconsistent application of the design review guidelines; or

b. Exceeds the authority of the Design Review Board; or

c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or

d. Conflicts with the requirements of state or federal law.

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

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

23.41.016 Administrative design review process.

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

B. Early Design Guidance Process.

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

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

b. A drawing of existing site conditions, indicating topography of the site and the location of structures and prominent landscape elements on or abutting the site (including but not limited to all trees six (6) inches or greater in diameter measured four and one-half (4 1/2) feet above the ground, with species indicated) if any; and

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

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

e. A description of the proponent's objectives with regard to site development, including any preliminary design concepts or options.

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

3. The purpose of the early design guidance process shall be to identify concerns about the site and development program, receive comments from the public, identify those citywide design guidelines of highest priority to the site, and/or explore conceptual design or siting alternatives. As a result of this process, the Director shall identify and prepare a written summary of any guidelines which may not be applicable to the project and site and identify those guidelines of highest priority to the neighborhood. The Director shall incorporate any community consensus regarding the design, as expressed in written comments received, into the guideline priorities, to the extent the consensus is consistent with the design guidelines and reasonable in light of the facts of the proposed development.

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

C. Application for Master Use Permit.

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

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

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

D. Director's Decision.

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

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

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

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

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

Chapter 23.42

GENERAL USE PROVISIONS

Sections:

23.42.010 Identification of principal permitted uses.

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

23.42.020 Accessory uses.

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

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

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

23.42.040 Intermittent and temporary uses.

The Director may grant, deny or condition applications for the following intermittent or temporary uses not otherwise permitted or not meeting development standards in the zone.

A. Intermittent Uses.

1. A Master Use Permit for a time period of up to one (1) year may be authorized for any use that occurs no more than two (2) days per week and does not involve the erection of a permanent structure, provided that:

a. The use shall not be materially detrimental to the public welfare; and

b. The use shall not result in substantial injury to the property in the vicinity; and

c. The use shall be consistent with the spirit and purpose of the Land Use Code.

B. Temporary Four (4) Week Use. A Master Use Permit for a time period of up to four (4) weeks may be authorized for any use that does not involve the erection of a permanent structure and that meets the requirements of section A 1 a-c above.

C. Temporary Uses for Up to Six (6) Months. A Master Use Permit for a time period of up to six (6) months may be authorized for any use that does not involve the erection of any permanent structure and that meets the requirements of section A 1 a-c above.

D. Boatbuilding Shelters.

1. A temporary use of premises, not involving the erection of any permanent structure, for the express purpose of sheltering the construction of boatbuilding projects by noncommercial home hobbyists, may be authorized by the Director by a revocable Master Use Permit for a period of not more than one (1) year. One (1) year extensions may be granted by the Director for a period not to exceed four (4) years. The permit is subject to the following development standards:

a. The boatbuilding shelter shall not detract from the general appearance of the neighborhood.

b. The structure, though temporary, shall be sturdy enough to withstand inclement weather conditions.

c. Measures which may be required to mitigate possible adverse impacts of the boatbuilding shelter may include, but are not limited to, restrictions on height, size, location or external treatment.

E. Temporary Relocation of Police and Fire Stations, Twelve (12) months or Less. A Master Use Permit, issued for a period of twelve (12) months or less not involving the construction of any permanent structure, may be authorized subject to the conditions of subsection A of Section 23.42.040. Such permits shall

not be renewable.

F. Light Rail Transit Facility Construction. A temporary structure or use that supports the construction of a light rail transit facility may be authorized by the Director pursuant to a Master Use Permit subject to the requirements of this subsection.

1. The alignment, station locations, and maintenance base location of the light rail transit system must first be approved by the City Council by ordinance or resolution.

2. The temporary use or structure may be authorized for only so long as is necessary to support construction of the related light rail transit facility and must be terminated or removed when construction of the related light rail transit facility is completed or in accordance with the MUP.

3. The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding businesses and residences, including but not limited to the following:

a. Noise and Grading and Drainage. Noise impacts will be governed by the Noise Control Ordinance (SMC Chapter 25.08) and off-site impacts associated with grading and drainage will be governed by the Stormwater, Grading and Drainage Ordinance (SMC Chapters 22.800 through 22.808).

b. Light. To the extent feasible, light should be shielded and directed away from adjoining properties.

c. Best Management Practices. Construction activities on the site must comply with Director's Rule #6-93, Best Management Practices for Construction Erosion and Sedimentation Control Plans.

d. Parking and Traffic.

1. Measures addressing parking and traffic impacts associated with truck haul routes, truck loading and off-loading facilities, parking supply displaced by construction activity, and temporary construction-worker parking, including measures to reduce demand for parking by construction employees, must be included and must be appropriate to the temporary nature of the use.

2. Temporary parking facilities provided for construction workers need not satisfy the parking requirements of the underlying zone or the parking space standards of SMC 23.54.030.

e. Local Businesses. The applicant must address measures to limit disruption of local business, including pedestrian and/or auto access to business, loss of customer activity, or other impacts due to protracted construction activity.

f. Security. The applicant must address site security and undertake measures to ensure the site is secure at all times and to limit trespassing or the attraction of illegal activity to the surrounding neighborhood.

g. Site/Design. The construction site should be designed in a manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility around the site and through adjoining neighborhoods. Measures should also be undertaken to ensure appropriate screening of materials storage and other construction activities from surrounding streets and properties.

h. Public Information. Actions should be taken that will inform surrounding residents and businesses of construction activities taking place and their anticipated duration, including a twenty-four (24) hour phone number to seek additional information or to report problems.

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

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

4. Site Restoration.

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

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

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

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

5. A master use permit for a temporary structure or use that supports the construction of a light rail transit facility shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Agreement with a federal agency) to complete the work described in the Master Use Permit application.

(Ord. 121563 § 2, 2004; Ord. 121277 § 1, 2003; Ord. 119904 § 1, 2000; Ord. 117263 § 4, 1994; Ord. 112840 § 1, 1986; Ord. 110381 § 1(part), 1982.)

23.42.042 Conditional uses.

A. Administrative conditional uses and uses requiring Council approval as provided in the respective zones of Subtitle III, Part 2, of this Land Use Code, and applicable provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, may be authorized according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. A use that was legally established but that is now permitted only as a conditional use is not a nonconforming use and shall be regulated as if a conditional use approval had earlier been granted. (Ord. 122311, § 21, 2006; Ord. 117570 § 13, 1995: Ord. 116262 § 5, 1992: Ord. 112522 § 8, 1985.)

23.42.050 Home occupations.

A home occupation of a person residing in a dwelling unit is permitted outright in that dwelling unit in all zones as an accessory use to any residential use permitted outright or to a permitted residential conditional use, in each case subject to the standards of this Section.

A. The occupation shall be clearly incidental to the use of the dwelling unit as a dwelling.

B. Commercial deliveries and pickups to the dwelling unit shall be limited to one (1) per day Monday through Friday. No commercial deliveries or pickups shall be permitted on Saturday, Sunday or federal holidays.

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

D. The occupation shall be conducted only within the principal structure or in an accessory dwelling unit. Parking of vehicles associated with the home occupation shall be permitted anywhere that parking is permitted on the lot.

E. To preserve the residential appearance of the dwelling unit, there shall be no evidence of the occupation from the exterior of the structure; provided that outdoor play areas for child care programs and outdoor activities customarily incidental to the residential use shall be permitted. No outdoor storage shall be permitted in connection with a home occupation.

F. To preserve the residential character and use of the dwelling unit, only internal alterations customary to residential use shall be permitted, and no external alterations shall be permitted to accommodate a home occupation, except as required by licensing or construction codes for child care programs.

G. Except for child care programs, not more than one (1) person, whether full-time or part-time,

who is not a resident of the dwelling unit may work in the dwelling unit of the home occupation whether or not compensated. This includes persons working off-site who come to the site for business purposes at any time as well as persons working on site.

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

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

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

K. Signs shall be regulated by Section 23.55.020.

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

(Ord. 122311, § 22, 2006)

23.42.052 Keeping of Animals.

The keeping of small animals, farm animals, domestic fowl and bees is permitted outright in all zones as an accessory use to any principal use permitted outright or to a permitted conditional use, in each case subject to the standards of this Section.

A. Small Animals. Up to three (3) small animals may be kept accessory to each business establishment or dwelling unit on a lot, except as follows:

1. In no case is more than one (1) miniature potbelly pig allowed per business establishment or dwelling unit (see subsection B of this section).

2. In single-family zones,

a. accessory dwelling units shall not be considered separate dwelling units for the purpose of this section;

b. up to four (4) small animals are permitted on lots of at least twenty thousand (20,000) square feet; and

c. one (1) additional small animal is permitted for each five thousand (5,000) square feet of lot area in excess of twenty thousand (20,000) square feet. Accessory structures, including kennels, for four (4) or more animals must be at least ten (10) feet from any other lot in a residential zone.

B. Miniature Potbelly Pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scrofa bittatus) may be kept as a small animal, provided that no swine that is greater than twenty-two (22) inches in height at the shoulder or more than one hundred fifty (150) pounds in weight may be kept in the City.

C. Domestic Fowl. Up to three (3) domestic fowl may be kept on any lot in addition to the small animals permitted in subsection A. For each one thousand (1,000) square feet of lot area in excess of the minimum lot area required for the zone or, if there is no minimum lot area, for each one thousand (1,000) square feet of lot area in excess of five thousand (5,000) square feet, one (1) additional domestic fowl may be kept.

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

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

2. Farm animals and structures housing them must be kept at least fifty (50) feet from any lot in a residential zone.

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

1. No more than four (4) hives, each with only one (1) swarm, shall be kept on lots of less than ten thousand (10,000) square feet.

2. Hives shall not be located within twenty-five (25) feet of any lot line except when situated eight (8) feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than eight (8) feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any property line within twenty-five (25) feet of a hive and extending at least twenty (20) feet beyond the hive in both directions.

(Ord. 122311, § 23, 2006)

23.42.100 Nonconformity--Applicability and intent.

A. The nonconformity provisions of this chapter apply to uses and sites in all zones, except for the shoreline overlay district (see Chapter 23.60).

B. It is the intent of these provisions to establish a framework for dealing with nonconformity that allows most nonconformities to continue. The Code facilitates the maintenance and enhancement of nonconforming uses and developments so they may exist as an asset to their neighborhoods. The redevelopment of nonconformities to be more conforming to current code standards is a long term goal.
(Ord. 120293 § 1 (part), 2001.)

23.42.102 Establishing nonconforming status.

A. Any use that does not conform to current zoning regulations, but conformed to applicable zoning regulations at any time and has not been discontinued as set forth in Section 23.42.104 is recognized as a nonconforming use or development. Any residential development in a residential, commercial or downtown zone that would not be permitted under current Land Use Code regulations, but which existed prior to July 24, 1957, and has not been discontinued as set forth by Section 23.42.104, is recognized as a nonconforming use or development. A recognized nonconforming use shall be established according to the provisions of subsections B through D of this section.

B. Any use or development for which a permit was obtained is considered to be established.

C. A use or development which did not obtain a permit may be established if the Director reviews and approves an application to establish the nonconforming use or development for the record.

D. For a use or development to be established pursuant to subsection C above, the applicant must demonstrate that the use or development would have been permitted under the regulations in effect at the time the use began, or, for a residential use or development, that the use or development existed prior to July 24, 1957 and has remained in continuous existence since that date. Residential development shall be subject to inspection for compliance with minimum standards of the Housing and Building Maintenance Code. (Chapters 22.200 through 22.208). Minimum standards of the Housing and Building Maintenance Code must be met prior to approval of any permit to establish the use and/or development for the record.

E. Nonconforming uses commenced after July 24, 1957 and not discontinued (Section 23.42.104) are also subject to approval through the process of establishing use for the record, if not established by permit. Residential nonconforming uses are subject to inspection under the Housing and Building Maintenance Code if in existence before January 1, 1976. Conformance to the Seattle Building Code in effect at the time a use first began is required if the use first existed after January 1, 1976.
(Ord. 120293 § 1 (part), 2001.)

23.42.104 Nonconforming uses.

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

B. A nonconforming use that has been discontinued for more than twelve (12) consecutive months shall not be reestablished or recommenced. A use is considered discontinued when:

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

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

3. The structure is vacant, or the portion of the structure formerly occupied by the nonconforming use is vacant. The use of the structure shall be considered discontinued even if materials from the former use remain or are stored on the property. A multifamily structure with one (1) or more vacant dwelling units is not considered vacant and the use is not considered to be discontinued unless all units in the structure are vacant.

4. If a complete application for a permit that would allow the nonconforming use to continue, or that would authorize a change to another nonconforming use, has been submitted before the structure has been vacant for twelve (12) consecutive months, the nonconforming use shall not be considered discontinued unless the permit lapses or the permit is denied. If the permit is denied, the nonconforming use may be reestablished during the six (6) months following the denial.

C. A nonconforming use that is disrupted by fire, act of nature, or other causes beyond the control of the owners may be resumed. Any structure occupied by the nonconforming use may be rebuilt in accordance with applicable codes and regulations to the same or smaller configuration existing immediately prior to the time the structure was damaged or destroyed.

1. Where replacement of a structure or portion of a structure is necessary in order to resume the use, action toward that replacement must be commenced within twelve (12) months after the demolition or destruction of the structure. Action toward replacement shall include application for a building permit or other significant activity directed toward the replacement of the structure. If this action is not commenced within this time limit, the nonconforming use shall lapse.

2. When the structure containing the nonconforming use is located in a PSM zone, the Pioneer Square Preservation Board shall review the exterior design of the structure before it is rebuilt to ensure reasonable compatibility with the design and character of other structures in the Pioneer Square Preservation District.

(Ord. 120293 § 1 (part), 2001.)

23.42.106 Expansion of nonconforming uses.

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

1. As otherwise required by law or as necessary to improve access for the elderly or disabled; or

2. To construct or modify minor structural features on the principal structure including, but not limited to, exterior decks and balconies, bay windows, dormers, eaves and solar collectors added to a principal structure, or a new or expanded accessory structure may be constructed; provided that the addition or new accessory structure conforms to the development standards of the zone.

3. To construct or expand an accessory structure, provided that the addition or new structure conforms to the development standards of the zone.

B. In addition to the standards in subsection A, a structure in a single-family zone occupied by a nonconforming residential use may be allowed to expand subject to the following:

1. The number of dwelling units shall not be increased, except as may be allowed pursuant to Section 23.40.040 or Section 23.44.015.

2. For a nonconforming residential use that is not a multifamily use, except as may be allowed pursuant to Section 23.40.040 or Section 23.44.015, the number of residents may not be increased beyond the maximum number that was allowed by the standards of the zone at the time of approval; if originally permitted by conditional use, the number shall not be allowed to increase above the number permitted by the conditional use approval.

3. An expansion of no more than five hundred (500) square feet of gross floor area, meeting the development standards for single-family construction and not exceeding the average height of the closest principal structures on either side, is allowed.

4. An expansion greater than five hundred (500) square feet of gross floor area and/or exceeding the average height of the closest principal structures on either side may be approved by DPD through a special exception, Type II Master Use Permit, if the proposed expansion meets the development standards for single-family construction and is compatible with surrounding development in terms of:

   a. Architectural character;

   b. Existing streetscape and pattern of yards; and

   c. Scale and proportion of principal structures.

5. If an addition proposed under subsections B3 or B4 of this section would require additional parking under the requirements of Section 23.54.015 for multifamily structures, that additional parking must be provided.

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

D. A nonconforming nonresidential use shall not be expanded or extended, except as follows:

1. A structure occupied by a nonconforming nonresidential use may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended except as otherwise required by law, as necessary to improve access for the elderly or disabled or as specifically permitted elsewhere in this Code.

2. In the Seattle Mixed zone, general manufacturing uses exceeding twenty-five thousand (25,000) square feet of gross floor area and heavy manufacturing uses may be expanded or extended by an amount of gross floor area not to exceed twenty (20) percent of the existing gross floor area of the use, provided that this exception may be applied only once to any individual business establishment.

E. For purposes of this section, live-work units shall be deemed a nonresidential use.

F. Existing cemeteries shall not be expanded in size. For purposes of this section, a change in a cemetery boundary is not considered an expansion in size and is permitted provided that:

1. the change does not result in a net increase in the land area occupied by the cemetery;

2. the land being added to the cemetery is contiguous to the existing cemetery and is not separated from the existing cemetery by a public street or alley whether or not improved; and

3. the use of the land being added as a cemetery will not result in the loss of housing.

(Ord. 122311, § 24, 2006; Ord. 121782 § 8, 2005; Ord. 121477 § 2, 2004; Ord. 121276 § 7, 2003; Ord. 121196 § 1, 2003; Ord. 120609 § 4, 2001; Ord. 120293 § 1 (part), 2001.)

23.42.108 Change from nonconforming use to conforming use.

A. In any zone, a nonconforming use may be converted to any conforming use if all development standards are met.

B. In single-family zones, a nonconforming use may be converted to single-family dwelling unit, even if all development standards are not met.

C. In multifamily zones, a nonconforming nonresidential use may be converted to residential use, even if all development standards are not met; provided that the density limitations of the zone must be met and provided that parking nonconformity shall not be increased as a result of the conversion; in Lowrise Duplex/Triplex zones the total number of dwelling units in any structure is limited to three (3).

D. In commercial zones, a nonconforming use may be converted to any conforming use even if all development standards are not met.

E. In industrial zones, a nonconforming use may be converted to any conforming use even if all development standards are not met, provided that parking nonconformity shall not be increased as a result of the conversion.

(Ord. 122311, § 25, 2006; Ord. 120293 § 1 (part), 2001.)

23.42.110 Change from one nonconforming use to another nonconforming use.

A nonconforming use may be converted by an administrative conditional use authorization to another use not otherwise permitted in the zone subject to the following limitations and conditions.

A. In single-family, residential small lot, and Lowrise, Duplex/Triplex zones, a nonconforming multifamily use or structure may not be converted to any nonresidential use not otherwise permitted in the zone.

B. The proposed new use must be no more detrimental to properties in the zone and vicinity than the existing use. This determination shall be based on consideration of the following factors:

1. The zones in which both the existing use and the proposed new use are allowed;

2. The number of employees and clients associated or expected with the proposed use;

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

C. The existence of a single residential unit, such as a caretaker's or proprietor's unit, accessory to a nonconforming commercial use shall not be treated as having established a residential use, and such a unit may be converted or changed provided that it is the only residential use in the structure and comprises less than half of the total floor area of the structure.

D. Parking requirements for the proposed use shall be determined by the Director.

E. If the new use is permitted, the Director may require mitigation measures, including but not limited to landscaping, sound barriers or fences, mounding or berming, adjustments to yards or parking standards, design modification, or limiting hours of operation.
(Ord. 120293 § 1 (part), 2001.)

23.42.112 Nonconformity to development standards.

A. A structure nonconforming to development standards may be maintained, renovated, repaired or structurally altered but shall be prohibited from expanding or extending in any manner that increases the extent of nonconformity or creates additional nonconformity, except

1. Portions of structures in Single Family zones that are nonconforming to front and or rear yard requirements may be increased in height up to five (5) feet, but not to exceed the height limit of the zone, and only to the extent necessary to achieve minimum ceiling height in an existing basement or attic to conform to the City's regulations for habitable rooms or to accommodate a pitched roof on the structure;

2. As otherwise required by law;

3. As necessary to improve access for the elderly or disabled; or

4. As specifically permitted for nonconforming uses and nonconforming structures elsewhere in this Code.

B. A structure nonconforming to development standards and occupied by or accessory to a residential use may be rebuilt or replaced but may not be expanded or extended in any manner that increases the extent of nonconformity unless specifically permitted by this code.

1. A survey by a licensed Washington surveyor, or other documentation acceptable to the Director, documenting the extent of nonconformity and confirming that the plans to rebuild or replace a residential structure create no unpermitted increase in nonconformity shall be required prior to

approval of any permit to rebuild or replace a nonconforming residential structure.

2. Additions to a rebuilt nonconforming residential structure that meet current development standards are allowed.

C. Any structure nonconforming to development standards that is destroyed by fire, act of nature, or other causes beyond the control of the owner, may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed.

D. Where replacement of a nonconforming structure or portion of a structure is permitted under this section, action toward that replacement must be commenced within twelve (12) months after the demolition or destruction of the structure, except for a nonconforming structure designated as a Landmark pursuant to Chapter 25.12. Action toward replacement of Landmark structures must be commenced within three (3) years after the demolition or destruction of the structure. Action toward replacement shall include application for a building permit or other significant activity directed toward the replacement of the structure. If this action is not commenced within this time limit, any replacement must conform to the existing development standards.

E. When the structure is located in a PSM zone, the Pioneer Square Preservation Board shall review plans for the exterior design of the structure to ensure compatibility with the design and character of other structures in the Pioneer Square Preservation District.
(Ord. 121762 § 1, 2005; Ord. 120293 § 1 (part), 2001.)

23.42.114 Multifamily structures nonconforming to development standards.

The following provisions apply to multifamily structures that do not comply with current development standards.

A. A nonconforming ground-related multifamily structure or apartment located in a Lowrise Duplex/Triplex (LDT) or Lowrise 1 (L1) zone may be expanded or extended provided the expansion or extension shall conform to the development standards of the zone and shall not cause an already nonconforming structure to become more nonconforming to development standards.

B. Additional residential units may be added to a nonconforming ground-related multifamily structure or apartment structure, provided the addition shall conform to the development standards of the zone and shall not cause an already nonconforming structure to become more nonconforming to development standards.

C. In Lowrise Duplex/Triplex zones, a nonconforming ground related multifamily structure or an apartment may be converted to any permitted use if all development standards are met except for open space and ground level access.
(Ord. 120293 § 1 (part), 2001.)

23.42.116 Downtown structures nonconforming to development standards.

A. Portions of structures that do not conform to the standards for minimum street facade height and/or facade setback limits for the downtown zone in which they are located may be expanded if the expansion

reduces the nonconformity as regards one or both of these standards and, in the opinion of the Director, is consistent with the intent of the Code. If the Director determines that greater conformity is not structurally feasible, the expansion may increase the nonconformity in respect to these standards if all other standards are met.

B. Portions of structures that do not conform to the standards for required street-level uses and/or the street facade requirements for transparency, blank facades, or screening of parking for the downtown zone in which they are located may be expanded if:

1. The expansion does not cause the structure to exceed the base FAR for the zone and the nonconformity is not increased; or

2. When the nonconformity of the structure as regards these development standards is reduced, expansion of the structure up to the maximum FAR for the zone may be permitted by the Director through the use of the bonus system or transfer of development rights. The appropriate level of expansion and the required reduction or elimination of nonconformity shall be determined by the Director according to the following criteria:

a. The extent of the proposed expansion,

b. The impact of the proposed expansion on the pedestrian environment,

c. The amount of the existing nonconformity, and

d. The structural feasibility of remodeling the structure to meet these development standards.

(Ord. 120293 § 1 (part), 2001.)

23.42.118 Landmark structures.

A. Landmark structures may be expanded even if the expansion increases the extent of nonconformity, when the Landmarks Board determines that there is no feasible alternative that meets the development standards of the zone while preserving the integrity of the landmark structure.

B. The Director may permit the proposed expansion if it is approved by the Landmarks Board and if:

1. The expansion does not have a significant adverse effect on the light, air, solar and visual access of properties within a three hundred (300) foot radius; and

2. The expansion does not adversely affect the pedestrian environment in the vicinity.

(Ord. 120293 § 1 (part), 2001.)

23.42.120 Access easement nonconformity.

A structure located on a lot nonconforming as to access easement requirements may be replaced,

provided that the number of dwelling units to which access is provided by the easement shall not be increased and the new structure shall conform to all other development standards of the zone.
(Ord. 120293 § 1 (part), 2001.)

23.42.122 Height nonconformity.

A. In single-family and multifamily zones, a structure nonconforming as to height may be expanded or extended to add eaves, dormers and/or clerestories to an existing pitched roof provided the additions are constructed below the highest point of the roof. An existing pitched roof that is above the height limit shall not be converted into a flat roof nor shall the slope of the roof be lowered below a four in twelve (4:12) pitch.

B. Structures originally constructed in manufacturing zones, under Seattle Municipal Code Title 24, that exceed the permitted height in zones with height limits of thirty (30) feet, forty (40) feet, or sixty-five (65) feet shall be limited to an FAR (floor area ratio) of two and one-half (2 1/2). Structures that exceed the permitted height in zones allowing heights greater than sixty-five (65) feet shall be limited to the FAR permitted in the respective zones.
(Ord. 120293 § 1 (part), 2001.)

23.42.124 Light and glare standards nonconformity.

When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of the light and glare standards of the respective zone. See subsection H of Section 23.44.008 for single-family zones; Section 23.45.017 for lowrise zones; Section 23.45.059 for midrise zones; Section 23.45.075 for highrise zones; Section 23.46.020 for residential-commercial zones; Section 23.47A.022 for C zones or NC zones; Section 23.48.030 for Seattle Mixed zone; Section 23.49.025 for downtown zones; and Section 23.50.046 for industrial buffer and industrial commercial zones.
(Ord. 122311, § 26, 2006; Ord. 122054 § 7, 2006; Ord. 120293 § 1 (part), 2001.)

23.42.126 Outdoor storage areas nonconformity.

A. An outdoor storage area nonconforming as to screening and landscaping shall be required to be screened and landscaped at the time of any structural alteration or expansion of the outdoor storage area or the structure with which it is associated according to the provisions of:

1. Subsection D2 of Section 23.47A.016, if located in a NC zone or C zone;

2. Section 23.48.024, if located in the Seattle Mixed (SM) zone;

3. Subsection C of Section 23.50.016, if located on an industrial street designated for landscaping;

4. Section 23.50.036, if located in an Industrial Buffer zone; and/or

5. Section 23.50.038, if located in an Industrial Commercial zone.

B. A business establishment in an NC1, NC2, NC3, or SM zone with a nonconforming outdoor storage area may be extended, structurally altered or expanded if the outdoor storage area is not expanded and if

it is screened and landscaped according to the standards of subsection D2 of Section 23.47A.016, or Section 23.48.024 if the business is in the SM zone.

C. A nonconforming use with a nonconforming outdoor storage area may be structurally altered, but not expanded, if the outdoor storage area is not expanded and if it is screened and landscaped according to the standards of subsection D2 of Section 23.47A.016, or Section 23.48.024 if the nonconforming use with the nonconforming outdoor storage area is in the SM zone.
(Ord. 122311, § 27, 2006; Ord. 121782 § 9, 2005; Ord. 120293 § 1 (part), 2001.)

23.42.128 Parking nonconformity.

A. Existing parking deficits of legally established uses shall be allowed to continue even if a change of use occurs. This provision shall not apply to a change of use to one defined as a heavy traffic generator.

B. Nonconforming parking areas or nonconforming parking within structures may be restriped according to the standards of Section 23.54.030, Parking space standards.

C. Parking areas that are nonconforming uses may be restriped according to the standards of Section 23.54.030, Parking space standards.

D. In commercial zones, surface parking areas that are nonconforming due to lack of required landscaping and are proposed to be expanded by ten (10) percent or more in number of parking spaces or in area are required to be screened and landscaped according to the standards of Section 23.47A.016, or in the Seattle Mixed (SM) zone, according to Section 23.48.024, to the extent feasible as determined by the Director.

E. See subsection C6 of Section 23.71.008 for requirements in the Northgate Overlay District regarding elimination of nonconformities with respect to location, screening and landscaping of existing parking areas along major pedestrian streets.
(Ord. 122311, § 28, 2006; Ord. 121782 § 10, 2005; Ord. 120293 § 1 (part), 2001.)

23.42.130 Nonconforming solar collectors.

The installation of solar collectors that do not conform to development standards or that increase an existing nonconformity may be permitted as follows:

A. In single-family zones, pursuant to subsection B of Section 23.44.046;

B. In multifamily zones, pursuant to subsection D of Section 23.45.146;

C. In NC zones or C zones, pursuant to subsection Section 23.47A.012 E.
(Ord. 122311, § 29, 2006; Ord. 120293 § 1 (part), 2001.)

Chapter 23.43

RESIDENTIAL SMALL LOT

Sections:

23.43.006 Residential Small Lot zone, principal uses permitted outright.

The following principal uses shall be permitted outright in the Residential Small Lot (RSL) zone:

A. Single-family Dwelling Unit on One (1) Lot. The designation RSL without a suffix shall indicate that a detached single-family dwelling unit on one (1) lot is the only residential structure type allowed in the zone.

B. Tandem Houses, pursuant to a neighborhood plan adopted or amended by the City Council after January 1, 1995. The designation RSL/T shall indicate that in addition to detached single-family dwelling units on individual lots, tandem houses are allowed in the zone.

C. Cottage Housing Developments, pursuant to a neighborhood plan adopted or amended by the City Council after January 1, 1995. The designation RSL/C shall indicate that in addition to detached single-family dwelling units on individual lots, cottage housing developments are allowed in the zone.

D. The designation RSL/TC shall indicate that in addition to detached single-family dwelling units on individual lots, tandem houses and cottage housing developments are allowed in the zone.
(Ord. 117430 § 41 (part), 1994.)

23.43.008 Development standards for one dwelling unit per lot.

A. Lot Area. Minimum lot area for one (1) detached dwelling unit shall be two thousand five hundred (2,500) square feet.

B. Height Limit and Roof Pitch. The basic height limit shall be twenty-five (25) feet. The ridge of pitched roofs with a minimum slope of three to twelve (3:12) may extend above the height limit to thirty (30) feet. All parts of the roof above twenty-five (25) feet shall be pitched.

C. Structure Depth. The depth of any structure shall not exceed sixty (60) feet. Decks, balconies, and bay windows shall be excluded from measurement for the purposes of this provision.

D. Yards and Setbacks.

1. Front and Rear Yards.

a. The sum of the front yard plus the rear yard shall be a minimum of thirty (30) feet.

b. In no case shall either yard have a depth of less than ten (10) feet.

c. If recommended in a neighborhood plan adopted or amended by the City Council after January 1, 1995, an ordinance designating an area as RSL may require front and/or rear

yard setbacks greater than ten (10) feet, provided that the requirement of subsection D1a of this section shall not be increased or decreased, and the requirement of subsection D1b of this section shall not be reduced.

2. Side Setbacks. The required side setback shall be five (5) feet. The side setback may be averaged. No portion of the side setback shall be less than three (3) feet, except as follows:

a. Street side setbacks shall be a minimum of five (5) feet.

b. If an easement is provided along a side lot line of the abutting lot sufficient to leave a ten (10) foot separation between the two (2) principal structures of the two (2) lots, the required side yard may be reduced from the requirement of subsection D2 above. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement, except that the eaves of a principal structure may project a maximum of eighteen (18) inches into the easement. No portion of any structure, including eaves, shall cross the property line.

E. Parking.

1. One (1) parking space per dwelling unit shall be required as provided for single-family structures in Chapter 23.54, Quantity and Design Standards for Access and Off-street Parking.

2. Access. Access to parking shall be from the alley when the property abuts a platted alley improved to the standards of subsection C of Section 23.53.030, Alley improvements in all zones, or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be located on the same lot as the principal structure.

b. Parking may be in or under a structure, or outside a structure, provided that:

(1) Parking shall not be located in the front yard;

(2) Parking shall not be located in a side setback abutting a street or in the first ten (10) feet of a rear yard abutting a street.

(Ord. 117430 § 41 (part), 1994.)

23.43.010 Tandem housing.

A. Density and Minimum Lot Area.

1. The maximum density shall be one (1) dwelling unit per two thousand five hundred (2,500)

square feet of lot area.

2. A maximum of two (2) residential structures may be located on a lot used for tandem houses.

3. The minimum lot area for tandem houses shall be five thousand (5,000) square feet.

4. Accessory dwelling units shall not be permitted on a lot containing tandem houses.

B. Height Limit and Roof Pitch.

1. The basic height limit for new principal structures shall be eighteen (18) feet. Existing structures may remain and be expanded, provided that new portions of the structure shall not exceed the height limits of this subsection.

2. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty-eight (28) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend up to twenty-three (23) feet. All parts of the roof above eighteen (18) feet shall be pitched at the required slope.

C. Yards and Setbacks.

1. Front Yard. The front yard shall be a minimum of ten (10) feet.

2. Interior Separation between Tandem Houses. The interior separation between the residential structures shall be a minimum of ten (10) feet.

3. Rear Yard. Where no platted alley exists, the rear yard for a lot containing tandem houses shall be a minimum of ten (10) feet. Where a platted developed alley exists, this rear yard requirement shall not apply.

4. Total Combined Yards. The total of the front yard, rear yard (if any), and the interior separation shall be a minimum of thirty-five (35) feet.

5. Modification of Front and Rear Yards. If recommended in a neighborhood plan adopted or amended by the City Council after January 1, 1995, an ordinance designating an area as RSL may require front and/or rear yard setbacks greater than ten (10) feet (except for rear yards where platted and developed alleys exist), subject to the provisions of subsections C1, C2, C3, and C4 of this section, and provided that the required total combined yards shall not exceed thirty-five (35) feet.

6. Side Setbacks. The required side setback shall be five (5) feet. The side setback may be averaged. No portion of the side setback shall be less than three (3) feet, except as follows:

a. Street side setbacks shall be a minimum of five (5) feet.

b. If an easement is provided along a side lot line of the abutting lot sufficient to leave a ten

(10) foot separation between the two (2) principal structures of the two (2) lots, the required side setback may be reduced from the requirement of Section 23.43.008 D2. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities on the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement, except that eaves of a principal structure may project a maximum of eighteen (18) inches into the easement. No portion of any structure, including eaves shall cross the property line.

D. Lot Coverage. The maximum lot coverage shall be fifty (50) percent, subject to the exceptions noted in Section 23.44.010 D.

E. Parking.

1. One (1) parking space per dwelling unit shall be required, as provided for single-family structures in Chapter 23.54.

2. Access. Access to parking shall be from the alley when the property abuts a platted alley improved to the standards of subsection C of Section 23.53.030, Alley improvements in all zones, or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be located on the same lot as the tandem houses.

b. Parking may be in or under a structure, or outside a structure, provided that:

(1) Parking shall not be located in the front yard;

(2) Parking shall not be located in a side setback abutting a street or the first ten (10) feet of a rear yard abutting a street.

F. Pedestrian Access to Public Right-of-way. There shall be an area of no less than ten (10) feet in width between each dwelling unit and a street or platted and developed alley. This access may be a driveway and/or cross any required yards.
(Ord. 117430 § 41 (part), 1994.)

23.43.012 Cottage Housing Developments (CHDs).

A. Accessory dwelling units shall not be permitted in cottage housing developments.

B. Density and Minimum Lot Area.

1. In cottage housing developments (CHDs), the permitted density shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area.

2. Cottage housing developments shall contain a minimum of four (4) cottages arranged on at least two (2) sides of a common open space, with a maximum of twelve (12) cottages per development.

3. The minimum lot area for a cottage housing development shall be six thousand four hundred (6,400) square feet.

4. On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased.

C. Height Limit and Roof Pitch.

1. The height limit permitted for structures in cottage housing developments shall be eighteen (18) feet.

2. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty-eight (28) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend up to twenty-three (23) feet. All parts of the roof above eighteen (18) feet shall be pitched.

D. Lot Coverage and Floor Area.

1. The maximum lot coverage permitted for principal and accessory structures in cottage housing developments shall not exceed forty (40) percent.

2. The lot coverage for an individual principal structure in a cottage housing development shall not exceed six hundred fifty (650) square feet.

3. The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or nine hundred seventy-five (975) square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than twelve (12) feet above finished grade, or below the main level, shall be limited to no more than fifty (50) percent of the enclosed space of the main level, or three hundred seventy-five (375) square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces.

E. Yards.

1. Front Yards. The front yard for cottage housing developments shall be an average of ten (10) feet, and at no point shall be less than five (5) feet.

2. Rear Yards. The minimum rear yard for a cottage housing development shall be ten (10) feet.

3. Side Yards. The minimum required side yard for a cottage housing development shall be five (5)

feet. When there is a principal entrance along a side facade, the side yard shall be no less than ten (10) feet along that side for the length of the pedestrian route. This ten (10) foot side yard shall apply only to a height of eight (8) feet above the access route.

4. Interior Separation for Cottage Housing Developments. There shall be a minimum separation of six (6) feet between principal structures. Facades of principal structures facing facades of accessory structures shall be separated by a minimum of three (3) feet. When there is a principal entrance on an interior facade of either or both of the facing facades, the minimum separation shall be ten (10) feet.

F. Required Open Space.

1. Quantity of Open Space. A minimum of four hundred (400) square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:

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

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

2. Development Standards.

a. Private usable open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of two hundred (200) square feet. No horizontal dimension of the open space shall be less than ten (10) feet.

b. Required common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of one hundred fifty (150) square feet per unit. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two (2) sides.

c. The minimum horizontal dimension for open space shall be ten (10) feet.

G. Parking

1. One (1) parking space per dwelling unit shall be required, as provided in Chapter 23.54.

2. Access. Access to parking shall be from the alley when property abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be on the same lot as the cottage housing development.

b. Parking may be in or under a structure, or outside a structure, provided that:

(1) The parking is screened from direct street view by one (1) or more street-facing facades, by garage doors, or by a fence and landscaping as provided in subsection D of Section 23.45.018.

(2) Parking outside a structure may not be located between cottages.

(3) Parking may not be located in the front yard.

(4) Parking may be located between any structure and the rear lot line of the lot, or between any structure and a side lot line which is not a street side lot line.

(Ord. 117430 § 41 (part), 1994.)

23.43.040 Accessory uses and structures.

A. Accessory structures shall be permitted in the RSL zone under the following conditions:

1. New garages shall be subject to the yard and setback requirements of Section 23.43.008 D when accessory to one (1) detached structure per lot, of Section 23.43.010 C when accessory to tandem houses, and of Section 23.43.040 E when accessory to cottage housing.

2. When converted to principal use in tandem house developments, garages shall be subject to the development standards for tandem house principal structures.

3. Garages shall be limited to a height of twelve (12) feet as measured on the facade containing the entrance for the vehicle.

4. Accessory structures other than garages shall also be limited to twelve (12) feet in height.

B. Solar Collectors. Solar collectors are permitted outright as an accessory use to any principal use subject to the following standards:

1. Solar collectors, including solar greenhouses which meet minimum standards and maximum size limits as determined by the Director, shall not be counted in lot coverage.

2. Solar collectors, except solar greenhouses attached to principal use structures, may exceed the height limits of the RSL zone by four (4) feet or extend four (4) feet above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than nine (9) feet above the height limit established for the zone. A solar collector which exceeds the basic height limit for the zone shall be placed so as not to shade an existing solar collector or property to the north on January 21st, at noon, any more than would a structure built to the maximum permitted height and bulk.

3. Solar collectors and solar greenhouses meeting minimum written energy conservation standards administered by the Director may be located in required yards according to the following

conditions:

a. In a side yard, no closer than three (3) feet from the property line; or

b. In a rear yard, no closer than fifteen (15) feet from the rear property line unless there is a platted alley, in which case the solar collector shall be no closer than ten (10) feet from the centerline of the alley; or

c. In a front yard, solar greenhouses which are integrated with the principal structure and have a maximum height of twelve (12) feet may extend up to six (6) feet into the front yard. In no case shall be greenhouse be located closer than five (5) feet from the property line.

C. Home Occupations. Home occupations are regulated by Section 23.42.050, Home Occupations.

D. Common Structures in Cottage Housing Developments. Shared structures which are used by the occupants of more than one (1) dwelling unit are allowed as an accessory use. Such structures may include meeting space, a food preparation area, sinks, and toilets, but shall not include either sleeping quarters or bathing facilities.

(Ord. 122311, § 30, 2006; Ord. 117430 § 41 (part), 1994.)

Chapter 23.44

RESIDENTIAL, SINGLE-FAMILY

Sections:

23.44.002 Applicability of provisions.

This chapter details those authorized uses and their development standards which are or may be permitted in the three (3) single-family residential zones: SF 9600, SF 7200 and SF 5000. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this chapter and additional regulations in Chapter 23.57.
(Ord. 120928 § 3, 2002: Ord. 116295 § 1, 1992: Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

Subchapter I

Principal Uses Permitted Outright

23.44.006 Principal uses permitted outright.

The following principal uses are permitted outright in single-family zones:

A. Single-family Dwelling Unit. One (1) single-family dwelling unit per lot, except that an accessory dwelling unit may also be approved pursuant to Section 23.44.041, and except as approved as part of an administrative conditional use permit under Section 25.09.260;

B. Floating Homes. Floating homes, subject to the requirements of Chapter 23.60;

C. Parks and open space, including customary buildings and activities, provided that garages and service or storage areas accessory to parks are located one hundred (100) feet or more from any other lot in a residential zone and are obscured from view from each such lot;

D. Existing railroad right-of-way;

E. Public Schools Meeting Development Standards. In all single-family zones, new public schools or additions to existing public schools, and accessory uses including child care centers, subject to

the special development standards and departures from standards contained in Section 23.44.017, except that departures from development standards may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools;

F. Uses in existing or former public schools:

1. Child care centers, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly or similar uses, in each case in existing or former public schools.

2. Other non-school uses in existing or former public schools, if permitted pursuant to procedures established in Chapter 23.78, The Establishment of Criteria for Joint Use or Reuse of Schools.

3. Additions to existing public schools only when the proposed use of the addition is a public school;

G. Nursing Homes. Nursing homes meeting the development standards of this chapter, and limited to eight (8) or fewer residents;

H. Adult Family Homes. Adult family homes, as defined and licensed by the state of Washington. (Ord. 122311, § 31, 2006; Ord. 119239 § 5, 1998; Ord. 118984 § 1, 1998; Ord. 117263 § 5, 1994; Ord. 117203 § 1, 1994; Ord. 117202 § 1, 1994; Ord. 114875 § 1, 1989; Ord. 112539 § 1, 1985; Ord. 110669 §§ 11, 32(part), 1982: Ord. 110381 § 1(part), 1982.)

23.44.008 Development standards for uses permitted outright.

A. The development standards set out in this subchapter apply to principal and accessory uses permitted outright in single-family zones.

B. All structures or uses shall be built or established on a lot or lots.

C. Floating homes shall be subject to the provisions of Chapter 23.60, Shoreline Master Program, except they shall be subject to the parking provisions of this chapter.

D. An exception from one (1) specific standard does not relieve the applicant from compliance with any other standard.

E. Methods for measurements are provided in Chapter 23.86. Standards for parking access and design are provided in Chapter 23.54.

F. Except for a detached accessory dwelling unit, any structure occupied by a permitted use other than single-family residential use may be converted to single-family residential use even if the structure does not conform to the development standards for single-family structures. Expansions of converted nonconforming

structures shall be regulated by Section 23.42.108. Conversion of structures occupied by nonconforming uses shall be regulated by Sections 23.42.108 and 23.42.110.

G. Development standards governing lots containing an environmentally critical area or buffer may be modified according to the provisions of Chapter 25.09.

H. Exterior lighting shall be shielded and directed away from residentially zoned lots. The Director may require that the intensity of illumination be limited and that the location of the lighting be changed.

I. Tree Requirements.

1. Trees shall be required when single-family dwelling units are constructed. The minimum number of caliper inches of tree required per lot may be met through using either the tree preservation option or tree planting option set forth below, or through a combination of preservation and planting. This requirement may be met by planting or preserving street trees in the public right-of-way.

   a. Tree Preservation Option. For lots over three thousand (3,000) square feet, at least two (2) caliper inches of existing tree per one thousand (1,000) square feet of lot area must be preserved. On lots that are three thousand (3,000) square feet or smaller, at least three (3) caliper inches of existing tree must be preserved per lot. When this option is used, a tree preservation plan is required.

   b. Tree Planting Option. For lots over three thousand (3,000) square feet, at least two (2) caliper inches of tree per one thousand (1,000) square feet of lot area must be planted. On lots that are three thousand (3,000) square feet or smaller, at least three (3) caliper inches of tree must be planted per lot.

2. Tree Measurements. Trees planted to meet the requirements in subsection I1 above shall be at least one and one-half (1.5) inches in diameter. The diameter of new trees shall be measured (in caliper inches) six (6)-inches above the ground. Existing trees shall be measured four and one-half (4.5) feet above the ground. When an existing tree is three (3) to ten (10) inches in diameter, each one (1) inch counts as one (1) inch toward meeting the tree requirements in subsection I1 above. When an existing tree is more than ten (10) inches in diameter, each one (1)-inch of the tree that is over ten (10) inches shall count as three (3) inches toward meeting the tree requirement.

3. Tree Preservation Plans. If the tree preservation option is chosen, a tree preservation plan must be submitted and approved. Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the Department of Planning and Development.

(Ord. 122190, § 4, 2006; Ord. 122050 § 4, 2006; Ord. 121276 § 37, 2003; Ord. 120293 § 4, 2001; Ord. 119792 § 1, 1999; Ord. 117263 § 6, 1994; Ord. 116262 § 6, 1992; Ord. 111390 § 5, 1983: Ord. 110669 §§ 12(part), 32(part), 1982: Ord. 110381 § 1(part), 1982.)

23.44.010 Lot requirements.

A. Minimum Lot Area. The minimum lot area shall be:

S.F. Zone	Minimum Lot Area Required
S.F. 9600	9,600 sq. ft.
S.F. 7200	7,200 sq. ft.
S.F. 5000	5,000 sq. ft.

Submerged lands shall not be counted in calculating the area of lots for the purpose of these minimum lot area requirements, or the exceptions to minimum lot area requirements provided in this section.

B. Exceptions to Minimum Lot Area. The following exceptions to minimum lot area are subject to the limits of subsection B5. A lot which does not satisfy the minimum lot area requirements of its zone may be developed or redeveloped as a separate building site according to the following:

1. In order to recognize separate building sites established in the public record under previous codes, to allow the consolidation of very small lots into larger lots, to adjust lot lines to permit more orderly development patterns, and to create additional buildable sites out of oversized lots which are compatible with surrounding lots, the following exceptions are permitted if the Director determines that:

   a. The lot was established as a separate building site in the public records of the county or City prior to July 24, 1957 by deed, contract of sale, mortgage, property tax segregation, platting or building permit and has an area of at least seventy-five (75) percent of the minimum required lot area and at least eighty (80) percent of the mean lot area of the lots on the same block face and within the same zone in which the lot is located (Exhibit 23.44.010 A), or

   b. The lot is or was created by subdivision, short subdivision or lot boundary adjustment, and is at least seventy-five (75) percent of the minimum required lot area and is at least eighty (80) percent of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone (Exhibit 23.44.010 A); or

2. The lot area deficit is the result of a dedication or sale of a portion of the lot to the City or state for street or highway purposes and payment was received for only that portion of the lot, and the lot area remaining is at least fifty (50) percent of the minimum required; or

3. The lot would qualify as a legal building site under this section but for a reduction in lot area due to court-ordered adverse possession, and the amount by which the lot was so reduced was less than ten (10) percent of the former area of the lot, provided, that this exception shall not apply to lots reduced to less than fifty (50) percent of the minimum area required under subsection A of Section 23.44.010; or

4. The lot was established as a separate building site in the public records of the county or City prior to July 24, 1957 by deed, contract of sale, mortgage, property tax segregation, platting or building permit, and falls into one (1) of the following categories; provided that, lots on totally submerged lands shall not qualify for this exception:

   a. The lot is not held in common ownership with any contiguous lot on or after the effective date of the ordinance from which this subsection derives,[1] or

   b. The lot is or has been held in common ownership with a contiguous lot on or after the effective date of the ordinance from which this subsection derives and is or has been developed with a principal structure which is wholly within the lot boundaries; provided, that no portion of any contiguous lot is required to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in effect at the time of the original construction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of redevelopment of the lot (Exhibit 23.44.010 B)

   c. The lot is or has been held in common ownership with a contiguous lot on or after the effective date of the ordinance from which this subsection derives[1] and is not developed with all or part of a principal structure; provided, that no portion of the lot is required to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in effect for a principal structure on the contiguous lot at the time of the construction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of the development of the lot (Exhibit 23.44.010 B); and provided further, that if any portion of the lot to be developed has been used to meet the parking requirement in effect for a principal structure on a contiguous lot, such parking requirement can and shall be legally met on the contiguous lot.

For purposes of this subsection B4, removal of all or any part of a principal structure or destruction by fire or act of nature on or after the effective date of the ordinance from which this subsection derives[1] shall not qualify the lot for the minimum lot area exception (Exhibit 23.44.010 C); or

5. Development may occur on a substandard lot containing a riparian corridor, a shoreline habitat and shoreline habitat buffer, a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, if the following conditions apply:

   a. The substandard lot is not held in common ownership with an adjacent lot or lots at any time after the effective date of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, or

   b. The substandard lot is held in common ownership with an adjacent lot or lots, or has been held in common ownership at any time after the effective date of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, 2 but proposed and future development will not intrude upon the environmentally critical area or buffer;

6. Lots contained in a clustered housing planned development (Section 23.44.024), a planned

residential development (Section 23.44.034), or a clustered development in an environmentally critical area.

C. Maximum Lot Coverage. The maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.

D. Lot Coverage Exceptions.

1. Lots Abutting Alleys and Corner Lots. For purposes of computing the lot coverage only:

a. The area of a corner lot where a side lot line abuts upon a street may be increased by one-half (1/2) the width of the abutting side street.

b. The area of a lot with alley or alleys abutting any lot line may be increased by one-half (1/2) the width of the abutting alley or alleys.

c. The total lot area for any lot may not be increased by the provisions of this section by more than twenty-five (25) percent.

2. Special Structures and Portions of Structures. The following structures and portions of structures shall not be counted in lot coverage calculations:

a. Access Bridges. Uncovered, unenclosed pedestrian bridges of any height necessary for access and five (5) feet or less in width;

b. Barrier-free Access. Ramps or other access for the disabled or elderly meeting Washington State Building Code, Chapter 11;

c. Decks. Decks or parts of a deck which are eighteen (18) inches or less above the existing grade;

d. Freestanding Structures and Bulkheads. Fences, arbors and freestanding walls except bulkheads, signs and other similar structures;

e. Underground Structures. An underground structure, or underground portion of a structure, may occupy any part of the entire lot;

f. Eaves and Gutters. The first eighteen (18) inches of eaves and gutters projecting from principal and accessory structures, except that eaves associated with the roof of an arbor shall be included in lot coverage calculations;

g. Solar collectors meeting the provisions of Section 23.44.046 and swimming pools meeting the provisions of Section 23.44.044.

(Ord. 122050 § 5, 2006; Ord. 121476 § 5, 2004; Ord. 119239 § 6, 1998; Ord. 118414 § 6, 1996; Ord. 117263 § 7, 1994; Ord. 116262 § 7, 1992; Ord. 116205 § 2, 1992; Ord. 115686 § 1, 1991; Ord. 113883 § 1, 1988; Ord.

113297 § 1, 1987; Ord. 113216 § 1, 1986; Ord. 111390 § 6, 1983; Ord. 110793 § 3, 1982; Ord. 110669 §§ 12(part), 32(part), 1982: Ord. 110381 § 1(part), 1982.)

1. Editor's Note: Ordinance 113216 was passed on December 15, 1986 and became effective on January 18, 1987.
2. Editor's Note: Ordinance 116253, which added Chapter 25.09, was adopted by the City Council on July 13, 1992.
3. Ordinance 116205 concerns interim controls on development of certain submerged lots. Section 2 of Ordinance 116431 amended § 6 of Ordinance 116205 as follows:

Section 6. Duration of interim controls. This ordinance shall remain in effect until June 30, 1993, or until the effective date of permanent environmentally critical area regulations and submerged lands provisions included in the Seattle Shoreline Master Program, whichever comes first.

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23.44.012 Height limits.

A. Maximum Height Established.

1. Except as permitted in Sections 23.44.014 D3 and 23.44.041B, and except as provided in subsections A2 and A3 below, the maximum permitted height for any structure not located in required yards shall not exceed the greater of the following:

   a. Thirty (30) feet;

   b. The average height of the two (2) single-family structures which the subject structure abuts if one (1) or both of the abutting structures exceed thirty (30) feet.

2. The maximum permitted height for any structure on lots thirty (30) feet or less in width shall not exceed the greater of the following:

   a. Twenty-five (25) feet;

   b. The average height of the two (2) single-family structures on abutting lots, but not to exceed thirty (30) feet.

3. Expansions, extensions or replacements to any structure on lots established pursuant to 23.24.046, Multiple single-family dwelling units on a single-family lot, on lots thirty (30) feet or less in width are subject to the following:

   a. The maximum permitted height shall not exceed twenty-five (25) feet, and

   b. The averaging provisions of subsection 2b, above, do not apply.

4. The methods of determining structure height, height averages, and lot width are detailed in

Chapter 23.86, Measurements.

B. Special Features.

1. Pitched Roofs. The ridge of a pitched roof on a principal structure may extend up to five (5) feet above the maximum height limit, as determined under subsection A above. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.44.012A). No portion of a shed roof shall be permitted to extend beyond the maximum height limit, as determined under subsection A above.

2. Sloped Lots. Except for structures containing a detached accessory dwelling unit, additional height shall be permitted for sloped lots, at the rate of one (1) foot for each six (6) percent of slope. The additional height shall be permitted on the downhill side of the structure only, as described in the measurements portion of this Land Use Code (Exhibit 23.44.012 B). When the downhill portion of a sloped lot fronts on the street where the required front yard exemption in Section 23.44.014A is claimed, the permitted height of the wall along the lowest elevation of the site shall be reduced one (1) foot for each foot of exemption claimed. In no case shall the height of the wall be required to be less than the maximum height limit, as determined under subsection A above.

C. Height Limit Exemptions.

1. Flagpoles. Except in the Airport Height Overlay District, Chapter 23.64, flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line than fifty (50) percent of their height above existing grade, or, if attached only to a roof, no closer than fifty (50) percent of their height above the roof portion where attached.

2. Other Features. Open rails, planters, skylights, and clerestories may extend no higher than the ridge of a pitched roof or four (4) feet above a flat roof. Chimneys may extend four (4) feet above the ridge of a pitched roof or above a flat roof.

3. Solar Collectors. For height exceptions for solar collectors, not including solar greenhouses, see Section 23.44.046.

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

   a. Stair and elevator penthouses; and

   b. Mechanical equipment.

5. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.010.

(Ord. 122190, § 5, 2006; Ord. 121476 § 6, 2004; Ord. 120928 § 4, 2002; Ord. 120609 § 5, 2001; Ord. 118414 §

7, 1996; Ord. 117263 § 8, 1994: Ord. 116295 § 2, 1992: Ord. 113883 § 2, 1988; Ord. 113401 § 1, 1987; Ord. 110793 § 4, 1982; Ord. 110669 §§ 12(part), 32(part), 1982: Ord. 110381 § 1(part), 1982.)

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23.44.013 Transportation concurrency level-of-service standards.

Proposed uses in single-family zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.
(Ord. 117383 § 3, 1994.)

23.44.014 Yards.

Yards are required for every lot in a single-family residential zone. A yard which is larger than the minimum size may be provided.

A. Front Yards.

1. The front yard shall be either the average of the front yards of the single-family structures on either side or twenty (20) feet, whichever is less.

2. On any lot where the natural gradient or slope, as measured from the front line of the lot for a distance of sixty (60) feet or the full depth of the lot, whichever is less, is in excess of thirty-five (35) percent, the required front yard shall be either twenty (20) feet less one (1) foot for each one (1) percent of gradient or slope in excess of thirty-five (35) percent or the average of the front yards on either side, whichever is less.

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

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

B. Rear Yards. The rear yard shall be twenty-five (25) feet.

The minimum required rear yard for a lot having a depth of less than one hundred twenty-five (125) feet shall be twenty (20) percent of the lot depth and in no case less than ten (10) feet.

When the required rear yard abuts upon an alley along a lot line, the centerline of the alley between the side lot lines extended shall be assumed to be a lot line for purposes of the provision of rear yard and the determination of lot depth; provided, that at no point shall the principal structure be closer than five (5) feet to the alley.

When a lot in any single-family zone abuts at the rear lot line upon a public park, playground or

open water, not less than fifty (50) feet in width, the rear yard need not exceed the depth of twenty (20) feet.

C. Side Yards. The side yard shall be five (5) feet.

In the case of a reverse corner lot, the key lot of which is in a single-family zone, the width of the side yard on the street side of the reversed corner lot shall be not less than ten (10) feet.

When the side yard of a lot borders on an alley, a single-family structure may be located in the required side yard, provided that no portion of the structure may cross the side lot line.

D. Exceptions from Standard Yard Requirements. No structure shall be placed in a required yard except pursuant to the following subsections:

1. Certain Accessory Structures. Any accessory structure may be constructed in a side yard which abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner lot within five (5) feet of the key lot and not abutting the front yard of the key lot, upon recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties. Any accessory structure which is a private garage may be located in that portion of a side yard which is either within thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

2. A single-family structure may extend into one (1) side yard if an easement is provided along the side or rear lot line of the abutting lot, sufficient to leave a ten (10) foot separation between that structure and any principal or accessory structures on the abutting lot. Features and projections such as porches, eaves, and chimneys shall be permitted in the ten (10) foot separation area as if the property line were five (5) feet from the wall of the house on the dominant lot, provided that no portion of either principal structure including eaves shall cross the actual property line. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side yard.

3. Certain Additions. Certain additions may extend into a required yard when the existing single-family structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least sixty (60) percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, except as described below. They may extend up to the height limit and may include basement additions. New additions to the nonconforming wall or walls shall comply with the following requirements (Exhibit 23.44.014 A):

a. Side Yard. When the addition is a side wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than three (3) feet to the side lot line;

b. Rear Yard. When the addition is a rear wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than twenty (20) feet to the rear lot line or centerline of an alley abutting the rear lot line;

c. Front Yard. When the addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than fifteen (15) feet to the front lot line;

d. When the nonconforming wall of the single-family structure is not parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the limit of the wall extension, except that the wall extension shall not be located closer than specified in subsections D3a-c above.

4. Uncovered Porches or Steps. Uncovered, unenclosed porches or steps may project into any required yard, provided that they are no higher than four (4) feet on average above existing grade, no closer than three (3) feet to any side lot line, no wider than six (6) feet and project no more than six (6) feet into required front or rear yards. The height of porches and steps are to be calculated separately from each other.

5. Special Features of a Structure. Special features of a structure may extend into required yards subject to the following standards only, unless permitted elsewhere in this chapter:

a. External architectural details with no living area, such as chimneys, eaves, cornices and columns, may project no more than eighteen (18) inches into any required yard;

b. Bay windows shall be limited to eight (8) feet in width and may project no more than two (2) feet into a required front, rear, and street side yard;

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

d. The combined area of features permitted in subsections D5b and c above may comprise no more than thirty (30) percent of the area of the facade.

6. Private Garages, Covered Unenclosed Decks, Roofs Over Patios and Other Accessory Structures in Rear Yards.

a. Any attached private garages or covered, unenclosed decks or roofs over patios are portions of principal structures. They may extend into the required rear yard, but shall not be within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of any rear lot line which is not an alley lot line, nor closer than five (5) feet to any accessory structure. The height of private garages shall meet the provisions of Section 23.44.016 D2 and the height of the roof over unenclosed decks and patios may not exceed twelve (12) feet. The roof over these decks, patios and garages shall not be used

as a deck. Any detached private garage meeting the requirements of Section 23.44.016, Parking location and access, or detached permitted accessory structure meeting the requirements of Section 23.44.040, General provisions, may be located in a rear yard. If a private garage has its vehicular access facing the alley, the private garage shall not be within twelve (12) feet of the centerline of the alley.

b. Garages meeting the standards of Section 23.44.016 and other accessory structures meeting the standards of Sections 23.44.040 or 23.44.041, shall be permitted in required rear yards, subject to a maximum combined coverage of forty (40) percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

7. Private Garages in Front Yards of Through Lots. On through lots less than one hundred twenty-five (125) feet in depth, either an accessory garage structure or a portion of the principal structure containing a garage shall be permitted to locate in one (1) of the front yards. Private garages, either as accessory structures or as a portion of the principal structure, shall be limited as set forth in Section 23.44.016. The front yard in which the garage may be located shall be determined by the Director based on the location of other accessory garages on the block. If no pattern of garage location can be determined, the Director shall determine in which yard the accessory garage shall be located based on the prevailing character and setback patterns of the block.

8. Access Bridges. Uncovered, unenclosed pedestrian bridges of any height, necessary for access and five (5) feet or less in width, are permitted in required yards except that in side yards an access bridge must be at least three (3) feet from any side lot line.

9. Barrier-free Access. Access facilities for the disabled and elderly meeting Washington State Building Code, Chapter 11 are permitted in any required yards.

10. Freestanding Structures and Bulkheads.

a. Fences, freestanding walls, signs and similar structures six (6) feet or less in height above existing or finished grade, whichever is lower, may be erected in any required yard. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet. Architectural features may be added to the top of the fence or freestanding wall above the six (6) foot height when the following provisions are met: horizontal architectural feature(s), no more than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.

b. The Director may allow variation from the development standards listed in subsection D10a above, according to the following:

(1) No part of the structure may exceed eight (8) feet; and

(2) Any portion of the structure above six (6) feet shall be predominately open, such that there is free circulation of light and air.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9 1/2) feet.

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

e. When located in the shoreline setbacks or in view corridors in the Shoreline District as regulated in Chapter 23.60, these structures shall not obscure views protected by Chapter 23.60 and the Director shall determine the permitted height.

11. Decks in Yards. Decks no greater than eighteen (18) inches above existing or finished grade, whichever is lower, may extend into required yards.

12. Heat Pumps. Heat pumps and similar mechanical equipment, not including incinerators, may be permitted in required yards if the requirements of the Noise Control Ordinance, Chapter 25.08, are not violated. Any heat pump or similar equipment shall not be located within three (3) feet of any lot line.

13. Solar Collectors. Solar collectors may be located in required yards, subject to the provisions of Section 23.44.046.

14. Front Yard Projections for Structures on Lots Thirty (30) Feet or Less in Width. For a structure on a lot which is thirty (30) feet or less in width, portions of the front facade which begin eight (8) feet or more above finished grade may project up to four (4) feet into the required front yard, provided that no portion of the facade, including eaves and gutters, shall be closer than five (5) feet to the front line (Exhibit 23.44.014 B).

15. Front and rear yards may be reduced by twenty-five (25) percent, but no more than five (5) feet, if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

16. Arbors. Arbors may be permitted in required yards under the following conditions:

a. In any required yard, an arbor may be erected with no more than a forty (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

b. In each required yard abutting a street, an arbor over a private pedestrian walkway with no more than a thirty (30) square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of eight (8) feet. The sides of the arbor shall be at least fifty (50) percent open, or if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

(Ord. 122190, § 6, 2006; Ord. 122050 § 6, 2006; Ord. 121476 § 7, 2004; Ord. 120410 § 5, 2001; Ord. 119791 § 6, 1999; Ord. 119239 § 7, 1998; Ord. 118794 § 16, 1997; Ord. 118414 § 8, 1996; Ord. 117263 § 9, 1994: Ord. 116262 § 8, 1992: Ord. 115326 § 4, 1990; Ord. 113883 § 3, 1988; Ord. 113401 § 2, 1987; Ord. 112971 § 4, 1986; Ord. 111390 § 7, 1983; Ord. 110669 §§ 12(part), 32(part), 1982: Ord. 110381 § 1(part), 1982.)

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23.44.015 Allowance for larger households.

The Director may allow larger numbers of unrelated persons to live together in a household than would otherwise be permitted in two situations: (1) through a grant of special accommodation, available only to domestic violence shelters as defined in Chapter 23.84A, and (2) through a grant of reasonable accommodation, available only to persons with handicaps as defined by federal law.

A. The Director may grant special accommodation to individuals who are residents of domestic violence shelters in order to allow them to live together in groups of between nine (9) and fifteen (15) persons in single-family dwelling units, according to the following:

1. An application for special accommodation must demonstrate to the satisfaction of the Director:

a. That the needs of the residents of the domestic violence shelter make it necessary for the residents to live together in a group of the size proposed; and

b. That adverse impacts on the neighborhood from the increased density will be mitigated.

2. The Director shall take into account the size, shape and location of the dwelling unit and lot, the traffic and parking conditions on adjoining and neighboring streets, the vehicle usage to be expected from residents, staff and visitors, and any other circumstances the Director determines to be relevant as to whether the proposed increase in density will adversely impact the neighborhood.

3. An applicant shall modify the proposal as needed to mitigate any adverse impacts identified by the Director or the Director shall deny the request for special accommodation.

4. A grant of special accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the Director's decision. If circumstances materially change or the number of residents increases, or if adverse impacts occur that were not adequately mitigated, the Director shall revoke the grant of special accommodation and require the number of people in the dwelling to be reduced to eight unless a new grant of special accommodation is issued for a modified proposal.

5. A decision to grant special accommodation is a Type 1 Master Use Permit decision (See Chapter 23.76) that shall be recorded with the King County Division of Records and Elections.

B. The Director may grant reasonable accommodation to individuals who are handicapped within the meaning of 42 U.S.C. 3602, in order for them to live in a household of more than eight (8) persons, according to the following:

1. An applicant for reasonable accommodation must demonstrate to the satisfaction of the Director that the handicap of the proposed residents makes it necessary for them to live in a household of the size proposed in order to have equal opportunity to use and enjoy a dwelling.

2. The Director shall determine what adverse land use impacts, including cumulative impacts, if any, would result from granting the proposed accommodation. The Director shall take into account the size, shape and location of the dwelling unit and lot; the traffic and parking conditions on adjoining and neighboring streets; vehicle usage to be expected from residents, staff and visitors; and any other circumstances the Director determines to be relevant.

3. The Director shall consider the applicant's need for accommodation in light of the anticipated land use impacts, and the Director may impose conditions in order to make the accommodation reasonable in light of those impacts.

4. A grant of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the Director's decision. If the Director determines that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the Director shall rescind or modify the decision to grant reasonable accommodation.

5. A decision to grant reasonable accommodation is a Type 1 Master Use Permit decision (see Chapter 23.76) that shall be recorded with the King County Division of Records and Elections.

6. Nothing herein shall prevent the Director from granting reasonable accommodation to the full extent required by federal or state law.

(Ord. 122311, § 32, 2006; Ord. 117202 § 25, 1994.)

23.44.016 Parking location and access.

Parking shall be required as provided in Chapter 23.54 and in accordance with the following:

A. Access.

1. Vehicular access to parking from an improved street, alley or easement is required.

2. Access to parking is permitted through a required yard abutting a street only if the Director determines that one (1) of the following conditions exists:

   a. There is no alley improved to the standards of Section 23.53.030 C; or

   b. Existing topography does not permit alley access; or

   c. A portion of the alley abuts a nonresidential zone; or

   d. The alley is used for loading or unloading by an existing nonresidential use; or

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

   f. Parking access must be from the street in order to provide access to parking space(s) which meet the Washington State Building Code, Chapter 11; or

3. Where access to required parking spaces passes through a required yard, automobiles, motorcycles and similar vehicles may be parked on the access located in a required yard. Trailers, boats, recreational vehicles or similar equipment shall not be parked in any required yard abutting a street or on any access which is located in a required yard. When a rear yard abuts a street, trailers, boats, recreational vehicles or similar equipment shall be prohibited from parking in the first ten (10) feet of the rear yard abutting the street.

B. Parking on Lot of Principal Use.

1. Except as otherwise provided in this subsection, accessory parking shall be located on the same lot as the principal use.

2. Parking on planting strips is prohibited.

3. No more than three (3) vehicles may be parked outdoors on any lot.

4. Parking accessory to a floating home may be located on another lot if within six hundred (600) feet of the lot on which the floating home is located.

5. Parking accessory to a single-family structure existing on June 11, 1982 may be established on another lot if all the following conditions are met:

   a. There is no vehicular access to permissible parking areas on the lot.

b. Any garage constructed is for no more than two (2) axle or two (2) up-to-four (4) wheeled vehicles.

c. Any garage is located and screened or landscaped per Section 23.44.016 E if applicable, as required by the Director who shall consider development patterns of the block or nearby blocks.

d. The lot providing the parking is within the same block or across the alley from the principal use lot.

e. The accessory parking shall be tied to the lot of the principal use by a covenant or other document recorded with the King County Department of Records and Elections.

6. Trailers, boats, recreational vehicles and similar equipment shall not be parked in required front and side yards.

C. Location of Parking on Lot.

1. Except for public school use, parking may be located:

a. Within the principal structure; or

b. In the side or rear yard except a required side yard abutting a street or the first ten (10) feet of a required rear yard abutting a street.

2. Parking shall not be located in the required front yard except as provided in subsections C3, C4, C5 and C6.

3. Lots With Uphill Yards Abutting Streets. Accessory parking for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be established in a required yard abutting a street according to subsection C3a or b below only if access to parking is permitted through that yard pursuant to subsection A of this section.

a. Open Parking Space.

i. The existing grade of the lot slopes upward from the street lot line an average of at least six (6) feet above sidewalk grade at a line that is ten (10) feet from the street lot line; and

ii. The parking area shall be at least an average of six (6) feet below the existing grade prior to excavation and/or construction at a line that is ten (10) feet from the street lot line;

iii. The parking space shall be no wider than ten (10) feet for one (1) parking space at the parking surface and no wider than twenty (20) feet for two (2) parking spaces

when permitted as provided in subsection C6.

b. Terraced Garage.

i. The height of a terraced garage shall be limited to no more than two (2) feet above existing or finished grade, whichever is lower, for the portions of the garage that are ten (10) feet or more from the street lot line. The ridge of a pitched roof on a terraced garage may extend up to three (3) feet above this two (2) foot height limit. All parts of the roof above the two (2) foot height limit shall be pitched at a rate or not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the two (2) foot height limit of this provision. Portions of a terraced garage that are less than ten (10) feet from the street lot line shall comply with the height standards in Section 23.44.016 D2;

ii. The terraced garage structure width may not exceed fourteen (14) feet for one (1) two (2) axle or one (1) up-to-four (4) wheel vehicle or twenty-four (24) feet when permitted to have two (2) two (2) axle or two (2) up-to-four (4) wheel vehicle as provided in subsection C6;

iii. All above ground portions of the terraced garage shall be included in lot coverage; and

iv. The roof of the terraced garage may be used as a deck and shall be considered to be a part of the garage structure even if it is a separate structure on top of the garage.

4. Lots With Downhill Yards Abutting Streets. Accessory parking, either open or enclosed, for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be located in a required yard abutting a street when the following conditions are met:

a. The existing grade slopes downward from the street lot line which the parking faces;

b. For front yard parking the lot has a vertical drop of at least twenty (20) feet in the first sixty (60) feet as measured along a line from the midpoint of the front lot line to the midpoint of the rear lot line;

c. Parking shall not be permitted in downhill required side yards abutting streets;

d. Parking in downhill rear yards shall be in accordance with Section 23.44.014 D6 and Section 23.44.016, subsections C1 and D3d;

e. Access to parking is permitted through the required yard abutting the street by subsection A of this section; and

f. A driveway access bridge may be permitted in any required downhill yard where necessary for access to parking. The access bridge shall be no wider than twelve (12) feet

for access to one (1) parking space or eighteen (18) feet for access to two (2) or more parking spaces. The driveway access bridge may not be located closer than five (5) feet to an adjacent property line and shall not be included in lot coverage calculations.

5. Through Lots. On through lots less than one hundred twenty-five (125) feet in depth, accessory parking for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be located in one (1) of the required front yards.

The front yard in which the parking may be located shall be determined by the Director based on the location of other private garages or parking areas on the block. If no pattern of parking location can be determined, the Director shall determine in which yard the parking shall be located based on the prevailing character and setback patterns of the block.

6. Lots With Uphill Yards Abutting Streets or Downhill or Through Lot Front Yards Fronting on Streets That Prohibit Parking. Accessory parking for two (2) two (2) axle or four (4) wheeled vehicles may be located in uphill yards abutting streets or downhill or through lot front yards as provided in subsection C3, C4 or C5 if, in consultation with Seattle Department of Transportation, it is found that uninterrupted parking for twenty-four (24) hours is prohibited on at least one (1) side of the street within two hundred (200) feet of the lot line over which access is proposed. The Director may authorize a curb cut wider than would be permitted under Section 23.54.030 if necessary for access.

D. Standards for Private Garages when Permitted in Required Yards. Private garages that are either detached accessory structures or portions of a principal structure for the primary purpose of enclosing a two (2) axle or four (4) wheeled vehicle may be permitted in required yards according to the following conditions:

1. Maximum Coverage and Size.

a. In accordance with Section 23.44.014 D6, private garages, together with any other accessory structures and other portions of the principal structure, are limited to a maximum combined coverage of forty (40) percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

b. In accordance with Section 23.44.040, private garages located in side or rear yards shall not exceed one thousand (1,000) square feet in area.

c. In front yards, the area of private garages shall be limited to three hundred (300) square feet with fourteen (14) foot maximum width where one (1) space is allowed, and six hundred (600) square feet with twenty-four (24) foot maximum width where two (2) spaces are allowed. Access driveway bridges permitted under Section 23.44.016 C4f shall not be included in this calculation.

2. Height Limits.

a. Private garages shall be limited to twelve (12) feet in height as measured on the facade

containing the entrance for the vehicle.

b. The ridge of a pitched roof on a private garage located in a required yard may extend up to three (3) feet above the twelve (12) foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the twelve (12) foot height limit under this provision.

c. Open rails around balconies or decks located on the roofs of private garages may exceed the twelve (12) foot height limit by a maximum of three (3) feet.

3. Separations.

a. Attached private garages are portions of principal structures. In accordance with Section 23.44.014 D6, they may extend into the required rear yard, but shall not be within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of any rear lot line which is not an alley lot line nor closer than five (5) feet to any accessory structure.

b. If the facade of a private garage which contains the entrance for the vehicle faces an alley, the garage shall not be within twelve (12) feet of the centerline of the alley.

c. In accordance with Section 23.44.040 D, any private garage which is an accessory structure located in a required yard shall be separated from its principal structure by a minimum of five (5) feet.

d. In accordance with Section 23.44.040 F, on a reversed corner lot, no private garage which is an accessory structure shall be located in that portion of the required rear yard which abuts the required front yard of the adjoining key lot, nor shall the private garage be located closer than five (5) feet from the key lot's side lot line unless the provisions of Section 23.44.014 D1 or 23.44.016 C3b apply.

e. In accordance with Section 23.44.014 D1, private garages which are accessory structures may extend into a required side yard which is either within thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line which is not an alley lot line. Private garages which are accessory structures may extend into a required side yard which is more than thirty-five (35) feet from the centerline of an alley abutting the lot, or which is more than twenty-five (25) feet from the rear lot line of a lot which does not abut an alley, upon the recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties.

E. Screening.

1. Parking accessory to floating homes when located on a separate lot from the floating homes shall be screened from direct street view by a fence or wall between five (5) and six (6) feet in height. When the fence or wall runs along the street front, there shall be a landscaped strip on the street

side of the fence or wall. This strip may be between one (1) and five (5) feet deep, as measured from the property line, but the average distance from the property line to the fence shall be three (3) feet. Such screening shall be located outside any required sight triangle.

2. The height of the visual barrier created by the screen required by subdivision 1 of this subsection shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three (3) feet in height (see Exhibit 23.44.016 B).

(Ord. 121477 § 3, 2004; Ord. 119618 § 3, 1999; Ord. 118794 § 17, 1997; Ord. 118414 § 9, 1996; Ord. 118409 § 177, 1996: Ord. 117263 § 10, 1994; Ord. 115326 § 5, 1990; Ord. 113614 § 1, 1987; Ord. 112777 § 5, 1985; Ord. 112539 § 2, 1985; Ord. 111390 § 8, 1983: Ord. 110669 §§ 13(part), 32(part), 1982: Ord. 110381 § 1(part), 1982.)

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23.44.017 Development standards for public schools.

Public schools shall be subject to the following development standards:

A. Maximum Lot Coverage.

1. For new public school construction on new public school sites the maximum lot coverage permitted for all structures shall not exceed forty-five (45) percent of the lot area for one (1) story structures or thirty-five (35) percent of the lot area if any structure or portion of a structure has more than one (1) story.

2. For new public school construction and additions to existing public school structures on existing public school sites, the maximum lot coverage permitted shall not exceed the greater of the following:

   a. The lot coverage permitted in subsection A1; or

   b. The lot coverage of the former school structures on the site provided that the height of the new structure or portion of structure is no greater than that of the former structures as regulated in Section 23.86.006 E, and at least fifty (50) percent of the footprint of the new principal structure is constructed on a portion of the lot formerly occupied by the footprint of the former principal structure. (See Exhibit 23.44.017 A.)

3. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. Up to fifty-five (55) percent lot coverage may be allowed for single-story structures, and up to forty-five (45) percent lot coverage for structures of more than one (1) story. Lot coverage restrictions may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

4. The exceptions to lot coverage set forth in subsection D of Section 23.44.010 shall apply.

B. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be thirty (30) feet. For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height shall be thirty-five (35) feet plus ten (10) feet for a pitched roof if all portions of the structure above thirty (30) feet are set back at least twenty (20) feet from all property lines. All parts of a gymnasium or auditorium roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend above the thirty-five (35) foot height limit under this provision.

2. For new public school construction on existing public school sites, the maximum permitted height shall be thirty-five (35) feet plus fifteen (15) feet for a pitched roof. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the height of the existing school or thirty-five (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater. When the height limit is thirty-five (35) feet, the ridge of the pitched roof on a principal structure may extend up to fifteen (15) feet above the height limit, and all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five (35) foot limit under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height which may be granted as development standard departure shall be thirty-five (35) feet plus fifteen (15) feet for a pitched roof for elementary schools and sixty (60) feet plus fifteen (15) feet for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

5. The provisions of subsection B of Section 23.44.012 regarding pitched roofs and sloped lots and the exemptions of subsection C of Section 23.44.012 shall apply.

6. Light Standards.

   a. Light standards for illumination of athletic fields on new and existing public school sites will be allowed to exceed the maximum permitted height, up to a maximum height of one hundred (100) feet, where determined by the Director to be necessary to ensure adequate illumination and where the Director determines that impacts from light and glare are minimized to the greatest extent practicable. The applicant must submit an engineer's report demonstrating that impacts from light and glare are minimized to the greatest

extent practicable. When proposed light standards are reviewed as part of a project being reviewed pursuant to Chapter 25.05, Environmental Policies and Procedures, and requiring a SEPA determination, the applicant must demonstrate that the additional height contributes to a reduction in impacts from light and glare.

b. When proposed light standards are not included in a proposal being reviewed pursuant to Chapter 25.05, the Director may permit the additional height as a special exception subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

(1) When seeking a special exception for taller light standards, the applicant must submit an engineer's report demonstrating that the additional height contributes to a reduction in impacts from light and glare. When the proposal will result in extending the lighted area's duration of use, the applicant must address and mitigate potential impacts, including but not limited to, increased duration of noise, traffic, and parking demand. The applicant also must demonstrate it has conducted a public workshop for residents within one-eighth (1/8) of a mile of the affected school in order to solicit comments and suggestions on design as well as potential impacts.

(2) The Director may condition a special exception to address negative impacts from light and glare on surrounding areas, and conditions may also be imposed to address other impacts associated with increased field use due to the addition of lights, including, but not limited to, increased noise, traffic, and parking demand.

C. Setbacks.

1. General Requirements.

a. No setbacks shall be required for new public school construction or for additions to existing public school structures for that portion of the site across a street or an alley or abutting a lot in a nonresidential zone. When any portion of the site is across a street or an alley from or abuts a lot in a residential zone, setbacks shall be required for areas facing or abutting residential zones, as provided in subsections C2 through C5 below. Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones shall be based upon the residential zone classification of the RC lot.

b. The minimum setback requirement may be averaged along the structure facade with absolute minimums for areas abutting lots in residential zones as provided in subsections C2b, C3b and C4b.

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

d. The exceptions of subsections D4, D5, D6, D8, D9, D10, D11 and D12 of Section

23.44.014 shall apply.

2. New Public School Construction on New Public School Sites.

a. New public school construction on new public school sites across a street or alley from lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows:

	Minimum Setbacks Zone from which Across			
Facade Height[1]	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average			
Up to 20'	15'	10'	5'	0'
21' to 35'	15'	10'	5'	0'
36' to 50'	20'	15'	5'	0'
51' or more	35'	20'	10'	0'

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows:

	Minimum Setbacks Abutting Zone			
Facade Height[1]	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average (minimum)			
Up to 20'	21'(10')	15'(10')	10'(5')	0'
21' to 35'	20'(10')	15'(10')	10'(5')	0'
36' to 50'	25'(10')	20'(10')	10'(5')	0'
51' or more	30'(15')	25'(10')	15'(5')	0'

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

3. New Public School Construction on Existing Public School Sites.

a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone as follows, whichever is less:

	Minimum Setbacks Zone from which Across			
Facade Height[1]	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average			
Up to 20'	10'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on existing public school sites abutting lots in residential zones

shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

	Minimum Setbacks Abutting Zone			
Facade Height[1]	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average (minimum)			
Up to 20'	15'(10')	10'(5')	10'(5')	0'(0')
21' to 35'	20'(10')	15'(10')	10'(5')	0'(0')
36' to 50'	25'(10')	20'(10')	10'(5')	0'(0')
51' or more	30'(15')	25'(10')	15'(5')	0'(0')

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

4. Additions to Existing Public School Structures on Existing Public School Sites.

a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone as follows, whichever is less:

	Minimum Setbacks Zone from which Across			
Facade Height[1]	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average			
Up to 20'	5'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone as follows, whichever is less:

	Minimum Setbacks Abutting Zone			
Facade Height[1]	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average (minimum)			
Up to 20'	10'(5')	10'(5')	10'(5')	0'(0')
21' to 35'	15'(5')	10'(5')	10'(5')	0'(0')
36' to 50'	20'(10')	20'(10')	10'(5')	0'(0')
51' or more	25'(10')	25'(10')	15'(5')	0'(0')

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

5. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

a. The minimum average setback may be reduced to ten (10) feet and the minimum setback to five (5) feet for structures or portions of structures across a street or alley from lots in residential zones.

b. The minimum average setback may be reduced to fifteen (15) feet and the minimum setback to five (5) feet for structures or portions of structures abutting lots in residential zones.

c. The limits in subsections C5a and C5b may be waived by the Director when a waiver would contribute to reduced demolition of residential structures.

D. Structure Width.

1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure shall be sixty-six (66) feet unless either the modulation option in subsection D1a below or the landscape option in subsection D1b below is met.

a. Modulation Option. Facades shall be modulated according to the following provisions:

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

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

b. Landscape Option. The yards provided by the required setbacks shall be landscaped as follows:

(1) One (1) tree and three (3) shrubs are required for each three hundred (300) square feet of required yard. When new trees are planted, at least half must be deciduous.

(2) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten (10) feet of the area may be substituted for required plantings on a one (1) tree to one (1) tree or one (1) shrub to one (1) shrub basis if the minimum standards of the Director's Rule for Landscaping are met, except that shrub height need not exceed two (2) feet at any time. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) square feet of its canopy spread.

(3) The planting of street trees may be substituted for required trees on a one-to-one (1:1) basis. All street trees shall be planted according to City of Seattle tree planting standards.

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

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

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

(7) The School District shall maintain all landscape material and replace any dead or dying plants.

2. There is no maximum width limit for additions to existing public school structures on existing public school sites. The Director may require landscaping to reduce the appearance of bulk.

3. Development standard departure from the modulation and landscaping standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to permit other techniques to reduce the appearance of bulk. Techniques to reduce the appearance of bulk may be waived by the Director when the waiver would contribute to reduced demolition of residential structures.

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

F. Parking Location. Parking may be located:

1. Within the principal structure; or

2. On any portion of the lot except the front setback when separated from streets and from abutting lots in residential zones by a five (5) foot deep area which is landscaped with trees and ground cover determined by the Director as adequate to soften the view of the parking from adjacent properties. In the case of a through lot, parking may also be located in one (1) front setback when landscaped as described in this subsection;

3. Development standard departure may be granted or required pursuant to the procedures set forth in Chapter 23.79 to permit parking location anywhere on the lot and to reduce required landscaping. Landscaping may be waived in whole or in part if the topography of the site or other circumstances result in the purposes of landscaping being served, as, for example, when a steep slope shields parking from the view of abutting properties. This test may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

G. Bus and Truck Loading and Unloading.

1. Unless subsection G 4 of this section applies, an off-street bus loading and unloading area of a size reasonable to meet the needs of the school shall be provided and may be located in any required yard. The bus loading and unloading area may be permitted in landscaped areas provided under subsection D1b if the Director determines that landscaping around the loading and unloading area softens the impacts of its appearance on abutting properties.

2. One (1) off-street truck loading berth meeting the requirements of subsection H of Section 23.54.030 shall be required for new public school construction.

3. Development standard departure from the requirements and standards for bus and truck loading and unloading areas and berths may be granted or required pursuant to the procedures and

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

4. When a public school is remodeled or rebuilt at the same site, an existing on-street bus loading area is allowed if the following conditions are met:

a. The school site is not proposed to be expanded;

b. The student capacity of the school is not being expanded by more than twenty-five percent (25%); and

c. The location of the current on-street bus loading remains the same.

H. Noise, Odor, Light and Glare. The development standards for small institutions set forth in subsections A1, B and C of Section 23.45.100 shall apply. Development standard departure from these standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 only when departure would contribute to reduced demolition of residential structures.
(Ord. 121429 § 1, 2004; Ord. 120266 § 1, 2001; Ord. 118414 § 10, 1996; Ord. 112777 § 6, 1986; Ord. 112830 § 1, 1986; Ord. 112539 § 3, 1985.)[1]
1. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

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Subchapter II

Principal Conditional Uses

23.44.018 General provisions.

A. Only those conditional uses identified in this subchapter may be authorized as conditional uses in single-family zones. The Master Use Permit Process set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, shall be used to authorize conditional uses.

B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016.

C. A conditional use may be approved, conditioned or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

D. In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.

E. Any use which was previously authorized by a conditional use permit but which has been

discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit, provided that such permit is required for the use at the time re-establishment or recommencement is proposed. The following shall constitute conclusive evidence that the conditional use has been discontinued:

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

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

Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multifamily structure or a multitenant commercial structure shall not be considered as discontinued unless all units are either vacant or devoted to another use.

F. Minor structural work which does not increase usable floor area or seating capacity and does not exceed the development standards applicable to the use shall not be considered an expansion, unless the work would exceed the height limit of the zone for uses permitted outright. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, bay windows, dormers, and eaves. (Ord. 119239 § 8, 1998; Ord. 118794 § 18, 1997; Ord. 113262 § 1, 1986; Ord. 112890 § 1, 1986: Ord. 112522 § 9, 1985; Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

Part 1 Administrative Conditional Uses

23.44.022 Institutions.

A. Institutions Identified. The following institutions may be permitted as conditional uses in single-family zones:

Community centers

Child care centers

Private schools

Religious facilities

Libraries

Existing institutes for advanced study

Other similar institutions

The following institutions are prohibited in single-family zones:

Hospitals

Colleges

Museums

Private clubs

Vocational schools

B. Major Institutions. Existing major institutions and major institution uses within an existing Major Institution overlay district shall be permitted in accordance with the provisions of Chapter 23.69, Major Institution Overlay Districts, and the provisions of this section.

C. Public schools shall be permitted as regulated in Section 23.44.017.

D. General Provisions.

1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution master plan.

2. The establishment of a child care center in a legally established institution devoted to the care or instruction of children which does not violate any condition of approval of the existing institutional use and does not require structural expansion shall not be considered a new use or an expansion of the institutional use.

3. Institutions seeking to establish or expand on property which is developed with residential structures may expand their campus up to a maximum of two and one-half (2 1/2) acres. An institution campus may be established or expanded beyond two and one-half (2 1/2) acres if the property proposed for the expansion is substantially vacant land.

4. An institution which finds that the development standards of the single-family zone classification are inadequate to its development needs may apply for reclassification to Major Institution status.

E. Dispersion.

1. The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred (600) feet or more from any lot line of any other institution in a residential zone, with the following exceptions:

a. An institution may expand even though it is within six hundred (600) feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.

b. A proposed institution may be located less than six hundred (600) feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is

achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.

2. A proposed child-care center serving not more than twenty-five (25) children which does not meet the criteria of subsection E1 of this section may be permitted to locate less than six hundred (600) feet from a lot line of another institution if the Director determines that, together with the nearby institution(s), the proposed child care center would not:

a. Create physical scale and bulk incompatible with the surrounding neighborhood;

b. Create traffic safety hazards;

c. Create or significantly increase identified parking shortages; or

d. Significantly increase noise levels to the detriment of surrounding residents.

F. Demolition of Residential Structures. No residential structure shall be demolished nor shall its use be changed to provide for parking. This prohibition may be waived if the demolition or change of use proposed is necessary to meet the parking requirements of this Land Use Code and if alternative locations would have greater noise, odor, light and glare or traffic impacts on surrounding property in residential use. If the demolition or change of use is proposed for required parking, the Director may consider waiver of parking requirements in order to preserve the residential structure and/or use. The waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location or screening.

G. Reuse of Existing Structures. Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures which do not meet these yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.

H. Noise and Odors. For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational areas, trash and refuse storage areas, ventilating mechanisms, sports facilities and other noise-generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.

In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, setting hours of operation for facilities or other similar measures.

I. Landscaping. Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, reduce the coverage of the site by impervious surfaces, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.

Landscaping plant materials shall be species compatible with surrounding flora. Existing plant material may be required to be retained. Maintenance of landscaped areas shall be the continuing responsibility of the owner.

J. Light and Glare. Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The Director may also require that the area and intensity of illumination, the location or angle of illumination be limited.

Nonreflective surfaces shall be used to help reduce glare.

K. Bulk and Siting.

1. Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:

   a. For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum;

   b. For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.

2. Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten (10) feet to the side lot line. The Director may permit yards less than ten (10) feet but not less than five (5) feet after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.

3. Institutions Located on Lots in More Than One (1) Zone Classification. For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.

4. Height Limit.

   a. Religious symbols for religious institutions may extend an additional twenty-five (25) feet above the height limit.

   b. For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be thirty-five (35) feet if portions of the structure above thirty-five (35) feet are set back at least twenty (20) feet from all property lines. Pitched roofs on a gymnasium or auditorium which have a slope of not less than three to twelve (3:12) may extend ten (10) feet above the thirty-five (35) foot height limit. No portion of a shed roof on a

gymnasium or an auditorium shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

5. Facade Scale. If any facade of a new or expanding institution exceeds thirty (30) feet in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.

L. Parking and Loading Berth Requirements.

1. Quantity and Location of Off-street Parking.

a. Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single-occupancy vehicles shall be encouraged.

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

c. The Director may modify the parking and loading requirements of Section 23.54.015, Required parking, and the requirements of Section 23.44.016, Parking location and access, on a case-by-case basis using the information contained in the transportation plan prepared pursuant to subsection M of this section. The modification shall be based on adopted City policies and shall:

i. Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and

ii. Not cause undue traffic through residential streets nor create a serious safety hazard.

2. Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.

3. Loading Berths. The quantity and design of loading berths shall be as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.

M. Transportation Plan. A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of structure area and/or are required to provide an additional twenty (20) or more parking spaces.

The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Discussion of the following elements and other factors may be required:

1. Traffic. Number of staff on site during normal working hours, number of users, guests and others

regularly associated with the site, level of vehicular traffic generated, traffic peaking characteristics of the institution and in the immediate area, likely vehicle use patterns, extent of traffic congestion, types and numbers of vehicles associated with the institution and mitigating measures to be taken by the applicant;

2. Parking. Number of spaces, the extent of screening from the street or abutting residentially zoned lots, direction of vehicle light glare, direction of lighting, sources of possible vibration, prevailing direction of exhaust fumes, location of parking access and curb cuts, accessibility or convenience of parking and measures to be taken by the applicant such as preference given some parking spaces for carpool and vanpool vehicles and provision of bicycle racks;

3. Parking Overflow. Number of vehicles expected to park on neighboring streets, percentage of on-street parking supply to be removed or used by the proposed project, opportunities for sharing existing parking, trends in local area development and mitigating measures to be taken by the applicant;

4. Safety. Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity;

5. Availability of Public or Private Mass Transportation Systems. Route location and frequency of service, private mass transportation programs including carpools and vanpools, to be provided by the applicant.

N. Development Standards for Existing Institutes for Advanced Study.

1. The institute shall be located on a lot of not less than fifteen (15) acres.

2. The lot coverage for all structures shall not exceed twenty (20) percent of the total lot area.

3. Structures shall be set back a minimum of twenty-five (25) feet from any lot line.

4. Parking areas shall be set back a minimum of ten (10) feet from any lot line.

5. In the event of expansion, parking shall be required as provided for "existing institutes for advanced study" in Section 23.54.015, Required parking.

6. Landscaping shall be provided between a lot line and any structure and shall be maintained for the duration of the use.

(Ord. 122311, § 33, 2006; Ord. 120117 § 7, 2000; Ord. 119239 § 9, 1998; Ord. 118794 § 19, 1997; Ord. 118414 § 11, 1996; Ord. 117263 § 11, 1994; Ord. 116146 § 1, 1992; Ord. 115043 § 1, 1990; Ord. 115002 § 4, 1990; Ord. 114875 § 2, 1989; Ord. 113312 § 1, 1987; Ord. 113263 § 3, 1986; Ord. 112777 § 8, 1986; Ord. 112830 § 2, 1986; Ord. 112539 § 4, 1985; Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)[2]

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

2. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

23.44.024 Clustered housing planned developments.

Clustered housing planned developments (CHPDs) may be permitted as an administrative conditional use in single-family zones. A CHPD is intended to enhance and preserve natural features, encourage the construction of affordable housing, allow for development and design flexibility, and protect and prevent harm in environmentally critical areas. CHPDs shall be subject to the following provisions:

A. Site Requirements.

1. The minimum size of a CHPD shall be two (2) acres. Land which is designated environmentally critical due to the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas, and submerged land shall not be used to meet minimum size requirements.

2. Where portions of a site are designated environmentally critical due to the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas, the conditional use clustered development provisions under Section 25.09.260 shall apply, superseding the standards of this section.

3. The Director may exclude land from a CHPD if it is separated from the site by topographical conditions, if it has a poor functional relationship with the site, or if inclusion of the land would negatively impact adjacent single-family zoned lots.

B. Type of Dwelling Units Permitted. Only single-family dwelling units shall be permitted in a CHPD.

C. Number of Dwelling Units Permitted.

1. The number of dwelling units permitted in a CHPD shall be calculated by dividing the CHPD land area by the minimum lot size permitted by subsection A of Section 23.44.010 in the single-family zone in which the CHPD is located. Land which is designated environmentally critical due to the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer and submerged land shall be excluded from the land used to calculate density in a CHPD. For CHPDs which include more than one (1) zone, the number of dwelling units shall be calculated based on the proportion of land area in each zone.

2. Where portions of a site are designated environmentally critical due to the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas, the conditional use provisions for regaining development credit and clustering under Section 25.09.260 shall apply.

3. One (1) additional detached single-family structure may be permitted if the development includes recreational, meeting and/or day care facilities open to the surrounding community.

D. Subdivision. A CHPD may be subdivided into lots of less than the minimum size required by subsection A of Section 23.44.010.

E. Yards. Yards shall be required for structures within a CHPD.

1. Structures shall be set back a minimum distance of twenty (20) feet from the street property line of a CHPD.

2. No dwelling unit in a CHPD shall be closer than five (5) feet to a side lot line of an abutting single-family zoned lot.

3. No dwelling unit in a CHPD shall be closer than twenty-five (25) feet to a rear lot line of an abutting single-family zoned lot.

4. No dwelling unit in a CHPD shall be closer than five (5) feet to any lot line of an abutting non-single-family zoned lot.

5. There shall be a minimum distance of ten (10) feet between principal structures which are within one hundred (100) feet of the property line of a CHPD.

6. To provide a sense of privacy, and to mitigate the effects of shadows between structures which are more than one hundred (100) feet from the property line of CHPD, required yards between structures in the CHPD shall vary depending on the design of the facing facades as follows:

   a. Walls shall be not less than ten (10) feet apart at any point.

   b. A principal entrance to a structure shall be at least fifteen (15) feet from the nearest interior facade which contains no principal entrance.

   c. A principal entrance to a structure shall be at least twenty (20) feet from the nearest interior facade which contains a principal entrance.

7. The Director may increase the minimum required yards or require alternate spacing or placement of structures in order to preserve or enhance topographical conditions, adjacent uses and the layout of the project and to maintain a compatible scale and design with the surrounding community.

F. Landscaping. The Director may require landscaping along some or all exterior lot lines of a CHPD to minimize the effect of the CHPD on adjacent uses. The Director may require the retention of existing mature landscaping. In addition, landscaping may be required to reduce the potential for erosion or excessive stormwater runoff, reduce the site coverage by impervious surfaces, and screen the parking from the view of adjacent residentially zoned lots and the street.

Plant species shall be compatible with surrounding flora. Maintenance of the landscaping shall be the continuing responsibility of the owner.

(Ord. 122050 § 7, 2006; Ord. 116262 § 9, 1992; Ord. 112890 § 2, 1986.)

23.44.026 Use of landmark structures.

A. The Director may authorize a use not otherwise permitted in the zone within a structure designated as a landmark pursuant to the Seattle Municipal Code, Chapter 25.12, Landmark Preservation Ordinance, subject to the following development standards:

1. The use shall be compatible with the existing design and/or construction of the structure without significant alteration; and

2. The use shall be allowed only when it is demonstrated that uses permitted in the zone are impractical because of structure design and/or that no permitted use can provide adequate financial support necessary to sustain the structure in a reasonably good physical condition; and

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

B. The parking requirements for a use allowed in a landmark are those listed in Section 23.54.015. These requirements may be waived pursuant to Section 23.54.020 C.
(Ord. 122311, § 34, 2006; Ord. 112777 § 10, 1986: Ord. 111390 § 9, 1983: Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.028 Structures unsuited to uses permitted outright.

A. Uses not otherwise permitted in the zone may be permitted in structures unsuited to uses permitted outright in single-family zones. The determination that a use may be permitted shall be based on the following factors:

1. The design of the structure is not suitable for conversion to a use permitted outright in a single-family zone; and

2. The structure contains more than four thousand (4,000) square feet; and

3. The proposed use will provide a public benefit.

B. Parking requirements for uses permitted under this section shall be determined by the Director.

C. The Director may require measures to mitigate impacts such as noise, odor, parking or traffic impacts. Mitigating measures may include but are not limited to landscaping, sound barriers, fences, mounding or berming, adjustments to development standards, design modifications or setting hours of operation.

D. In the case of an existing or former public school, permissible uses other than those permitted outright in the zone and their development standards including parking requirements shall be established only pursuant to procedures for establishing criteria for joint use or reuse of public schools in Chapter 23.78 of this Land Use Code.
(Ord. 110669 § 32(part), 1982: Ord. 110381 § 1(part), 1982.)

23.44.030 Park and pool lot.

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

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

B. That parking proposed for the park and pool lot is not needed by the principal use or its accessory uses during the hours proposed for park and pool use; and

C. The park and pool use shall not interfere or conflict with the peak-hour activities associated with the principal use and its accessory uses. The Director may control the number and location of parking spaces to be used.

(Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.032 Certain nonconforming uses.

Nonconforming uses which are authorized pursuant to Section 23.42.110 may be permitted as a conditional use.

(Ord. 120293 § 5, 2001: Ord. 118414 § 12, 1996: Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

Part 2 Council Conditional Uses

23.44.034 Planned residential development (PRD).

Planned residential developments (PRDs) may be permitted in single-family zones as a council conditional use. A PRD is intended to enhance and preserve natural features, encourage the construction of affordable housing, allow for development and design flexibility, and protect and prevent harm in environmentally critical areas. PRDs shall be subject to the following provisions:

A. Site Requirements.

1. The minimum size of a PRD shall be two (2) acres. Land which is designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, and submerged land shall not be used to meet minimum size requirements.

2. The area of the site devoted to single-family uses at the time of application, calculated by multiplying the number of such uses by the minimum lot area for the zone, shall not exceed twenty (20) percent of the area of the entire site.

3. Land which is designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, and submerged land shall be excluded from the land used to calculate density in a PRD.

4. Land may be excluded from a PRD by the Director if it is separated from the site by topographical conditions, if it has a poor functional relationship with the site, or if inclusion of

the land would negatively impact adjacent single-family zoned lots.

5. Where portions of a site are designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, the conditional use provisions under Section 25.09.260 shall apply, superseding the standards of this section.

B. Type of Dwelling Units Permitted.

1. Only single-family dwelling units shall be permitted within one hundred (100) feet of a PRD's property line which abuts or is directly across the street from a single-family zoned lot, except as provided in subsection B2.

2. Either single-family dwelling units or townhouses are permitted when within one hundred (100) feet of a property line of a PRD which does not abut or is not across a street from a single-family zoned lot or is separated from the single-family zoned lot by physical barriers, such as bodies of water, ravines, greenbelts, freeways, expressways and other major traffic arterials or topographic breaks which provide substantial separation from the surrounding single-family neighborhood.

3. Either single-family dwelling units or townhouses are permitted when more than one hundred (100) feet from a PRD's property line.

4. Townhouses shall meet the development standards for structures in Lowrise 1 zones, unless otherwise specified in this subchapter.

C. Number of Dwelling Units Permitted.

1. The number of dwelling units permitted in a PRD shall be calculated by dividing the PRD lot area by the minimum lot size permitted in Section 23.44.010 A. For PRD's which include more than one (1) zone, the number of dwelling units shall be calculated based on the proportion of land area in each zone.

2. An increase in number of dwelling units may be permitted in a PRD up to a maximum increase of twenty (20) percent. An increase in permitted density shall be based on the extent to which the proposed PRD provides substantial additional public benefits such as the following:

   a. Low-income housing;

   b. Usable open space;

   c. Day care, meeting space or recreational facilities open to the surrounding community.

D. Subdivision.

1. A PRD may be subdivided into lots of less than the minimum size required by subsection A of Section 23.44.010.

2. A minimum of three hundred (300) square feet per unit of private, landscaped open space shall be required, at ground level and directly accessible to the unit.

E. Yards. Yards shall be required for residential structures within a PRD. For the purposes of this subsection, setbacks shall be considered yards, and the provisions relating to accessory structures in required yards of the applicable single-family zone shall apply.

1. Structures which are within one hundred (100) feet of the property line of a PRD shall be set back a minimum distance of twenty (20) feet from the street property line of a PRD.

2. No dwelling unit in a PRD shall be closer than five (5) feet to a side lot line of an abutting single-family zoned lot.

3. No dwelling unit in a PRD shall be closer than twenty-five (25) feet to a rear lot line of an abutting single-family zoned lot.

4. No dwelling unit in a PRD shall be closer than five (5) feet to any lot line of an abutting non-single-family or nonresidentially zoned lot.

5. A minimum distance of ten (10) feet shall be maintained between principal structures.

6. To provide a sense of privacy and to mitigate the effects of shadows between structures which are more than one hundred (100) feet from the property line of a PRD, required distance between structures shall vary depending on the design of the facing facades as follows:

a. Walls shall be not less than ten (10) feet apart at any point.

b. A principal entrance to a structure shall be at least fifteen (15) feet from the nearest interior facade which contains no principal entrance.

c. A principal entrance to a structure shall be at least twenty (20) feet from the nearest interior facade which contains a principal entrance.

7. The Director may modify the minimum required setbacks or require alternate spacing or placement of structures in order to preserve or enhance topographical conditions, adjacent uses or the layout of the project, and to maintain a compatible scale and design with the surrounding community.

F. Landscaping. Landscaping may be required along some or all exterior lot lines of a PRD to minimize the effect of the PRD on adjacent uses. The retention of existing mature landscaping may be required. In addition, landscaping may be required to reduce the potential for erosion or excessive stormwater runoff; reduce the site coverage by impervious surfaces; and screen parking from the view of adjacent residentially zoned lots and the street.

Plant species shall be compatible with surrounding flora.

G. Maintenance of Required Landscaping and Open Space. Maintenance of required landscaping and open space shall be the continuing responsibility of the owner.
(Ord. 119239 § 10, 1998; Ord. 116262 § 11, 1992; Ord. 112890 § 4, 1986: Ord. 112777 § 9, 1986; Ord. 110669 §§ 15(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.035 Communication utilities.

Communication utilities may be permitted in single-family zones subject to the provisions of Section 23.57.010.
(Ord. 116596 § 1, 1993: Ord. 113263 § 4, 1986.)

Part 3 Public Facilities

23.44.036 Public facilities.

A. Except as provided in subsections B, D and E below, uses in public facilities that are most similar to uses permitted outright or permitted as an administrative conditional use under this chapter shall also be permitted outright or as an administrative conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar use. The City Council may waive or modify applicable development standards or administrative conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

B. Permitted Uses in Public Facilities Requiring City Council Approval. The following uses in public facilities in single-family zones may be permitted by the City Council, according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions:

1. Police precinct station;

2. Fire station;

3. Public boat moorage;

4. Utility services use; and

5. Other similar use.

The proponent of any such use shall demonstrate the existence of a public necessity for the public facility use in a single-family zone. The public facility use shall be developed according to the development standards for institutions (Section 23.44.022), unless the City Council makes a determination to waive or modify applicable development standards according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Sewage Treatment Plants. The expansion or reconfiguration (which term shall include reconstruction, redevelopment, relocation on the site, or intensification of treatment capacity) of existing sewage treatment plants in single-family zones may be permitted if there is no feasible alternative location in a zone where the use is permitted and the conditions imposed under subsections D3 and D4 are met.

1. Applicable Procedures. The decision on an application for the expansion or reconfiguration of a sewage treatment plant shall be a Type IV Council land use decision. If an application for an early determination of feasibility is required to be filed pursuant to subsection D2 of this section, the early determination of feasibility will also be a Council land use decision subject to Sections 23.76.038 through 23.76.056.

2. Need for Feasible Alternative Determination. The proponent shall demonstrate that there is no feasible alternative location in a zone where establishment of the use is permitted.

   a. The Council's decision as to the feasibility of alternative location(s) shall be based upon a full consideration of the environmental, social and economic impacts on the community, and the intent to preserve and to protect the physical character of single-family areas, and to protect single-family areas from intrusions of non-single-family uses.

   b. The determination of feasibility may be the subject of a separate application for a Council land use decision prior to submission of an application for a project-specific approval if the Director determines that the expansion or reconfiguration proposal is complex, involves the phasing of programmatic and project-specific decisions or affects more than one site in a single-family zone.

   c. Application for an early determination of feasibility shall include:

      (1) The scope and intent of the proposed project in the single-family zone and appropriate alternative(s) in zones where establishment of the use is permitted, identified by the applicant or the Director;

      (2) The necessary environmental documentation as determined by the Director,

including an assessment of the impacts of the proposed project and of the permitted-zone alternative(s), according to the state and local SEPA guidelines;

(3) Information on the overall sewage treatment system which outlines the interrelationship of facilities in single-family zones and in zones where establishment of the use is permitted;

(4) Schematic plans outlining dimensions, elevations, locations on site and similar specifications for the proposed project and for the alternative(s).

d. If a proposal or any portion of a proposal is also subject to a feasible or reasonable alternative location determination under Section 23.60.066 of Title 23, the Plan Shoreline Permit application and the early determination application will be considered in one determination process.

3. Conditions for Approval of Proposal.

a. The project shall be located so that adverse impacts on residential areas shall be minimized;

b. The expansion of a facility shall not result in a concentration of institutions or facilities that would create or appreciably aggravate impacts that are incompatible with single-family residences.

c. A facility management and transportation plan shall be required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and shall at a minimum include discussion of sludge transportation, noise control, and hours of operation. Increased traffic and parking expected to occur with use of the facility shall not create a serious safety problem or a blighting influence on the neighborhood;

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

e. Methods of storing and transporting chlorine and other hazardous and potentially hazardous chemicals shall be determined in consultation with the Seattle Fire Department and incorporated into the design and operation of the facility;

f. Vehicular access suitable for trucks is available or provided from the plant to a designated arterial improved to City standards;

g. The bulk of facilities shall be compatible with the surrounding community. Public facilities that do not meet bulk requirements may be located in single-family residential areas if there is a public necessity for their location there;

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

i. Residential structures, including those modified for nonresidential use, shall not be demolished for facility expansion unless a need has been demonstrated for the services of the institution or facility in the surrounding community.

4. Substantial Conformance. If the application for a project-specific proposal is submitted after an early determination that location of the sewage treatment plant is not feasible in a zone where establishment of the use is permitted, the proposed project must be in substantial conformance with the feasibility determination.

Substantial conformance shall include, but not be limited to, a determination that:

a. There is no net substantial increase in the environmental impacts of the project-specific proposal as compared to the impacts of the proposal as approved in the feasibility determination.

b. Conditions included in the feasibility determination are met.

E. Prohibited Uses. The following public facilities are prohibited in single-family zones:

1. Jails;

2. Metro operating bases;

3. Park and ride lots;

4. Establishment of new sewage treatment plants;

5. Solid waste transfer stations;

6. Animal control shelters;

7. Post Office distribution centers; and

8. Work-release centers.

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

(Ord. 121477 § 4, 2004; Ord. 120691 § 10, 2001; Ord. 118672 § 3, 1997; Ord. 117430 § 42, 1994; Ord. 114623 § 1, 1989; Ord. 113354 § 3, 1987: Ord. 112890 § 3, 1986; Ord. 112522 § 10, 1985: Ord. 110669 §§ 18, 32(part), 1982; Ord. 110381 § 1(part), 1982.)

Subchapter III

Accessory Uses

23.44.040 General provisions.

A. Accessory uses customarily incidental to principal uses permitted outright are permitted outright as provided below.

B. All accessory uses and structures must be located on the same lot as the principal use or structure unless specifically modified in this subchapter.

C. Accessory conditional uses are subject to the development standards for accessory uses permitted outright unless otherwise specified in this section.

D. Any accessory structure located in a required yard shall be separated from its principal structure by a minimum of five (5) feet.

E. Except as provided for detached accessory dwelling units in Section 23.44.041B, any accessory structure located in a required yard shall not exceed twelve (12) feet in height nor one thousand (1,000) square feet in area.

F. On a reversed corner lot, no accessory structure shall be located in that portion of the required rear yard which abuts the required front yard of the adjoining key lot, nor shall the accessory structure be located closer than five (5) feet from the key lot's side lot line unless the provisions of Section 23.44.014 D or 23.44.016 C3b, terraced garage, apply.
(Ord. 122190, § 7, 2006; Ord. 117263 § 12, 1994; Ord. 113978 § 3, 1988: Ord. 110669 §§ 13(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.041 Accessory dwelling units.

A. Accessory dwelling units, general provisions. The Director may authorize an accessory dwelling unit under the following conditions:

1. A lot with or proposed for a single-family dwelling may have no more than one (1) accessory dwelling unit.

2. One (1) of the dwelling units shall be occupied by one (1) or more owners of the property as the owner's(s') permanent and principal residence, and the owner-occupant shall comply with the requirements of subsection C, Owner Occupancy.

3. Any number of related persons may occupy each unit in a single-family dwelling unit with an accessory dwelling unit; provided that, if unrelated persons occupy either unit, the total number of persons occupying both units may not exceed eight (8).

4. All accessory dwelling units must meet the following, unless modified in subsection B:

a. Maximum Gross Floor Area	One thousand (1,000) square feet, including garage and storage area.[1]
b. Entrances	Only one (1) entrance to the structure may be located on each street-facing facade of the dwelling unit.[2]
c. Parking	One (1) off-street parking space is required, and may be provided as tandem parking with the parking space provided for the principal dwelling unit.[3] An existing required parking space may not be eliminated to accommodate an accessory dwelling unit, unless it is replaced elsewhere on the lot.
Footnotes: 1. The gross floor area of an accessory dwelling unit may exceed one thousand (1,000) square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of June 1, 1999, and if the entire accessory dwelling unit is located on one (1) level. 2. More than one entrance may be allowed if: a) two (2) entrances on the street-facing facade existed on January 1, 1993; or b) the Director determines that topography, screening or another design solution is effective in de-emphasizing the presence of a second entrance. 3. No off-street parking space will be required for an accessory dwelling unit if: a. The topography or location of existing principal or accessory structures makes provision of an off-street parking space physically infeasible; or b. The site is located in a residential parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than seventy-five (75) percent for on-street parking within four hundred (400) feet of all property lines of the site. c. The provisions in this footnote 3 providing for exceptions to the parking requirement do not apply to sites located in either the University District Parking Overlay Area (Exhibit for Chart A, Section 23.54.015, Map A) or the Alki Area Parking Overlay (Exhibit for Chart A, Section 23.54.015, Map B).	

B. Accessory Dwelling Units, detached.

1. Locations allowed. An accessory dwelling unit may be located in a structure separate from a principal single-family dwelling unit in single-family zones within the area bounded by I-5 to the west, I-90 to the north. Lake Washington to the east, and the Seattle corporate limits to the south. Detached accessory dwelling units are not permitted on a lot if any portion of the lot is within the Shoreline District established by Section 23.60.010.

2. Development standards. Detached accessory dwelling units shall meet the following standards

and the standards of subsection A, except as modified in this subsection:

Development Standards for Detached Accessory Dwelling Units[1]				
a. Minimum Lot Size	4,000 square feet			
b. Minimum Lot Width	25 feet			
c. Minimum Lot Depth	70 feet[2]			
d. Maximum Lot Coverage	The provisions of Section 23.44.010 apply.			
e. Maximum Rear Yard Coverage	The provisions of Section 23.44.014 D.6.b apply.			
f. Maximum Gross Floor Area	20% of the lot size, or 800 square feet, whichever is less, including garage or storage area.[3]			
g. Front Yard	A detached accessory dwelling unit may not be located within the front yard required by Section 23.44.014A.			
h. Minimum Side Yard	The provisions of Section 23.44.014 C apply.			
i. Minimum Rear Yard	A detached accessory dwelling unit may be located within a required rear yard when it is not within 5 feet of the rear lot line, unless the rear lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at the rear lot line.[4]			
j. Location of Entry	Entrances to detached accessory dwelling units may not be located on facades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.			
k. Maximum Height Limits[5]	Lot Width (feet)			
	Less than 30	30-35	36-40	41 or greater
(1) Maximum Structure Height (feet)	12	14	15	16
(2) Maximum Structure Height with Pitched Roof (feet)	15	21	22	23
(3) Maximum Structure Height with Shed or Butterfly Roof (feet); see Exhibit 23.44.041 B.	15	18	19	20
Footnotes:				
1. Exceptions to the standards contained in subsections a through j are permitted pursuant to 23.44.041B2, when converting existing nonconforming structures. 2. For lots that do not meet the lot depth requirement, but have a greater width than depth and an area greater than five thousand (5,000) square feet, a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard. 3. Areas below grade are exempt from the calculation of gross floor area. 4. When the rear lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within twelve (12) feet of the centerline of the alley. 5. Features such as chimneys, antennas, and flagpoles may extend up to four (4) feet above the maximum allowed height. The additional height for sloped lots permitted by 23.44.012B does not apply.				

Exhibit 23.44.041 B: Explanation of Terms for Shed and Butterfly Roofs for Detached Accessory Dwelling Units.

GRAPHIC UNAVAILABLE: Click here

3. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard may be converted into a detached accessory dwelling unit if:

   a. the accessory structure complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance Code, SMC chapter 22.206; and

   b. nonconformity with the development standards for accessory dwelling units contained in Sections 23.044.041A4 and 23.044.041B1 is not increased; and

c. the applicant can demonstrate that the accessory structure was constructed prior to June 1, 1999.

C. Owner Occupancy.

1. Requirement. An owner of the property must occupy either the principal dwelling unit or the accessory dwelling unit for more than six (6) months of each calendar year.

2. Violation. If there is a violation of the requirements of subsection C1, the owner shall:

a. Re-occupy the structure; or

b. Remove the accessory dwelling unit; or

c. Submit evidence to the Director showing good cause why the requirement for owner occupancy should be waived. Good cause may include job dislocation, sabbatical leave, education, or illness. Upon such showing the Director may waive the requirement for up to three (3) years; and

d. Be subject to the penalties provided in Sections 23.90.018, 23.90.019 and 23.90.020.

3. Deed Restriction. Prior to issuance of a permit establishing an accessory dwelling unit, the owner shall sign under oath, and the Department of Planning and Development shall record in the King County Office of Records and Elections, an agreement by the owner(s) that is binding on subsequent owners, in a form prescribed by the Director, agreeing to:

a. Comply with the requirements of this subsection C; and

b. Notify all prospective purchasers of the requirements of this subsection C.

D. Single-family Status Unaffected. A single-family lot with an accessory dwelling unit shall be considered a single-family residence for purposes of rezone criteria (Section 23.34.011).

E. DPD shall report annually to the Urban Development and Planning Committee or its successor committee on detached and attached accessory dwelling unit permit activity in the geographic area described in Section 23.44.041.B.1. This reporting shall include the number of applications filed since the previous annual report, the number of permits issued and the number of permits finaled since the previous annual report, and the location and dispersion of the accessory dwelling units that were the subject of all permit applications since the previous report, indicating which have been denied, which have been issued, which have been finaled, whether any waivers were granted for parking, and which are still in the application stage.
(Ord. 122190, § 8, 2006; Ord. 121477 § 5, 2004; Ord. 121276 § 37, 2003; Ord. 119837 § 1, 2000; Ord. 119617 § 2, 1999: Ord. 119027 § 1, 1998; Ord. 118912 § 36, 1998; Ord. 118794 § 20, 1997; Ord. 118672 § 4, 1997; Ord. 118472 § 3, 1997: Ord. 117203 § 2, 1994.)
1. Editor's Note: Ordinance 118472 was signed by the Mayor on February 4, 1997 and became effective March 4, 1997.

23.44.042 Parking and private garages.

A. Private garages shall be permitted as accessory uses in single-family zones and shall be subject to the development standards of Section 23.44.016 when located in a required yard or to the development standards for principal structures when not located in a required yard.

B. Parking accessory to a single-family structure existing on June 11, 1982 may be established on another lot if all the following conditions are met:

1. There is no vehicular access to permissible parking areas on the lot;

2. Any garage constructed is for no more than two (2) two (2) axled or two (2) up-to-four (4) wheeled vehicles;

3. The garage is located and screened or landscaped as required by the Director, who shall consider development patterns of the block or nearby blocks;

4. The garage lot is within the same block or across the alley from the principal use lot;

5. The garage shall meet the standards of Section 23.44.016 E;

6. The accessory parking shall be tied to the lot of the principal use by a covenant or other document recorded with the King County Department of Records and Elections.

C. Parking accessory to a floating home may be located on another lot if within six hundred (600) feet of the lot on which the floating home is located and if screened in accordance with Section 23.44.016 E. (Ord. 117263 § 13, 1994; Ord. 111390 § 10, 1983: Ord. 110669 §§ 13(part), 32(part), 1982: Ord. 110381 § 1(part), 1982.)

23.44.044 Swimming pools.

Private, permanent swimming pools, hot tubs and other similar uses are permitted as accessory uses to a single-family structure subject to the following specific development standards:

A. Private, permanent swimming pools, hot tubs and other similar uses over eighteen (18) inches above existing grade are subject to the development standards for accessory uses.

B. Private, permanent swimming pools, hot tubs and other similar uses projecting not more than eighteen (18) inches above existing grade shall not be counted in lot coverage.

C. Private, permanent swimming pools, hot tubs and other similar uses may be placed in a required front or rear yard, provided that:

1. No part of the structure shall project more than eighteen (18) inches above existing lot grade in a required front yard; and

2. No part of the structure shall be placed closer than five (5) feet to any front or side lot line.

D. All swimming pools shall be enclosed with a fence, or located within a yard enclosed by a fence, not less than four (4) feet high and designed to resist the entrance of children.
(Ord. 118414 § 13, 1996; Ord. 117263 § 14, 1994; Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.046 Solar collectors.

A. Solar collectors are permitted outright as an accessory use to any principal use permitted outright or to a permitted conditional use subject to the following development standards:

1. Solar collectors, including solar greenhouses which meet minimum standards and maximum size limits as determined by the Director, shall not be counted in lot coverage.

2. Solar collectors except solar greenhouses attached to principal use structures may exceed the height limits of single-family zones by four (4) feet or extend four (4) feet above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than nine (9) feet above the height limit established for the zone (see Exhibit 23.44.046 A). A solar collector which exceeds the height limit for single-family zones shall be placed so as not to shade an existing solar collector or property to the north on January 21st, at noon, any more than would a structure built to the maximum permitted height and bulk.

3. Solar collectors and solar greenhouses meeting minimum written energy conservation standards administered by the Director may be located in required yards according to the following conditions:

   a. In a side yard, no closer than three (3) feet from the side property line; or

   b. In a rear yard, no closer than fifteen (15) feet from the rear property line unless there is a dedicated alley, in which case the solar collector shall be no closer than fifteen (15) feet from the centerline of the alley; or

   c. In a front yard, solar greenhouses which are integrated with the principal structure and have a maximum height of twelve (12) feet may extend up to six (6) feet into the front yard. In no case shall the greenhouse be located closer than five (5) feet from the front property line.

B. Nonconforming Solar Collectors. The Director may permit the installation of solar collectors which cause an existing structure to become nonconforming, or which increase an existing nonconformity, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such installation may be permitted even if it exceeds the height limit established in Section 23.44.046 A2, so long as total structure height including solar collectors does not exceed thirty-nine (39) feet above existing grade and the following conditions are met:

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

2. Such collector(s) are located so as to minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for the collectors;

3. Such collector(s) meet minimum written energy conservation standards administered by the Director; and

4. The collector(s) add no more than seven (7) feet of height to the existing structure. To minimize view blockage or shadow impacts, the Director shall have the authority to limit a nonconforming solar collector to less than seven (7) additional feet of height.

(Ord. 113401 § 3, 1987: Ord. 111590 § 1, 1984: Ord. 110793 § 6, 1982; Ord. 110669 §§ 13(part), 32(part), 1982: Ord. 110381 § 1(part), 1982.)

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23.44.048 Keeping of animals.

The keeping of animals is regulated by Section 23.42.052, Keeping of Animals.

(Ord. 122311, § 35, 2006; Ord. 116694 § 1, 1993; Ord. 110669 §§ 13(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.050 Home occupations.

Home occupations are regulated by Section 23.42.050, Home Occupations.

(Ord. 122311, § 36, 2006; Ord. 122190, § 9, 2006; Ord. 117263 § 15, 1994; Ord. 114875 § 3, 1989; Ord. 113387 § 1, 1987: Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.051 Bed and breakfasts.

A bed and breakfast use is permitted if it meets the following standards:

A. General Provisions.

1. The bed and breakfast use must have a business license issued by the Department of Finance;

2. The bed and breakfast use must be operated by an owner who owns at least a fifty (50) percent interest in the dwelling in which the bed and breakfast is located;

3. An owner who owns at least a fifty (50) percent interest in the dwelling must reside in the structure in which the bed and breakfast use is located during any period in which rooms are rented to guests;

4. No more than two (2) people who reside outside the dwelling unit may be employed, with or without compensation, in the operation of the bed and breakfast use;

5. The bed and breakfast use is operated within the principal structure, and a bed and breakfast use may not locate in a principal structure that is less than five (5) years old;

6. There is no evidence of the bed and breakfast use from the exterior of the structure except for a sign permitted by Section 23.55.020D1;

7. The bed and breakfast use has no more than five (5) guest rooms, provided that this limitation does not apply to bed and breakfasts that were established on or before and have been continuously operated as a bed and breakfast since April 1, 1987; and

8. Parking is provided as required in Chapter 23.54.

B. Alterations to single-family structures. Interior and exterior alterations consistent with the development standards of the underlying zone are permitted.

C. Dispersion. Any lot line of property containing any proposed new bed and breakfast use must be located six hundred (600) feet or more from any lot line of any other bed and breakfast use.

D. Neighborhood Mitigation provisions.

1. The owner will make public transit information available to patrons, and the owner's operating plan must describe how the transit information will be made available to patrons.

2. The design of the structure in which the use is located and the orientation of the access will minimize impacts, such as noise, light and parking, to neighboring structures.

3. The owner's operating plan includes quiet hours, limits on programmed on-site outdoor activities, and parking policies to minimize impacts on residential neighbors.

4. The delivery of goods and services associated with the bed and breakfast use are accommodated at a time and in a manner that will limit, to the extent feasible, impacts on surrounding properties.

5. The operating plan shall be distributed to all residents and property owners within three hundred (300) feet of the proposed bed and breakfast use. The distributed plan shall reference this Section and provide contact information for the Department of Planning and Development's Review and Inspection Center and contact information for the operator of the bed and breakfast. Applicants for a permit to establish a bed and breakfast use shall provide proof to the Department of Planning and Development that they made a good faith effort to provide the required distribution prior to issuance of a permit establishing the use.

(Ord. 122208, § 1, 2006; Ord. 121285 § 1, 2003; Ord. 120181 § 151, 2000; Ord. 118414 § 14, 1996: Ord. 117169 § 138, 1994: Ord. 113800 § 2, 1988.)

23.44.052 Open wet moorage.

Piers and floats for open wet moorage of private pleasure craft are permitted as regulated by the Shorelines District, Chapter 23.60.

(Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.058 Columbariums, garden wall crypts and mausoleums.

Columbariums, garden wall crypts and mausoleums are permitted only as accessory to existing cemeteries except that columbariums and garden wall crypts may also be accessory to religious facilities, and subject to the general development standards for accessory uses. In addition, no interment openings shall abut or be directly across the street from property other than cemetery property. For columbariums, garden wall crypts and mausoleums accessory to existing cemeteries, any border between structures and the property line shall be landscaped and maintained by the owner in good condition. For columbariums and garden wall crypts accessory to religious facilities, the landscaping requirements of SMC Section 23.44.022 I applicable to religious facilities and other institutions shall apply.
(Ord. 118720 § 1, 1997: Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.060 Uses accessory to parks and playgrounds.

A. The following accessory uses shall be permitted in any park when within a structure or on a terrace abutting the structure:

1. The sale and consumption of beer during daylight hours;

2. The sale and consumption of alcoholic beverages under a Class H liquor license at municipal golf courses during established hours of operation.

When the use is within one hundred (100) feet from any lot in a residential zone the use shall be completely enclosed.

B. The sale and consumption of beer and wine with meals served in a restaurant facility within the boundaries of Woodland Park shall be permitted. The use shall be permitted in only one (1) facility located no closer than one hundred (100) feet from any lot in a residential zone and separated from other public activity areas and zoo buildings by at least fifty (50) feet.

C. Storage structures and areas and other structures and activities customarily associated with parks and playgrounds are subject to the following development standards in addition to the general development standards for accessory uses:

1. Any active play area shall be located thirty (30) feet or more from any lot in a single-family zone.

2. Garages and service or storage areas shall be screened from view from abutting lots in residential zones.
(Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.068 Heat recovery incinerator.

The Director may permit a heat recovery incinerator as an accessory use to institutions, public facilities and parks and playgrounds, subject to the following conditions:

A. The incinerator shall be located on the same lot as the institution or public facility.

B. An incinerator in a park or playground shall be permitted only when a permanent structure other than that which houses the incinerator exists and the incinerator abuts the structure.

C. The use shall be located no closer than one hundred (100) feet to any property line unless completely enclosed within a structure.

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

E. Adequate control measures for insects, rodents and odors shall be maintained continuously.
(Ord. 110669 §§ 17, 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.070 Recycling collection stations.

The Director may permit recycling collection stations as accessory uses to institutions and public facilities. These recycling collection stations shall be maintained in good condition by the respective institution or public facility.
(Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.072 Roomers, boarders, lodgers.

The renting of rooms, with or without meals, by a household for lodging purposes only, for the accommodation of not more than two (2) roomers, boarders or lodgers, is permitted outright as an accessory use within a dwelling unit as long as the total number of residents does not exceed eight (8).
(Ord. 117202 § 2, 1994: Ord. 111390 § 11, 1983.)

Chapter 23.45

RESIDENTIAL, MULTI-FAMILY

Sections:

23.45.002 Scope of provisions.

A. This chapter details those authorized uses and their development standards which are or may be permitted in the seven (7) multifamily residential zones: Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Lowrise 2 (L2), Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR), Midrise/85 (MR/85) and Highrise (HR).

B. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this chapter and additional regulations in Chapter 23.57.

C. In addition to the provisions of this chapter, certain multifamily areas may be regulated by Overlay Districts, Chapter 23.59.

(Ord. 120928 § 5, 2002; Ord. 118414 § 15, 1996; Ord. 116795 § 5, 1993; Ord. 116295 § 3, 1992: Ord. 114196 § 3, 1988: Ord. 110570 § 3(part), 1982.)

Subchapter I

Principal Uses Permitted Outright

Part 1 Generally

23.45.004 Principal uses permitted outright.

A. The following principal uses are permitted outright in all multifamily zones:

1. Single-family dwelling units;

2. Multifamily structures;

3. Congregate residences;

4. Adult family homes;

5. Nursing homes;

6. Assisted living facilities;

7. Institutions meeting all development standards;

8. Major Institution and Major Institution uses within Major Institution Overlay Districts subject to

Chapter 23.69;

9. Public facilities meeting all development standards; and

10. Parks and open space including customary buildings and activities.

B. In Midrise and Highrise zones certain ground-floor business and commercial uses are permitted outright according to the provisions of Section 23.45.110.

C. Uses in existing or former public schools:

1. Child care centers, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly and similar uses are permitted in existing or former public schools.

2. Other non-school uses may be permitted in existing or former public schools pursuant to procedures established in Chapter 23.78, Establishment of Criteria for Joint Use or Reuse of Schools.

D. Medical service use, meeting the development standards for institutions, are permitted outright on property conveyed by a deed from the City that, at the time of conveyance, restricted the property's use to a health care or health-related facility.
(Ord. 122311, § 37, 2006; Ord. 119238 § 1, 1998; Ord. 119151 § 1, 1998; Ord. 118984 § 2, 1998: Ord. 118362 § 6, 1996; Ord. 117263 § 16, 1994; Ord. 117202 § 3, 1994; Ord. 115002 § 5, 1990: Ord. 114887 § 2, 1989: Ord. 114196 § 4, 1988: Ord. 110793 § 8, 1982; Ord. 110570 § 3(part), 1982.)

23.45.005 Development standards for single-family structures.

A. Except for cottage housing developments, single-family structures shall be subject to the development standards for ground-related housing, except that open space shall be provided according to the provisions for single-family structures in each zone, in Section 23.45.016 of this chapter.

B. Certain additions may extend into a required setback when an existing single-family structure is already nonconforming with respect to that setback where the presently nonconforming section is at least sixty (60) percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, which may extend up to the height limit and may include basement additions (Exhibit 23.45.005 A). New additions to a nonconforming wall or walls shall comply with the following requirements:

1. When it is a side wall, it is at least three (3) feet from the side property line;

2. When it is a rear wall, it is at least ten (10) feet from the rear property line or centerline of an alley abutting the rear property line;

3. When it is a front wall, it is at least ten (10) feet from the front property line.

C. Cottage housing developments shall be permitted outright in Lowrise Duplex/Triplex and Lowrise 1 zones when conforming to the requirements contained in Sections 23.45.006 through 23.45.018 and the following:

1. Cottage housing developments shall contain a minimum of four (4) cottages arranged on at least two (2) sides of a common open space, with a maximum of twelve (12) cottages per development; and

2. The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or nine hundred seventy-five (975) square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than twelve (12) feet above finished grade, or below the main level, shall be limited to no more than fifty (50) percent of the enclosed space of the main level, or three hundred seventy-five (375) square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces.

D. An accessory dwelling unit in an established single-family dwelling shall be considered an accessory use to the single-family dwelling, shall meet the standards listed for accessory dwelling units in Section 23.44.041 and shall not be considered a separate dwelling unit for any development standard purposes in multifamily zones.
(Ord. 119239 § 13, 1998; Ord. 118794 § 22, 1997; Ord. 118472 § 4, 1997; Ord. 117203 § 3, 1994; Ord. 117173 § 1, 1994; Ord. 110793 § 9, 1982; Ord. 110570 § 3(part), 1982.)

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23.45.006 General development standards for structures in multifamily zones.

A. Included within Sections 23.45.006 through 23.45.166 are the development standards for structures in each multifamily zone. These standards shall also apply to uses accessory to multifamily structures unless specifically modified by development standards for those accessory uses.

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

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

D. An exception from one (1) specific standard does not relieve the applicant from compliance with any other standard.

E. Methods for measurements are provided in Chapter 23.86. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking access and design are provided in Chapter 23.54. Standards for permitted signs are provided in Chapter 23.55.

F. In Lowrise 1 zones all multifamily structures shall be ground-related units, except that apartments are permitted on a lot whose platted width as of the effective date of the ordinance codified in this section[1] is less than forty (40) feet, or in a structure existing as of January 26, 1990 where density limits of the zone would not be exceeded and new floor area would not be added. The requirements of this subsection shall not be eligible for a variance according to the provisions of Section 23.40.020.

G. A structure occupied by a permitted use other than single-family or multifamily residential use may be partially or wholly converted to single-family or multifamily residential use even if the structure does not conform to the development standards for residential uses in the multifamily zones. One (1) unit may be added without a parking space according to provisions of Section 23.54.020. If the only use of the structure will be residential and if two (2) or more units are being created and there is no feasible way to provide the required parking, then the Director may authorize reduction or waiver of parking as a special exception according to the standards of Section 23.54.020 E. Expansions of nonconforming converted structures and conversions of structures occupied by nonconforming uses shall be regulated by Sections 23.42.108 and 23.42.110.

H. When a subdivision is proposed for townhouses, cottage housing, clustered housing, or single-family residences in Lowrise zones, the subdivision shall be subject to the provisions of Section 23.24.045, Unit lot subdivisions.

I. When construction of townhouses, cottage housing, clustered housing, or single-family residences in Lowrise zones is proposed on a series of adjoining legally platted lots where each dwelling unit is contained within the existing boundaries of each existing lot, these lots may be sold as separate legal sites without unit subdivision approval but subject to the provisions of Section 23.24.045, Unit lot subdivisions.

J. Except as provided in subsections H and I above, multifamily zoned lots that have no street frontage shall be subject to the following for purposes of structure width, depth, modulation and setbacks:

1. For lots that have only one (1) alley lot line, the alley lot line shall be treated as a front lot line.

2. For lots that have more than one (1) alley lot line, only one (1) alley lot line shall be treated as a front lot line.

3. For lots that have no alley lot lines, the applicant may choose the front lot line provided that the selected front lot line length is at least fifty (50) percent of the width of the lot.

K. Solid Waste and Recyclable Materials Storage Space.

1. Storage space for solid waste and recyclable materials containers shall be provided for all new and expanded multifamily structures as indicated in the table below. For the purposes of this subsection, "expanded multifamily structure" means expansion of multifamily structures with ten (10) or more existing units by two (2) or more units.

Multifamily Structure Size	Minimum Area for Storage Space	Container Type
7-15 units	75 square feet	Rear-loading containers
16-25 units	100 square feet	Rear-loading containers
26-50 units	150 square feet	Front-loading containers
51-100 units	200 square feet	Front-loading containers

More than 100 units	200 square feet plus 2 square feet for each additional unit	Front-loading containers

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

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

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

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

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

   a. The storage space shall be located within the private property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street facing facade of the structure and the street;

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

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

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

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

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

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

      (2) Any proposed gates or access routes shall be a minimum of six (6) feet wide; and

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

      (1) Direct access shall be provided from the alley or street to the containers,

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

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

5. The solid waste and recyclable materials storage space specifications required in subsections K1, 2, 3, and 4 of this section, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

6. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to modify the requirements of subsections K1, 2, 3, and 4 of this section under the following circumstances:

a. When the applicant can demonstrate difficulty in meeting any of the requirements of subsections K1, 2, 3, and 4; or

b. When the applicant proposes to expand a multifamily building, and the requirements of subsections K1, 2, 3, and 4 conflict with opportunities to increase residential densities; and

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

(Ord. 120293 §§ 6, 7, 2001; Ord. 120117 § 8, 2000; Ord. 119836 § 1, 2000; Ord. 119242 § 4, 1998; Ord. 118794 § 23, 1997; Ord. 118414 § 16, 1996; Ord. 117430 § 43, 1994; Ord. 117173 § 2, 1994; Ord. 115326 § 6, 1990; Ord. 115043 § 2, 1990; Ord. 114887 § 3, 1989: Ord. 113041 § 1, 1986; Ord. 111390 § 14, 1983; Ord. 110570 § 3(part), 1982.)

1. Editor's Note: Ordinance 119242, codified in this section, was passed by the City Council on November 30, 1998.

23.45.007 Transportation concurrency level-of-service standards.

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

Part 2 Lowrise Zones

23.45.008 Density--Lowrise zones.

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

Lowrise Duplex/	
Triplex	--One (1) dwelling unit per two thousand (2,000) square feet of lot area.
Lowrise 1	--One (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area.

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

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

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

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

2. In order to qualify for the density provisions of this subsection B, a majority of the dwelling units of the structure shall be designed for and dedicated to tenancies of at least three (3) months.

3. The dwelling units shall remain as a low-income disabled multifamily structure, low-income elderly multifamily structure, or low-income elderly/low-income disabled multifamily structure for the life of the structure.

C. In the Lowrise Duplex/Triplex zone, the minimum lot area per dwelling unit for cottage housing developments shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area. In Lowrise Duplex/Triplex and Lowrise 1 zones, the minimum lot area for cottage housing developments shall be six thousand four hundred (6,400) square feet.

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

E. When dedication of right-of-way is required, permitted density shall be calculated before the dedication is made.

F. Adding Units to Existing Structures in Multifamily zones.

1. In all multifamily zones, one additional dwelling unit may be added to an existing multifamily structure regardless of the density restrictions in subsections A, B and C above. This provision shall only apply when the proposed unit is to be located entirely within an existing structure.

2. For the purposes of this subsection "existing structures" shall be those structures or portions of structures that were established under permit, or for which a permit has been granted and has not expired as of October 31, 2001.

(Ord. 122235, § 2, 2006; Ord. 120608 § 1, 2001: Ord. 119242 § 5, 1998; Ord. 119239 § 14, 1998; Ord. 117173 § 3, 1994; Ord. 115326 § 7, 1990; Ord. 114888 § 2, 1989; Ord. 114887 § 4(part), 1989.)

23.45.009 Structure height--Lowrise zones.

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

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

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

C. Pitched Roofs.

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

2. In cottage housing developments, the ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty-eight (28) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend up to twenty-three (23) feet. All parts of the roof above eighteen (18) feet shall be pitched.

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

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

D. Rooftop Features.

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

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend

no higher than the ridge of a pitched roof permitted under subsection C above or four (4) feet above the maximum height limit set in subsection A of this section. For cottage housing developments, these rooftop features may extend four (4) feet above the eighteen (18) foot height limit.

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

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

   a. Stair and elevator penthouses;

   b. Mechanical equipment;

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

   d. Chimneys;

   e. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

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

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

   a. Solar collectors;

   b. Planters;

   c. Clerestories;

   d. Greenhouses;

   e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Chapter 23.57.011;

   f. Nonfirewall parapets;

g. Play equipment.

7. For height limits and exceptions for communication utilities and devices, Section 23.57.011.

E. Sloped Lots. Additional height shall be permitted for sloped lots, at the rate of one (1) foot for each six (6) percent of slope, to a maximum of five (5) feet. The additional height shall be permitted on the downhill side of the structure only, as described in Section 23.86.006 C.
(Ord. 120928 § 6, 2002; Ord. 120609 § 6, 2001; Ord. 120117 § 9, 2000; Ord. 119242 § 6, 1998; Ord. 117173 § 4, 1194: Ord. 116295 § 4, 1992; Ord. 115043 § 3, 1990; Ord. 114909 § 1, 1990; Ord. 114888 § 3, 1989; Ord. 114887 § 4(part), 1989.)

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23.45.010 Lot coverage--Lowrise zones.

A. Except as provided in subsection C of this section, the maximum lot coverage permitted for principal and accessory structures shall not exceed the following limits:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Decks or parts of a deck that are eighteen (18) inches or less above existing grade.

(Ord. 118794 § 24, 1997; Ord. 118414 § 17, 1996; Ord. 117430 § 44, 1994; Ord. 117173 § 5, 1994: Ord. 114888 § 4, 1989; Ord. 114887 § 4(part), 1989.)

23.45.011 Structure width and depth--Lowrise zones.

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

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

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

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23.45.012 Modulation requirements--Lowrise zones.

A. Front Facades.

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

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

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

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

D. Modulation Standards.

1. Lowrise Duplex/Triplex and Lowrise 1 Zones.

a. Minimum Depth of Modulation.

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

(2) When balconies are part of the modulation and have a minimum dimension of at least six (6) feet and a minimum area of at least sixty (60) square feet, the minimum depth of modulation shall be two (2) feet. (See Exhibit 23.45.012 C.)

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

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

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

a. Minimum Depth of Modulation.

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

(2) When balconies are part of the modulation and have a minimum dimension of at least six (6) feet and a minimum area of at least sixty (60) square feet, the minimum depth of modulation shall be two (2) feet. (See Exhibit 23.45.012 C.)

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

c. Maximum Width of Modulation.

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

(2) Exceptions to Maximum Width of Modulation in Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

i. When facades provide greater depth of modulation than required by subsection D1 of this section, then for every additional full foot of modulation depth, the width of modulation may be increased by two and one-half (2 1/2) feet, to a maximum width of forty (40) feet in Lowrise 2 zones and forty-five (45) feet in Lowrise 3 and Lowrise 4 zones. Subsection B of Section 23.86.002, measurements, shall not apply.

ii. The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guideline: The width of modulation of such a facade shall be permitted to exceed thirty (30) feet by one (1) foot for every foot of facade setback beyond the required setback. This provision shall not be combined with the provisions of subsection D2c(2)i, nor shall it permit facades to exceed forty-five (45) feet in width without modulation.

3. In Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 zones required modulation may start a maximum of ten (10) feet above existing grade, and shall be continued up to the roof. In Lowrise Duplex/Triplex zones modulation shall extend from the ground to the roof except for weather protection coverings such as awnings.

(Ord. 120117 § 10, 2000; Ord. 114888 § 6, 1989; Ord. 114887 § 4(part), 1989.)

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23.45.014 Setback requirements--Lowrise zones.

A. Front Setback.

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

Lowrise Duplex/ Triplex --	In no case shall the setback be less than five (5) feet and it shall not be required to exceed twenty (20) feet.
Lowrise 1, Lowrise 2 and Lowrise 3 --	In no case shall the setback be less than five (5) feet and it shall not be required to exceed fifteen (15) feet.
Lowrise 4 --	In no case shall the setback be less than five (5) feet and it shall not be required to exceed twenty (20) feet.

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

3. Townhouses.

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

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

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

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

B. Rear Setbacks. Rear setbacks shall be provided as follows:

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

Lowrise 2--Twenty-five (25) feet or twenty (20) percent of lot depth, whichever is less, but in no

case less than fifteen (15) feet.

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

2. Alleys. When a property abuts upon an alley along a rear lot line, the centerline of the alley between the side lot lines extended shall be used as the rear lot line for purposes of measuring a rear setback; provided that at no point shall the principal structure be closer than ten (10) feet to the actual property line at the alley. If the provisions of subsection H of this section are used, this subsection may not be used.

C. Side Setbacks.

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

Table 23.45.014 A
Side Setbacks-Lowrise Zones

Height of Side Facade
at Highest Point in Feet

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

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

2. When there is a principal entrance along a side facade not facing a street or alley, the following shall apply except for cottage housing developments:

a. In addition to the setback required in Table 23.45.014 A, the principal entrance door(s) shall be recessed three (3) feet. This requirement for a recessed entrance shall apply only to a height necessary to accommodate the entrance.

b. Screening along the side property line that faces the principal entrance(s) shall be provided in the form of a wall or fence that meets the standard in subsection G of this section. In order to ensure adequate access width, this screening shall supersede the landscape requirement along property lines that abut single-family zoned lots contained

in Section 23.45.015 B1b.

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

D. Required Setbacks for Cluster Developments.

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

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

Table 23.45.014 C
Required Setback Between Facing Facades
Lowrise Zones

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

3. Setbacks shall apply only to portions of the facades that are directly across from each other.

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

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

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

c. All elevated walkways shall meet the following standards:

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

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

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

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

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

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

F. Projections into Required Setbacks.

1. Special Features of a Structure.

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

b. Bay windows shall be limited to eight (8) feet in width and may project no more than two (2) feet into a front, rear, or street side setback. In no case shall bay windows be closer than five (5) feet to any lot line.

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

d. The combined area of features permitted in subsections F1b and c above may comprise no more than thirty (30) percent of the area of the facade.

2. Unenclosed Decks and Balconies.

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

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

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

d. All permitted projections into required front and rear setbacks shall begin a minimum of eight (8) feet above finished grade.

3. An unenclosed porch or steps may extend a maximum of six (6) feet into the required front setback at ground level, provided that it is set back the same distance from the front lot line as that required for unenclosed decks and balconies.

G. Structures in Required Setbacks.

1. Detached garages, carports, or other accessory structures are permitted in the required rear setback, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure. (See Exhibit 23.45.014 A.)

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

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

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

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

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

Architectural features may be added to the top of the fence or freestanding wall above the six (6) foot height when the following provisions are met: horizontal architectural feature(s), no more than ten (10) inches high and separated by a minimum of six (6) inches of open area, measured vertically from the top of the fence, may be

permitted when the overall height of all parts of the structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.

b. The Director may allow variation from the development standards listed in subsection G4a above, according to the following:

i. No part of the structure may exceed eight (8) feet;

ii. Any portion of the structure above six (6) feet shall be predominately open, such that there is free circulation of light and air.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9 1/2) feet.

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

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

6. Underground structures are permitted in all setbacks.

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

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

a. In each required setback, an arbor may be erected with no more than a forty (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

b. In each required setback abutting a street, an arbor over a private pedestrian walkway with no more than a thirty (30) square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of eight (8) feet. The

sides of the arbor shall be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

H. Front and rear setbacks on lots containing certain environmentally critical areas or buffers may be reduced pursuant to the provisions of Sections 25.09.280 and 25.09.300.

(Ord. 122050 § 8, 2006; Ord. 120410 § 6, 2001; Ord. 120117 § 11, 2000; Ord. 119791 § 7, 1999; Ord. 119242 § 7, 1998; Ord. 119239 § 15, 1998; Ord. 118794 § 25, 1997; Ord. 118414 § 18, 1996; Ord. 117430 § 45, 1994; Ord. 117263 § 17, 1994; Ord. 117173 § 6, 1994; Ord. 116262 § 11, 1992; Ord. 115326 § 8, 1990; Ord. 115043 § 4, 1990; Ord. 114888 § 7, 1989; Ord. 114887 § 4(part), 1989.)

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23.45.015 Screening and landscaping requirements--Lowrise zones.

A. Quantity.

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

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

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

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

5. Exceptions.

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

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

B. Development Standards.

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

   a. Along street property lines;

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

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

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

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

C. Tree Requirements in Landscaped Areas in Lowrise Duplex/Triplex, Lowrise 1, and Lowrise 2 Zones.

1. Trees shall be required when new lowrise multifamily dwelling units are constructed. This requirement may be met using options in subsection C1a or C1b below. The minimum number of caliper inches of tree required per lot may be met through using either the tree preservation option or tree planting option set forth below, or through a combination of preservation and planting. Trees within public and private rights-of-way may not be used to meet this standard.

   a. Tree Preservation Option. For lots over three thousand (3,000) square feet, at least two (2) caliper inches of existing tree per one thousand (1,000) square feet of lot area must be preserved. On lots that are three thousand (3,000) square feet or smaller, at least three (3) caliper inches of existing tree must be preserved per lot. When this option is used, a tree preservation plan is required.

   b. Tree Planting Option. For lots over three thousand (3,000) square feet, at least two (2) caliper inches of tree per one thousand (1,000) square feet of lot area must be planted. On lots that are three thousand (3,000) square feet or smaller, at least three (3) caliper inches of tree must be planted per lot.

2. Tree Measurements. Trees planted to meet the requirements in subsection C1 above shall be at least one and one-half (1.5) inches in diameter. The diameter of new trees shall be measured (in caliper inches) six (6) inches above the ground. Existing trees shall be measured four and one-half (4.5) feet above the ground. When an existing tree is three (3) to ten (10) inches in diameter, each one (1) inch counts as one (1) inch toward meeting the tree requirements in subsection C1 above. When an existing tree is more than ten (10) inches in diameter, each one (1) inch of the tree that is over ten (10) inches shall count as three (3) inches toward meeting the tree requirement.

3. Tree Preservation Plans. If the tree preservation option is chosen, a tree preservation plan must be submitted and approved. The plan may be submitted as part of the overall landscaping plan for the project. Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the Department of Planning and Development.

(Ord. 121477 § 6, 2004; Ord. 121276 § 37, 2003; Ord. 120117 § 12, 2000; Ord. 119792 § 2, 1999; Ord. 118409 § 178, 1996: Ord. 116744 § 2, 1993; Ord. 114887 § 4(part), 1989.)

23.45.016 Open space requirements--Lowrise zones.

A. Quantity of Open Space.

1. Lowrise Duplex/Triplex Zones.

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

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

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

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

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

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

2. Lowrise 1 Zones.

a. Ground-related Housing.

(1) An average of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required, except for cottage housing developments. No unit shall have less than two hundred (200) square feet of private, usable open space. When a new unit that is

not a ground-related unit is added to an existing structure, common open space at ground level shall be provided for the new unit. As long as the average per unit amount of open space is maintained at three hundred (300) square feet on the lot, a minimum of two hundred (200) square feet of common open space at ground level shall be provided for the unit but it does not have to be directly accessible to the unit.

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

b. Apartments. An average of three hundred (300) square feet per unit of common open space, with a minimum of two hundred (200) square feet, shall be provided at ground level, but it does not have to be directly accessible to the unit.

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

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

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

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

a. Ground-related Housing.

(1) In Lowrise 2 and Lowrise 3 zones an average of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required. No unit shall have less than two hundred (200) square feet of private, usable open space.

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

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

b. Apartments.

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

(2) Lowrise 3 and Lowrise 4 Zones.

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

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

B. Development Standards.

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

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

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

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

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

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

(1) In Lowrise 1 zones the required open space shall be provided in one (1) contiguous parcel, except that in cottage housing developments, the open space shall be allotted as described in subsections A2c above and B1c(5) below. In

Lowrise 2, Lowrise 3 and Lowrise 4 zones, the required open space for each ground-related dwelling unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet. No horizontal dimension of the open space shall be less than ten (10) feet.

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

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

i. The open space may be terraced; and

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

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

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

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

(5) Lowrise 1 Zone-Cottage Housing Developments.

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

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

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

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

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

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

2. Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones-Apartments.

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

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

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

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

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

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

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

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

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

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

g. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.011.

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

C. Open Space Relationship to Grade.

1. The elevation of open space for ground-related housing must be within ten (10) feet of the elevation of the dwelling unit it serves. The ten (10) feet shall be measured between the finished floor level of the principal living areas of a dwelling unit and the grade of at least fifty (50) percent of the required open space. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination.

2. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The portion of the open space which is within ten (10) feet of the unit shall include the point where the access to the open space from the unit occurs.

3. The elevation of private usable open space for Lowrise Duplex/Triplex structures must be within four (4) feet of the elevation of the dwelling unit it serves. The four (4) feet shall be measured between the finished floor level of the dwelling unit and the grade of at least fifty (50) percent of the required open space. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The maximum difference in elevation at the point of access shall be four (4) feet.

(Ord. 120928 § 7, 2002; Ord. 120117 § 13, 2000; Ord. 119242 § 8, 1998: Ord. 119239 § 16, 1998; Ord. 118794 § 26, 1997; Ord. 118414 § 19, 1996: Ord. 117173 § 7, 1994: Ord. 115043 § 5, 1990; Ord. 114888 § 8, 1989; Ord. 114887 § 4(part), 1989.)

23.45.017 Light and glare standards--Lowrise zones.

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

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

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

(Ord. 115043 § 6, 1990.)

23.45.018 Parking and access--Lowrise zones.

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

B. Access to Parking.

1. Alley Access Required. Access to parking shall be from the alley when the site abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts. Except as provided in subsections B2 or B3 of this section, street access shall not be permitted.

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

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

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

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

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

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

a. Topography makes alley access infeasible;

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

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

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

C. Location of Parking.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Location of Parking in Special Circumstances.

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

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

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

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

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

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

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

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

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

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

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

width.

D. Screening of Parking.

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

2. The height of the visual barrier created by the screen required in subsection D1 shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three (3) feet in height (see Exhibit 23.45.018 F).

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

(Ord. 120611 § 7, 2001; Ord. 120117 § 14, 2000; Ord. 118414 § 20, 1996; Ord. 117173 § 8, 1994; Ord. 115326 § 9, 1990; Ord. 114888 § 9, 1989: Ord. 114887 § 4(part), 1989.)

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Part 3 (Reserved)

Part 4 (Reserved)

Part 5 Midrise

23.45.047 Midrise/85 zones.

All use and development standards applicable in Midrise zones shall be applicable in Midrise/85 zones, except that the permitted height limit shall be eighty-five (85) feet. Subsections 23.45.050 B and C allowing additional height on sloping sites and for pitched roofs shall not apply.
(Ord. 116795 § 6.)

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

A. Any structure thirty-seven (37) feet or less in height may be developed, at the applicant's option, according to the standards for multifamily structures in Lowrise 4 zones.
(Ord. 118414 § 21, 1996; Ord. 115043 § 7, 1990: Ord. 112972 § 1, 1986.)

23.45.050 Midrise--Structure height.

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

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

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

D. Rooftop Features.

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

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

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

   a. Stair and elevator penthouses;

   b. Mechanical equipment;

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

   d. Chimneys;

   e. Sun and wind screens;

f. Penthouse pavilions for the common use of residents;

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

h. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

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

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

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.011;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

6. For height limits and exceptions for communication utilities and devices, see Section 23.57.011. (Ord. 120928 § 8, 2002; Ord. 120117 § 15, 2000; Ord. 116295 § 5, 1992; Ord. 110793 § 27, 1982; Ord. 110570 § 3(part), 1982.)

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23.45.052 Midrise--Structure width and depth.

A. Maximum Width.

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

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

B. Maximum Depth.

1. The maximum depth of a structure shall be:

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

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

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

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

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

b. When the lot area is larger than seven thousand (7,000) square feet, the required amount of usable open space shall be increased to thirty (30) percent of lot area. Not more than one-third (1/3) of the required open space may be provided above ground in the form of decks and balconies.

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

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

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

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23.45.054 Midrise--Modulation requirements.

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

A. Front Facades.

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

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

B. Side Facades.

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

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

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

D. Modulation Standards.

1. Minimum Depth of Modulation.

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

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

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

3. Maximum Width of Modulation.

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

b. Exceptions to Maximum Width of Modulation.

(1) When facades provide greater depth of modulation than required by subsection D1, then for every additional full foot of modulation depth, the width of modulation may be increased by two and one-half (2 1/2) feet to a maximum of fifty (50) feet and Section 23.86.002 B, Measurements, shall not apply.

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

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

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

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23.45.056 Midrise--Setback requirements.

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

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

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

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

3. Portions of the Structure in Front Setbacks.

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

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

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

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

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

5. Front Setback Exceptions.

   a. Structures Along Heavily Traveled Arterials. In order to reduce noise and glare impacts, multi-family structures located on principal arterials designated on Exhibit 23.53.015 A

shall be allowed a reduction in the required front setback. The required front setback along these arterials may be reduced to either fifty (50) percent of the front setback specified in the development standards, or the front setback of the principal structure on either side, whichever is less.

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

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

d. Sloped Lots. On sloped lots with no alley access, the required front setback shall be fifteen (15) feet minus one (1) foot for each two (2) percent of slope. Slope shall be measured from the midpoint of the front lot line to the rear lot line, or for a depth of sixty (60) feet, whichever is less.

B. Rear Setback. The minimum rear setback shall be either:

1. Ten (10) feet, with modulation required along the rear facade according to the standards of Section 23.45.054 C; or

2. An average of fifteen (15) feet; provided, that no part of the setback shall be less than ten (10) feet.

C. Side Setbacks.

1. The required side setback shall be determined by structure depth and height, according to Table 23.45.056 A. The side setback may be averaged, provided that the setback is not less than three (3) feet for decks, balconies, and architectural features such as chimneys and cornices, and the minimum setback set forth in the table is observed for all portions of the structure.

2. Side Setback Exceptions. The side street setback of a reversed corner lot shall be as follows:

a. When the required front setback of the key lot is less than eight (8) feet, the side street setback shall be equal to the key lot's front setback.

b. When the required front setback of the key lot is at least eight (8) feet but not more than sixteen (16) feet, the side street setback shall be eight (8) feet.

c. When the required front setback of the key lot is greater than sixteen (16) feet, the side street setback shall be one-half (1/2) the depth of the key lot's front setback. The setback may be averaged along the entire structure depth, but shall at no point be less than five (5) feet.

d. When the actual setback of the structure on the key lot is less than eight (8) feet, the side

street setback shall be equal to the distance between the front lot line of the key lot and structure regardless of the front setback requirement.

D. General Setback Exceptions.

1. Required Setbacks for Cluster Developments.

a. Where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be as follows:

Length of Facing Portions of Facades (in feet)	Average Setback (in feet)	Minimum Setback (in feet)
40 or less	15	15
41--60	20	15
61--80	25	15
81--100	30	15
101--150	40	15
151 or more	50	15

b. Structures in cluster developments may be connected by underground garages or elevated walkways; provided, that:

(1) One (1) elevated walkway shall be permitted to connect any two (2) structures in the development;

(2) Additional elevated walkways, in excess of one (1), between any two (2) structures may be permitted by the Director when it is determined that by their location or design a visual separation between structures is maintained;

(3) All elevated walkways shall meet the following standards:

i. The roof planes of elevated walkways shall be at different levels than the roofs or parapets of connected structures.

ii. Walkways shall be set back from street lot lines and the front facades of the structures they connect, and whenever possible shall be located or landscaped so that they are not visible from a street.

iii. The design of the walkways and the materials used shall seek to achieve a sense of openness and transparency.

iv. Elevated walkways shall add to the effect of modulation rather than detract from it.

2. Structures in Required Setbacks.

a. Detached garages, carports or other accessory structures are permitted in the required rear

or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure (Exhibit 23.45.056 D). All such accessory structures shall be no greater than twelve (12) feet in height, with open rails permitted above twelve (12) feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11-Accessibility, are permitted in required front, side or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five (5) feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six (6) feet in height, are permitted in required front, side or rear setbacks.

e. Decks which average no more than eighteen (18) inches above existing grade may project into required setbacks. Such decks shall not be permitted within five (5) feet of any lot line, unless they abut a permitted fence or freestanding wall, and are at least three (3) feet below the top of the fence or wall. The fence or wall shall be no higher than six (6) feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

h. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

(1) Fences, freestanding walls, signs and similar structures six (6) feet or less in height above existing or finished grade whichever is lower, may be erected in each required setback. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.

Architectural features may be added to the top of the fence or freestanding wall above the six (6) foot height when the following provisions are met: horizontal architectural feature(s), no more than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are not more than eight (8) feet high; averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.

(2) The Director may allow variation from the development standards listed in subsection D2h(1) above, according to the following:

i. No part of the structure may exceed eight (8) feet; and

ii. Any portion of the structure above six (6) feet shall be predominately open, such that there is free circulation of light and air.

(3) Bulkheads and retaining walls used to raise grade may be placed in each required setback when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the effective date of the ordinance codified in this section.[1] If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9 1/2) feet.

(4) Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six (6) feet whichever is greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open guardrail of no more than forty-two (42) inches meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3) feet from such a bulkhead or retaining wall.

i. Arbors. Arbors may be permitted in required setbacks under the following conditions:

(1) In each required setback, an arbor may be erected with no more than a forty (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

(2) In each required setback abutting a street, an arbor over a private pedestrian walkway with no more than a thirty (30) square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of eight (8) feet. The sides of the arbor shall be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

3. Front and rear setbacks on lots containing certain environmentally critical areas or buffers may be reduced pursuant to Sections 25.09.280 and 25.09.300.

(Ord. 122050 § 9, 2006; Ord. 120410 § 7, 2001; Ord. 119791 § 8, 1999; Ord. 118414 § 22, 1996; Ord. 116262 § 12, 1992; Ord. 115326 § 10, 1990; Ord. 113203 § 4, 1986; Ord. 113041 § 15, 1986; Ord. 112971 § 8, 1986; Ord. 111390 § 28, 1983; Ord. 110793 § 30, 1982; Ord. 110570 § 3(part), 1982.)

1. Editor's Note: Ordinance 118414 was signed by the Mayor on December 3, 1996 and became effective on January 3, 1997.

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TABLE 23.45.056 A						
Total	Height of Facade at Highest Point in Feet					Minimum
Structure	0--20	21--30	31--40	41--50	51 or more	Side
Depth in						Setback
Feet	Average Side Setback in Feet					in Feet
65 or less	8	8	8	8	8	
66--75	8.5	8.5	8.5	9.0	10.0	
76--85	9.0	9.0	9.0	9.5	10.5	8
86--95	9.5	9.5	9.5	10.0	11.0	
96--105	10.5	11.5	12.5	13.5	14.5	
106--115	12.0	13.0	14.0	15.0	16.0	
116--125	13.5	14.5	15.5	16.5	17.5	9
126--135	15.0	15.0	17.0	18.0	19.0	
136--145	16.5	17.5	18.5	19.5	20.5	
146--155	18.0	19.0	20.0	21.0	22.0	10
156--165	19.5	20.5	21.5	22.5	23.5	
166--175	21.0	22.0	23.0	24.0	25.0	1' in addition
176--185	22.5	23.5	24.5	25.5	26.5	to 10' for
186--195	24.0	26.0	26.0	27.0	28.0	every 30' in
						depth
The pattern established in the table shall be continued for structures greater than one hundred ninety feet (190') in depth.						

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23.45.057 Midrise--Screening and landscaping standards.

A. Quantity.

1. A minimum landscaped area that is equivalent in square footage to three (3) feet times the total length of all property lines shall be provided, except as specified in subsection A5.

2. If screening and landscaping of parking from direct street view is provided according to subsection 23.45.060 D, that amount of landscaped area may be counted towards fulfilling the total amount of landscaped area required by this section.

3. Landscaped usable open space that is provided for apartments or terraced housing according to Section 23.45.058 and located at ground level, may be counted towards fulfilling the total amount of landscaped area required by this section.

4. Street trees shall be provided in the planting strip according to Seattle Department of Transportation Tree Planting Standards, unless it is not possible to meet the standards. Existing street trees may count toward meeting the street tree requirement.

5. Exceptions.

a. If full landscaping is not possible because of the location of existing structures and/or existing parking, the amount of required landscaped area may be reduced by up to fifty (50) percent. The Director may require landscaping which cannot be provided on the lot be provided in the planting strip.

b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the Director may reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall apply to screening and landscaping of parking required by subsection 23.45.060 D or open space required by Section 23.45.058.

B. Development Standards.

1. Except for the screening and landscaping of parking, which shall be provided according to subsection 23.45.060 D, landscaping may be provided on all sides of the lot, or may be concentrated in one (1) or more areas. However, a landscaped area at least three (3) feet deep shall be provided at the following locations, except as provided in subsection B2:

a. Along street property lines;

b. Along property lines which abut single-family zoned lots;

c. Along alleys across from single-family zoned lots.

2. Breaks in required screening and landscaping shall be permitted to provide pedestrian and vehicular access. Breaks in required screening and landscaping for vehicular access shall not exceed the width of permitted curb cuts and any required sight triangles. When an alley is used as an aisle, the Director may reduce or waive the required screening or landscaping along the alley.

3. Required landscaping shall meet standards promulgated by the Director.

(Ord. 121477 § 7, 2004; Ord. 118409 § 179, 1996: Ord. 116744 § 3, 1993; Ord. 114046 § 10, 1988.)

23.45.058 Midrise--Open space requirements.

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity.

1. Ground-related Housing.

a. A minimum of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required. Decks may project into setbacks in accordance with 23.45.056 D.

b. On lots with slopes of twenty (20) percent or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit.

2. Apartments.

a. A minimum of twenty-five (25) percent of the lot area shall be provided as usable open space at ground level, except as provided in subsection A2b.

b. A maximum of one-third (1/3) of the required open space may be provided above ground in the form of balconies or decks if the total amount of required open space is increased to thirty (30) percent of lot area.

3. Terraced Housing on Slopes of Twenty-five (25) Percent or More.

a. A minimum of forty (40) percent of the lot area shall be provided as usable open space.

b. Ground-level open space may be reduced from forty (40) percent to ten (10) percent of lot area when an equivalent amount of open space is provided above ground in the form of balconies, decks and/or rooftop areas.

B. Development Standards.

1. Required open space shall be landscaped according to standards promulgated by the Director.

2. Ground-related Housing.

a. The required open space for each unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet, and no horizontal dimension shall be less than ten (10) feet.

b. Required open space may be located in the front, sides or rear of the structure.

c. Required open space may be located a maximum of ten (10) feet above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit, except as permitted in subsection B2g.

d. The grade of the open space can either be the existing grade or within eighteen (18)

inches of existing grade. The portion of the open space which is within ten (10) feet of the unit shall include the point where the access to the open space from the unit occurs.

e. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms, alone or in combination.

f. At least fifty (50) percent of the required open space for a unit shall be level, provided that:

(1) The open space may be terraced; and

(2) Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two (2) feet.

g. For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten (10) feet where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten (10) feet, the open space may be located a maximum of ten (10) feet plus the height between floors in excess of ten (10) feet, above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two (2) feet above grade, the open space may be located a maximum of ten (10) feet plus the additional height of the first floor in excess of two (2) feet above grade, above or below the unit it serves.

h. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited, unless such openings are screened by view-obscuring fences, freestanding walls, or wingwalls. Fences, freestanding walls, or wingwalls located in setbacks shall be no more than six (6) feet in height in accordance with Section 23.45.014 G.

i. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11--Accessibility, shall not be counted as open space.

3. Apartments.

a. No horizontal dimension for required ground-level open space shall be less than ten (10) feet.

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11-Accessibility, shall not be counted as open space.

d. In order to qualify as aboveground open space, balconies and decks shall have a minimum horizontal dimension of at least six (6) feet, and the minimum area shall be sixty (60) square feet.

e. For cluster development, at least twenty (20) percent of the required open space shall be provided in one (1) contiguous area.

f. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.011.

4. Terraced Housing on a Slope of Twenty-five (25) Percent or More.

a. No horizontal dimension for required ground-level open space shall be less than ten (10) feet.

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11-Accessibility, shall not be counted as open space.

d. In order to qualify as aboveground open space, rooftop areas, balconies and decks shall have a minimum horizontal dimension of at least ten (10) feet, and a total area of at least one hundred twenty (120) square feet.

C. Open Space Exception. When all parking and access to parking is uncovered and is surfaced in permeable material, except gravel, the quantity of required ground-level open space shall be reduced by five (5) percent of the total lot area.

(Ord. 120928 § 9, 2002; Ord. 120117 § 16, 2000; Ord. 118794 § 27, 1997; Ord. 118414 § 23, 1996: Ord. 113041 § 16, 1986: Ord. 111390 § 29, 1983; Ord. 110793 § 31, 1982: Ord. 110570 § 3(part), 1982.)

23.45.059 Midrise--Light and glare standards.

A. Exterior lighting shall be shielded and directed away from adjacent properties.

B. Interior lighting in parking garages shall be shielded to minimize nighttime glare on adjacent properties.

C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two (2) vehicles shall be screened from adjacent properties by a fence or wall between five (5) feet

and six (6) feet in height, or a solid evergreen hedge or landscaped berm at least five (5) feet in height. If the elevation of the lot line is different from the finished elevation of the driveway or parking surface, the difference in elevation may be measured as a portion of the required height of the screen so long as the screen itself is a minimum of three (3) feet in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.
(Ord. 114046 § 11, 1988.)

23.45.060 Midrise--Parking and access.

A. Parking Quantity. Parking shall be required as provided in Chapter 23.54.

B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions listed in subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an alley improved to the standards of Section 23.53.030 C. Street access shall not be permitted.

2. Street Access Required. Access to parking shall be from the street when:

   a. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard;

   b. The lot does not abut a platted alley;

   c. Apartments or terraced housing are proposed across an alley from a Single-family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone.

3. Street or Alley Access Permitted. Access to parking may be from either the alley or the street when the conditions listed in subsection B2 do not apply, and one (1) or more of the following conditions are met:

   a. Ground-related housing is proposed across the alley from a Single-family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;

   b. Topography or designation of any portion of the site as environmentally critical makes alley access infeasible;

   c. The alley is not improved to the standards of Section 23.53.030 C.

   If such an alley is used for access, it shall be improved according to the standards of Section 23.53.030 C;

   d. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter 11 may be from either the street or alley, or both.

C. Location of Parking.

1. Parking shall be located on the same site as the principal use.

2. Parking may be located in or under the structure provided that:

a. For ground-related housing, the parking is screened from direct street view by the street-facing facades of the structure (Exhibit 23.45.060 B), by garage doors, or by a fence and landscaping as provided in Section 23.45.060 D (Exhibit 23.45.060 A);

b. For apartments and terrace housing the parking is screened from direct street view by the street-facing facades of the structure. For each permitted curb cut, the facades may contain one (1) garage door, not to exceed the maximum width allowed for curb cuts (Exhibit 23.45.060 B).

3. Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in Section 23.45.060 D.

a. Parking may be located between any structures on the same lot.

b. Rear Lot Lines. Parking may be located between any structure and the rear lot line of the lot (Exhibit 23.45.060 C).

c. Side Lot Lines. Parking may be located between any structure and a side lot line which is not a street side lot line (Exhibit 23.45.060 C). Where the location between the structure and a side lot line is also between a portion of the same structure and the front lot line, subsection C3d(3) shall apply (Exhibit 23.45.060 D).

d. Front and Street Side Lot Lines. Parking may be located between any structure and the front and street side lot lines provided that:

(1) On a through lot, parking may be located between the structure and one (1) of the front lot lines provided that on lots one hundred twenty-five (125) feet or more in depth, parking shall not be located in either front setback. The frontage in which the parking may be located shall be determined by the Director based on the prevailing character and setback patterns of the block.

(2) For ground-related housing on corner lots, parking may be located between the structure and a street lot line along one (1) street frontage only.

(3) Parking may be located between the front lot line and a portion of a structure provided that:

-- The parking is also located between a side lot line, other than a street side lot line, and a portion of the same structure which is equal to at least thirty (30) percent of

the total width of the structure (Exhibit 23.45.060 D);

-- The parking is not located in the front setback and in no case is closer than fifteen (15) feet to the front lot line.

4. Location of Parking in Special Circumstances.

a. For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street (Exhibit 23.45.060 E).

b. The Director may permit variations from the development standards for parking location and design, and curb cut quantity and width, for lots meeting the following conditions:

(1) Lots proposed for ground-related housing with no feasible alley access and with:

(A) Less than eighty (80) feet of street frontage, or

(B) Lot depth of less than one hundred (100) feet, or

(C) A rise or drop in elevation of at least twelve (12) feet in the first sixty (60) feet from the front lot line; and

(2) Lots proposed for apartments and terraced housing with no feasible alley access and a rise or drop in elevation of at least twelve (12) feet in the first sixty (60) feet from the front lot line;

(3) Lots proposed for either ground-related, apartment or terraced housing which are waterfront lots and are developed in accordance with Section 24.60.395, Shoreline Master Program;

(4) On lots meeting the standards listed in subsections C4b(i) through (3), the following variations may be permitted:

(A) Ground-related housing: parking may be located between the structure and the front lot line,

(B) Apartments or terraced housing: parking may be located in or under the structure if screened from direct street view by garage doors or by fencing and landscaping;

(5) In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the exception, and that the proposed alternative solution meets the following objectives: maintaining on-street parking capacity, an attractive environment at street level, landscaped street setbacks, unobstructed traffic flow and, where applicable, the objectives of the Shoreline Master

Program. In no case shall a curb cut be authorized to exceed thirty (30) feet in width.

D. Screening of Parking.

1. Parking shall be screened from direct street view by the front facade of a structure, by garage doors, or by a fence or wall between five (5) and six (6) feet in height. When the fence or wall runs along the street front, there shall be a landscaped area a minimum of three (3) feet deep on the street side of the fence or wall. The screening shall be located outside any required sight triangle.

2. The height of the visual barrier created by the screen required in subdivision 1 of this subsection shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three (3) feet in height (Exhibit 23.45.060 F).

3. Screening may also be required to reduce glare from vehicle lights, according to Section 23.45.059, light and glare standards.

(Ord. 118794 § 28, 1997; Ord. 118414 § 24, 1996; Ord. 117263 § 19, 1994; Ord. 115326 § 11, 1990; Ord. 114196 § 9, 1988; Ord. 114046 § 12, 1988; Ord. 112777 § 14, 1986; Ord. 111390 § 30, 1983; Ord. 110793 § 32, 1982; Ord. 110570 § 3(part), 1982.)

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Part 6 Highrise

23.45.064 Highrise--General provisions.

In Highrise Zones, structures may be built either to the development standards described below, or to the development standards of the Midrise Zone. Structures built to Midrise standards shall have no limit to width or depth when modulated according to the standards of Section 23.45.054 C, midrise modulation requirements. (Ord. 110570 § 3(part), 1982.)

23.45.066 Highrise--Structure height.

A. Maximum Height.

1. The maximum height shall be one hundred sixty (160) feet.

B. Additional Height Permitted. The Director may authorize additional height up to a maximum height of two hundred forty (240) feet, as a special exception pursuant to Chapter 23.76, Master Use Permit. In order to qualify, the applicant shall comply with the following provisions:

1. The applicant shall provide for adequate spacing between existing and proposed towers in order to minimize blockage of views from public places, and to minimize casting of shadows on public places. The applicant shall provide shadow diagrams for December 21st, March 21st and June 21st, as well as elevations showing the degree, if any, of view blockage that would occur. The Director may limit or condition the amount of extra height and bulk granted in order to minimize blocking of views from public places and to casting of shadows on public places.

2. If the provisions of subsection B1 of this section have been met, additional height above one hundred sixty (160) feet may be allowed in return for the provision of one (1) of the public benefits listed below, or any combination of these benefits. The amount of additional height shall be determined based on the following criteria, and on the design of the proposed project and the public benefits that are provided.

a. When a proposed highrise development provides new low- and/or moderate-income housing, or preserves existing low- and/or moderate-income housing, additional height may be allowed according to the following provisions:

(1) The housing provided in order to qualify for additional height shall be in addition to any housing provided to replace demolished units.

(2) Housing provided to replace demolished units must be provided on the same site as the proposed highrise. Additional housing preserved or provided to qualify for additional height may be either within the proposed project, or within its immediate vicinity.

(3) For every one (1) percent of the total gross floor area in the proposed structure that is reserved as low-income housing, an additional eight (8) feet in height may be allowed; and for every one (1) percent of the total gross floor area in the proposed structure that is reserved as moderate income housing, an additional five (5) feet in height may be allowed.

(4) The units provided to gain additional height shall be reserved as low- or moderate-income housing by ownership and restrictive covenants for a minimum of twenty (20) years from the date a certificate of occupancy is issued.

(5) Two (2) years after the adoption of this provision, or at a time when an adequate number of projects are available for analysis, the Director shall review this provision and recommend any revisions that are necessary consistent with the

City's land use and housing objectives.

b. Landscaped Public Open Space. When proposed highrise developments provide landscaped, usable public open space in addition to the open space required for the exclusive use of residents of the development, additional height up to a maximum of forty (40) feet may be allowed according to the following provisions:

(1) Open space for public use shall either be dedicated, or upon written agreement with The City of Seattle be available to the public during reasonable and predictable hours each day of the week.

(2) The open space may be provided on-site or in the immediate vicinity of the project.

(3) The location of the open space shall enhance street-level activity by providing:

(A) A focal point in a highly dense or active area; and/or

(B) A unique amenity suited to the area and of public benefit; and

(C) Better pedestrian access and siting of an existing public facility or historic landmark.

(4) The space shall be of a sufficient size to be functional, and shall be contiguous to pedestrian pathways that make it readily accessible to users.

(5) The design of the open space shall enhance unique site characteristics such as views, topography, trail systems and significant trees or landscaping.

(6) Public open space and equipment located there shall be designed to provide safety and security for user groups.

(7) The open space shall be designed so that its solar exposure encourages its use.

(8) Outdoor common areas and pedestrian access shall be separated from the paths of moving vehicles.

(9) The outdoor common areas shall function as more than pedestrian walkways or passageways between areas. Active areas and/or passive areas shall be provided depending on the needs of the adjacent neighborhood.

c. Structures of Architectural and Historical Significance. Additional heights may be allowed when new multifamily developments preserve structures of architectural or historical significance, according to the following provisions:

(1) Preservation of designated City landmarks, with proceedings and controls adopted

pursuant to Seattle Municipal Code, Chapter 25.12, Landmarks Preservation Ordinance, may qualify for eighty (80) feet of additional height.

(2) The significant structure to be preserved may be located either on the project site or within the immediate vicinity.

C. Height Exceptions.

1. Flagpoles and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are no closer than fifty (50) percent of their height above existing grade or, if attached only to the roof, no closer than fifty (50) percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend up to ten (10) feet above the maximum height limit, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area, or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five (5) feet from the roof edge;

d. Chimneys;

e. Sun and wind screens;

f. Penthouse pavilions for the common use of residents;

g. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.011;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

6. For height limits and exceptions for communication utilities and devices, see Section 23.57.011. (Ord. 120928 § 10, 2002; Ord. 120117 § 17, 2000; Ord. 116295 § 6, 1992; Ord. 114450 § 1, 1989; Ord. 110793 § 33, 1982; Ord. 110570 § 3(part), 1982.)

23.45.068 Highrise structure width and depth.

A. Maximum Width.

1. For facades or portions of facades along the street which are thirty-seven (37) feet in height or less, and which are not modulated according to the standards of Section 23.45.070 B, maximum width shall be thirty (30) feet.

2. For facades or portions of facades along the street which are thirty-seven (37) feet in height or less, and which are modulated according to the standards of Section 23.45.070 B, there shall be no maximum width limit.

3. Facades or portions of facades which begin thirty-seven (37) feet or more above existing grade shall have a maximum width limit of one hundred (100) feet, whether they are modulated or not (Exhibit 23.45.068 A).

B. Maximum Depth.

1. For facades or portions of facades thirty-seven (37) feet or less in height, which are not along a street, there shall be no maximum depth limit.

2. Facades or portions of facades above thirty-seven (37) feet in height shall not exceed one hundred (100) feet in depth (Exhibit 23.45.068 B).

(Ord. 110570 § 3(part), 1982.)

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23.45.070 Highrise--Modulation requirements.

A. Modulation shall be required along street fronts for facades thirty-seven (37) feet or less in height, when the width of the facade exceeds thirty (30) feet.

B. Modulation Standards.

1. The minimum depth of modulation shall be four (4) feet (Exhibit 23.45.070 A).

2. When balconies are part of the modulation and have a minimum dimension of at least six (6) feet and a minimum area of sixty (60) square feet, the minimum depth of modulation shall be reduced by two (2) feet (Exhibit 23.45.070 B).

3. The minimum width of modulation shall be five (5) feet (Exhibit 23.45.070 A).

4. Maximum Width of Modulation.

   a. The maximum width of modulation shall be thirty (30) feet.

   b. Exceptions to Maximum Width of Modulation.

      (1) When facades provide greater depth of modulation than required by subsections B1 and B2, then for every additional full foot of modulation depth, the width of modulation may be increased by two and one-half (2 1/2) feet, to a maximum width of fifty (50) feet, and Section 23.86.002 B, Measurements, shall not apply.

      (2) The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guide: The width of modulation of such a facade shall be permitted to exceed thirty (30) feet by one (1) foot for every foot of facade setback beyond the required setback. This provision shall not be combined with the provisions of subsection B4b1 above nor shall it permit facades to exceed fifty (50) feet in width without modulation.

5. Required modulation may start a maximum of ten (10) feet above existing grade, and shall be continued up to a height of at least thirty-seven (37) feet.

(Ord. 111390 § 31, 1983: Ord. 110793 § 34, 1982; Ord. 110570 § 3(part), 1982.)

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23.45.072 Highrise--Setback requirements.

Front, rear and side setbacks shall be provided for all lots according to the following provisions:

A. Front Setbacks.

1. Facades or Portions of Facades Thirty-seven (37) Feet in Height or Less. The minimum front setback for facades or portions of facades thirty-seven (37) feet in height or less shall be the average of the setbacks of the first principal structures on either side, subject to the following provisions:

a. The front setback shall in no case be required to be more than five (5) feet greater than the setback of the first principal structure on either side which is closer to the front lot line.

b. The front setback shall in no case be required to exceed ten (10) feet except that a greater setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

c. Portions of the Structure in Front Setbacks.

(1) Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirements.

(2) Any projection of the facade which begins at finished lot grade shall be no closer to the front lot line than the finished grade facade projection nearest the front lot line of a structure on either side, or five (5) feet, whichever is less.

2. Facades or Portions of Facades Above Thirty-seven (37) Feet. Facades or portions of facades which begin thirty-seven (37) feet or more above finished grade shall have a front setback of twenty (20) feet. This setback may be averaged.

3. Front Setback Exceptions.

a. In the case of a through lot, each setback abutting a street except a side setback shall be a front setback. Rear setback requirements shall not apply to the lot.

b. If the street facade is in retail use, no front setback is required.

c. Sloped Lots. On sloped lots with no alley access, the required front setback shall be fifteen (15) feet minus one (1) foot for each two (2) percent of slope. Slope shall be measured from the midpoint of the front lot line, to the rear lot line or for a depth of sixty (60) feet, whichever is less.

B. Rear Setback.

1. The minimum rear setback for structures or portions of structures sixty (60) feet or less in height shall be ten (10) feet.

2. The minimum rear setback for portions of structures greater than sixty (60) feet in height shall be twenty (20) feet.

C. Side Setback.

1. The minimum side setback (Exhibit 23.45.072 A) shall be as follows:

Elevation of Facade or Portion of Facade from Existing Grade (in feet)	Combined Total of Both Side Setbacks Must Be At Least (in feet)	Neither Side Setback May Be Less Than (in feet)
37 or less	10	5
38--60	16	8
61--90	25	10
91--120	30	14
121 or higher	40	16

2. When properties abutting the site are developed to the side property line, the base structure of a proposed development may be joined to the abutting structure.

D. General Setback Exceptions.

1. Required Setbacks for Cluster Developments. Where two (2) or more principal structures are located on one (1) lot, or where two (2) or more portions of the same structure exceed sixty (60) feet in height above existing grade, setbacks between structures or portions of structures shall be provided as follows:

a. Interior facades shall be separated as follows:

Elevation of Facade or Portion of Facade From Existing Grade (in feet)	Minimum Separation (in feet)
60 or less	16
61-90	20
91-120	28
121 or higher	32

b. Within a cluster development, interior facades need not be modulated. Perimeter facades shall follow standard development requirements.

c. Structures or portions of structures over sixty (60) feet in height may be connected by underground garages or portions of structures thirty-seven (37) feet or less in height.

2. Structures in Required Setbacks.

a. Detached garages, carports or other accessory structures are permitted in the required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure (Exhibit 23.45.072 B). All such accessory structures shall be no greater than twelve (12) feet in height above existing grade, with open rails permitted above twelve (12) feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11-Accessibility, are permitted in required front, side or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five (5) feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six (6) feet in height, are permitted in required front, side or rear setbacks.

e. Decks which average no more than eighteen (18) inches above existing or finished grade, whichever is lower, may project into required setbacks. Such decks shall not be permitted within five (5) feet of any lot line, unless they abut a permitted fence or freestanding wall, and are at least three (3) feet below the top of the fence or wall. The fence or wall shall be no higher than six (6) feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

h. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

(1) Fences, freestanding walls, signs and similar structures six (6) feet or less in height above existing or finished grade whichever is lower, may be erected in each required setback. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.

Architectural features may be added to the top of the fence or freestanding wall above the six (6) foot height when the following provisions are met: horizontal architectural feature(s), no more than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.

(2) The Director may allow variation from the development standards listed in subsection D2h(1) above, according to the following:

i. No part of the structure may exceed eight (8) feet; and

ii. Any portion of the structure above six (6) feet shall be predominately open, such that there is free circulation of light and air.

(3) Bulkheads and retaining walls used to raise grade may be placed in each required setback when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the effective date of the ordinance codified in this section.[1] If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9 1/2) feet.

(4) Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six (6) feet whichever is greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open guardrail of no more than forty-two (42) inches meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3) feet from such a bulkhead or retaining wall.

i. Arbors. Arbors may be permitted in required setbacks under the following conditions:

(1) In each required setback, an arbor may be erected with no more than a forty (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

(2) In each required setback abutting a street, an arbor over a private pedestrian walkway with no more than a thirty (30) square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of eight (8) feet. The sides of the arbor shall be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

3. Front and rear setbacks on lots containing certain environmentally critical areas or buffers may be reduced pursuant to the provisions of Sections 25.09.280 and 25.09.300.

(Ord. 122050 § 10, 2006; Ord. 118414 § 25, 1996; Ord. 116262 § 13, 1992; Ord. 115326 § 12, 1990; Ord. 112971 § 9, 1986; Ord. 110793 § 35, 1982; Ord. 110570 § 3(part), 1982.)

1. Editor's Note: Ordinance 118414 was signed by the Mayor on December 3, 1996 and became effective January 3, 1997.

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23.45.073 Highrise--Screening and landscaping standards.

A. Quantity.

1. A minimum landscaped area that is equivalent in square footage to three (3) feet times the total length of all property lines shall be provided, except as specified in subsection A5.

2. If screening and landscaping of parking from direct street view is provided according to subsection 23.45.076 D, that amount of landscaped area may be counted towards fulfilling the total amount of landscaped area required by this section.

3. Landscaped usable open space that is provided for apartments or terraced housing according to Section 23.45.074 and located at ground level may be counted towards fulfilling the total amount of landscaped area required by this section.

4. Street trees shall be provided in the planting strip according to Seattle Department of Transportation Tree Planting Standards, unless it is not possible to meet the standards. Existing street trees may count toward meeting the street tree requirement.

5. Exceptions.

   a. If full landscaping is not possible because of the location of existing structures and/or existing parking, the amount of required landscaped area may be reduced by up to fifty (50) percent. The Director may require that landscaping which cannot be provided on the lot shall be provided in the planting strip.

   b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the Director may reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall apply to screening and landscaping of parking required by Section 23.45.076 D or open space required by Section 23.45.072.

B. Development Standards.

1. Except for the screening and landscaping of parking, which shall be provided according to Section 23.45.076 D, landscaping may be provided on all sides of the lot, or may be concentrated in one (1) or more areas. However, a landscaped area at least three (3) feet deep shall be provided at the following locations, except as provided in subsection B2:

   a. Along property lines which abut single-family zoned lots;

   b. Along alleys across from single-family zoned lots.

2. Breaks in required screening and landscaping shall be permitted to provide pedestrian and vehicular access. Breaks in required screening and landscaping for vehicular access shall not

exceed the width of permitted curb cuts and any required sight triangles. When an alley is used as an aisle, the Director may reduce or waive the required screening or landscaping along the alley.

3. Required landscaping shall meet standards promulgated by the Director.

(Ord. 121477 § 8, 2004; Ord. 118409 § 180, 1996: Ord. 116744 § 4, 1993; Ord. 114046 § 13, 1988.)

23.45.074 Highrise--Open space requirements.

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity.

1. A minimum of fifty (50) percent of the lot area shall be provided as landscaped open space at ground level.

2. Quantity Exception for Apartments. Ground-level open space may be reduced from fifty (50) percent to a minimum of twenty-five (25) percent of lot area according to the following scale: for every square foot of difference between fifty (50) percent of lot area and the actual ground-level open space provided, one and two-tenths (1 2/10) square feet shall be provided above ground in the form of decks and balconies or on the roof of the base structure.

B. Development Standards.

1. No horizontal dimension for required open space at ground level or on the roof of the base structure shall be less than fifteen (15) feet, nor shall any open space area be less than two hundred twenty-five (225) square feet.

2. In order to qualify as above-ground-level open space, balconies, decks, or open space on the roof of a base structure shall be thirty-seven (37) feet or less above existing grade.

3. Required open space is permitted in the front, side or rear of the structure.

4. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11, shall not be counted as open space.

5. In order to qualify as above-ground open space, no horizontal dimension for balconies and decks shall be less than six (6) feet, and the minimum area for balconies and decks shall be sixty (60) feet.

6. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.011.

(Ord. 120928 § 11, 2002; Ord. 110570 § 3(part), 1982.)

23.45.075 Highrise--Light and glare standards.

A. Exterior lighting shall be shielded and directed away from adjacent properties.

B. Interior lighting in parking garages shall be shielded to minimize nighttime glare on adjacent properties.

C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two (2) vehicles shall be screened from adjacent properties by a fence or wall between five (5) feet and six (6) feet in height, or a solid evergreen hedge or landscaped berm at least five (5) feet in height. If the elevation of the lot line is different from the finished elevation of the driveway or parking surface, the difference in elevation may be measured as a portion of the required height of the screen so long as the screen itself is a minimum of three (3) feet in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.
(Ord. 114046 § 14, 1988.)

23.45.076 Highrise--Parking and access.

A. Parking Quantity. Parking shall be required as provided in Chapter 23.54.

B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions of subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an alley improved to the standards of Section 23.53.030 C. Access from the street shall not be permitted.

2. Street Access Required. Access to parking shall be from the street when:

   a. The alley borders on a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;

   b. The lot does not abut an alley;

   c. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard.

3. Street or Alley Access Permitted. Access to parking may be from either the alley or the street when the conditions listed in subsection B2 do not apply, and one (1) or more of the following conditions are met:

   a. Topography or designation of any portion of the site as environmentally critical makes alley access infeasible;

   b. The alley is not improved to the standards of Section 23.53.030 C.

   If such an alley is used for access, it shall be improved according to the standards of Section 23.53.030 C;

c. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter 11 may be from either the street or alley, or both.

C. Location of Parking.

1. Parking shall be located on the same site as the principal use, except accessory off-site parking permitted according to Section 23.45.166.

2. Parking may be located in or under the structure, provided that the parking is screened from street view by the front facade of the structure (Exhibit 23.45.076 A). Parking is permitted on all levels of a base structure, with the limitation that a maximum of fifty (50) percent of the area of the floor closest to the grade of the street may be used for parking. If the street-level facade is in retail use, sixty (60) percent of the street-level floor area may be used for parking. For each permitted curb cut, the facades may contain one (1) garage door, not to exceed the maximum width allowed for curb cuts.

3. Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in Section 23.45.076 D:

a. Parking may be located between any structures on the same lot.

b. Parking may be located between any structure and the rear lot line of the lot (Exhibit 23.45.076 B).

c. Parking may be located between any structure and the side lot lines of the lot (Exhibit 23.45.076 B).

d. Parking shall not be located between any structure and the front lot line of a lot.

4. Location of Parking in Special Circumstances. For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street (Exhibit 23.45.076 C).

D. Screening of Parking.

1. Parking shall be screened from direct street view by the facade of a structure, by garage doors, or by a fence or wall between five (5) and six (6) feet in height. When the fence or wall runs along the street front, there shall be a landscaped area a minimum of three (3) feet deep on the street side of the fence or wall. Such screening shall be located outside any required sight triangle.

2. The height of the visual barrier created by the screen required in subdivision 1 of this subsection shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three (3) feet in height

(Exhibit 23.45.076 D).

3. Screening may also be required to reduce glare from vehicle lights, according to Section 23.45.075, light and glare standards.

(Ord. 118794 § 29, 1997; Ord. 118414 § 26, 1996; Ord. 117263 § 20, 1994; Ord. 115326 § 13, 1990; Ord. 114196 § 10, 1988; Ord. 114046 § 15, 1988; Ord. 112777 § 15, 1986; Ord. 111390 § 32, 1983; Ord. 110793 § 36, 1982: Ord. 110570 § 3(part), 1982.)

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Part 7 Other Principal Uses Permitted Outright

23.45.080 Congregate residences.

A. Bulk and Siting. Congregate residences shall be subject to the development standards of the multifamily zone in which they are located.

B. Parking Quantity. Parking shall be required as provided in Chapter 23.54.

(Ord. 117202 § 4, 1994; Ord. 112777 § 16, 1986: Ord. 110570 § 3(part), 1982.)

23.45.082 Assisted living facilities use and development standards.

A. Assisted living facilities shall be subject to the development standards of the zone in which they are located except as provided below:

1. Density. Density limits do not apply to assisted living facilities; and

2. Open Space. Open space requirements do not apply to assisted living facilities.

B. Other Requirements.

1. Minimum Unit Size. Assisted living units shall be designed to meet the minimum square footage required by WAC 388-110-140.

2. Facility Kitchen. There shall be provided a kitchen on-site which services the entire assisted living facility.

3. Communal Area. Communal areas (e.g., solariums, decks and porches, recreation rooms, dining rooms, living rooms, foyers and lobbies that are provided with comfortable seating, and gardens or other outdoor landscaped areas that are accessible to wheelchairs and walkers) with sufficient

accommodations for socialization and meeting with friends and family shall be provided:

a. The total amount of communal area shall, at a minimum, equal twenty (20) percent of the total floor area in assisted living units. In calculating the total floor area in assisted living units, all of the area of each of the individual units shall be counted, including counters, closets and built-ins, but excluding the bathroom;

b. No service areas, including, but not limited to, the facility kitchen, laundry, hallways and corridors, supply closets, operations and maintenance areas, staff areas and offices, and rooms used only for counseling or medical services, shall be counted toward the communal area requirement; and

c. A minimum of four hundred (400) square feet of the required communal area shall be provided outdoors, with no dimension less than ten (10) feet. A departure from the required amount and/or dimension of outdoor communal space may be permitted as part of the design review process, pursuant to Section 23.41.012 A.

(Ord. 119238 § 2, 1998.)

23.45.088 Nursing homes meeting development standards.

A. General Provisions. The establishment of new nursing homes which meet the development standards of this section shall be permitted outright in all multifamily zones. If the expansion of an existing nursing home meets all development standards, it shall be permitted outright.

B. Development Standards. Nursing homes shall be subject to the following standards:

1. A nursing home is subject to the development standards of the multifamily zone in which it is located.

2. Parking Quantity. Parking shall be provided as required in Chapter 23.54, unless the applicant can demonstrate that less parking is needed due to unique features of the program. In such a case, the applicant shall enter into an agreement with the Director, specifying the parking required and linking the parking reduction to the features of the program which allow such reduction. Such parking reductions shall be valid only under the conditions specified, and if the conditions change, the standard requirements must be met.

(Ord. 117202 § 5, 1994: Ord. 112777 § 18, 1986; Ord. 110570 § 3(part), 1982.)

23.45.090 Institutions--General provisions.

A. The establishment of new institutions, such as religious facilities, community centers, private schools and child care centers, which meet the development standards of Sections 23.45.092 through 23.45.102, shall be permitted outright in all multifamily zones. Institutions not meeting all the development standards of these sections may be permitted as administrative conditional uses subject to the requirements of Section 23.45.122.

B. Public schools shall be permitted as regulated in Section 23.45.112.

C. If the expansion of an existing institution meets all development standards of Sections 23.45.092 through 23.45.102, it shall be permitted outright. Expansions not meeting development standards may be permitted as administrative conditional uses subject to the requirements of Section 23.45.122. Structural work which does not increase usable floor area or seating capacity and does not exceed the height limit shall not be considered expansion. Such work includes but is not limited to roof repair or replacement, and construction of uncovered decks and porches, bay windows, dormers, and eaves. The establishment of a child care center in a legally established institution devoted to the care or instruction of children which does not require expansion of the existing structure or violate any condition of approval of the existing institutional use shall not be considered an expansion of the use. Institutions in Lowrise Duplex/Triplex zones shall meet the development standards for institutions in Lowrise 1 zones.

D. The provisions of this section shall apply to Major Institution uses as provided in Chapter 23.69, Major Institution Overlay District. All major institutions shall be so designated and their boundaries approved by the Council.

(Ord. 115043 § 8, 1990: Ord. 115002 § 6, 1990; Ord. 114910 § 1, 1990: Ord. 114875 § 4, 1989: Ord. 114196 § 11, 1988; Ord. 112539 § 5, 1985: Ord. 110793 § 38, 1982; Ord. 110570 § 3(part), 1982.)

23.45.092 Institutions--Structure height.

A. Maximum height limits for institutions shall be as provided for multifamily structures in the same multifamily zone.

B. In the Lowrise zones, for gymnasiums and auditoriums that are necessary to an institution the maximum permitted height shall be thirty-five (35) feet if all portions of the structure above the height limit of the zone are set back at least twenty (20) feet from all property lines. Pitched roofs on the auditorium or gymnasium with a slope of not less than three to twelve (3:12) may extend ten (10) feet above the thirty-five (35) foot height limit. No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend beyond thirty-five (35) feet.

(Ord. 118414 § 27, 1996: Ord. 114910 § 2, 1990: Ord. 113400 § 1, 1987: Ord. 110570 § 3(part), 1982.)

23.45.094 Institutions--Structure width and depth.

A. Maximum Width.

1. The maximum width for institutions shall be as follows:

Zone	**Maximum Width Without Modulation or Landscaping Option (feet)**	**Maximum Width With Modulation or Landscaping Option (feet)**
Lowrise 1	45	75
Lowrise 2	45	90
Lowrise 3	60	150
Midrise	60	150
Highrise		
-- Facades or portions of facades below 37' in height		
	90	No maximum width

-- Facades or portions of facades above 37' in height		
	100	100

2. In order to reach the maximum width permitted in each zone, institutional structures shall be required to reduce the appearance of bulk through one (1) of the following options:

a. Modulation Option. Front facades, and side and rear facades facing street lot lines, shall be modulated (Exhibit 23.45.094 A) according to the following provisions:

(1) The minimum depth of modulation shall be four (4) feet in Lowrise 1, Lowrise 2 and Lowrise 3 Zones, and six (6) feet in Midrise and Highrise Zones.

(2) The minimum height of modulation shall be five (5) feet.

(3) The minimum width of modulation shall be twenty (20) percent of the total structure width or ten (10) feet, whichever is greater.

(4) Any unmodulated portion of the facade shall not comprise more than fifty (50) percent of the total facade area.

(5) In Highrise Zones, modulation shall only be required for the first sixty (60) feet in height of an institution's facade; or if the facade above thirty-seven (37) feet is set back twenty (20) feet or more from the lot lines, modulation shall only be required for the first thirty-seven (37) feet in height of the structure. The maximum width of any unmodulated portion of the facade in Highrise Zones shall be ninety (90) feet.

b. Landscape Option. Front setbacks and landscaping shall be provided as follows:

(1) The required front setback shall be five (5) feet more than the required minimum setback for the lot.

(2) One (1) tree and three (3) shrubs are required for each three hundred (300) square feet of required front setback and street-facing side and rear setbacks. When new trees are planted, at least half must be deciduous.

(3) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten (10) feet of the area may be substituted for required plantings on a one-tree-to-one-tree or one-shrub-to-one-shrub basis if the minimum standards in Section 23.86.022 (Measurements) are met. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) feet of its canopy spread.

(4) The planting of street trees may be substituted for required trees on a one-to-one (1:1) basis. All street trees shall be planted according to City standards.

(5) Each setback required to be landscaped shall be planted with shrubs, grass and/or evergreen ground cover.

(6) Landscape features such as decorative paving, sculptures or fountains are permitted to a maximum of twenty-five (25) percent of each required landscaped area.

(7) A plan shall be filed showing the layout of the required landscaping.

(8) The property owner shall maintain all landscape material and replace any dead or dying plants.

(9) Authorization of the use shall be subject to the posting by the applicant of a cash deposit or the pledge of an interest-bearing account with the City Director of Executive Administration in the amount equal to sixty (60) percent of the estimated cost of the landscaping, guaranteeing compliance. The deposit shall be refunded or the pledge released by the City Director of Executive Administration five (5) years from the date of issuance of the covering use permit at the request of the permittee upon presentation of a certificate of compliance from the Director of Design, Construction and land use. The deposit or pledge account shall be forfeited to the City if the landscaping requirements have not been complied with by the end of the five (5) year period, and the proceeds shall be used by the Director to effect compliance; provided, that such forfeiture shall not relieve the permittee from compliance with the landscaping requirements.

B. Maximum Depth. The maximum depth of institutional structures shall be sixty-five (65) percent of lot depth.

(Ord. 120794 § 294, 2002; Ord. 116368 § 303, 1992; Ord. 110570 § 3(part), 1982.)

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23.45.096 Institutions--Setback requirements.

A. Front Setback. The minimum depth of the required front setback shall be determined by the average of the setbacks of structures on adjoining lots, but is not required to exceed twenty (20) feet. In Lowrise 1, Lowrise 2 and Lowrise 3 Zones, the setback shall not be reduced below an average of ten (10) feet, and no portion of the structure shall be closer than five (5) feet to the front lot line.

In Highrise Zones, where the street front is devoted to retail and service use, no front yard setback shall be required.

B. Rear Setback. The minimum rear setback shall be ten (10) feet in Lowrise 1, 2 and 3 and Midrise Zones. The minimum rear setback in Highrise Zones shall be twenty (20) feet.

C. Side Setback.

1. The minimum side setback shall be ten (10) feet from a side lot line which abuts any other residentially zoned lot. A five (5) foot setback shall be required in all other cases, except that the minimum side street side setback shall be ten (10) feet.

In Highrise Zones, structures which are between ninety-one (91) and one hundred twenty (120) feet in height shall have a minimum side setback of fourteen (14) feet; structures which are taller than one hundred twenty (120) feet shall have a minimum side setback of sixteen (16) feet (Exhibit 23.45.096 A).

2. When the depth of a structure exceeds sixty-five (65) feet, an additional setback shall be required for that portion in excess of sixty-five (65) feet. This additional setback may be averaged along the entire length of the wall. The side setback requirement for portions of walls subject to this provision shall be provided as shown in the following chart.

Side Setback Requirements for Structures Greater than Sixty-Five Feet in Depth

H	0- 10	11- 21	21- 30	31- 40	41- 50	51- 60	61- 70	71- 80	81- 90	91- 160
D										
66-70	11	12	13	14	15	16	17	18		
71-80	12	13	14	15	16	17	18	19	20	21
81-90	13	14	15	16	17	18	19	20	21	22
91-100	14	15	16	17	18	19	20	21	22	23
101-110	15	16	17	18	19	20	21	22	23	24

D. Setbacks for Specific Items. In Lowrise 1, Lowrise 2 and Lowrise 3 zones, the following items shall be located at least twenty (20) feet from any abutting residentially zoned lot:

1. Emergency entrances;

2. Main entrance door of the institutional structure;

3. Outdoor play equipment and game courts;

4. Openable window of gymnasium, assembly hall or sanctuary;

5. Garbage and trash disposal mechanism;

6. Kitchen ventilation;

7. Air-conditioning or heating mechanism;

8. Similar items causing noise and/or odors as determined by the Director.

E. Landscaping and Screening of Required Setbacks.

1. Institutions shall provide landscaping for setbacks which abut a street. Such setbacks shall be planted with trees, shrubs, grass and/or evergreen ground cover. The planting of street trees shall also be considered as part of the landscaping. Landscape features such as decorative paving, sculptures or fountains are permitted to a maximum of twenty-five (25) percent of each required landscaped area. If the landscaping option of Section 23.45.094 A2b is used, that shall fulfill all the requirements of this section.

a. A plan shall be filed showing the layout of the required landscaping. This landscaping plan shall meet the standards established by the Director.

b. The property owner shall maintain all landscape material and replace any dead or dying plants.

c. Authorization of the use shall be subject to the posting by the applicant of a cash deposit or the pledge of an interest-bearing account with the City Director of Executive Administration in the amount of sixty (60) percent of the estimated cost of the landscaping, guaranteeing compliance. The deposit shall be refunded or the pledge released by the City Director of Executive Administration five (5) years from the date of issuance of the covering master use permit at the request of the permittee upon presentation of a certificate of compliance from the Director. The deposit or pledge account shall be forfeited to the City if the landscaping requirements have not been complied with by the end of the five (5) year period, and the proceeds shall be used by the Director to effect compliance; provided, that such forfeiture shall not relieve the permittee from compliance with the landscaping requirements. This requirement shall not apply to child care facilities locating in existing structures.

(Ord. 120794 § 295, 2002; Ord. 120117 § 18, 2000; Ord. 116368 § 304, 1992; Ord. 114875 § 5, 1989; Ord. 110793 § 39, 1982; Ord. 110570 § 3(part), 1982.)

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23.45.098 Institutions--Parking, access and transportation plan requirements.

A. Parking Quantity. Parking and loading shall be required as provided in Section 23.54.015.

B. Location of Parking. Parking areas and facilities may not be located in the required front setback or side street side setback. Otherwise, parking may be located in or under the structure, or in the front, side or rear of the structure.

C. Screening of Parking. Access or parking areas and facilities for more than five (5) vehicles shall be screened in accordance with the following requirements.

1. Screening shall be provided on each side of the parking area which abuts on or faces across a street, alley or access easement any lot in a residential zone.

2. Screening shall consist of a fence, solid evergreen hedge or wall between four (4) and six (6) feet in height. Sight triangles shall be provided.

3. The height of the visual barrier created by the screen required in paragraph 2 shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three (3) feet in height (Exhibit 23.45.098 A).

D. Landscaping of Parking. Accessory parking areas for more than twenty (20) vehicles shall be landscaped according to the following requirements:

1. One (1) tree per every five (5) parking spaces shall be required.

2. Each required tree shall be planted in a landscaped area and shall be three (3) feet away from any curb of a landscaped area or edge of the parking area. Permanent curbs or structural barriers shall enclose each landscaped area.

3. Hardy evergreen ground cover shall be planted to cover each landscaped area.

4. The trees and landscaped areas shall be located within the parking area in such a manner that large expanses of pavement and cars are visually broken and softened.

(Ord. 114875 § 6, 1989; Ord. 112777 § 19, 1986; Ord. 110793 § 40, 1982; Ord. 110570 § 3(part), 1982.)

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23.45.100 Institutions--Noise, odors, light and glare, and signs.

A. Noise.

1. Institutions shall be designed to meet the terms of Chapter 25.08 of the Seattle Municipal Code (Noise Control).

2. Institutions which are the origin or destination of emergency vehicles which emit noise specifically exempted by Chapter 25.08 shall be located only on an arterial street as designated in Chapter 11.18 of the Seattle Municipal Code (Traffic Code). Access to emergency entrances for such institutions shall also be located on the arterial.

B. Odors. Ventilation devices and other sources of odors shall be directed away from residential property.

C. Light and Glare.

1. Exterior lighting for institutions shall be shielded or directed away from principal structures on adjacent residential lots.

2. Poles for freestanding exterior lighting shall be permitted up to a maximum height of thirty (30) feet. Light poles for illumination of athletic fields on new and existing public school sites will be allowed to exceed thirty (30) feet subject to the requirements of Section 23.45.112, Public schools.

(Ord. 120266 § 2, 2001; Ord. 112830 § 4, 1986; Ord. 110570 § 3(part), 1982.)

23.45.102 Institutions--Dispersion criterion.

A. The lot line of any new or expanding institution other than child care centers locating in legally established institutions shall be located six hundred (600) feet or more from any lot line of any other institution in a residential zone with the following exceptions:

1. An institution may expand even though it is within six hundred (600) feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.

2. A proposed institution may be located less than six hundred (600) feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.

(Ord. 114875 § 7, 1989: Ord. 112539 § 6, 1985; Ord. 110793 § 41, 1982; Ord. 110570 § 3(part), 1982.)

1. Editor's Note: Ordinance 112539 was adopted on November 12, 1985.

23.45.106 Public facilities.

A. Except as provided in subsections B, E, F and G of this section below, uses in public facilities that are similar to uses permitted outright or permitted as an administrative conditional use under this chapter shall also be permitted outright or as an administrative conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar use. The City Council may waiver or modify applicable development standards or administrative conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial Decisions and City facilities considered as Type V legislative decisions.

B. Other Permitted Uses in Public Facilities Requiring City Council Approval. The following uses in public facilities shall be permitted outright in all multifamily zones, when the development standards for institutions (Sections 23.45.092 through 23.45.102) are met:

1. Police precinct stations;

2. Fire stations;

3. Public boat moorages;

4. Utility service uses; and

5. Other similar uses.

If the proposed public facility use does not meet the development standards for institutions, the City Council may waive or modify applicable development standards according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. In all multifamily zones, uses in public facilities not meeting development standards may be permitted by the Council if the following criteria are satisfied:

1. the project provides unique services which are not provided to the community by the private sector, such as police and fire stations; and

2. The proposed location is required to meet specific public service delivery needs; and

3. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and

4. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

D. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B of this section above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B of this section above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

E. The following public facilities shall be prohibited in all multifamily zones:

1. Jails;

2. Work-release centers;

3. METRO operating bases;

4. Park and Ride lots;

5. Sewage treatment plants;

6. Solid waste transfer stations;

7. Animal control shelters; and

8. Post office distribution centers.

F. Specific Development Standards for Public Facilities.

1. Sale and consumption of beer during daylight hours on public park premises shall be permitted in a building or within fifty (50) feet of the building on an adjoining terrace; provided, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred (100) feet of any lot in a residential zone.

2. Sale and consumption of alcoholic beverages under a Class H liquor license on municipal golf course premises during the established hours of operation of the golf course shall be permitted in a building or within fifty (50) feet of the building on an adjoining terrace, provided, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred (100) feet of any lot in a residential zone.

G. Convention Center. The location or expansion of a public convention center may be permitted in the Highrise Zone through a Type IV Council land use decision. The following shall be considered in evaluating and approving, conditioning or denying public convention center proposals:

1. In making its decision, the Council shall determine whether the facility serves the public interest. This determination shall be based on an evaluation of the public benefits and the adverse impacts of the facility. The Council shall approve the facility only if it finds that public benefits outweigh the adverse impacts of the facility which cannot otherwise be mitigated.

2. In evaluating the public benefits and adverse impacts of a proposed convention center, the Council shall consider, but is not limited to, the following factors:

a. Economic impacts including, but not limited to, the net fiscal impacts on The State of Washington and City of Seattle, increased employment opportunities, demand for new development and increased tourism in the City and state;

b. Public amenities incorporated in the project including, but not limited to, open spaces accessible to the public and improved pedestrian circulation systems;

c. The relationship of the project to its surroundings with respect to height, bulk, scale, massing, landscaping, aesthetics, view enhancement or blockage, shadows and glare;

d. Impacts of the facility on traffic, parking, street systems, transit and pedestrian circulation;

e. Impacts of the facility on existing residential development in the vicinity of the project,

including but not limited to direct and indirect housing loss;

f. Impacts of the facility on local governmental services and operations, including, but not limited to police and fire protection, and water, sewer and electric utilities;

g. Impacts of the facility relative to noise and air quality;

h. Cumulative impacts of the project on governmental services and facilities, natural systems, or the surrounding area, considering the project's impacts in aggregate with the impacts of prior development and the impacts of future development which may be induced by the project;

i. Additional information as the Council deems necessary to fully evaluate the proposal.

3. If the Council approves a convention center, it may attach conditions to its approval as necessary to protect the public interest or to mitigate adverse impacts. Conditions required by the Council may include, but are not limited to, landscaping, screening or other design amenities; parking facilities adequate to accommodate potential parking demands; a traffic management plan; measures to mitigate housing loss; and measures to reduce energy consumption.

H. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.
(Ord. 118672 § 5, 1997: Ord. 117430 § 46, 1994; Ord. 114623 § 2, 1989; Ord. 112522 § 11, 1985; Ord. 111702 § 1, 1984; Ord. 110793 § 42, 1982; Ord. 110570 § 3(part), 1982.)

23.45.108 Public or private parks and playgrounds.

The establishment of new or expansion of existing public or private parks and playgrounds, including customary structures and activities, shall be permitted out right in all multifamily zones. Garages and service or storage areas accessory to parks shall be located one hundred (100) feet or more from any other lot in a residential zone and shall be screened from view from such lot.
(Ord. 110793 § 43, 1982.)

23.45.110 Ground-floor business and commercial use in Midrise and Highrise zones.

Certain commercial uses shall be permitted outright on the ground floor of multifamily structures in Midrise and Highrise zones under the following conditions. These provisions shall not apply to Midrise and Highrise zones which have been designated Residential-Commercial on the Official Land Use Map.

A. Location.

1. In Midrise Zones, the use may be located only within a one (1) block radius of a commercial zone.

2. In Highrise Zones, the use may be located anywhere in the zone.

3. The commercial use may be located only on the ground floor of a multifamily structure. On sloping sites, the commercial use may be located at more than one (1) level within the structure as long as the commercial area does not exceed the area of the structure's footprint (Exhibit 23.45.110 A).

B. Permitted Commercial Uses. The following uses are permitted as ground-floor commercial uses in Midrise and Highrise zones:

1. Sales and services, general;

2. Medical services;

3. Restaurants;

4. Business support services;

5. Offices;

6. Food processing and craft work; and

7. Retail sales, major durables.

C. Ground-floor commercial uses shall meet the following standards:

1. All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed structure, except for off-street vehicle parking and off-street loading. All goods produced shall be sold at retail on the premises where produced.

2. The maximum gross floor area of any one (1) business enterprise shall be no greater than four thousand (4,000) square feet, except that the maximum gross floor area of a multi-purpose convenience store shall be ten thousand (10,000) square feet.

3. Processes and equipment employed and goods processed or sold shall be limited to those which do not produce noticeable odors, dust, smoke, cinders, gas, noise, vibration, refuse matter or water-carried waste.

4. Parking shall be required as provided in Chapter 23.54.

5. No loading berths shall be required for ground-floor commercial uses. If provided, loading berths shall be located so that access to residential parking is not blocked.

6. Identifying signs shall be permitted according to Chapter 23.55, Signs.

(Ord. 122311, § 38, 2006; Ord. 121145 § 1, 2003; Ord. 113662 § 1, 1987: Ord. 112777 § 20, 1986; Ord. 112830 § 5, 1986: Ord. 110570 § 3(part), 1982.)[1]

1. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

GRAPHIC UNAVAILABLE: Click here

23.45.112 Public schools.

Public Schools Meeting Development Standards. New public schools or additions to existing public schools and accessory uses including child care centers which meet the following development standards shall be permitted in all multifamily zones. Public schools in Lowrise Duplex/Triplex (LDT) zones shall meet the development standards for public schools in Lowrise 1 (L1) zones. Departures from development standards of this section may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Establishment of Development Standard Departure for Public Schools.

A. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multifamily structures. For gymnasiums and auditoriums in the lowrise zones which are accessory to the public school, the maximum permitted height shall be thirty-five (35) feet plus ten (10) feet for a pitched roof if all portions of the structure above the height limit of the zone are set back at least twenty (20) feet from all property lines. All parts of a gymnasium or auditorium roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend above the thirty-five (35) foot height limit under this provision.

2. For new public school construction on existing public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multifamily structures or thirty-five (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater. If the thirty-five (35) foot height limit applies, all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the maximum height permitted in the zone for multifamily structures, the height of the existing school, or thirty-five (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater. When the height limit is thirty-five (35) feet, all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height which may be granted as a development standard departure shall be thirty-five (35) feet plus fifteen (15) feet for a pitched roof for elementary schools and sixty (60) feet plus fifteen (15) feet for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

5. The provisions regarding height for sloped lots, pitched roofs, and rooftop features for the zone in which the public school is located shall apply.

6. Light Standards.

a. Light standards for illumination of athletic fields on new and existing public school sites will be allowed to exceed the maximum permitted height, up to a maximum height of one hundred (100) feet, where determined by the Director to be necessary to ensure adequate illumination and where the Director determines that impacts from light and glare are minimized to the greatest extent practicable. The applicant must submit an engineer's report demonstrating that impacts from light and glare are minimized to the greatest extent practicable. When proposed light standards are reviewed as part of a project being reviewed pursuant to Chapter 25.05, Environmental Policies and Procedures, and requiring a SEPA determination, the applicant must demonstrate that the additional height contributes to a reduction in impacts from light and glare.

b. When proposed light standards are not included in a proposal being reviewed pursuant to Chapter 25.05, the Director may permit the additional height as a special exception subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

(1) When seeking a special exception for taller light standards, the applicant must submit an engineer's report demonstrating that the additional height contributes to a reduction in impacts from light and glare. When the proposal will result in extending the lighted area's duration of use, the applicant must address and mitigate potential impacts. including but not limited to, increased duration of noise, traffic, and parking demand. The applicant also must demonstrate it has conducted a public workshop for residents within one-eighth (1/8) of a mile of the affected school in order to solicit comments and suggestions on design as well as potential impacts.

(2) The Director may condition a special exception to address negative impacts from light and glare on surrounding areas, and conditions may also be imposed to address other impacts associated with increased field use due to the addition of lights, including, but not limited to, increased noise, traffic, and parking demand.

B. Setbacks.

1. General Requirements.

a. No setbacks shall be required for new public school construction or for additions to existing public school structures for that portion of the site across a street or an alley or abutting a lot in a nonresidential zone. When any portion of the site is across a street or an alley from or abuts a lot in a residential zone, setbacks shall be required for areas facing or abutting residential zones as provided in subsections B2 through B5 below.

Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones shall be based upon the residential zone classification of the RC lot.

b. The minimum setback requirement may be averaged along the entire structure facade with absolute minimums for areas abutting lots in residential zones as provided in subsections B2b, B3b and B4b.

c. Trash disposals, openable windows in a gymnasium, main entrances, play equipment, kitchen ventilators or other similar items shall be located at least thirty (30) feet from any single-family zoned lot and twenty (20) feet from any multifamily zoned lot.

d. The general setback exceptions regulations of the zone in which the public school is located shall apply.

2. New Public School Construction on New Public School Sites.

a. New public school construction on new public school sites across a street or alley from lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows:

	Minimum Setbacks Zone from which Across			
Facade Height[1]	SF/L1	L2/L3	MR	HR
	Average			
Up to 20'	15'	10'	5'	0'
21' to 35'	15'	10'	5'	0'
36' to 50'	20'	15'	5'	0'
51' or more	25'	20'	10'	0'

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows:

	Minimum Setbacks Abutting Zone			
Facade Height[1]	SF/L1	L2/L3	MR	HR
	Average (minimum)			
Up to 20'	20' (10')	15' (10')	10' (5')	0' (0')
21' to 35'	25' (10')	20' (10')	10' (5')	0' (0')
36' to 50'	25' (10')	20' (10')	10' (5')	0' (0')
51' or more	30' (15')	25' (10')	15' (5')	0' (0')

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

3. New Public School Construction on Existing Public School Sites.

a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows,

whichever is less:

	Minimum Setbacks Zone from which Across			
Facade Height[1]	SF/L1	L2/L3	MR	HR
	Average			
Up to 20'	10'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

	Minimum Setbacks Abutting Zone			
Facade Height[1]	SF/L1	L2/L3	MR	HR
	Average (minimum)			
Up to 20'	15' (10')	10' (5')	10' (5')	0' (0')
21' to 35'	20' (10')	15' (10')	10' (5')	0' (0')
36' to 50'	25' (10')	20' (10')	10' (5')	0' (0')
51' or more	30' (15')	25' (10')	15' (5')	0' (0')

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

4. Additions to Existing Public School Structures on Existing Public School Sites. (See Exhibit 23.44.017 A in Chapter 23.44.)

a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows, whichever is less:

	Minimum Setbacks Zone from which Across			
Facade Height[1]	SF/L1	L2/L3	MR	HR
	Average			
Up to 20'	5'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

	Minimum Setbacks Abutting Zone			
Facade Height[1]	SF/L1	L2/L3	MR	HR

	Average (minimum)			
Up to 20'	10' (5')	10' (5')	10' (5')	0' (0')
21' to 35'	15' (5')	10' (5')	10' (5')	0' (0')
36' to 50'	20' (10')	20' (10')	10' (5')	0' (0')
51' or more	25' (10')	25' (10')	15' (5')	0' (0')

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

5. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

a. The minimum average setback may be reduced to ten (10) feet and the minimum setback to five (5) feet for structures or portions of structures across a street or alley from lots in residential zones.

b. The minimum average setback may be reduced to fifteen (15) feet and the minimum setback to five (5) feet for structures or portions of structures abutting lots in residential zones.

c. The limits in paragraphs a and b of this subdivision 5 may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

C. Structure Width.

1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure shall be sixty-five (65) feet unless either the modulation option in subsection C1a or the landscape option in subsection C1b of this section is met.

a. Modulation Option. Front facades and side and rear facades facing street lot lines shall be modulated according to the following provisions:

(1) The minimum depth of modulation shall be four (4) feet.

(2) The minimum width of modulation shall be twenty (20) percent of the total structure width or ten (10) feet, whichever is greater.

b. Landscape Option. Setbacks and landscaping shall be provided as follows:

(1) One (1) tree and three (3) shrubs are required for each three hundred (300) square feet of required setback. When new trees are planted, at least half must be deciduous.

(2) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten (10) feet of the area may be substituted for required plantings on a one (1) tree to one (1) tree or one (1) shrub to one (1) shrub basis if the minimum standards in Chapter 23.86, Measurements, are met, except that

shrub height need not exceed two (2) feet at any time. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) square feet of its canopy spread.

(3) The planting of street trees may be substituted for required trees on a one-to-one (1:1) basis. All street trees shall be planted according to City of Seattle Department of Transportation Tree Planting Standards.

(4) Each setback required to be landscaped shall be planted with shrubs, grass, and/or evergreen ground cover.

(5) Landscape features such as decorative paving are permitted to a maximum of twenty-five (25) percent of each required landscaped area.

(6) A plan shall be filed showing the layout of the required landscaping.

(7) The School District shall maintain all landscape material and replace any dead or dying plants.

2. There is no maximum width limit for additions to existing public school structures on existing public school sites. The Director may require landscaping to reduce the appearance of bulk.

3. Development standard departure from the modulation and landscaping standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to permit other techniques to reduce the appearance of bulk. Modulation and landscaping standards may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

D. Parking Quantity. Parking shall be as required as provided in Chapter 23.54.

E. Parking Location. Parking may be located:

1. Within the principal structure; or

2. On any portion of the site except the front setback when separated from streets and from abutting lots in residential zones by a five (5) foot deep area which is landscaped with trees and ground cover determined by the Director as adequate to soften the view of the parking from adjacent properties. In the case of a through lot, parking may also be located in one (1) front setback when landscaped as described in this subsection.

3. Development standard departure may be granted or required pursuant to the procedures set forth in Chapter 23.79 to permit parking location anywhere on the site and to reduce required landscaping. Landscaping may be waived in whole or in part if the topography of the site or other circumstances result in the purposes of landscaping being served, as, for example, when a steep slope shields parking from the view of abutting properties. This test may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

F. Bus and Truck Loading and Unloading.

1. An off-street bus loading and unloading area of a size reasonable to meet the needs of the school shall be provided and may be located in any required setback. The bus loading and unloading area may be permitted in a landscaped area provided under subsection C1b if the Director determines that landscaping around the loading and unloading area softens the impacts of its appearance on abutting properties.

2. One (1) off-street loading berth shall be required for new public school construction.

3. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 from the requirements and standards for bus and truck loading and unloading areas and berths only when departure would contribute to reduced demolition of residential structures.

G. Noise, Odor, Light and Glare. The development standards for small institutions set forth in subsections A1, B and C of Section 23.45.100 shall apply. Development standard departure from these standards may be granted or required pursuant to the procedures set forth in Chapter 23.79 only when departure would contribute to reduced demolition of residential structures.

(Ord. 121477 § 9, 2004; Ord. 120266 § 3, 2001; Ord. 118794 § 30, 1997; Ord. 118414 § 28, 1996; Ord. 118409 § 181, 1996: Ord. 116744 § 5, 1993; Ord. 114875 § 8, 1989; Ord. 114196 § 12, 1988; Ord. 112777 § 21, 1986; Ord. 112830 § 6, 1986; Ord. 112539 § 7, 1985.)[1]

1. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

Subchapter II

Administrative Conditional Uses

23.45.116 Administrative conditional uses--General provisions.

A. Only those uses identified in this subchapter as conditional uses may be authorized as conditional uses in multifamily zones. The master use permit process shall be used to authorize these uses.

B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Subchapter I.

C. The Director may approve, condition or deny a conditional use. The Director's decision shall be based on a determination whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

D. In authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

E. The Director shall issue written findings of fact and conclusions to support the Director's decision.

F. Any authorized conditional use which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

1. A permit to change the use of the property has been issued and the new use has been established; or

2. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.

Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multifamily structure or a multi-tenant commercial structure shall not be considered as discontinued unless all units are either vacant or devoted to another use.
(Ord. 113262 § 2, 1986; Ord. 110570 § 3(part), 1982.)

23.45.122 Institutions other than public schools not meeting development standards.

Institutions other than public schools which do not meet development standards established in Section 23.45.090 may be permitted in multifamily zones as administrative conditional uses. The provisions of this section shall apply to Major Institution uses as provided in Chapter 23.69, Major Institution Overlay District.

The following criteria shall be used to evaluate and/or condition the proposals:

A. Bulk and Siting. In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Director may modify the applicable development standards for modulation, landscaping, provision of open space, and structure width, depth and setbacks. In determining whether to allow such modifications, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.

B. Dispersion Criteria. An institution which does not meet the dispersion criteria of Section 23.45.102 may be permitted by the Director upon determination that it would not substantially aggravate parking shortages, traffic safety hazards, and noise in the surrounding residential area.

C. Noise. The Director may condition the permit in order to mitigate potential noise problems. Measures to be used by the Director for this purpose include, but are not limited to the following: landscaping, sound barriers or fences, mounding or berming, adjustments to yards or the location of refuse storage areas, or parking development standards, design modification and fixing of hours for use of areas.

D. Transportation Plan.

1. A transportation plan shall be required for proposed new institutions and for those institutions

proposing expansions which are larger than four thousand (4,000) square feet of structure area and/or required to provide twenty (20) or more parking spaces.

2. The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Consideration of the following elements and other similar factors may be required:

   a. Traffic. Number of staff during normal working hours; users, guests and others regularly associated with the institution; level of vehicular traffic generated; traffic peaking characteristics of the institution and the immediate area; likely vehicle use patterns; extent of congestion; types and number of vehicles associated with the use; and mitigating measures to be taken by the applicant;

   b. Parking Area. Number of spaces; extent of screening from public or abutting lots; direction of vehicle light glare; direction of lighting; sources of possible vibration; prevailing direction of exhaust fumes; location of driveway and curb cuts; accessibility and convenience of the parking area; and mitigating measures to be taken by the applicant, such as parking space preferences for carpool or vanpool vehicles and provisions for bicycle racks;

   c. Parking Overflow. Number of vehicles expected to park in the street; percentage of on-street parking supply to be used by the proposed use; opportunities available to share existing parking areas; trends in local area development and mitigating measures to be taken by the applicant;

   d. Safety. Number of driveways which cross pedestrian walkways; location of passenger loading areas;

   e. Availability of Mass Transportation. Bus route location and frequency of service; private transportation programs, including carpools and vanpools, to be provided by the applicant.

3. The Director may condition a permit to mitigate potential traffic and parking problems. Measures which may be used by the Director for this purpose include, but are not limited to, the following:

   a. Implementing the institution's transportation plan to encourage use of public or private mass transit;

   b. Increasing on-site parking or loading space requirements to reduce overflow of vehicles into the on-street parking supply;

   c. Changing access and location of parking;

   d. Decreasing on-site parking or loading space requirements, if the applicant can demonstrate that less than the required amount of parking is necessary due to the specific features of the institution or the activities and programs it offers. In such cases, the

applicant shall enter into an agreement with the Director, specifying the amount of parking required and linking the parking reduction to the features of the institution which justify the reduction. Such parking reductions shall be valid only under the conditions specified, and if those conditions change, the standard requirement shall be satisfied.
(Ord. 115002 § 7, 1990; Ord. 114875 § 9, 1989; Ord. 112539 § 8, 1985; Ord. 110793 § 45, 1982; Ord. 110570 § 3(part), 1982.)

23.45.124 Landmark structures.

A. The Director may authorize a use not otherwise permitted in a multifamily zone within a structure designated as a landmark pursuant to the Seattle Municipal Code, Chapter 25.12, Landmark Preservation Ordinance, subject to the following development standards:

1. The use shall be compatible with the existing design and/or construction of the structure without significant alteration; and

2. The use shall be allowed only when it is demonstrated that uses permitted by the zone are impractical because of structure design and/or that no permitted use can provide adequate financial support necessary to sustain the structure in reasonably good physical condition; and

3. The use shall not be detrimental to other properties in the zone or vicinity or to the public interest.

B. The parking requirements for a use allowed in a landmark are those listed in Section 23.54.015. These requirements may be waived pursuant to Section 23.54.020 C.
(Ord. 122311, § 39, 2006; Ord. 112777 § 2, 1986; Ord. 111390 § 33, 1983: Ord. 110570 § 3(part), 1982.)

23.45.126 Park and pool lot.

The Director may authorize a park and pool lot under the management of a public agency responsible for commuter pooling efforts if the Director shall determine that:

A. It is to be located on an existing parking lot;

B. The parking proposed for the park and pool lot is not needed by the principal use or its accessory uses during the hours proposed for park and pool use; and

C. The park and pool use shall not interfere or conflict with the peak hour activities associated with the principal use and its accessory uses. The Director may control the number and location of parking spaces to be used.
(Ord. 110570 § 3(part), 1983.)

Subchapter III

Accessory Uses

23.45.140 General provisions.

A. The accessory uses listed in this subchapter are permitted in all multifamily zones unless otherwise specified. In addition, other accessory uses customarily incidental to principal uses may be permitted, subject to the provisions of Chapter 23.42, General Use Provisions.

B. Accessory structures shall be counted in structure width and depth if less than three (3) feet from the principal structure at any point. Such detached accessory structures shall have a height limit of twelve (12) feet.
(Ord. 113978 § 4, 1988: Ord. 110793 § 46, 1982; Ord. 110570 § 3(part), 1982.)

23.45.142 Private garages and private carports.

Private garages and private carports shall be permitted as accessory uses in multifamily zones and shall be subject to the standards of the zone in which they are located.
(Ord. 110570 § 3(part), 1982.)

23.45.144 Swimming pools.

Private, permanent swimming pools, hot tubs and other similar uses are permitted as accessory uses subject to the following standards:

A. Swimming pools may be located in any required setbacks, provided that:

1. No part of any swimming pool shall project more than eighteen (18) inches above existing grade in a required front setback; and

2. No swimming pool shall be placed closer than five (5) feet to any front or side lot line.

B. All pools shall be enclosed with a fence, or located within a yard enclosed by a fence, not less than four (4) feet in height and designed to resist the entrance of children.

C. Swimming pools may be included in the measurement of required open space.
(Ord. 110570 § 3(part), 1982.)

23.45.146 Solar collectors.

A. Solar Greenhouses in Required Setbacks. Solar greenhouses attached and integrated with the principal structure and no more than twelve (12) feet in height are permitted as accessory uses. Such solar greenhouses may extend a maximum of six (6) feet into required front and side setbacks. Attached solar greenhouses in required setbacks shall be no closer than:

1. Three (3) feet from side lot lines; and

2. Eight (8) feet from front lot lines.

3. Solar greenhouses may be built to a rear lot line which abuts an alley, provided that the greenhouse is no taller than ten (10) feet along the rear property line, and of no greater average height than twelve (12) feet for a depth of fifteen (15) feet from the rear property line, and the greenhouse is no wider that fifty (50) percent of lot width for a depth of fifteen (15) feet from the rear property line. Otherwise solar greenhouses shall be no closer than five (5) feet from the rear lot line.

B. Solar Collectors in Required Setbacks. Solar collectors which meet minimum written energy conservation standards administered by the Director are permitted in required setbacks according to the following provisions:

1. Detached solar collectors shall be permitted in required rear setbacks. Such collectors shall be no closer than five (5) feet to any other principal or accessory structure.

2. Detached solar collectors shall be permitted in required side setbacks. Such collectors shall be no closer than five (5) feet to any other principal or accessory structure, and no closer than three (3) feet to the side lot line.

3. The area covered or enclosed by solar collectors may be counted as required open space.

4. Sunshades which provide shade for solar collectors which meet minimum written energy conservation standards administered by the Director may project into southern front or rear setbacks. Those which begin at eight (8) feet or more above finished grade may be no closer than three (3) feet from the property line. Sunshades which are between finished grade and eight (8) feet above finished grade shall be no closer than five (5) feet to the property line.

C. Solar Collectors on Rooftops.

1. Lowrise Zones. Solar collectors which are located on rooftops and which meet minimum written energy conservation standards administered by the Director shall be permitted to project up to four (4) feet above the maximum height limit. The four (4) feet permitted for rooftop solar collectors shall not be added to extra height allowed for pitched roofs.

2. Midrise and Highrise Zones.

a. Solar greenhouses which meet minimum energy conservation standards administered by the Director shall be permitted to project up to ten (10) feet above the maximum height limit, including the additional height allowed for sloped lots. The combined total coverage of all rooftop features shall not exceed fifteen (15) percent if the total includes screened mechanical equipment.

b. Rooftop solar collectors other than solar greenhouses shall be permitted to project up to seven (7) feet above the maximum height limit, including the additional height allowed for sloped lots.

c. Extra height permitted for rooftop solar collectors shall not be added to extra height

allowed for pitched roofs.

D. Nonconforming Solar Collectors. The Director may permit the installation of solar collectors which cause an existing structure to become nonconforming, or which increase an existing nonconformity, as a special exception pursuant to Chapter 23.76, Master Use Permit. Such an installation may be permitted even if it exceeds the height limits established in Section 23.45.146 C if the following conditions are met:

1. There is no feasible alternative solution to placing the collector(s) on the roof;

2. Such collector(s) are located so as to minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for the collectors; and

3. Such collector(s) meet minimum energy standards administered by the Director.

(Ord. 115043 § 9, 1990; Ord. 113401 § 4, 1987; Ord. 112971 § 11, 1986; Ord. 111591 § 1, 1984; Ord. 110793 § 47, 1982; Ord. 110570 § 3(part), 1982.)

23.45.148 Keeping of animals.

The keeping of animals is regulated by Section 23.42.052, Keeping of Animals.

(Ord. 122311, § 40, 2006; Ord. 116694 § 2, 1993: Ord. 110570 § 3(part), 1982.)

23.45.150 Beekeeping.

Beekeeping is permitted as an accessory use, when registered with the State Department of Agriculture, and provided that:

A. No more than four (4) hives, each with only one (1) swarm, shall be kept on lots of less than ten thousand (10,000) square feet.

B. Hives shall not be located within twenty-five (25) feet of any property line except when located eight (8) feet or more above the grade immediately adjacent to the subject lot or when situated less than eight (8) feet above the adjacent existing grade and behind a solid fence or hedge six (6) feet high, parallel to any property line within twenty-five (25) feet of a hive and extending at least twenty-five (25) feet beyond the hive in both directions.

(Ord. 110570 § 3(part), 1982.)

23.45.152 Home occupations.

Home occupations are regulated by Section 23.42.050, Home Occupations.

(Ord. 122311, § 41, 2006; Ord. 117263 § 21, 1994; Ord. 114875 § 10, 1989; Ord. 113387 § 2, 1987: Ord. 110570 § 3(part), 1982.)

23.45.154 Open wet moorage for private pleasure craft.

Open wet moorage facilities for residential structures are permitted as an accessory use as regulated in

Chapter 23.60, Shoreline District, provided that only one (1) slip per residential unit is provided.
(Ord. 118794 § 31, 1997: Ord. 110793 § 48, 1982: Ord. 110570 § 3(part), 1982.)

23.45.160 Bed and breakfasts.

A bed and breakfast use may be operated in a dwelling unit that is at least five (5) years old by a resident of the dwelling unit under the following conditions:

A. The bed and breakfast use must have a business license issued by the Department of Finance.

B. The operation of a bed and breakfast use may be conducted only within a single dwelling unit.

C. The bed and breakfast shall be operated within the principal structure and not in an accessory structure.

D. Interior and exterior alterations consistent with the development standards of the underlying zone are permitted.

E. There shall be no evidence of such use from the exterior of the structure other than a sign permitted by Section 23.55.022D1, so as to preserve the residential appearance of the structure.

F. No more than two (2) people who are not residents of the dwelling may be employed in the operation of a bed and breakfast, whether or not compensated.

G. Parking shall be required as provided in Chapter 23.54.
(Ord. 122208, § 2, 2006; Ord. 112777 § 23, 1986; Ord. 110570 § 3(part), 1982.)

23.45.162 Recycling collection station.

Recycling collection stations maintained in good condition shall be permitted in all multifamily zones.
(Ord. 110570 § 3(part), 1982.)

23.45.164 Heat recovery incinerators.

Heat recovery incinerators, located on the same lot as the principal use, shall be permitted as accessory conditional uses, subject to the following conditions:

A. The incinerator shall be located no closer than one hundred (100) feet to any property line unless completely enclosed within a building.

B. If not within a building, the incinerator shall be enclosed by a view-obscuring fence of sufficient strength and design to resist entrance by children.

C. Adequate control measures for insects, rodents and odors shall be maintained continuously.
(Ord. 110570 § 3(part), 1982.)

23.45.166 Off-site parking facilities in Highrise Zones.

Off-site parking facilities accessory to existing residential structures may be permitted in Highrise Zones as a conditional use, under the following conditions:

A. The off-site parking facilities must be accessory to a multifamily structure existing before the effective date of this Land Use Code, which provides less than one (1) parking space per unit, although it may include parking for a new residential development when developed jointly.

B. One (1) off-site parking facility per multifamily structure shall be permitted.

C. Joint use parking by two (2) or more structures is encouraged.

D. The off-site parking facility shall be located in the Highrise Zone.

E. All parking areas shall be covered, except when located on the roof of a garage which is at least ten (10) feet above existing grade. Where parking is visible from the street, it shall have screening between five (5) and six (6) feet in height. Such screening must be set back a minimum of three (3) feet from the street, with landscaping in the setback area. When parking is in an enclosed building, there shall be landscaping in the setback area between the structure and the street.

F. The garage shall have a maximum height of thirty-seven (37) feet. Setbacks shall equal the average of setbacks of abutting structures, but shall not be required to exceed ten (10) feet. Where the street front is used for retail, no setback shall be required.

G. Any lighting used to illuminate a parking area shall be arranged so as to reflect the light away from residences or adjoining premises in any residential zone.
(Ord. 120117 § 19, 2000; Ord. 110793 § 49, 1982; Ord. 110570 § 3(part), 1982.)

Chapter 23.46

RESIDENTIAL--COMMERCIAL

Sections:

Savings: The amendment or repeal by the ordinance codified in this chapter of any section of the Land Use Code shall not affect any right or duty accrued or any proceeding commenced under the provisions of such amended or repealed sections prior to the effective

date of the ordinance codified in this chapter.
(Ord. 112993 § 1 (part), 1986: Ord. 112777 § 59A (part), 1986.)

23.46.002 Scope of provisions.

A. This chapter details those authorized commercial uses which are or may be permitted in Residential-Commercial (RC) zones.

B. All RC zones are assigned a residential zone classification on the Official Land Use Map. The development standards of the designated residential zone shall apply to all uses in the RC zone except commercial uses. The development standards of the designated residential zone shall apply to all structures in the RC zone, except that parking quantity shall be required as provided in Chapter 23.54.

C. The development standards of the RC zone shall apply to all commercial uses.

D. Methods for measurements are provided in Chapter 23.86. Standards for parking quantity access and design are provided in Chapter 23.54. Sign standards are provided in Chapter 23.55.

E. In addition to the provisions of this chapter, certain residential-commercial areas may be regulated by Overlay Districts, Chapter 23.59.
(Ord. 118414 § 29, 1996; Ord. 116795 § 7, 1993: Ord. 112777 § 24(part), 1986.)

Part 1 Use Provisions

23.46.004 Uses.

A. All uses, except commercial uses and live-work units, which are permitted outright or by conditional use in the applicable residential zone shall be regulated by the residential zone provisions, including provisions relating to accessory uses.

B. Live-work units and the following commercial uses are permitted outright:

1. Sales and services, general;

2. Medical services;

3. Restaurants;

4. Business support services;

5. Offices;

6. Food processing and craft work; and

7. Retail sales, major durables.

C. Permitted commercial uses shall be allowed as either a principal use or as an accessory use.

D. Permitted commercial uses shall be allowed only in structures containing at least one (1) dwelling unit, which may be a live-work unit, according to the development standards of Section 23.46.012, Location of commercial uses.

E. Drive-in businesses shall be prohibited, either as principal or accessory uses.

F. Outdoor sales, outdoor display of rental equipment, and outdoor storage shall be prohibited, except for accessory recycling collection stations, and the accessory outdoor sales of fruits, vegetables and plants.

(Ord. 122311, § 42, 2006; Ord. 121828 § 1, 2005; Ord. 121196 § 2, 2003; Ord. 121145 § 2, 2003; Ord. 112777 § 24(part), 1986.)

23.46.006 Conditional uses.

A. Conditional use provisions of the applicable residential zone shall apply to all noncommercial conditional uses.

B. All conditional uses not regulated by subsection A shall meet the following criteria:

1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. In authorizing a conditional use, adverse impacts may be mitigated by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity, and the public interest. The Director shall deny the conditional use if it is determined that adverse impacts cannot be satisfactorily mitigated.

C. Parking at or below grade accessory to nonresidential uses or live-work units in adjacent commercial zones may be permitted as a conditional use.

1. The Director may authorize such parking if:

a. The proposed parking is necessary to meet parking requirements, or the proposed parking will be used as a shared parking facility;

b. The proposed parking is necessary to avoid increased parking congestion in the adjacent commercial area;

c. The proposed parking is necessary to avoid creation or worsening of excessive spillover parking in adjacent residential areas;

d. Other parking options such as shared parking have been considered and found to be unavailable in the adjacent commercial zone; and

e. The proposed parking does not encourage substantial traffic to pass through adjacent

residential areas.

2. If the Director authorizes a surface parking area, the following standards shall be met:

a. A minimum of fifteen (15) percent of the surface parking area shall be landscaped. Specific landscaped areas required in this subsection shall count toward the fifteen (15) percent.

b. A landscaped setback of at least ten (10) feet shall be provided along the front property line. A landscaped setback of at least five (5) feet in depth shall be provided along all other street property lines.

c. When abutting a property in a residential zone (including RC zones), six (6) foot high screening and a five (5) foot deep landscaped area inside the screening shall be provided.

d. When across the street from a residential zone (including RC zones), three (3) foot high screening shall be provided between the parking area and the landscaped setback along all street property lines.

e. Whenever possible, access to parking shall be from the commercial area.

(Ord. 121196 § 3, 2003; Ord. 112777 § 24(part), 1986.)

Part 2 Development Standards for Commercial Uses

23.46.012 Location of commercial uses.

A. Commercial uses shall be permitted only on or below the ground floor of a structure that contains at least one (1) dwelling unit, which may be a live-work unit, except as provided in the Northgate Overlay District, Chapter 23.71.

B. On sloping lots the commercial use may be located at more than one (1) level within the structure where the total commercial area does not exceed the area of the structure's footprint (Exhibit 23.46.012 A)

(Ord. 121196 § 4, 2003; Ord. 116795 § 8, 1993; Ord. 112777 § 24(part), 1986.)

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23.46.014 Maximum size of commercial uses.

A. The maximum size limit for individual business establishments shall be four thousand (4,000) square feet, except that in MR/RC and HR/RC zones, multi-purpose convenience stores shall be permitted up to a maximum size of ten thousand (10,000) square feet.

B. Maximum size shall be calculated by taking the gross floor area of a structure(s) or portion of a structure(s) occupied by a single business establishment.

C. Any area used for permitted outdoor sales shall be limited to one thousand (1,000) square feet, and shall be included in determining the maximum size of a business establishment.

D. Maximum Size of Combined Uses Within a Business Establishment. Business establishments which include more than one (1) type of use shall be permitted, provided each use is permitted, and:

1. The size of each use shall not exceed the size limit for the individual use; and

2. The total size of the business establishment does not exceed the maximum size allowed for the type of use with the largest size limit.

E. Split Zoned Lots.

1. The total size of a business establishment occupying portions of a lot in more than one (1) zone shall not exceed the maximum size allowed in the zone with the larger size limit.

2. The total size of that portion of a business establishment in each zone shall not exceed the maximum size allowed for that business establishment in that zone.

F. Accessory exterior recycling collection stations maintained in good condition shall be permitted in surface parking areas up to a maximum size of five hundred (500) square feet or five (5) percent of the parking area, whichever is less.
(Ord. 112777 § 24(part), 1986.)

23.46.016 Noise standards.

A. All fabricating uses, repairing, and refuse compacting activities shall be conducted wholly within an enclosed structure.

B. Major Noise Generators.

1. Exterior heat exchangers and other similar devices shall be considered major noise generators.

2. When a major noise generator is proposed, a report from an acoustical consultant shall be required to describe the measures to be taken by the applicant in order to meet noise standards for the area. Such measures may include, for example, the provision of buffers, reduction in hours of operation, relocation of mechanical equipment, increased setbacks, and use of specified construction techniques or building materials.

Measures to be used shall be specified on the plans. After a permit has been issued, any measures which were required by the permit to limit noise shall be maintained.
(Ord. 112777 § 24(part), 1986.)

23.46.018 Odor standards.

A. The venting of odors, fumes, vapors, smoke, cinders, dust and gas shall be at least ten (10) feet

above finished sidewalk grade and directed away as much as possible from residential uses within fifty (50) feet of the vent.

B. Major Odor Sources. Uses which employ the following odor-emitting processes or activities shall be considered major odor sources except when the entire activity is provided on a retail or on-site customer-service basis:

1. Cooking of grains;

2. Smoking of food or food products;

3. Fish or fish meal processing;

4. Coffee or nut roasting;

5. Deep fat frying;

6. Dry cleaning; and

7. Other similar processes or activities.

C. When an application is made for a use which is determined to be a major odor source, the Director, in consultation with the Puget Sound Clean Air Agency (PSCAA), shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken shall be indicated on plans submitted to the Director, and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures which were required by the permit shall be maintained.
(Ord. 121477 § 10, 2004; Ord. 112777 § 24(part), 1986.)

23.46.020 Light and glare standards.

A. Exterior lighting shall be shielded and directed away from adjacent uses.

B. Interior lighting in parking garages shall be shielded, to minimize nighttime glare affecting nearby uses.

C. Exterior lighting on poles shall be permitted up to a maximum height of thirty (30) feet from finished grade. In MR/RC and HR/RC zones, exterior lighting on poles shall be permitted up to a height of forty (40) feet from finished grade, provided that ratio of watts to area is at least twenty (20) percent below the maximum exterior lighting level permitted by the Energy Code.[1]
(Ord. 112777 § 24(part), 1986.)
1. Editor's Note: The Energy Code is codified at Subtitle VII of Title 22 of this Code.

23.46.022 Parking requirements.

A. Parking Quantity. Each permitted commercial use shall provide a minimum number of off-street parking spaces according to the requirements of Section 23.54.015, Required parking.

B. Location of Parking. Parking for commercial uses may be located:

1. On the same lot, according to the locational requirements of the designated residential zone; or

2. Within eight hundred (800) feet of the lot on which the commercial use is located, when either:

a. The parking is located in a commercial zone; or

b. The parking is part of the joint use of existing parking in an RC zone.

3. When parking is provided on a lot other than the lot of the use to which it is accessory, the provisions of Section 23.54.025, Parking covenants, shall apply.

(Ord. 112777 § 24(part), 1986.)

23.46.024 Transportation concurrency level-of-service standards.

Proposed uses in residential-commercial zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.
(Ord. 117383 § 5, 1994.)

Chapter 23.47A

COMMERCIAL

Sections:

23.47A.002 Scope of provisions.

A. This chapter describes the authorized uses and development standards for the following zones:

Neighborhood Commercial 1 (NC1),

Neighborhood Commercial 2 (NC2),

Neighborhood Commercial 3 (NC3),

Commercial 1 (C1),

Commercial 2 (C2).

B. Some land in C zones and NC zones may be regulated by Subtitle III, Division 3, Overlay Districts.

C. Other regulations, such as, and not limited to, requirements for setbacks from property lines to provide clearance for the Seattle City Light Overhead Power Distribution System located in the street right-of-way (Washington Administrative Code 296-24-960 and 296-155-428, National Electric Safety Code-2002, Rules 236 and 237, and Seattle City Light Guideline D2-3); requirements for streets, alleys and easements (Chapter 23.53); standards for parking quantity, access and design (Chapter 23.54); signs (Chapter 23.55); and methods for measurements (Chapter 23.86) may apply to development proposals. Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to the regulations in this chapter and additional regulations in Chapter 23.57.
(Ord. 122311, § 44, 2006)

23.47A.004 Permitted and prohibited uses.

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Chart A and this section, except as may be otherwise provided pursuant to Division 3 of this subtitle.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in Chart A.

C. The Director may authorize a use not otherwise permitted in the zone in a landmark structure, subject to the following criteria:

1. The use will not require significant alteration of the structure;

2. The design of the structure makes uses permitted in the zone impractical in the structure, or the permitted uses do not provide sufficient financial return to make use of the landmark structure feasible; and

3. The physical impacts of the use will not be detrimental to other properties in the zone or vicinity

or to the public interest.

D. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted outright or permitted as a conditional use under this chapter are permitted outright or as a conditional use, respectively, subject to the same use regulations, development standards and conditional use criteria that govern the similar uses.

2. Permitted Uses in Public Facilities Requiring Council Approval. Unless specifically prohibited in Chart A, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter, may be permitted by the City Council.

3. In all NC zones and C zones, uses in public facilities not meeting development standards may be permitted by the Council, and the Council may waive or grant departures from development standards, if the following criteria are satisfied:

   a. The project provides unique services that are not provided to the community by the private sector, such as police and fire stations;

   b. The proposed location is required to meet specific public service delivery needs;

   c. The waiver of or departure from the development standards is necessary to meet specific public service delivery needs; and

   d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

4. The City Council's use approvals, and waivers of or grants of departures from applicable development standards or conditional use criteria, contemplated by subsections 2 and 3, are governed by the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions.

5. Expansion of Uses in Public Facilities.

   a. Major Expansion. Major expansion of uses in public facilities allowed pursuant to subsections D1, D2, and D3 may be permitted according to the criteria and process in those subsections. A major expansion of a public facility use occurs when an expansion would not meet development standards or the area of the expansion would exceed either seven hundred fifty (750) square feet or ten (10) percent of the existing area of the use, whichever is greater. For the purposes of this subsection, area of use includes gross floor area and outdoor area devoted actively to that use, other than as parking.

   b. Minor Expansion. An expansion of a use in a public facility that is not a major expansion is a minor expansion. Minor expansions to uses in public facilities allowed pursuant to subsections D1, D2, and D3 above may be permitted according to the provisions of Chapter 23.76, for a Type I Master Use Permit.

6. Essential Public Facilities. Permitted essential public facilities will be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

E. Changes from accessory to principal use parking. On a lot where principal use parking is permitted outright, legally established accessory parking may be converted to principal use parking without a use permit or approval when the use served by the accessory parking has been discontinued. Any lawfully existing nonconformities as to development standards may be maintained.

F. Use of accessory parking. Where principal use parking is permitted outright, legally established accessory parking may be made available to the general public as short-term parking without a separate use permit or approval.

G. Live-work Units.

1. In all NC zones and C zones live-work units are permitted outright subject to the provisions of this title.

2. In pedestrian-designated zones live-work units shall not occupy more than 20% of the street-level street-facing facade.

3. In the Lake City and Bitter Lake Hub Urban Villages, live-work units shall not occupy more than 20% of the street-level street-facing facade.

4. Except where expressly treated as a residential use, live-work units shall be deemed a nonresidential use.

H. Adult Cabarets.

1. Any lot line of property containing any proposed new or expanding adult cabaret must be eight hundred (800) feet or more from any lot line of property containing any community center; child care center; school, elementary or secondary; or public parks and open space use.

2. Any lot line of property containing any proposed new or expanding adult cabaret must be six hundred (600) feet or more from any lot line of property containing any other adult cabaret.

I. The terms of Chart A are subject to any applicable exceptions or contrary provisions expressly set forth in this title.

Chart A for Section 23.47A.004 Uses in Commercial Zones						
		PERMITTED AND PROHIBITED USES BY ZONE(1)				
USES		NC1	NC2	NC3	C1	C2
A. AGRICULTURAL USES						
	A.1. Animal Husbandry	A	A	A	A	P

	A.2. Aquaculture	10	25	P	P	P
	A.3. Horticulture	10	25	P	P	P
B. CEMETERIES		X	X	X	X	X
C. COMMERCIAL USES						
C.1. Animal Shelters and Kennels		X	X	X	X	P
C.2. Eating and drinking establishments						
	C.2.a. Drinking establishments	CU-10	CU-25	P	P	P
	C.2.b. Restaurants	10	25	P	P	P
C.3. Entertainment Uses						
	C.3.a. Cabarets, adult (14)	X	P	P	P	P
	C.3.b. Motion picture theaters, adult	X	25	P	P	P
	C.3.c. Panorams, adult	X	X	X	X	X
	C.3.d. Sports and recreation, indoor	10	25	P	P	P
	C.3.e. Sports and recreation, outdoor	X	X	X(2)	P	P
	C.3.f. Theaters and spectator sports facilities	X	25	P	P	P
C.4. Food processing and craft work		10	25	25	P	P
C.5. Laboratories, Research and development		10	25	P	P	P
C.6. Lodging uses		X(3)	CU-25(3)	P	P	P
C.7. Medical services (4)		10	25	P	P	P
C.8. Offices		10	25	P	35(5)	35(5)
C.9. Sales and services, automotive						
	C.9.a. Retail sales and services, automotive	10(6)	25(6)	P(6)	P	P
	C.9.b. Sales and rental of motorized vehicles	X	25	P	P	P
	C.9.c. Vehicle repair, major automotive	X	25	P	P	P
C.10. Sales and services, general						
	C.10.a. Retail sales and services, general	10	25	P	P	P
	C.10.b. Retail sales, multipurpose	10(7)	50	P	P	P
C.11. Sales and Services, heavy						
	C.11.a. Commercial sales, heavy	X	X	25	P	P
	C.11.b. Commercial services, heavy	X	X	X	P	P
	C.11.c. Retail sales, major durables	10	25	P	P	P

	C.11.d. Retail sales and services, non-household	10	25	P	P	P
	C.11.e. Wholesale showrooms	X	X	25	25	P
C.12. Sales and services, marine						
	C.12.a. Marine service stations	10	25	P	P	P
	C.12.b. Sales and rental of large boats	X	25	P	P	P
	C.12.c. Sales and rental of small boats, boat parts and accessories	10	25	P	P	P
	C.12.d. Vessel repair, major	X	X	X	S	S
	C.12.3. Vessel repair, minor	10	25	P	P	P
D. HIGH-IMPACT USES		X	X	X	X	X
E. INSTITUTIONS						
E.1. Institutions not listed below		10	25	P	P	P
E.2. Major institutions subject to the provisions of Chapter 23.69		P	P	P	P	P
E.3. Religious Facilities		P	P	P	P	P
E.4. Schools, Elementary or Secondary		P	P	P	P	P
F. LIVE-WORK UNITS(8)		P	P	P	P	P
G. MANUFACTURING USES						
G.1. Manufacturing, light		X	10	25	P	P
G.2. Manufacturing, general		X	X	X	P	P
G.3. Manufacturing, heavy		X	X	X	X	X
H. PARKS AND OPEN SPACE		P	P	P	P	P
I. PUBLIC FACILITIES						
I.1. Jails		X	X	X	X	X
I.2. Work-release centers		CCU-10	CCU-25	CCU	CCU	CCU
J. RESIDENTIAL USES(9)						
J.1. Residential uses not listed below		P	P	P	P	CU(10)
J.2. Caretaker's quarters		P	P	P	P	P
K. STORAGE USES						
K.1. Mini-warehouses		X	X	25	40	P
K.2. Storage, outdoor		X	X	X(11)	P	P
K.3. Warehouses		X	X	25	25	P
L. TRANSPORTATION FACILITIES						
L.1. Cargo terminals		X	X	X	S	P
L.2. Parking and moorage						
	L.2.a. Boat moorage	S	S	S	S	S
	L.2.b. Dry boat storage	X	25	P	P	P
	L.2.c. Parking, principal use, except as listed below	X	25	P	P	P
	L.2.c.i. Park and Pool Lots	P(12)	P	P	P	P
	L.2.c.ii. Park and Ride Lots	X	X	CU	CU	CU

	L.2.d. Towing services	X	X	X	P	P
L.3. Passenger terminals		X	X	25	P	P
L.4. Rail Transit Facilities		P	P	P	P	P
L.5. Transportation facilities, air						
	L.5.a. Airports (land-based)	X	X	X	X	X
	L.5.b. Airports (water-based)	X	X	X	X	S
	L.5.c. Heliports	X	X	X	X	X
	L.5.d. Helistops	X	X	CCU	CCU	CU
L.6. Vehicle storage and maintenance						
	L.6.a. Bus bases	X	X	X	CCU	CCU
	L.6.b. Railroad switchyards	X	X	X	X	X
	L.6.c. Railroad switchyards with a mechanized hump	X	X	X	X	X
	L.6.d. Transportation services, personal	X	X	P	P	P
M. UTILITY USES						
M.1. Communication Utilities, major (13)		X	X	X	CCU	CCU
M.2. Communication Utilities, minor (13)		P	P	P	P	P
M.3. Power Plants		X	X	X	X	X
M.4. Recycling		X	X	X	P	P
M.5. Sewage Treatment Plants		X	X	X	X	X
M.6. Solid waste management		X	X	X	X	X
M.7. Utility Services Uses		10	25	P	P	P

KEY

A = Permitted as an accessory use only

CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, according to 23.47A.010)

CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, according to 23.47A.010)

P = Permitted

S = Permitted in shoreline areas only

X = Prohibited

10 = Permitted, business establishments limited to 10,000 sq. ft., according to 23.47A.010

20 = Permitted, business establishments limited to 20,000 sq. ft., according to 23.47A.010

25 = Permitted, business establishments limited to 25,000 sq. ft., according to 23.47A.010

35 = Permitted, business establishments limited to 35,000 sq. ft., according to 23.47A.010

50 = Permitted, business establishments limited to 50,000 sq. ft., according to 23.47A.010

NOTES

(1) In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in section 23.47A.005E. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).

(2) Permitted at Seattle Center.

(3) Bed and Breakfasts in existing structures are permitted outright with no maximum size limit.

(4) Medical services over 10,000 sq. ft. within 2,500 feet of a medical Major Institution Overlay boundary require conditional use approval, unless they are included in a Major Institution Master Plan or dedicated to veterinary services.

(5) Office uses in C1 and C2 zones are permitted up to the greater of 1 FAR or 35,000 square feet as provided in subsection 23.47A.010 D. Office uses in C1 and C2 zones are permitted outright with no maximum size limit if they meet the standards identified in subsection 23.47A.010 D.

(6) Gas stations and other businesses with drive-in lanes are not permitted in pedestrian-designated zones (Section 23.47A.028). Elsewhere in NC zones, establishing a gas station may require a demonstration regarding impacts under Section 23.47A.028.

(7) Grocery stores meeting the conditions of subsection 23.47A.010 E are permitted up to 23,000 sq. ft. in size.

(8) Subject to subsection 23.47A.004 G.

(9) Residential uses may be limited to 20% of a street-level street-facing facade according to subsection 23.47A.005 D.

(10) Residential uses are conditional uses in C2 zones under Section 23.47A.006 B3, except as otherwise provided above in Chart A or in that section.

(11) Permitted at Seattle Center, see Section 23.47A.011.

(12) Permitted only on parking lots existing at least 5 years prior to the establishment of the park and pool lot.

(13) See Chapter 23.57 for regulation of communication utilities.

(14) Subject to subsection 23.47A.004.H.

(Ord. 122411, §§ 2, 3, 2007; Ord. 122311, § 44, 2006)

23.47A.005 Street-level uses.

A. The requirements of this section apply in addition to the other applicable requirements of this title.

B. Parking, mini-warehouses, warehouses, or utility uses may not abut a street-level street-facing facade in a structure that contains more than one residential dwelling unit.

C. In NC zones in new structures, street-level parking must be separated from the street-level, street-facing facade by another permitted use.

D. Residential uses at street level.

1. Residential uses are generally permitted anywhere in a structure in NC1, NC2, NC3 and C1 zones, except as provided in subsections D2 and D3, below.

2. Residential uses may not occupy, in the aggregate, more than 20% of the street-level street-facing facade in the following circumstances or locations:

a. In a pedestrian-designated zone, facing a designated principal pedestrian street;

b. Within the Bitter Lake Hub Urban Village; or

c. Within the Lake City Hub Urban Village.

3. Residential uses may not exceed, in the aggregate, 20% of the street-level street-facing facade when facing an arterial or within a zone that has a height limit of eighty-five (85) feet or higher, except that residential uses may occupy 100% of the street-level street-facing facade in the following circumstances or locations:

a. Within a very low-income housing project existing as of May 1, 2006, or within a very low-income housing project replacing a very low-income housing project existing as of May 1, 2006 on the same site.

b. The residential use is an assisted living facility or nursing home and private living units are not located at street level.

c. Within the Station Area Overlay District, in which case the provisions of Chapter 23.61 apply.

d. Within the International Special Review District east of the Interstate 5 Freeway, in which case the provisions of Section 23.66.330 apply.

4. Additions. Additions to, or on-site accessory structures for, existing single-family structures are permitted outright.

5. Timing of construction of residential structures on lots subject to limits on street-level residential uses. Where residential uses at street level are limited to 20% of the street-level street-facing facade, and an applicant proposes to locate residential uses in a street-level facade to an extent that would not be permitted if no other structures were on the lot, and proposes to include street-level nonresidential uses in a separate structure between such facade and the street, no temporary or final certificate of occupancy shall be issued for the structure(s) including such residential uses until substantial construction of the structure(s) to include such nonresidential uses is achieved and a schedule for completion thereof is presented to and approved by the Director. "Substantial construction" means, for purposes of this subsection, that the framing of the exterior walls has been inspected and approved.

E. Pedestrian-designated zones. In pedestrian-designated zones the locations of uses are regulated as follows:

1. Along designated principal pedestrian streets, uses not listed in this subsection may not exceed, in the aggregate, 20% of the street-level street-facing facade.

a. General sales and services;

b. Major durables retail sales;

c. Eating and drinking establishments;

d. Lodging uses;

e. Theaters and spectator sports facilities;

f. Indoor sports and recreation;

g. Medical services;

h. Rail transit facilities;

i. Museum;

j. Community clubs or centers;

k. Religious facility;

l. Library;

m. Elementary or secondary school;

n. Parks and open space.

The establishment of any such use is subject to the applicable use provisions of this title.

2. The following streets are principal pedestrian streets when located within a pedestrian-designated zone:

10th Avenue;

11th Avenue;

12th Avenue;

15th Avenue East;

15th Avenue Northwest;

22nd Avenue Northwest;

23rd Avenue;

24th Avenue Northwest;

25th Avenue Northeast;

Beacon Avenue South;

Boren Avenue;

Boylston Avenue;

Broadway;

Broadway East;

California Avenue Southwest;

East Green Lake Drive North;

East Madison Street;

East Olive Way;

East Pike Street;

East Union Street;

Eastlake Avenue East;

First Avenue North;

Fremont Avenue North;

Fremont Place North;

Greenwood Avenue North;

Lake City Way Northeast;

Madison Street;

Martin Luther King Jr. Way South;

Mercer Street;

North 45th Street

North 85th Street;

Northeast 43rd Street;

Northeast 45th Street;

Northeast 125th Street;

Northwest 85th Street;

Northwest Market Street;

Queen Anne Avenue North;

Rainier Avenue South;

Roosevelt Way Northeast;

Roy Street;

South Alaska Street;

South Henderson Street;

South Lander Street;

South McClellan Street;

South Othello Street;

Southwest Alaska Street;

Summit Avenue;

Terry Avenue;

University Way Northeast;

Wallingford Avenue North; and

Woodlawn Avenue Northeast.

(Ord. 122311, § 44, 2006)

23.47A.006 Conditional uses.

A. All conditional uses are subject to the procedures described in Chapter 23.76, Master Use Permits and Council Land Use Decisions, and must not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. In authorizing a conditional use, the Director or City Council may require that adverse impacts be mitigated by imposing any conditions to protect other properties in the zone or vicinity, to compensate for impacts, and to protect the public interest. The Director shall deny or recommend denial of a conditional use if the Director determines that adverse impacts cannot be mitigated satisfactorily.

B. The following uses, where identified as administrative conditional uses on Chart A of Section 23.47A.004, or other features of development identified in this Section, may be permitted by the Director when the provisions of subsection A are met, subject to the further provisions below in this subsection:

1. Drinking establishments. Drinking establishments in NC1 and NC2 zones may be permitted as a conditional use subject to the following conditions or criteria:

a. The size of the drinking establishment, design of the structure, signing and illumination must be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.

b. The location, access and design of parking must be compatible with adjacent residential zones.

c. Special consideration will be given to the location and design of the doors and windows of drinking establishments to help ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings where the drinking establishment is located on a lot that abuts or is across from a residential zone.

d. Drinking establishments must not generate traffic that creates traffic congestion or further worsens spillover parking on residential streets.

2. Park-and-ride lots. Park-and-ride lots in NC3, C1 and C2 zones may be permitted as conditional uses subject to the following conditions or criteria:

a. The park-and-ride lot shall have direct vehicular access to a designated arterial improved to City standards.

b. If the proposed park-and-ride lot is located on a lot containing accessory parking for other uses, there must be no substantial conflict in the principal operating hours of the park-and-ride lot and other uses on the lot.

c. The Director may require landscaping and screening in addition to that required for surface parking areas, noise mitigation, vehicular access control, signage restrictions, and other measures to provide comfort and safety for pedestrians and bicyclists and to ensure the compatibility of the park-and-ride lot with the surrounding area.

3. Residential Uses in C2 zones.

a. Residential uses may be permitted in C2 zones as a conditional use subject to the following criteria:

(1) The residential use generally should not be located in an area with direct access to major transportation systems such as freeways, state routes and freight rail lines.

(2) The residential use generally should not be located in close proximity to industrial areas and/or nonresidential uses or devices that have the potential to create a nuisance or adversely affect the desirability of the area for living purposes as indicated by one of the following:

(a) The nonresidential use is prohibited in the NC3 zone;

(b) The nonresidential use or device is classified as a major noise generator; or

(c) The nonresidential use is classified as a major odor source.

(3) In making a determination to permit or prohibit residential uses in C2 zones, the Director shall take the following factors into account:

(a) The distance between the lot in question and major transportation systems and potential nuisances;

(b) The presence of physical buffers between the lot in question and major transportation systems and potential nuisance uses;

(c) The potential cumulative impacts of residential uses on the availability for nonresidential uses of land near major transportation systems; and

(d) The number, size and cumulative impacts of potential nuisances on the proposed residential uses.

b. Residential uses required to obtain a shoreline conditional use are not required to obtain an administrative conditional use permit.

c. Additions to, or on-site accessory structures for, existing residential structures are permitted outright.

4. Medical service uses. Medical service uses 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, may be approved as administrative conditional uses, except that they are permitted outright if included in an adopted master plan or dedicated to veterinary services. In order to approve a medical service use under this subsection, the Director must determine that an adequate supply of commercially zoned land for businesses serving neighborhood residents will continue to exist. The following factors will be used in making this determination:

a. Whether the amount of medical service uses existing and proposed in the vicinity would result in an area containing a concentration of medical services with few other uses; and

b. Whether medical service uses would displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of general sales and services uses, or significantly detract from an area's overall neighborhood-serving commercial character.

5. Change of One Nonconforming Use to Another. 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 are limited to those permitted in the next more intensive zone;

b. 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.

6. Lodging uses in NC2 zones. Lodging uses in NC2 zones are permitted up to 25,000 sq. ft., when all of the following conditions are met, except that bed and breakfasts in existing structures are permitted outright with no maximum size limit:

a. The lodging use contains no more than 50 units;

b. The proposed development is subjected to City design review, whether required by SMC Chapter 23.41 or not;

c. The design of the development, including but not limited to signing and illumination, is compatible with surrounding commercial areas; and

d. Auto access is via an arterial street that does not draw traffic through primarily residentially zoned areas.

C. The following uses, identified as Council Conditional Uses on Chart A of Section 23.47A.004, may be permitted by the Council when the conditions of subsection A of this section are met, subject to the following additional provisions:

1. In C1 and C2 zones, new bus bases for one hundred and fifty (150) or fewer buses, and existing bus bases that are proposed to be expanded to accommodate additional buses, according to the following standards and criteria.

a. The bus base has vehicular access, suitable for use by buses, to a designated arterial improved to City standards; and

b. The lot includes adequate buffering from the surrounding area and the impacts created by the bus base have been effectively mitigated.

c. The Council may require mitigating measures, which may include, but are not limited to:

(1) Noise mitigation,

(2) An employee ridesharing program,

(3) Landscaping and screening,

(4) Odor mitigation,

(5) Vehicular access controls, and

(6) Other measures to ensure the compatibility of the bus base with the surrounding area.

2. Helistops in NC3, C1 and C2 zones as accessory uses, according to the following standards and criteria:

a. The helistop is used solely for the takeoff and landing of helicopters serving public safety, news gathering or emergency medical care functions; is a public facility that is part of a City and regional transportation plan approved by the City Council; 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. The helistop is located so as to minimize impacts on surrounding areas.

c. The lot includes sufficient buffering of the operations of the helistop from the surrounding area.

d. Open areas and landing pads are hard-surfaced.

e. The helistop meets all federal requirements, including those for safety, glide angles and approach lanes.

3. Work-release centers in all NC zones and C zones, according to the following standards and criteria:

a. Maximum Number of Residents. No work-release center may house more than fifty (50) persons, excluding resident staff.

b. Dispersion Criteria.

(1) Each lot line of any new or expanding work-release center must be located six hundred (600) feet or more from any residential zone, any lot line of any assisted living facility, congregate residence, domestic violence shelter or nursing home, and any lot line of any school.

(2) Each lot line of any new or expanding work-release center must be located one (1) mile or more from any lot line of any other work-release center.

c. The Council's decision shall be based on the following criteria, after review by the Director and the Seattle Police Department:

(1) The applicant must demonstrate the need for the new or expanding facility in the City;

(2) The applicant must demonstrate that the facility can be made secure through a security plan to appropriately monitor and control residents, through a staffing plan for the facility, and through compliance with the security standards of the American Corrections Association;

(3) Proposed lighting must be located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to

ensure that security is maintained;

(4) The facility's landscape plan must meet the requirements of the zone while allowing visual supervision of the residents of the facility;

(5) Appropriate measures must be taken to minimize noise impacts on surrounding properties;

(6) The impacts of traffic and parking must be mitigated;

(7) The facility must be well-served by public transportation or the facility must demonstrate a commitment to a program of encouraging the use of public or private mass transportation;

(8) Verification from the Department of Corrections (DOC) must be provided that the proposed work-release center meets DOC standards for such facilities and that the facility will meet state laws and requirements.

D. Any authorized conditional use that has been discontinued shall not be re-established or recommenced except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

1. A permit to change the use of the property has been issued and the new use has been established; or

2. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months. Property that is vacant, or that is used only for dead storage of materials or equipment, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multifamily structure or a multi-tenant commercial structure shall not be considered discontinued unless all portions of the structure are either vacant or devoted to another use.

(Ord. 122311, § 44, 2006)

23.47A.007 Major Phased Developments.

A. An applicant may seek approval of a Major Phased Development, as defined in Section 23.84A.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, composed of contiguous parcels or parcels divided only by one or more rights-of-way.

2. The proposed project, which at time of application is a single, functionally interrelated campus, contains more than one building, with a minimum total gross floor area of two hundred thousand (200,000) square feet.

3. The first phase of the development consists of at least one hundred thousand (100,000) square feet in gross building floor area.

4. At the time of application, the project is consistent with the general character of development anticipated by Land Use Code regulations.

B. A Major Phased Development application shall be submitted, evaluated, and approved according to the following:

1. The application shall contain a level of detail that is sufficient to reasonably assess anticipated impacts, including those associated with a maximum build-out, 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.

1. When an amendment to a Master Use Permit with a Major Phased Development component is requested, the Director shall determine whether the amendment is minor or not.

a. A minor amendment is one that meets the following criteria:

(1) 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

(2) Compliance with applicable requirements of this title in effect at the time of the original Master Use Permit approval; and

(3) No significantly greater impact would occur.

2. If the Director determines that the amendment is minor, the Director may approve a revised site plan as a Type I decision. The Master Use Permit expiration date of the original approval shall be retained.

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 the subject of 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, notwithstanding any provision of Chapter 23.76. The decision may retain or extend the existing expiration date on the portion of the site affected by the revision.

(Ord. 122311, § 44, 2006)

23.47A.008 Street-level development standards.

A. Basic street-level requirements.

1. The provisions of this subsection apply to:

a. Structures in NC zones,

b. Structures that contain a residential use in C zones, and

c. Structures in C zones across the street from residential zones.

2. Blank facades.

a. Blank segments of the street-facing facade between two (2) feet and eight (8) feet above the sidewalk may not exceed twenty (20) feet in width.

b. The total of all blank facade segments may not exceed forty (40) percent of the width of the facade of the structure along the street.

c. Facade segments that do not include at least one of the following shall be considered blank:

(1) Windows;

(2) Entryways or doorways;

(3) Stairs, stoops, or porticos;

(4) Decks or balconies; or

(5) Screening and landscaping.

3. Setbacks. Street-level street-facing facades must be located within ten (10) feet of the street lot line, unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided.

B. Nonresidential street level requirements.

1. The provisions of this subsection and subsection A apply to:

   a. Structures with street-level nonresidential uses in NC zones,

   b. Structures with street-level nonresidential uses that also contain residential uses in C zones, and

   c. Structures in C zones across the street from residential zones.

2. Transparency.

   a. Sixty (60) percent of the street-facing facade between two (2) feet and eight (8) feet above the sidewalk shall be transparent.

   b. Transparent areas of facades shall be designed and maintained to allow unobstructed views from the outside into the structure or, in the case of live-work units, into display windows that have a minimum thirty (30) inch depth.

3. Height and depth of nonresidential space. The following provisions apply to new structures or new additions to existing structures:

   a. Nonresidential uses must extend an average of at least thirty (30) feet and a minimum of fifteen (15) feet in depth from the street-level street-facing facade, except that if the street-facing facade and depth requirements result in a space greater than fifty (50) percent of the structure's footprint, the Director shall modify the street-facing facade or depth requirements, or both, to reduce the space to fifty (50) percent of the structure's footprint.

   b. Nonresidential uses at street level must have a floor-to-floor height of at least thirteen (13) feet.

C. Pedestrian Designations. In pedestrian-designated zones, the following apply:

1. A minimum of eighty (80) percent of the width of a structure's street-level facade that faces a principal pedestrian street must be occupied by uses listed in 23.47A.005 E1. The remaining twenty (20) percent of the street frontage may contain other permitted uses and/or pedestrian entrances (see Exhibit 23.47A.008 A).

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2. For purposes of calculating the eighty (80) percent of a structure's street-level facade the width of a driveway at street level, not to exceed twenty-two (22) feet, may be subtracted from the width of the street-facing facade if the access cannot be provided from a street that is not a designated principal pedestrian street or from an alley.

3. If the street-facing facade and depth requirements result in a space greater than fifty (50) percent of the structure's footprint, the Director may modify the street-facing facade or depth requirements, or both, to reduce the space to fifty (50) percent of the structure's footprint.

D. Residential street-level requirements. Residential uses may be limited to 20% of the street-level street-facing facade under section 23.47.005. When a residential use is located on a street-level street-facing facade, the provisions of Subsection A and the following apply:

1. At least one of the street-level street-facing facades containing a residential use must have a visually prominent pedestrian entry.

2. Either the first floor of the structure at or above grade shall be at least four (4) feet above sidewalk grade or the street-level facade shall be set back at least ten (10) feet from the sidewalk.

E. Live-work unit standards. When a live-work unit is located on a street-level street-facing facade, the provisions of Subsections A and B apply, and the portion of each such live-work unit in which business is conducted must be located between the principal street and the residential portion of the live-work unit.

F. Departures: The Director may allow departures from street-level requirements of this section for projects that are not subject to the Design Review process, as a Type I decision, if the Director determines that the project will maintain the safety and aesthetics of the streetscape for pedestrians and will:

1. Maintain pedestrian access to the structure;

2. Maintain urban form consistent with adjacent structures;

3. Maintain the visibility of nonresidential uses;

4. Maintain the privacy of residential uses; or

5. Allow the continued use of an existing structure without substantial renovation.

(Ord. 122311, § 44, 2006)

23.47A.010 Maximum size of nonresidential use.

A. Except as provided in subsection D of this section, size limits, where specified in Chart A of Section 23.47A.004, apply to the total size of a business establishment, except that if a business establishment includes more than one principal use, size limits apply separately to the size of each principal use within the business establishment as determined under this section.

B. For the purposes of this section, size of use includes the gross floor area of a structure(s), or portion of a structure(s), occupied by a principal use and all uses accessory to that use, except that

1. In NC1 and NC2 zones, any area dedicated to outdoor display of goods or equipment for rent or for sale is also included, and

2. In all zones, any gross floor area used for accessory parking is exempted from the size calculation.

C. If a business establishment is located in more than one zone:

1. If the business establishment includes only one principal use, then:

a. the size of the portion of the business establishment that is located within each zone may not exceed the size limit for that principal use for that zone; and

b. the total size of the business establishment may not exceed the largest limit for that principal use that applies in any of the zones where any part of the business establishment is located.

2. If the business establishment includes more than one principal use, size limits apply to each principal use within the business establishment separately, as follows:

a. the size of the portions of each principal use and its accessory uses that are in one zone may not exceed the size limit for that principal use for that zone; and

b. the total size of each principal use and its accessory uses may not exceed the largest limit for that principal use that applies in any of the zones where any part of that use is located.

D. In C1 and C2 zones, office uses are limited one (1) FAR, or thirty-five thousand (35,000) square feet, whichever is greater. For purposes of this subsection, size limits apply to the total amount of all office uses on a lot. Office uses are exempt from this limit if the following NC3 zone standards are met:

1. Blank facades and setbacks, per Section 23.47A.008 A;

2. Transparency, per Section 23.47A.008 B2;

3. Outdoor storage areas, per Section 23.47A.011 D;

4. Screening of blank facades and gas stations, per Section 23.47A.016 C and D2;

5. Drive-in lanes, per Section 23.47A.028;

6. Access to parking, per Section 23.47A.032 A; and

7. Location of parking, per Section 23.47A.032 B.

E. Expansion or replacement of Grocery Stores in NC1 Zones. Grocery stores in NC1 zones are limited to 10,000 square feet. As a special exception, existing grocery stores may be expanded or replaced on-site or on abutting lots up to a maximum size of twenty-three thousand (23,000) sq. ft. when all of the following conditions are met:

1. The grocery store to be expanded or replaced is legally established as of, and has continued in operation since, August 1, 2005;

2. The store is located in a zone of contiguous NC1 zoned land that is at least three (3) acres in size and the zone is at least 1,500 feet away from any NC2, NC3, C1 or C2 zone;

3. The lot abuts an arterial street and the expansion or replacement of the store is not likely to result in significant increases in traffic on non-arterial streets;

4. The expanded or replaced store will be part of a development with at least 30% (thirty percent) of the gross floor area of the structure, not including parking, in residential use; and

5. Impacts to adjacent residential areas from loading activities are mitigated using screening, buffers, or other techniques; and

6. The Director finds that the expansion or replacement is compatible with the character and scale of the area in which it is located.

(Ord. 122311, § 44, 2006)

23.47A.011 Outdoor activities.

A. Except as otherwise provided in this section, outdoor activities that are part of permitted commercial uses are permitted in NC zones or C zones, subject to any applicable standards.

B. Outdoor sales area is limited as follows:

Zone	Maximum Size Limit of Outdoor Sales Area
NC1 zones	40% of lot area or 1,500 square feet, whichever is less
NC2	40% of lot area or 10,000 square feet, whichever is less
NC3, C1 and C2 zones	No maximum size limit

C. Outdoor display areas for rental equipment are limited as follows:

Zone	Maximum Size Limit of Outdoor Display of Rental Equipment
NC1 zones	10% of lot area or 500 square feet, whichever is less
NC2 and NC3 zones	15% of lot area or 1,000 square feet, whichever is less
C1 and C2 zones	No maximum size limit

D. Outdoor storage areas are limited as follows:

Zone	Maximum Size Limit of Outdoor Storage Area
NC1 and NC2 zones, and NC3 zones, except at Seattle Center	Prohibited
NC3 zones at Seattle Center	1,000 square feet at any one location; and 10,000 square feet for the entire site.
C1 and C2 zones	No maximum size limit

E. The following outdoor activities must be located at least fifty (50) feet from a lot in a residential zone, unless the elevation of the lot with the activity is at least fifteen (15) feet above the grade of the lot in the residential zone at the common lot line:

1. Outdoor sales and/or service of food or beverages;

2. Outdoor storage;

3. Outdoor sports and recreation;

4. Outdoor loading berths.

F. Outdoor activities must be screened and landscaped according to the provisions of Section 23.47A.016.
(Ord. 122311, § 44, 2006)

23.47A.012 Structure height.

A. Maximum Height. The height limit for structures in NC zones or C zones is thirty (30) feet, forty (40) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred twenty-five (125) feet, or one hundred sixty (160) feet, as designated on the Official Land Use Map, Chapter 23.32. Structures may not exceed the applicable height limit, except as otherwise provided in this section. Within the South Lake Union Urban Center, any modifications or exceptions to maximum structure height are allowed solely according to the provisions of the Seattle Mixed Zone, subsections 23.48.010 B1-3, D and E, and not according to the provisions of this section.

1. In zones with a thirty (30) foot or forty (40) foot mapped height limit, except in the South Lake Union Urban Center:

   a. the height of a structure may exceed the otherwise applicable limit by up to four (4) feet, subject to subsection A1c of this section, provided the following conditions are met:

      (1) Either

(a) A floor-to-floor height of thirteen (13) feet or more is provided for nonresidential uses at street level; or

(b) A residential use is located on a street-level, street facing facade, and the first floor of the structure at or above grade is at least four feet above sidewalk grade; and

(2) The additional height allowed for the structure will not allow an additional story beyond the number that could be built under the otherwise applicable height limit.

b. The height of a structure may exceed the otherwise applicable limit by up to seven (7) feet, subject to subsection A1c of this section, provided all of the following conditions are met:

(1) Residential and multipurpose retail sales uses are located in the same structure;

(2) The total gross floor area of at least one (1) multi-purpose retail sales use exceeds twelve thousand (12,000) square feet;

(3) A floor-to-floor height of sixteen (16) feet or more is provided for the multi-purpose retail sales use at street level;

(4) The additional height allowed for the structure will not allow an additional story beyond the number that could be built under the otherwise applicable height limit if a sixteen (16) foot floor-to-floor height were not provided at street level; and

(5) The structure is not allowed additional height under subsection A1a of this section.

c. The Director shall reduce or deny the additional structure height permitted by this subsection A1 if the additional height otherwise would significantly block views from neighboring residential structures of any of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Green Lake, Puget Sound, Lake Washington, Lake Union and the Ship Canal.

2. For any lot within the designated areas shown on Map 23.47A.012 A, the maximum structure height in NC zones or C zones with a forty (40) foot height limit may be increased to sixty-five (65) feet, provided that all portions of the structure above forty (40) feet contain only residential uses, and provided that no additional height is allowed under subsection A1 of this section.

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3. Monorail transit facilities may exceed the height limit of the zone according to the provisions of Section 23.80.004 or Section 15.54.020.

4. Within the South Lake Union Urban Center, maximum structure height shall be determined according to the provisions of the Seattle Mixed Zone, Section 23.48.010.

5. Within the Station Area Overlay District within the University District Northwest Urban Center Village, maximum structure height may be increased to one hundred twenty-five (125) feet when all of the following are met:

a. The lot is within two (2) blocks of a planned or existing light rail station;

b. The proposed use of the lot is functionally related to other office development, permitted prior to 1971, to have over five hundred thousand (500,000) square feet of gross floor area to be occupied by a single entity;

c. A transportation management plan for the life of the use includes incentives for light rail and other transit use by the employees of the office use;

d. The development shall provide street level amenities for pedestrians and shall be designed to promote pedestrian interest, safety, and comfort through features such as landscaping, lighting and transparent facades, as determined by the Director; and

e. This subsection can be used only once per functionally related development.

B. Sloped Lots. On sloped lots, except in the South Lake Union Urban Center, additional height is permitted along the lower elevation of the structure footprint, at the rate of one (1) foot for each six (6) percent of slope, to a maximum additional height of five (5) feet (see Exhibit 23.47A.012 B) above the otherwise applicable height limit.

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C. Pitched Roofs. The ridge of a pitched roof, other than a shed roof or butterfly roof, may extend up to five (5) feet above the otherwise applicable height limit in zones with height limits of thirty (30) or forty (40) feet, if all parts of the roof above the otherwise applicable height limit are pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.47A.012 C).

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D. Rooftop Features.

1. Smokestacks, chimneys, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend as

high as the highest ridge of a pitched roof permitted by subsection C or up to four (4) feet above the otherwise applicable height limit, whichever is higher.

3. Solar Collectors.

   a. In zones with mapped height limits of thirty (30) or forty (40) feet, solar collectors may extend up to four (4) feet above the otherwise applicable height limit, with unlimited rooftop coverage.

   b. In zones with height limits of sixty-five (65) feet or more, solar collectors may extend up to seven (7) feet above the otherwise applicable height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen (15) feet above the otherwise applicable height limit, so long as the combined total coverage of all features listed in this subsection does not exceed twenty (20) percent of the roof area or twenty-five (25) percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

   a. Solar collectors;

   b. Stair and elevator penthouses;

   c. Mechanical equipment;

   d. Play equipment and open-mesh fencing that encloses it, as long as the fencing is at least fifteen (15) feet from the roof edge; and

   e. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012.

5. Within the South Lake Union Urban Center, the combined total coverage of all features listed in subsection D4 may be increased to sixty-five (65) percent of the roof area, provided that the following are satisfied:

   a. The additional rooftop coverage allowed by this subsection is used to accommodate mechanical equipment that is accessory to a research and development laboratory; and

   b. All mechanical equipment is screened; and

   c. No rooftop features are located closer than ten (10) feet from the roof edge.

6. The rooftop features listed in this subsection D6 must be located at least ten (10) feet from the north edge of the roof unless a shadow diagram is provided that demonstrates that locating such features within ten (10) feet of the north edge of the roof would not shade property to the north on January 21st at noon more than would a structure built to maximum permitted height and FAR:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.012;

f. Non-firewall parapets;

g. Play equipment.

7. Structures existing prior to May 10, 1986 may add new or replace existing mechanical equipment up to fifteen (15) feet above the roof elevation of the structure and shall comply with the noise standards of Section 23.47A.018.

8. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

E. Solar Retrofits. The Director may permit the retrofitting of solar collectors on conforming or nonconforming structures existing on June 9, 1986 as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such a retrofit may be permitted to exceed established height limits, if the following conditions are met:

1. There is no feasible alternative solution to placing the collector(s) on the roof;

2. The positioning of such collector(s) minimizes view blockage and shading of property to the north, while still providing adequate solar access for the collectors; and

3. Such collector(s) meet minimum energy standards administered by the Director.

F. Height Exceptions for Public Schools.

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone.

2. For new public school construction on existing public school sites, the maximum permitted height shall be the maximum height permitted in the zone or thirty-five (35) feet plus fifteen (15) feet for a pitched roof complying with subsection F5, whichever is greater.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the maximum height permitted in the zone, the height of the existing school,

or thirty-five (35) feet plus fifteen (15) feet for a pitched roof complying with subsection F5, whichever is greater.

4. Development standard departure for structure height may be granted pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height that may be granted as a development standard departure in zones with height limits of thirty (30) or forty (40) feet shall be thirty-five (35) feet plus fifteen (15) feet for a pitched roof complying with subsection F5 for elementary schools and sixty (60) feet plus fifteen (15) feet for a pitched roof complying with subsection F5 for secondary schools. All height maximums may be waived by the Director when waiver would contribute to the demolition of fewer residential structures.

5. To qualify for additional height for a pitched roof under this subsection F, all parts of the roof above the height otherwise allowed must be pitched at a rate of not less than three to twelve (3:12) and the roof must not be a shed roof or butterfly roof.

(Ord. 122311, § 44, 2006)

23.47A.013 Floor area ratio.

A. Floor area ratio (FAR) limits apply to all structures and lots in all NC zones and C zones.

1. All gross floor area not exempt under subsection D of this Section is counted against the maximum gross floor area allowed by the permitted FAR.

2. When there are multiple structures on a lot, the highest FAR limit applicable to any structure on the lot applies to the combined non-exempt gross floor area of all structures on the lot, subject to subsection A4 of this section.

3. Above-grade parking within or covered by a structure or portion of a structure must be included in gross floor area calculations.

4. When a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone.

B. Except as provided in subsections C, D and E of this section, maximum FAR allowed in C zones and NC zones is shown in Chart A.

Chart A: Maximum Floor Area Ratio (FAR) Outside of the Station Area Overlay District						
	Height Limit					
	30'	40'	65'	85'	125'	160'
	Maximum FAR					
1. For residential or nonresidential structures.	2.25	3	4.25	4.5	5	5

2. For structures containing both residential and nonresidential uses.	2.5	3.25	4.75	6	6	7

C. Maximum FAR allowed in NC zones or C zones within the Station Area Overlay District is shown in Chart B.

Chart B: Maximum Floor Area Ratio (FAR) in the Station Area Overlay District						
	Height Limit					
	30'	40'	65'	85'	125'	160'
Maximum FAR	3	4	5.75	6	6	7

D. The following floor area is exempt from calculation of gross floor area subject to FAR limits:

1. All gross floor area below existing or finished grade, whichever is lower;

2. Gross floor area of a transit station, including all floor area open to the general public during normal hours of station operation but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve transit riders;

3. Within the South Lake Union Urban Center, gross floor area occupied by mechanical equipment located on the roof of a structure;

4. Within the South Lake Union Urban Center, mechanical equipment that is accessory to a research and development laboratory, up to fifteen (15) percent of the gross floor area of a structure. The allowance is calculated on the gross floor area of the structure after all space exempt under this subsection is deducted; and

5. Within the First Hill Urban Center Village, on lots zoned NC3, with a one hundred and sixty (160) foot height limit, all gross floor area occupied by a residential use.

E. Within the Station Area Overlay District within the University District Northwest Urban Center Village, for office structures permitted prior to 1971, the area of the lot for purposes of calculating permitted FAR is the tax parcel created prior to the adoption of Ordinance 121846 on which the existing structure is located, provided the office structure is to be part of a functionally related development occupied by a single entity with over five hundred thousand (500,000) square feet of area in office use. The floor area of above grade pedestrian access is exempt from the FAR calculations of this subsection, and the maximum permitted FAR is eight (8).

(Ord. 122311, § 44, 2006)

23.47A.014 Setback requirements.

A. Definition. For the purposes of this section, "portions of structures" include those features listed in Section 23.47A.012 D, Rooftop Features.

B. Rear and side setback requirements for lots adjacent to residential zones.

1. A setback is required on any lot that abuts the intersection of a side lot line and front lot line of a lot in a residential zone. The required setback forms a triangular area. Two (2) sides of the triangle must each extend along the street lot line and side lot line fifteen (15) feet from the intersection of the street lot line and the side lot line abutting the residentially zoned lot. The third side connects these two (2) sides with a diagonal line across the lot (Exhibit 23.47A.014 A).

GRAPHIC UNAVAILABLE: Click here

2. A setback is required along any rear or side lot line that abuts a lot in a residential zone, as follows:

a. Ten (10) feet for portions of structures above thirteen (13) feet in height to a maximum of sixty-five (65) feet; and

b. For each portion of a structure above sixty-five (65) feet in height, additional setback at the rate of one (1) foot of setback for every ten (10) feet by which the height of such portion exceeds sixty-five (65) feet (Exhibit 23.47A.014 B).

GRAPHIC UNAVAILABLE: Click here

3. Structures with more than one dwelling unit. For a structure with more than one dwelling unit, a setback is required along any rear lot line that abuts a lot in a residential zone or that is across an alley from a lot in a residential zone, as follows:

a. Fifteen (15) feet for portions of structures above thirteen (13) feet in height to a maximum of forty (40) feet; and

b. For each portion of a structure above forty (40) feet in height, additional setback at the rate of two (2) feet of setback for every ten (10) feet by which the height of such portion exceeds forty (40) feet (Exhibit 23.47A.014 C).

GRAPHIC UNAVAILABLE: Click here

4. One-half (1/2) of the alley width may be counted as part of the required setback. For the purpose of this section, the alley width and the location of the rear lot line shall be determined prior to any dedication that may be required for alley improvement purposes.

5. No entrance, window, or other opening is permitted closer than five (5) feet to a residential zone.

C. A minimum five (5) foot landscaped setback may be required under certain conditions and for certain uses according to Section 23.47A.016, Screening and landscaping standards.

D. Mobile Home Parks. A minimum five (5) foot setback is required along all street lot lines of a mobile home park. The setback must be landscaped according to the provisions of Section 23.47A.016 D2.

E. Structures in Required Setbacks.

1. Decks and balconies.

a. Decks with open railings may extend into the required setback, but are not permitted within five (5) feet of a lot in a residential zone, except as provided in subsection E1b.

b. Decks that are accessory to residential uses and are no more than eighteen (18) inches above existing or finished grade, whichever is lower, are permitted within five (5) feet of a lot in a residential zone.

2. Eaves, cornices and gutters projecting no more than eighteen (18) inches from the structure facade are permitted in required setbacks.

3. Ramps or other devices necessary for access for the disabled and elderly, which meet Seattle Building Code, Chapter 11, are permitted in required setbacks.

4. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five (5) feet in width, are permitted in required setbacks.

5. Fences, bulkheads, freestanding walls and other similar structures.

a. Fences, freestanding walls and other similar structures six (6) feet or less in height above existing or finished grade, whichever is lower, are permitted in required setbacks. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.

b. Bulkheads and retaining walls used to raise grade may be placed in any required setback when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9 1/2) feet.

c. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six (6) feet, whichever is greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open guardrail of no more than forty-two (42) inches meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3) feet from such a bulkhead or retaining wall.

6. Setback requirements do not limit underground structures.

7. Detached solar collectors are permitted in required setbacks. Such collectors may be no closer than five (5) feet to any other principal or accessory structure, and no closer than three (3) feet to any lot line that abuts a residentially zoned lot.

8. Dumpsters and other trash receptacles, except for trash compactors, located outside of structures are not permitted within ten (10) feet of any lot line that abuts a residential zone and must be screened per the provisions of section 23.47A.016.

F. Setback requirement for loading adjacent to an alley. Where access to a loading berth is from the alley, and truck loading is parallel to the alley, a setback of twelve (12) feet is required for the loading berth, measured from the centerline of the alley (Exhibit 23.47A.014 D). This setback must be maintained up to a height of sixteen (16) feet.

GRAPHIC UNAVAILABLE: Click here

G. A setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones, and Section 23.53.030, Alley improvements in all zones.
(Ord. 122311, § 44, 2006)

23.47A.015 View corridors.

A. On lots that are partially within the Shoreline District, a view corridor shall be required for the entire lot if the portion of the lot in the Shoreline District is required to provide a view corridor under the Seattle Shoreline Master Program.

B. Measurement and modification of the view corridor requirement must be according to the Shoreline District measurement regulations.
(Ord. 122311, § 44, 2006)

23.47A.016 Landscaping and screening standards.

A. Landscaping requirements.

1. Standards. All landscaping provided to meet requirements under this section must meet standards promulgated by the Director to provide for the long-term health, viability and coverage of plantings. The Director may promulgate standards relating matters including, but not limited to, the type and size of plants, number of plants, concentration of plants, depths of soil, use of low water use plants and access to light and air for plants.

2. Green Area Factor Requirement. Landscaping that achieves a green factor score of .30 or greater is required for:

   a. any new structure containing more than four (4) dwelling units;

   b. any new structure containing more than four thousand (4,000) square feet of nonresidential uses; and

   c. any new parking lot containing more than twenty (20) parking spaces for automobiles.

3. Green Area Factor Calculation. The green area factor score for a lot is determined as follows:

   a. Multiply the square feet, or equivalent square footage where applicable, of each of the existing and proposed elements listed in Chart A of this Section by the green area multiplier shown for that element, according to the following provisions:

      (1) If multiple elements listed on Chart A occupy an area (for example, groundcover under a tree), the full square footage or equivalent square footage of each element is used to calculate the product for that element.

      (2) Landscaping elements that are provided in the portions of rights-of-way abutting the lot that are between the lot line and the roadway may be included, except that permeable paving in the right-of-way may not be included.

      (3) Elements listed in Chart A that are provided to satisfy any requirements of this chapter may be included.

      (4) For trees and large shrubs, use the equivalent square footage of each tree or shrub according to Chart B of this Section.

      (5) For vegetated walls, use the square footage of the portion of the wall covered by vegetation.

      (6) For all elements other than trees, large shrubs and vegetated walls, square footage is determined by the area of the portion of a horizontal plane that underlies the element.

   b. Add together all the products computed under subsection A3a to determine the total green area factor.

c. Divide the total green area factor by the lot area to determine the green area factor score.

Chart A of Section 23.47A.016		
Green Area Factor Elements*		Multiplier
A. Vegetation planted with a soil depth of less than twenty-four (24) inches:		
	1. Lawn, grass pavers, ground covers or other plants normally expected to be less than three (3) feet tall at maturity.	0.2
	2. Large shrubs	0.3
B. Landscaping elements planted with a soil depth of twenty-four (24) inches or more:		
	1. Lawn, grass pavers, ground covers or other plants normally expected to be less than three (3) feet tall at maturity.	0.7
	2. Large shrubs	0.3
	3. Small trees	0.3
	4. Small/medium trees	0.3
	5. Medium/large trees	0.4
	6. Large trees	0.4
	7. Exceptional trees and exceptionally large trees	0.5
	8. Permeable paving at grade	0.6
C. Green roofs planted with a soil depth of at least four (4) inches		0.7
D. Vegetated walls		0.7
E. Water features under water at least nine (9) months per year or rain gardens.		0.7
F. Bonuses applied to Green Factor Elements, above:		
	1. Landscaping that consists entirely of drought tolerant species, as defined by the Director, or landscaping areas that are designed for at least fifty (50) percent of irrigation to be provided through use of harvested rainwater.	0.1
	2. Landscaping visible to passersby.	0.1

* A feature may qualify as an element in this Chart only if it satisfies applicable conditions in rules promulgated by the Director for such element, if any.

Chart B of 23.47A.016 Equivalent square footage of trees and large shrubs	
Landscaping Elements	Equivalent Square Feet
Large shrubs	16 square feet per shrub

Small trees	50 square feet per tree
Small/medium trees	100 square feet per tree
Medium/large trees	150 square feet per tree
Large trees	200 square feet per tree
Exceptional trees and exceptionally large trees	250 square feet per tree

B. Street tree requirements.

1. Street trees are required when any type of development is proposed, except as provided in subsection B2 and section 23.53.015. The Director, in consultation with the Director of Transportation, will determine the number, type and placement of street trees to be provided, based on the following considerations:

a. space in the planting strip;

b. presence, type and spacing of existing street trees in the area;

c. size of trees to be planted;

d. distance required between trees in order to encourage healthy growth;

e. location of utilities;

f. access to the street;

g. viability of particular plants in the location; and

h. public safety.

Existing street trees count toward this requirement.

2. Exceptions to street tree requirements.

a. If a lot borders an unopened street, the Director may reduce or waive the street tree requirement along that street if, after consultation with the Director of Transportation, the Director determines that the street is unlikely to be developed.

b. Street trees are not required as a condition to any of the following:

(1) establishing, constructing or modifying single-family dwelling units; or

(2) changing a use, or establishing a temporary use or intermittent use; or

(3) expanding a structure by one thousand (1,000) square feet or less; or

(4) expanding surface area parking by less than ten (10) percent in area or in number of spaces.

c. When an existing structure is proposed to be expanded by more than one thousand (1,000) square feet, one street tree is required for each five hundred (500) square feet over the first one thousand (1,000) square feet, up to the maximum number of required trees.

d. If street trees would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, the Director may reduce or waive the street tree requirement after consultation with the Director of Transportation, and may condition the reduction or waiver on the provision of landscaping in addition to what otherwise would be required.

3. If it is not feasible to plant street trees in an abutting planting strip, landscaping other than trees is required in the planting strip, subject to approval by the Director of the Department of Transportation. If, according to the Director of the Department of Transportation, a landscaped planting strip is not feasible, the Director may reduce or waive this requirement.

C. General standards for screening and landscaping where required for specific uses.

1. Screening required under subsection D must be either:

a. A fence or wall at least as tall as the height specified in subsection D; or

b. A hedge or landscaped berm at least as tall as the height specified in subsection D.

2. Landscaped areas and berms required under subsection D must meet standards promulgated by the Director pursuant to subsection A1. Decorative features such as decorative pavers, sculptures or fountains or pedestrian access meeting the Seattle Building Code, Chapter 11 -- Accessibility, may cover a maximum of thirty (30) percent of each landscaped area or berm used to satisfy requirements under subsection D.

D. Screening and landscaping requirements for specific uses. When there is more than one use that requires screening or landscaping, the requirement that results in the greater amount applies.

1. Surface parking areas.

a. Landscaping in surface parking areas is required as follows:

Number of Parking Spaces	Required Landscaped Area
20 to 50	18 square feet/parking space
51 to 99	25 square feet/parking space
100 or more	35 square feet/parking space

(1) Each landscaped area shall be no smaller than one hundred (100) square feet and must be enclosed by permanent curbs or structural barriers.

(2) No part of a landscaped area shall be less than four (4) feet in any dimension except those parts created by turning radii or angles of parking spaces.

(3) No parking space shall be more than sixty (60) feet from a required landscaped area.

b. Trees in surface parking areas.

(1) One (1) tree is required for every ten (10) parking spaces.

(2) Trees shall be selected in consultation with the City Arborist.

c. Screening of surface parking areas.

(1) Three (3) foot high screening is required along street lot lines.

(2) Surface parking abutting or across an alley from a lot in a residential zone must have six (6) foot high screening along the abutting lot line(s) and a five (5) foot deep landscaped area inside the screening (see Exhibit 23.47A.016 A).

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d. The Director may waive or reduce the requirements of this subsection D1:

(1) to improve safety;

(2) to provide adequate maneuvering room for service vehicles;

(3) when it would not otherwise be feasible to provide the required number of spaces; or

(4) when required parking can only be provided at the rear lot line and access to individual parking spaces can only be provided directly from the alley.

e. In deciding whether and to what extent to waive or reduce the landscaping and screening requirements, the Director shall consider whether:

(1) The lot width and depth permit alternative workable site plans that would allow screening and landscaping;

(2) The character of uses across the alley, such as a parking garage accessory to a multifamily structure, makes the screening and landscaping less necessary;

(3) The lot is in a location where access to parking from the street is not permitted; and

(4) A topographic break between the alley and the residential zone makes screening less necessary.

2. Other uses or circumstances. Screening and landscaping is required according to Chart C of this section:

Chart C of Section 23.47A.016	
Use or circumstance	Minimum Requirement
a. Blank street-level street-facing facades	A five (5) foot deep landscaped area along the length of the blank facade, planted with trees and shrubs
b. Drive-in businesses abutting or across an alley from a lot in a residential zone	Six (6) foot high screening along the abutting or alley lot lines; and A five (5) foot deep landscaped area inside the screening, when a drive-in lanes or queuing lane abuts a lot in a residential zone
c. Drive-in businesses, other than gas stations, in which the drive-in lanes or queuing lanes are across the street from a lot in a residential zone	Three (3) foot high screening
d. Garbage cans in NC1, NC2, or NC3 zones, or associated with a structure containing a residential use in C1 or C2 zones	Three (3) foot high screening along areas where garbage cans are located
e. Garbage dumpsters in NC1, NC2, or NC3 zones, or associated with structures containing a residential use in C1 or C2 zones	Six (6) foot high screening
f. Gas stations in NC1, NC2 and NC3 zones or, in C1 and C2 zones, across the street from a lot in a residential zone	Three (3) foot high screening along street lot lines
g. Mobile home parks	Six (6) foot high screening along all lot lines that are not street lot lines; and Along all street lot lines, a five (5) foot deep landscaped area or a five (5) foot deep planting strip with street trees

h. Outdoor sales and outdoor display of rental equipment, abutting or across an alley from a lot in a residential zone	Six (6) foot high screening along the abutting or alley lot lines
i. Outdoor sales and outdoor display of rental equipment across the street from a lot in a residential zone	Three (3) foot high screening along the street lot line
j. Outdoor storage in a C1 zone; or Outdoor dry boat storage in NC2, NC3 or C1 zones in the Shoreline District	Screened from all lot lines by the facade of the structure or by six (6) foot high screening; and Five (5) foot deep landscaped area between all street lot lines and the six (6) foot high screening (Exhibit 23.47A.016 C)
k. Outdoor storage in a C2 zone abutting a lot in a residential zone; or Outdoor dry boat storage in a C2 zone in the Shoreline District, abutting a lot in a residential zone	Fifty (50) foot setback from the lot lines of the abutting lot in a residential zone and screened from those lot lines by the facade of the structure or by six foot high screening (Exhibit 23.47A.016 D)
l. Outdoor storage in a C2 zone across the street from a lot in a residential zone; or Outdoor dry boat storage, in a C2 zone in the Shoreline District, across the street from a lot in a residential zone	Screened from the street by the facade of a structure, or by six (6) foot high screening
m. Parking garage occupying any portion of the street-level street-facing facade between five (5) and eight (8) feet above sidewalk grade	A five (5) foot deep landscaped area along the street lot line; and either Screening by the exterior wall of the structure, or Six (6) foot high screening between the structure and the landscaped area (Exhibit 23.47A.016 B)
n. Parking garage on lots abutting a lot in a residential zone.	A five (5) foot deep landscaped area along each shared lot line; and either Screening by the exterior wall of the structure, or Six (6) foot high screening along the shared lot line.
o. Parking garage that is eight (8) feet or more above grade.	Three and one-half (3 1/2) foot screening along the perimeter of each floor of parking.
p. Pet daycare centers (associated outdoor areas)	Screened from all property lines by the facade of the structure or by six (6) foot high screening between the outdoor area and all property lines.

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3. Lots within the Shoreline District. On lots within the Shoreline District where view corridors are required, the Director may reduce the required height of screening and may modify the location and type of required landscaping so that views are not obstructed.

4. When one of the specific uses listed in this subsection D is proposed for expansion, the applicable requirements for that use must be met. The Director may reduce or waive the requirements where they are physically infeasible due to the location of existing structures or required parking.

E. Access through required screening. Breaks in required screening are permitted to provide pedestrian and vehicular access. Breaks in required screening for vehicular access shall not exceed the width of permitted curb cuts.
(Ord. 122311, § 44, 2006)

23.47A.018 Noise standards.

A. In an NC1, NC2 or NC3 zone, all manufacturing, fabricating, repairing, refuse compacting and recycling activities shall be conducted wholly within an enclosed structure. In a C1 or C2 zone, location within an enclosed structure is required only when the lot is located within fifty (50) feet of a residential zone, except when required as a condition for permitting a major noise generator according to subsection B.

B. Major Noise Generators.

1. The following uses are considered major noise generators:

a. Light and general manufacturing;

b. Major vessel repair;

c. Aircraft repair shops;

d. Major vehicle repair;

e. Cargo terminals;

f. Recycling;

g. Other similar uses.

2. Exterior heat exchangers and other similar devices (e.g., ventilation, air-conditioning, refrigeration) are considered major noise generators.

3. When a major noise generator is proposed, or when an existing major noise generator is proposed to be expanded, a report from an acoustical consultant shall be required to describe the measures to be taken by the applicant in order to meet noise standards for the area. Such measures may include, for example, the provision of buffers, reduction in hours of operation, relocation of mechanical equipment, increased setbacks and use of specified construction techniques or building materials. Measures to be used shall be specified on the plans. After a permit has been issued, any measures that were required by the permit to limit noise shall be maintained.

(Ord. 122311, § 44, 2006)

23.47A.020 Odor standards.

A. The venting of odors, vapors, smoke, cinders, dust, gas and fumes shall be at least ten (10) feet above finished sidewalk grade, and directed away to the extent possible from residential uses within fifty (50) feet of the vent.

B. Major Odor Sources.

1. Uses that employ the following odor-emitting processes or activities are considered major odor sources:

a. Lithographic, rotogravure or flexographic printing;

b. Film burning;

c. Fiberglassing;

d. Selling of gasoline and/or storage of gasoline in tanks larger than two hundred sixty (260) gallons;

e. Handling of heated tars and asphalts;

f. Incinerating (commercial);

g. Tire buffing;

h. Metal plating;

i. Vapor degreasing;

j. Wire reclamation;

k. Use of boilers (greater than 106 British Thermal Units per hour, ten thousand (10,000) pounds steam per hour, or thirty (30) boiler horsepower);

l. Animal food processing;

m. Other similar processes or activities.

2. Uses that employ the following processes are considered major odor sources, except when the entire activity is conducted as part of a commercial use other than food processing:

a. Cooking of grains;

b. Smoking of food or food products;

c. Fish or fishmeal processing;

d. Coffee or nut roasting;

e. Deep fat frying;

f. Dry cleaning;

g. Other similar processes or activities.

C. When an application is made for a use that is a major odor source, the Director, in consultation with the Puget Sound Clean Air Agency (PSCAA), will determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken must be indicated on plans submitted to the Director and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures that were required by the permit must be maintained. (Ord. 122311, § 44, 2006)

23.47A.022 Light and glare standards.

A. Exterior lighting must be shielded and directed away from adjacent uses.

B. Interior lighting in parking garages must be shielded to minimize nighttime glare affecting nearby uses.

C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two (2) vehicles shall be screened from adjacent properties by a fence or wall between five (5) feet and six (6) feet in height, or solid evergreen hedge or landscaped berm at least five (5) feet in height. If the elevation of the lot line is different from the finished elevation of the driveways or parking surface, the

difference in elevation may substitute for a portion of the required height of the screen so long as the screen itself is a minimum of three (3) feet in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.

D. Height.

1. Exterior lighting on poles is permitted up to a maximum height of thirty (30) feet from finished grade. In zones with a forty (40) foot or greater height limit, exterior lighting on poles is permitted up to a height of forty (40) feet from finished grade, provided that the ratio of watts to area is at least twenty (20) percent below the maximum exterior lighting level permitted by the Energy Code.

2. Athletic Fields.

a. Light poles for illumination of athletic fields on new and existing public school sites may exceed the maximum permitted height set forth in subsection D1, above, up to a maximum height of one hundred (100) feet, where determined by the Director to be necessary to ensure adequate illumination and where the Director determines that impacts from light and glare are minimized to the greatest extent practicable. The applicant must submit an engineer's report demonstrating that impacts from light and glare are minimized to the greatest extent practicable. When proposed light poles are reviewed as part of a project being reviewed pursuant to Chapter 25.05, Environmental Policies and Procedures, and requiring a SEPA determination, the applicant must demonstrate that the additional height contributes to a reduction in impacts from light and glare.

b. When proposed light poles are not included in a proposal being reviewed pursuant to Chapter 25.05, the Director may permit the additional height as a special exception subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

(1) When seeking a special exception for taller light standards, the applicant must submit an engineer's report demonstrating that the additional height contributes to a reduction in impacts from light and glare. When the proposal will result in extending the lighted area's duration of use, the applicant must address and mitigate potential impacts, including but not limited to, increased duration of noise, traffic, and parking demand. The applicant also must demonstrate it has conducted a public workshop for residents within (1/8) one-eighth of a mile of the affected school in order to solicit comments and suggestions on design as well as potential impacts.

(2) The Director may condition a special exception to address negative impacts from light and glare on surrounding areas, and may also impose conditions to address other impacts associated with increased field use due to the addition of lights, including, but not limited to, increased noise, traffic, and parking demand.

E. Glare diagrams that clearly identify potential adverse glare impacts on residential zones and on arterials shall be required when:

1. Any structure is proposed to have a facade of reflective coated glass or other highly reflective material, and/or new or expanded structures greater than sixty-five (65) feet in height are proposed to have more than thirty (30) percent of a facade composed of clear or tinted glass; and

2. The facade(s) surfaced or composed of materials referred to in subsection 1 above either:

a. Are oriented toward and are less than two hundred (200) feet from any residential zone, and/or

b. Are oriented toward and are less than four hundred (400) feet from a major arterial with more than fifteen thousand (15,000) vehicle trips per day, according to Seattle Department of Transportation data.

3. When glare diagrams are required, the Director may require modification of the plans to mitigate adverse impacts, using methods including but not limited to the following:

a. Minimizing the percentage of exterior facade that is composed of glass;

b. Using exterior glass of low reflectance;

c. Tilting glass areas to prevent glare that could affect arterials, pedestrians or surrounding structures;

d. Alternating glass and non-glass materials on the exterior facade; and

e. Changing the orientation of the structure.

(Ord. 122311, § 44, 2006)

23.47A.024 Residential Amenity Areas.

A. Residential amenity areas, including but not limited to decks, balconies, terraces, roof gardens, plazas, courtyards, play areas, or sport courts, are required in an amount equal to five (5) percent of the total gross floor area in residential use, except as otherwise specifically provided in this chapter. Gross floor area, for the purposes of this subsection, excludes areas used for mechanical equipment, accessory parking and residential amenity areas.

B. Required residential amenity areas must meet the following conditions, as applicable:

1. All residents must have access to at least one residential amenity area;

2. Residential amenity areas may not be enclosed;

3. Parking areas, driveways, and pedestrian access to building entrances, except for pedestrian

access meeting the Seattle Building Code, Chapter 11 -- Accessibility, do not count as residential amenity areas;

4. Common recreational areas must have a minimum horizontal dimension of at least ten (10) feet, and no common recreational area can be less than two hundred and fifty (250) square feet;

5. Private balconies and decks must have a minimum area of sixty (60) square feet, and no horizontal dimension shall be less than six (6) feet.

6. Rooftop areas excluded pursuant to Section 23.57.012C1d do not qualify as residential amenity areas.

(Ord. 122311, § 44, 2006)

23.47A.027 Landmark Districts and designated landmark structures.

A. The Director may waive or allow departures from standards for residential amenity areas, setbacks, width and depth limits and screening and landscaping for designated landmark structures or for development within a Landmark District pursuant to Seattle Municipal Code, Title 25 or within a Special Review District pursuant to Seattle Municipal Code, Chapter 23.66.

B. The Director's decision to waive or allow departures from development standards shall be consistent with adopted District design and development guidelines and shall be consistent with the recommendations of the Landmarks Preservation Board or the Director of Neighborhoods except when potential environmental impacts clearly require denial or granting lesser waivers or departures.
(Ord. 122311, § 44, 2006)

23.47A.028 Standards for drive-in businesses.

A. Number of Drive-in Lanes and Fuel Pumps Permitted.

1. Drive-in lanes are permitted, conditioned, or prohibited as follows:

	NC1, except pedestrian-designated	NC2, except pedestrian-designated	NC3, except pedestrian-designated	Pedestrian-designated zones	C1 and C2, except pedestrian-designated
Gas Stations	4 lanes subject to conditions in subsections 2, 3 and 4	4 lanes subject to conditions in subsections 2, 3 and 4	4 lanes subject to conditions in subsections 2, 3 and 4	Prohibited	Permitted
Restaurants	Prohibited	Prohibited	4 lanes subject to conditions in subsection 4	Prohibited	Permitted
Other Drive-in Businesses	Prohibited	2 lanes	4 lanes	Prohibited	Permitted

2. In NC zones, gas stations may contain no more than four (4) fuel pumps capable of fueling no more than eight (8) automobiles simultaneously, except as may be allowed under subsection A3 of this section.

3. The Director shall permit one (1) additional lane and one (1) additional fuel pump provided that

the additional lane serves, and the additional fuel pump dispenses, one or more of the following fuels: natural gas, bio-diesel, or hydrogen.

4. Gas stations in all NC zones, and restaurants with drive-in lanes in NC3 zones, are permitted subject to the following requirements:

a. The design, including architectural treatment, signage, landscaping and lighting, is compatible with other structures in the vicinity;

b. Appropriate litter-control measures are provided; and

c. The applicant, if required by the Director, prepares an analysis of traffic, circulation and parking impacts, and demonstrates that the drive-in lanes will not:

(1) Cause significant additional traffic to circulate through adjacent residential neighborhoods;

(2) Disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts;

(3) Create traffic or access problems that will 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;

(5) Cause cars waiting to use the facility to queue across the sidewalk or onto the street; or

(6) Interrupt established retail or service frontage designed to serve pedestrians.

B. Drive-in businesses must provide queuing spaces according to the following:

1. Banks with drive-in facilities: a minimum of five (5) queuing spaces per lane when the number of lanes does not exceed two (2). When the number of drive-in lanes exceeds two (2) a minimum of three (3) queuing spaces per lane is required.

2. Car washes: a minimum of ten (10) queuing spaces.

C. If the drive-in bank or car wash is located along either a principal arterial or a minor arterial, or along a street with only one lane for moving traffic in each direction, the Director will determine as a Type I Master Use Permit decision, after consulting with the Director of Transportation, whether additional queuing spaces are necessary or whether access should be restricted. The Director may restrict access to the facility from that arterial or street, or may require additional queuing space up to a maximum of:

1. Banks with one (1) or two (2) drive-in lanes, eight (8) spaces per lane;

2. Banks with three (3) or more drive-in lanes, six (6) spaces per lane;

3. Car washes, twenty (20) spaces per lane.

D. The Director will determine the minimum number of queuing spaces needed for drive-in business uses not specifically identified in subsection B and C above.

E. Screening and landscaping of drive-in businesses is required in accordance with subsection 23.47A.016 D2.

(Ord. 122311, § 44, 2006)

23.47A.029 Solid waste and recyclable materials storage space.

A. Storage space for solid waste and recyclable materials containers shall be provided as indicated in the table below for all new structures permitted in NC zones or C zones and for existing multifamily structures with ten (10) or more units when expanded by two (2) or more units.

Table for Sec. 23.47A.029

Structure Type	Structure Size	Minimum Area for Storage Space	Container Type
Residential*	7--15 units	75 square feet	Rear-loading
	16--25 units	100 square feet	Rear-loading
	26--50 units	150 square feet	Front-loading
	51--100 units	200 square feet	Front-loading
	More than 100 units	200 square feet plus 2 square feet for each additional unit	Front-loading
Nonresidential (1)	0--5,000 square feet	82 square feet	Rear-loading
	5,001--15,000 square feet	125 square feet	Rear-loading
	15,001--50,000 square feet	175 square feet	Front-loading
	50,001--100,000 square feet	225 square feet	Front-loading
	100,001--200,000 square feet	275 square feet	Front-loading
	200,001 plus square feet	500 square feet	Front-loading

(1) Mixed-Use Buildings. Buildings containing residential and nonresidential uses with eighty (80) percent or more of gross floor area designated for residential use will be considered residential buildings. All other mixed-use buildings will be considered nonresidential buildings.

B. The design of the storage space shall meet the following requirements:

1. The storage space shall have no horizontal dimension (width and depth) less than six (6) feet;

2. The floor of the storage space shall be level and hard-surfaced (garbage or recycling compactors require a concrete surface); and

3. If located outdoors, the storage space shall be screened from public view and designed to minimize light and glare impacts.

C. The location of the storage space shall meet the following requirements:

1. The storage space must be located on the lot of the structure it serves and, if located outdoors, it shall not be located between a street-facing facade of the structure and the street;

2. The storage space must not be located in any required driveways, parking aisles, or parking spaces for the structure;

3. The storage space must not block or impede any fire exits, any public rights-of-ways or any pedestrian or vehicular access; and

4. The storage space must be located to minimize noise and odor to building occupants and neighboring developments.

D. Access to the storage space for occupants and service providers shall meet the following requirements:

1. For rear-loading containers:

a. Any proposed ramps to the storage space shall be of six (6) percent slope or less, and

b. Any proposed gates or access routes must be a minimum of six (6) feet wide; and

2. For front-loading containers:

a. Direct access shall be provided from the alley or street to the containers,

b. Any proposed gates or access routes shall be a minimum of ten (10) feet wide, and

c. When accessed directly by a collection vehicle into a structure, a twenty-one (21) foot overhead clearance shall be provided.

E. The solid waste and recyclable materials storage space specifications required in subsections A, B, C, and D above, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

F. The Director, in consultation with the Director of Seattle Public Utilities, has the discretion to grant departures from the requirements of subsections A, B, C, and D of this section above, as a Type I Master Use Permit decision, under the following circumstances:

1. When either:

a. The applicant can demonstrate difficulty in meeting any of the requirements of

subsections A, B, C, and D of this section; or

b. The applicant proposes to expand a multifamily structure or mixed use building, and the requirements of subsections A, B, C, and D of this section conflict with opportunities to increase residential densities and/or retain ground-level retail uses; and

2. When the applicant proposes alternative, workable measures that meet the intent of this section.

(Ord. 122311, § 44, 2006)

23.47A.030 Required parking and loading.

A. Off-street parking spaces may be required as provided in Section 23.54.015, Required parking.

B. Loading berths are required for certain commercial uses according to the requirements of Section 23.54.035.

(Ord. 122311, § 44, 2006)

23.47A.032 Parking location and access.

A. Access to parking.

1. NC zones. The following rules apply in NC zones, except as may be permitted under subsection C of this section:

a. Access to parking must be from the alley if the lot abuts an alley improved to the standards of Section 23.53.030C.

b. If the lot does not abut an improved alley and abuts only one street, access is permitted from the street, and limited to one two-way curb cut.

c. If the lot does not abut an improved alley but abuts two or more streets, access to parking must be from the street with the fewest lineal feet of commercially zoned frontage, except as provided in subsection A2b of this Section.

d. For each permitted curb cut, street-facing facades may contain one (1) garage door, not to exceed the maximum width allowed for curb cuts.

2. Pedestrian-Designated Zones. The following rules apply in pedestrian-designated zones, except as may be permitted under subsection C of this section:

a. Access to parking shall be from an alley if the lot abuts an alley improved to the standards of Section 23.53.030C.

b. If the lot does not abut an improved alley but abuts two or more streets, access to parking shall be from a street that is not a principal pedestrian street.

c. If the lot does not abut an improved alley, and abuts only a principal pedestrian street or streets, access is permitted from the principal pedestrian street, and limited to one two-way curb cut.

3. C1 and C2 zones. In C zones, access to off-street parking may be from a street, alley or both when the lot abuts an alley. However, structures in C zones with residential uses and structures in C zones across the street from residential zones must meet the requirements for parking access for NC zones as provided in subsection A1.

B. Location of parking.

1. NC zones. The following rules apply in NC zones, except as provided in subsection B2 of this section or as may be permitted under subsection C of this section.

a. Parking may not be located between a structure and a street lot line (Exhibit 23.47A.032 A).

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b. Parking may not be located inside a structure adjacent to a street-level street-facing facade according to Section 23.47A.005C. This requirement shall not apply to access to parking meeting the standards of subsection A1, above.

c. Parking to the side of a structure shall not exceed sixty (60) feet of lineal street frontage (Exhibit 23.47A.032 B).

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d. Parking may be located within eight hundred (800) feet of the lot with the use to which it is accessory, according to the provisions of Section 23.54.025, Parking covenants.

2. Pedestrian-designated Zones. The following rules apply in pedestrian-designated zones.

a. Parking may not be located between a structure and a street lot line.

b. Parking may not be located inside a structure at street level along a principal pedestrian street. This requirement shall not apply to access to parking meeting the standards of subsection A2, above.

c. Parking may be located at the rear of a structure, or may be built into or under a structure, or be located within eight hundred (800) feet of the lot with the use to which it is accessory, according to the provisions of Section 23.54.025, Parking covenants.

3. C1 and C2 zones. Off-street parking may generally be located anywhere on a lot in C1 and C2 zones. However, structures with residential uses in C zones and structures in C zones across the street from residential zones must meet the requirements for parking location for NC zones as provided in subsection B.

C. Exceptions to parking location and access requirements.

1. Access to off-street parking may be from a street when, due to the relationship of an alley to the street system, use of the alley for parking access would create a significant safety hazard as determined by the Director as a Type I Master Use Permit decision.

2. When a lot fronts on two or more streets on which the lineal feet of commercially zoned frontage are equal, the Director will determine the front lot line for the purposes of location of parking and may allow parking between a building and the street. In making a determination, the Director will consider the following criteria:

a. The extent to which parking along a street would disrupt an established commercial street's pedestrian-oriented character or commercial continuity;

b. The potential for pedestrian and automobile conflicts;

c. The relative traffic capacity of a street as an indicator of a street's role as a principal commercial street.

3. On waterfront lots in the Shoreline District, parking may be located between the structure and the front lot line, if necessary to prevent blockage of view corridors or to keep parking away from the edge of the water as required by the Shoreline Master Program.

D. Direct access to a loading berth from a street is permitted only when no alley improved to the standards of Section 23.53.030C is available for access.

E. Parking must be screened according to the provisions of Section 23.47A.016.

F. Surface Parking.

1. Pedestrian access through surface parking areas. Where a pedestrian entrance to one or more general sales and service or major durables retail sales uses greater in the aggregate than 30,000 square feet is oriented to a parking lot, a five (5) foot wide pedestrian walkway through the parking lot to the pedestrian entrance must be provided for each 50 spaces of parking provided.

2. Surface parking separating the building from the street. Where a pedestrian entrance to one or more general sales and service or major durables retail sales uses greater in the aggregate than 30,000 square feet is oriented to a surface parking area separating a building from a street, at least one five (5) foot wide pedestrian walkway from the street to the pedestrian entrance must be provided.

(Ord. 122311, § 44, 2006)

23.47A.033 Transportation concurrency level-of-service standards.

Proposed uses in NC zones or C zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.
(Ord. 122311, § 44, 2006)

23.47A.035 Assisted living facilities development standards.

A. Assisted living facilities are subject to the development standards of the zone in which they are located except that the residential amenity requirements of Section 23.47A.024 do not apply.

B. Other Requirements.

1. Minimum Unit Size. Assisted living units must be designed to meet the minimum square footage required by WAC 388-110-140.

2. Facility Kitchen. A kitchen that serves the entire assisted living facility must be provided on-site.

3. Communal Area. Communal areas (e.g., solariums, decks and porches, recreation rooms, dining rooms, living rooms, foyers and lobbies that are provided with comfortable seating, and gardens or other outdoor landscaped areas that are accessible to wheelchairs and walkers) with sufficient accommodations for socialization and meeting with friends and family must be provided.

   a. The total amount of communal area must equal at least ten (10) percent of the total floor area in assisted living units. In calculating the total floor area in assisted living units, all of the area of each of the individual units is counted, including counters, closets and built-ins, but excluding the bathroom;

   b. No service areas, including, but not limited to, the facility kitchen, laundry, hallways and corridors, supply closets, operations and maintenance areas, staff areas and offices, and rooms used only for counseling or medical services, may be counted toward the communal area requirement; and

   c. A minimum of four hundred (400) square feet of the required communal area must be provided outdoors, with no dimension less than ten (10) feet.

(Ord. 122311, § 44, 2006)

23.47A.037 Keeping of animals.

The keeping of animals is regulated by Section 23.42.052, Keeping of Animals.
(Ord. 122311, § 44, 2006)

23.47A.038 Home occupations.

Home occupations are regulated by Section 23.42.050, Home Occupations.

(Ord. 122311, § 44, 2006)

23.47A.039 Provisions for pet daycare centers.

In addition to the development standards of the zone, pet daycare centers are subject to the following:

A. Operating business establishments that have been providing pet daycare services as of July 31, 2006 may continue not withstanding nonconformities to applicable development standards, provided the provisions of this section are met.

B. The pet daycare center must be permitted by Public Health- Seattle & King County, as required by SMC 10.72.020.

C. Facilities for the boarding of animals may occupy no more than thirty (30) percent of the gross floor area of the pet daycare center.

D. Required loading pursuant to 23.54.015 may be provided in a public right of way if the applicant can demonstrate to the Director, in consultation with the Seattle transportation Department, that pedestrian circulation or vehicle traffic will not be significantly impacted.

E. Applicants must submit at the time of permit application, written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures, which are to be followed for the life of the business, must address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking.

F. Violations of this Section.

1. Any violation in a pet daycare center of SMC 25.08.500, Public disturbance noises, shall be a violation of this title.

2. When a notice of violation is issued for animal noise, the Director may require a report from an acoustical consultant to describe measures to be taken by the applicant to mitigate adverse noise impacts. The Director may require measures, including but not limited to: development or modification of operating procedures; cessation of the use of outdoor area(s); closure of windows and doors; reduction in hours of operation; use of sound attenuating construction or building materials such as insulation and noise baffles.

(Ord. 122311, § 44, 2006)

Chapter 23.48

SEATTLE MIXED

Sections:

Subchapter I Uses Provisions

Subchapter II Development Standards

Subchapter III Nonconforming Uses and Structures

23.48.002 Scope of provisions.

A. This chapter identifies uses that are or may be permitted in the Seattle Mixed (SM) zone. The SM zone boundaries are shown on the Official Land Use Map.

B. Other regulations, such as requirements for streets, alleys and easements (Chapter 23.53); standards for parking quantity, access and design (Chapter 23.54); signs (Chapter 23.55); and methods for measurements (Chapter 23.86) may apply to development proposals. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this chapter and additional regulations in Chapter 23.57.
(Ord. 121782 § 13, 2005; Ord. 120928 § 15, 2002; Ord. 119239 § 21, 1998; Ord. 118302 § 9 (part), 1996.)

Subchapter I

Use Provisions

23.48.004 Permitted uses.

A. All uses are permitted outright, either as principal or accessory uses, except those specifically prohibited by Section 23.48.006 and those permitted only as conditional uses by Section 23.48.008.

B. Adult cabarets must comply with the requirements of 23.47A.004 H.
(Ord. 122411, § 4, 2007; Ord. 118302 § 9 (part), 1996.)

23.48.006 Prohibited uses.

The following uses are prohibited as both principal and accessory uses, except as otherwise noted:

A. All high-impact uses;

B. All heavy manufacturing uses;

C. General manufacturing uses greater than twenty-five thousand (25,000) square feet of gross floor area for an individual business establishment;

D. Drive-in businesses, except gas stations;

E. Jails;

F. Adult motion picture theaters and adult panorams;

G. Outdoor storage, except for outdoor storage associated with florists and horticulture uses;

H. Principal use surface parking;

I. Animal shelters and kennels;

J. Animal husbandry;

K. Park and pool lots;

L. Park and ride lots;

M. Work release centers;

N. Recycling;

O. Solid waste management; and

P. Mobile home parks.

(Ord. 122311, § 45, 2006; Ord. 118302 § 9 (part), 1996.)

23.48.008 Conditional uses.

A. All conditional uses shall be subject to the procedures described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and shall meet the following criteria:

1. The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. In authorizing a conditional use, adverse impacts may be avoided or mitigated by imposing requirements or conditions. The Director shall deny or recommend denial of a conditional use if

it is determined that the negative impacts cannot be mitigated satisfactorily.

B. The following uses may be permitted by the Director as administrative conditional uses when the provisions of this subsection and subsection A are met:

1. Mini-warehouses and Warehouses. The Director may authorize mini-warehouses or warehouses if:

a. The street level portion of a mini-warehouse or warehouse only fronts on an east/west oriented street, or an alley; and

b. Vehicular entrances, including those for loading operations, will not disrupt traffic or transit routes; and

c. The traffic generated will not disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts.

C. Any authorized conditional use which has been discontinued shall not be reestablished or recommended except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

1. A permit to change the use of the property has been issued and the new use has been established; or

2. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.

(Ord. 121782 § 14, 2005; Ord. 121145 § 8, 2003; Ord. 118302 § 9 (part), 1996.)

Subchapter II

Development Standards

23.48.010 General structure height.

A. Maximum Height. Maximum structure height shall be forty (40) feet, fifty-five (55) feet, sixty-five (65) feet, seventy-five (75) feet, eighty-five (85) feet or one hundred twenty-five (125) feet as designated on the Official Land Use Map, Chapter 23.32, except as provided in subsection B of this Section.

B. Within the South Lake Union Urban Center, the maximum structure height in zones with sixty-five (65) foot and seventy-five (75) foot height limits may be increased to eighty-five (85) feet; and the maximum structure height in zones with an eighty-five (85) foot height limit may be increased to one hundred and five (105) feet, when:

1. A minimum of two (2) floors in the structure have a floor to floor height of at least fourteen (14) feet; and

2. The additional height is used to accommodate mechanical equipment; and

3. The additional height permitted does not allow more than six (6) floors in zones with a sixty-five (65) foot height limit, or more than seven (7) floors in zones with a seventy-five (75) foot or eighty-five (85) foot height limit; and

4. The height limit provisions of 23.48.016 A1b, Standards applicable to specific areas, are satisfied.

C. Additional Height Permitted. Within the area bounded by Valley and Mercer Streets and Westlake and Fairview Avenues North, maximum structure height may be increased from forty (40) feet to sixty-five (65) feet as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. In order to grant the special exception, the Director must find:

1. The lot is not located within the shoreline district. However, if a lot is located partially within the shoreline district, those portions of that lot which are not in the shoreline district may be eligible for the special exception.

2. In order to reduce potential height, bulk and scale and view impacts, enhance pedestrian connections across Valley and Mercer Streets, and provide greater opportunities for public open space:

a. A minimum of twenty (20) percent of the total development area must be provided as useable open space at street level. The useable open space must be directly accessible to the public during the hours of operation of South Lake Union Park, and no occupied portion of the structure may extend into the required useable open space.

(1) If the Director determines that greater public benefit will result, a portion of the required useable open space may be located above street level, provided:

i. A minimum of twenty-five (25) percent of the total development area is provided as useable open space;

ii. The useable open space is directly accessible to the public during the hours of operation of South Lake Union Park, and no occupied portion of the structure may extend into the required useable open space;

iii. The useable open space enhances visual and physical pedestrian connection(s) between South Lake Union Park and the development area; and

iv. The required useable open space is provided at heights less than forty (40) feet, measured from existing or finished grade, whichever is lower.

(2) If the Director determines that greater public benefit will result, a portion of the required useable open space may be located below street level, provided:

i. A minimum of twenty-five (25) percent of the total development area is provided as useable open space;

ii. The useable open space is directly accessible to the public during the hours of operation of South Lake Union Park, and no occupied portion of the structure may extend into the required useable open space;

iii. The useable open space enhances the pedestrian connection(s) between South Lake Union Park and the development area;

iv. The useable open space provides visual and physical connections from street level to the useable open space. Required useable open space allows for ease of access to pedestrians from street level and may include streetscape elements such as semitransparent fencing and low-level vegetation; and

v. The design and siting of the required useable open space provides adequate light and air exposure and encourages lively pedestrian activity.

vi. When useable open space is provided below street level, the height of facades that abut the open space shall be measured from existing grade.

b. All portions of a structure that exceed forty (40) feet in height are limited to a maximum lot coverage of sixty-four (64) percent. In addition, portions of a structure above forty (40) feet in height must be located at least fifteen (15) feet from the street property line along Valley Street and Westlake, Terry, Boren, and Fairview Avenues North.

c. Departures from development standards may be granted pursuant to Chapter 23.41. Part I, Design Review, except for open space quantity or upper level lot coverage requirements in this section.

3. For buildings constructed under permits applied for after February 21, 2001, all uses at street level, except for parking, must have a minimum floor to floor height of thirteen (13) feet. Along Terry Avenue North between Valley and Mercer Streets and along Valley Street between Westlake and Boren Avenues North, the following apply:

a. A minimum of eighty (80) percent of a structure's street front facade at street level must be occupied by uses other than parking. For purposes of calculating the eighty (80) percent, twenty-two (22) feet for the width of a driveway to access parking may be subtracted from the length of the street front facade if the Director determines that access to parking from Valley Street or Terry Avenue North is the best opportunity to avoid traffic problems or pedestrian conflicts.

b. A minimum depth of thirty (30) feet from the street front facade of the structure must be occupied by uses other than parking. The minimum required depth may be averaged, with

no depth less than fifteen (15) feet.

c. If the street front facade and depth requirements result in a space greater than fifty (50) percent of the structure's footprint, the Director may modify the street front facade and depth requirements to reduce the space to fifty (50) percent of the structure's footprint.

D. Pitched Roofs. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend ten (10) feet above the height limit. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend five (5) feet above the height limit (Exhibit 23.48.010 A). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

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E. Rooftop Features.

1. Smokestacks; chimneys; flagpoles; and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend up to four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. Solar collectors may extend up to seven (7) feet above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection E4 does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

   a. Solar collectors;

   b. Stair and elevator penthouses;

   c. Mechanical equipment;

   d. Atriums, greenhouses, and solariums;

   e. Play equipment and open-mesh fencing which encloses it, as long as the fencing is at least fifteen (15) feet from the roof edge; and

   f. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012.

5. At the applicant's option, the combined total coverage of all features listed in subsection E4 above may be increased to sixty-five (65) percent of the roof area, provided that all of the

following are satisfied:

a. All mechanical equipment is screened; and

b. No rooftop features are located closer than ten (10) feet to the roof edge.

6. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection E5 at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Atriums, greenhouses and solariums;

e. Minor communication utilities and accessory communication devices according to the provisions of Section 23.57.012;

f. Nonfirewall parapets;

g. Play equipment.

7. Screening Rooftop mechanical equipment and elevator penthouses shall be screened with fencing, wall enclosures, or other structures.

8. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

(Ord. 121782 § 15, 2005; Ord. 121359 § 3, 2003; Ord. 120928 § 16, 2002; Ord. 120117 § 26, 2000; Ord. 118302 § 9 (part), 1996.)

23.48.012 Upper-level setback requirements.

A. Upper-level Setbacks are required where shown on Map A, Upper-level setbacks, and as required in this Section.

1. Structures on lots in the SM/65', SM/75' and SM/85' zones must provide an upper-level setback for the facade facing applicable streets or parks, for any portion of the structure greater than forty-five (45) feet in height.

2. Structures on lots abutting an alley in the SM/R designated area shall provide an upper-level setback for the facade facing an alley, for any portion of the structure greater than twenty-five

(25) feet in height.

3. Structures on lots in the SM/125 zone, must provide an upper level setback for the facade facing applicable streets or parks, for any portion of the structure greater than seventy-five (75) feet in height.

GRAPHIC UNAVAILABLE: Click here

B. Upper-level setbacks shall be provided as follows: Any portion of the structure shall be set back at least one (1) foot for every two (2) feet of height above twenty-five (25) feet, forty-five (45) feet, or seventy-five (75) feet whichever is applicable pursuant to subsection A of this section, up to a maximum required setback of fifteen (15) feet (Exhibit 23.48.012 A).

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C. Structures in Required Upper-level Setbacks. The first four (4) feet of horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters shall be permitted in required setbacks (Exhibit 23.48.012 B).

GRAPHIC UNAVAILABLE: Click here
(Ord. 121782 § 16, 2005; Ord. 118302 § 9 (part), 1996.)

23.48.014 General facade requirements.

A. A primary building entrance shall be required from the street or street-oriented courtyards and shall be no more than three (3) feet above or below the sidewalk grade.

B. Minimum Facade Height. Minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

1. On Class 1 Pedestrian Streets, as shown on Map B, Pedestrian Street Classifications, located at the end of this Chapter, all facades shall have a minimum height of forty-five (45) feet.

2. On Class 2 Pedestrian Streets, as shown on Map B, all facades shall have a minimum height of twenty-five (25) feet.

3. On all other streets, all facades shall have a minimum height of fifteen (15) feet.

C. All facades on Class 1 Pedestrian Streets, as shown on Map B, shall be built to the street property line along a minimum of seventy (70) percent of the facade length (Exhibit 23.48.014 A).

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D. Street-level Setback. Except on Class 1 Pedestrian Streets, as shown on Map B, structures may be set back up to twelve (12) feet from the property line subject to the following (Exhibit 23.48.014 B):

1. The setback area shall be landscaped according to the provisions of Section 23.48.024.

2. Additional setbacks shall be permitted for up to thirty (30) percent of the length of the set-back street wall, provided that the additional setback is located a distance of twenty (20) feet or greater from any street corner.

GRAPHIC UNAVAILABLE: Click here
(Ord. 121782 § 17, 2005; Ord. 120117 § 27, 2000; Ord. 119239 § 22, 1998; Ord. 118302 § 9 (part), 1996.)

23.48.016 Standards applicable to specific areas.

A. Seattle Mixed/Residential (SM/R).

1. Height Limit.

a. New single purpose nonresidential structures shall have a height limit of fifty-five (55) feet.

b. Single purpose residential structures and mixed-use structures with sixty (60) percent or more of the structure's gross floor area in residential use are permitted to a height of seventy-five (75) feet.

2. Scale of Development.

a. Single purpose, nonresidential development, except hotels with one hundred (100) rooms/suites or fewer, is limited to a lot area of twenty-one thousand six hundred (21,600) square feet or less.

b. Development on lots with areas greater than twenty-one thousand six hundred (21,600) square feet must include residential use in an amount of gross floor area equal to sixty (60) percent or more of the gross floor area in nonresidential use, except schools, elementary and secondary, and hotels with one hundred (100) rooms/suites or fewer.

c. Two (2) lots of up to twenty-one thousand six hundred (21,600) square feet each, separated by an alley and connected above grade by a skybridge or other similar means shall be considered two (2) separate lots for the purposes of this subsection A2. Such a connection above grade, across the alley may be allowed pursuant to the Council's approval of an aerial alley vacation or temporary use permit process.

d. Single purpose nonresidential structures on adjacent lots not separated by an alley,

subject to this subsection, may not be internally connected.

3. Nonresidential uses existing prior to November 6, 1996 and that do not meet the requirements of this section shall be allowed to expand by an amount of gross floor area not to exceed twenty (20) percent of the existing gross floor area without meeting the requirements of this section. This provision may only be used once for an individual use.

4. Single purpose nonresidential exception. A single purpose, nonresidential structure may be permitted where a single purpose residential or mixed use structure would otherwise be required, subject to the following:

a. The proposal is comprised of two (2) or more lots within the same SM/R designated area; and

b. The amount of gross floor area in residential use in the structures on both lots is equal to at least sixty (60) percent of the total gross floor area of the total combined development on the lots included in the proposal; and

c. The nonresidential structure is subject to design review to ensure compatibility with the residential character of the surrounding area; and

d. The proposal meets one or more of the following:

(1) The project includes the rehabilitation of a landmark structure or incorporates structures or elements of structures of architectural or historical significance as identified in an adopted neighborhood plan or design guidelines, or

(2) The project includes general sales and service uses, eating and drinking establishments, major durables retail sales uses, entertainment uses, human service uses or child care centers at the street level in an amount equal to fifty (50) percent of the structure's footprint, or

(3) The lot accommodating the required residential use contributes: a minimum of ten (10) percent of all new housing units in the proposal to the supply of low income housing for a period of at least twenty (20) years, or a minimum of ten (10) percent of all new housing units in the proposal to be provided as townhouses.

B. Floor Area Ratios. In SM/85 and SM/125 zones, the following floor area ratios (FARs) apply:

1. In SM/85 zones, a FAR of four and one half (4.5) is the maximum gross floor area permitted for all nonresidential uses.

2. In SM/125 zones, a FAR of five (5) is the maximum gross floor area permitted for all nonresidential uses in structures greater than seventy-five (75) feet in height.

3. Exemptions from FAR Calculations. The following areas shall be exempt from FAR

calculations:

a. All gross floor area below grade;

b. All gross floor area used for accessory parking located above grade.

4. Up to three and one-half (3 1/2) percent of the gross floor area of a structure shall not be counted in gross floor area calculations as an allowance for mechanical equipment. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsections B3a and B3b has been deducted.

5. Within the South Lake Union Urban Center, gross floor area occupied by mechanical equipment, up to a maximum of fifteen (15) percent, is exempt from FAR calculations. The allowance is calculated on the gross floor area of the structure after all exempt space permitted under subsections B3a and B3b has been deducted. Subsection B4 shall not apply. Mechanical equipment located on the roof of a structure is not calculated as part of the total gross floor area of a structure.

(Ord. 122311, § 46, 2006; Ord. 121782 § 18, 2005; Ord. 121196 § 12, 2003; Ord. 118302 § 9 (part), 1996.)

* Editor's Note: Ordinance 118302 was signed by the Mayor on October 7, 1996 and became effective November 7, 1996.

23.48.018 Transparency and blank facade requirements.

Facade transparency and blank facade requirements shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk (Exhibit 23.48.018 A).

GRAPHIC UNAVAILABLE: Click here

A. Facade Transparency Requirements. Transparency requirements apply to all street level facades, except that transparency requirements do not apply to portions of structures in residential use.

1. Transparency shall be required as follows:

a. Class 1 and 2 Pedestrian Streets, shown on Map B, located at the end of this Chapter: A minimum of sixty (60) percent of the width of the street level facade must be transparent.

b. All other streets: A minimum of thirty (30) percent of the width of the street-level facade must be transparent.

c. When the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent, the required amount of transparency shall be reduced to forty-five (45) percent of the width of the street-level facade on Class 1 and 2 Pedestrian Streets, and twenty-two (22) percent of the width of the street-level facade on all other streets.

2. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

B. Blank Facade Limits.

1. Any portion of the facade which is not transparent shall be considered to be a blank facade.

2. Blank Facade Limits for Class 1 and 2 Pedestrian Streets.

a. Blank facades shall be limited to segments fifteen (15) feet wide, except for garage doors which may be wider than fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage; or fifty-five (55) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

3. Blank Facade Limits for all other streets.

a. Blank facades shall be limited to segments thirty (30) feet wide, except for garage doors which may be wider than thirty (30) feet. Blank facade width may be increased to sixty (60) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed seventy (70) percent of the street facade of the structure on each street frontage; or seventy-eight (78) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

4. Blank facade limits shall not apply to portions of structures in residential use.

(Ord. 121782 § 19, 2005; Ord. 118302 § 9 (part), 1996.)

23.48.019 Street-level uses.

One or more of the uses listed in subsection A are required at street level on all lots abutting streets designated as Class 1 Pedestrian Streets shown on Map B, located at the end of this Chapter. Required street-level uses shall meet the standards of this Section.

A. The following uses qualify as required street level uses:

1. General sales and service uses;

2. Eating and drinking establishments;

3. Entertainment uses;

4. Public libraries; and

5. Public parks.

B. A minimum of seventy-five (75) percent of each street frontage at street level where street level uses are required must be occupied by uses listed in subsection A. The remaining twenty-five (25) percent of the street frontage at street level may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any exterior outdoor common recreation area required for residential uses, shall not be counted in street frontage.

C. The space occupied by required street level uses must have a minimum floor to floor height of thirteen (13) feet and extend at least thirty (30) feet in depth at street level from the street front facade.

D. Required street level uses must be located within ten (10) feet of the street property line or abut an open space permitted in subsection B.

E. Pedestrian access to required street-level uses shall be provided directly from the street or permitted open space. Pedestrian entrances must be located no more than three (3) feet above or below sidewalk grade or at the same elevation as the abutting permitted open space.
(Ord. 122311, § 47, 2006; Ord. 121782 § 21, 2005.)

23.48.020 Residential amenity area.

A. Quantity of Residential Amenity Area. All new structures containing more than twenty (20) dwelling units shall provide residential amenity area in an amount equivalent to five percent (5%) of the total gross floor area in residential use.

B. Standards for Residential Amenity Area.

1. Residential amenity area shall be provided on-site.

2. The residential amenity area shall be available to all residents and may be provided at or above ground level.

3. A maximum of fifty percent (50%) of the residential amenity area may be enclosed. Examples of enclosed residential amenity area include atriums, greenhouses and solariums.

4. The minimum horizontal dimension for required residential amenity area shall be fifteen feet (15'), and no required residential amenity area shall be less than two hundred twenty-five (225)

square feet.

5. The exterior portion of required residential amenity area shall be landscaped and shall provide solar access and seating according to standards promulgated by the Director.

6. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier Free Design, shall not be counted as residential amenity area.

(Ord. 121782 § 20, 2005; Ord. 118302 § 9 (part), 1996.)

23.48.022 Sidewalk requirements.

When any new development is proposed, the Director shall require that sidewalks be provided if no sidewalks exist. The sidewalk shall be developed in accordance with Chapter 23.53, Requirements for Streets, Alleys, and Easements, and rules promulgated by the Director.

(Ord. 118302 § 9 (part), 1996.)

23.48.024 Screening and landscaping standards.

A. The following types of screening and landscaping apply where screening or landscaping is required.

1. Three (3) foot High Screening on Street Property Lines. Three (3) foot high screening may be either:

   a. A fence or wall at least three (3) feet in height; or

   b. A hedge or landscaped berm at least three (3) feet in height.

2. Landscaping for Setback Areas and Berms. Each setback area or berm required shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, decorative pavers, sculptures or fountains may cover a maximum of thirty (30) percent of each required landscaped area or berm. Landscaping shall be provided according to standards promulgated by the Director. Landscaping designed to provide treatment for storm water runoff qualifies as required landscaping.

B. Screening for Specific Uses.

1. Gas stations shall provide three (3) foot high screening along lot lines abutting all streets, except within required sight triangles.

2. Surface Parking Areas.

   a. Surface Parking Areas Abutting Streets. Surface parking areas shall provide three (3) foot high screening along the lot lines abutting all streets, except within required sight

triangles.

b. Surface Parking Areas Abutting Alleys. Surface parking areas shall provide three (3) foot high screening along the lot lines abutting an alley. The Director may reduce or waive the screening requirement for part or all of the lot line abutting the alley when required parking is provided at the rear lot line and the alley is necessary to provide aisle space.

3. Parking in Structures. Parking located at or above street-level in a garage shall be screened according to the following requirements.

a. On Class 1 and 2 Pedestrian Streets, shown on Map B, located at the end of this Chapter, parking is not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated. The facade of the separating uses shall be subject to the transparency and blank facade standards in Section 23.48.018.

b. On all other streets, parking shall be permitted at street level when at least thirty (30) percent of the street frontage of the parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the transparency and blank wall standards in Section 23.48.018. The remaining parking shall be screened from view at street level and the street facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features (Exhibit 23.48.024 A).

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c. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half (3 1/2) feet high.

C. Street Trees.

1. Street trees shall be provided in all planting strips. Existing street trees may count toward meeting the street tree requirement.

2. Exceptions to Street Tree Requirements.

a. Street trees shall not be required when a change of use is the only permit requested.

b. Street trees shall not be required for temporary use permits.

c. Street trees shall not be required when expanding an existing structure by less than one thousand (1,000) square feet. Generally, two (2) street trees shall be required for each additional one thousand (1,000) square feet of expansion. Rounding of fractions, per Section 23.86.002 B, shall not be permitted. The number of street trees shall be controlled by the Seattle Department of Transportation standard.

3. If it is not feasible to plant street trees according to City standards, either a five (5) foot deep

landscaped setback shall be required along the street property line or landscaping other than trees may be located in the planting strip according to Department of Engineering standards. The street trees shall be planted in the landscaped area at least two (2) feet from the street lot line if they cannot be placed in the planting strip.

(Ord. 121782 § 22, 2005; Ord. 121420 § 6, 2004; Ord. 118302 § 9 (part), 1996.)

23.48.026 Noise standards.

All permitted uses are subject to the noise standards of Section 23.47A.018.

(Ord. 122311, § 48, 2006; Ord. 118302 § 9 (part), 1996.)

23.48.028 Odor standards.

All permitted uses are subject to the odor standards of Section 23.47A.020.

(Ord. 122311, § 49, 2006; Ord. 118302 § 9 (part), 1996.)

23.48.030 Light and glare.

All permitted uses are subject to the light and glare standards of Section 23.47A.022.

(Ord. 122311, § 50, 2006; Ord. 118302 § 9 (part), 1996.)

23.48.031 Solid waste and recyclable materials storage space.

A. Storage space for solid waste and recyclable materials containers shall be provided for all new structures permitted in the Seattle Mixed zone and expanded multifamily structures as indicated in the table below. For the purposes of this subsection, "expanded multifamily structure" means expansion of multifamily structures with ten (10) or more existing units by two (2) or more units.

Structure Type	Structure Size	Minimum Area for Storage Space	Container Type
Multifamily*	7--15 units	75 square feet	Rear-loading
	16--25 units	100 square feet	Rear-loading
	26--50 units	150 square feet	Front-loading
	51--100 units	200 square feet	Front-loading
	More than 100 units	200 square feet plus	Front-loading
		2 square feet for	
		each additional	
		unit	
Commercial*	0--5,000 square feet	82 square feet	Rear-loading
	5,001--15,000 square feet	125 square feet	Rear-loading
	15,001--50,000 square feet	175 square feet	Front-loading
	50,001--100,000 square feet	225 square feet	Front-loading
	100,001--200,000 square feet	275 square feet	Front-loading
	200,001 plus square feet	500 square feet	Front-loading

* Mixed Use Buildings. Mixed use buildings with eighty (80) percent or more of floor space designated for residential use will be considered residential buildings. All other mixed use buildings will be considered commercial buildings.

B. The design of the storage space shall meet the following requirements:

1. The storage space shall have no dimension (width and depth) less than six (6) feet;

2. The floor of the storage space shall be level and hard-surfaced (garbage or recycling compactors require a concrete surface); and

3. If located outdoors, the storage space shall be screened from public view and designed to minimize light and glare impacts.

C. The location of the storage space shall meet the following requirements:

1. The storage space shall be located within the private property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street facing facade of the structure and the street;

2. The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure;

3. The storage space shall not block or impede any fire exits, public rights-of-ways or any pedestrian or vehicular access; and

4. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

D. Access to the storage space for occupants and service providers shall meet the following requirements:

1. For rear-loading containers (usually two (2) cubic yards or smaller):

a. Any proposed ramps to the storage space shall be of six (6) percent slope or less, and

b. Any proposed gates or access routes must be a minimum of six (6) feet wide; and

2. For front-loading containers (usually larger than two (2) cubic yards):

a. Direct access shall be provided from the alley or street to the containers,

b. Any proposed gates or access routes shall be a minimum of ten (10) feet wide, and

c. When accessed directly by a collection vehicle into a structure, a twenty-one (21) foot overhead clearance shall be provided.

E. The solid waste and recyclable materials storage space specifications required in subsections A, B, C, and D of this section above, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

F. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to modify the requirements of subsections A, B, C, and D of this section above under the following circumstances:

1. When the applicant can demonstrate difficulty in meeting any of the requirements of subsections A, B, C, and D of this section; or

2. When the applicant proposes to expand a multifamily or mixed-use building, and the requirements of subsections A, B, C, and D of this section conflict with opportunities to increase residential densities and/or retain ground-level retail uses; and

3. When the applicant proposes alternative, workable measures that meet the intent of this section.

(Ord. 121782 § 23, 2005; Ord. 120117 § 28, 2000; Ord. 119836 § 3, 2000.)

23.48.032 Required parking and loading.

A. Off-street parking spaces may be required according to the requirements of Section 23.54.015, Required parking.

B. Loading berths must be provided pursuant to Section 23.54.035, Loading berth requirements and space standards.

C. Where access to a loading berth is from the alley, and truck loading is parallel to the alley, a setback of twelve (12) feet is required for the loading berth, measured from the centerline of the alley (Exhibit 23.47A.014 D. This setback shall be maintained up to a height of sixteen (16) feet.

(Ord. 122311, § 51, 2006; Ord. 121782 § 24, 2005; Ord. 121476 § 9, 2004; Ord. 121477 § 14, 2004; Ord. 120611 § 9, 2001; Ord. 119715 § 1, 1999: Ord. 118302 § 9 (part), 1996.)

23.48.034 Parking and loading location, access and curbcuts.

A. Parking accessory to nonresidential uses may be provided on-site and/or within eight hundred (800) feet of the lot to which it is accessory, according to the provisions of Section 23.54.025, Parking covenants.

B. Accessory surface parking shall be permitted under the following conditions:

1. All accessory surface parking shall be located at the rear or to the side of the principal structure.

2. The amount of lot area allocated to accessory surface parking shall be limited to thirty (30) percent of the total lot area.

C. Parking and Loading Access. When a lot abuts more than one (1) right-of-way, the location of access for parking and loading shall be determined by the Director, depending on the classification of rights-of-way, as shown on Map B, located at the end of this Chapter, according to the following:

1. Access to parking and loading shall be from the alley when the lot abuts an alley improved to the standards of Section 23.53.030 C and use of the alley for parking and loading access would not create a significant safety hazard as determined by the Director.

2. If the lot fronts on an alley and an east/west oriented street, parking and loading access may be from the east/west oriented street.

3. If the lot does not abut an improved alley, parking and loading access may be permitted from the street. Such access shall be limited to one (1) two (2) way curbcut. In the event the site is too small to permit one (1) two (2) way curbcut, two (2) one (1) way curbcuts shall be permitted.

4. The Director shall also determine whether the location of the parking and loading access will expedite the movement of vehicles, facilitate a smooth flow of traffic, avoid the on-street queuing of vehicles, enhance vehicular safety and pedestrian comfort, and will not create a hazard.

5. Curbcut width and number of curbcuts shall satisfy the provisions of Section 23.54.030, Parking space standards, except as modified in this section.

(Ord. 121782 § 25, 2005; Ord. 118302 § 9(part), 1996.)

23.48.035 Assisted living facilities use and development standards.

A. Assisted living facilities shall be subject to the development standards of the zone in which they are located except as provided below:

1. Density. Density limits do not apply to assisted living facilities; and

2. Open Space. Open space requirements do not apply to assisted living facilities.

B. Other Requirements.

1. Minimum Unit Size. Assisted living units shall be designed to meet the minimum square footage required by WAC 388-110-140.

2. Facility Kitchen. There shall be provided a kitchen on-site which services the entire assisted living facility.

3. Communal Area. Communal areas (e.g., solariums, decks and porches, recreation rooms, dining rooms, living rooms, foyers and lobbies that are provided with comfortable seating, and gardens or other outdoor landscaped areas that are accessible to wheelchairs and walkers) with sufficient accommodations for socialization and meeting with friends and family shall be provided:

a. The total amount of communal area shall, at a minimum, equal twenty (20) percent of the total floor area in assisted living units. In calculating the total floor area in assisted living units, all of the area of each of the individual units shall be counted, including counters, closets and built-ins, but excluding the bathroom;

b. No service areas, including, but not limited to, the facility kitchen, laundry, hallways and corridors, supply closets, operations and maintenance areas, staff areas and offices, and rooms used only for counseling or medical services, shall be counted toward the communal area requirement; and

c. A minimum of four hundred (400) square feet of the required communal area shall be provided outdoors, with no dimension less than ten (10) feet. A departure from the required amount and/or dimension of outdoor communal space may be permitted as part of the design review process, pursuant to Section 23.41.012 A.

(Ord. 119238 § 5, 1998.)

Subchapter III.

Nonconforming Uses and Structures

23.48.038 Relocating landmark structures.

When an historic landmark structure is relocated, any nonconformities with respect to development standards shall transfer with the relocated structure.
(Ord. 120293 § 8, 2001: Ord. 118302 § 9(part), 1996.)

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Chapter 23.49

DOWNTOWN ZONING

Sections:

Subchapter I General Provisions

Subchapter I

General Provisions

23.49.002 Scope of provisions.

A. This chapter details those authorized uses and their development standards which are or may be permitted in downtown zones: Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), Downtown Retail Core (DRC), Downtown Mixed Commercial (DMC), Downtown Mixed Residential (DMR), Pioneer Square Mixed (PSM), International District Mixed (IDM), International District Residential (IDR), Downtown Harborfront 1 (DH1), Downtown Harborfront 2 (DH2), and Pike Market Mixed (PMM).

B. Property in the following special districts: Pike Place Market Urban Renewal Area, Pike Place Market Historic District, Pioneer Square Preservation District, International Special Review District, and the Shoreline District, are subject to both the requirements of this chapter and the regulations of the district.

C. Standards and guidelines for amenity features are found in the Downtown Amenity Standards.

D. Requirements for alley improvements are provided in Chapter 23.53. Standards for design of parking are provided in Chapter 23.54. Signs shall be regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86.

E. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this chapter and additional regulations in Chapter 23.57.
(Ord. 122054 § 8, 2006; Ord. 120928 § 17, 2002; Ord. 116295 § 12, 1992; Ord. 115326 § 18, 1990; Ord. 112303 § 3(part), 1985.)

23.49.006 Scope of general standards.

Unless otherwise specified, the regulations of this subchapter shall apply to all downtown zones.

(Ord. 112303 § 3(part), 1985.)

23.49.008 Structure height.

The following provisions regulating structure height apply to all property in downtown zones except the DH1, PSM, IDM, and IDR zones.

A. Base and Maximum Height Limits.

1. Maximum structure heights for downtown zones, except PMM, are fifty-five (55) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred twenty-five (125) feet, one hundred fifty (150) feet, one hundred sixty (160) feet, two hundred forty (240) feet, three hundred forty (340) feet, four hundred (400) feet, five hundred (500) feet, and unlimited, as designated on the Official Land Use Map, Chapter 23.32.

In certain zones, as specified in this section, the maximum structure height may be allowed only for particular uses or only on specified conditions, or both.

2. Except in the PMM zone, the base height limit for a structure is the lowest of the maximum structure height or the lowest other height limit, if any, that applies pursuant to the provisions of this title based upon the uses in the structure, before giving effect to any bonus for which the structure qualifies under this chapter and to any special exceptions or departures authorized under this chapter. In the PMM zone the base height limit is the maximum height permitted pursuant to urban renewal covenants.

3. In zones listed below in this subsection A3 there is a base height limit for portions of a structure containing nonresidential and live-work uses, which is shown as the first figure after the zone designation (except that there is no such limit in DOC1), and a base height limit that applies to portions of a structure in residential use, shown as the figure following the "/". The third figure shown is the highest possible applicable height limit for a structure that uses the bonus available under 23.49.015 and has no nonresidential or live-work use above the first height limit shown for that zone:

   DOC1 Unlimited/450 -- Unlimited

   DOC2 500/300-500

   DMC 340/290-400

   DMC 240/290-400.

4. In the DRC zone, the base height limit is eighty-five (85) feet, except that, subject to the conditions in subsection A5 of this section:

   a. The base height limit is one hundred fifty (150) feet when any of the following conditions is satisfied:

i. When all portions of a structure above eighty-five (85) feet contain only residential use; or

ii. When at least twenty-five (25) percent of the gross floor area of all structures on a lot is in residential use; or

iii. When a minimum of 1.5 FAR of retail sales and service or entertainment uses, or any combination thereof, is provided on the lot.

b. For residential floor area created by infill of a light well on a Landmark structure, the base height limit is the lesser of one hundred fifty (150) feet or the highest level at which the light well is enclosed by the full length of walls of the structure on at least three (3) sides. For the purpose of this subsection a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least three (3) sides by walls of the same structure, and infill is defined as an addition to that structure within the light well.

5. Restrictions on Demolition and Alteration of Existing Structures.

a. Any structure in a DRC zone that would exceed the eighty-five (85) foot base height limit shall incorporate the existing exterior street front facade(s) of each of the structures listed below, if any, located on the lot of that project. The City Council finds that these structures are significant to the architecture, history and character of downtown. The Director may permit changes to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).

b. The Director shall evaluate whether the manner in which the facade is proposed to be preserved meets the intent to preserve the architecture, character and history of the Retail Core. If a structure on the lot is a Landmark structure, approval by the Landmarks Preservation Board for any proposed modifications to controlled features is required prior to a decision by the Director to allow or condition additional height for the project. The Landmarks Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a structure on the list below is solely for the purpose of conditioning additional height under this subsection, and shall not be interpreted in any way to prejudge the structure's merit as a Landmark:

Sixth and Pine Building	523 Pine Street
Decatur	1513-6th Avenue
Coliseum Theater	5th and Pike
Seaboard Building	1506 Westlake Avenue
Fourth and Pike Building	1424-4th Avenue
Pacific First Federal Savings	1400-4th Avenue
Joshua Green Building	1425-4th Avenue
Equitable Building	1415-4th Avenue
Mann Building	1411-3rd Avenue
Olympic Savings Tower	217 Pine Street

Fischer Studio Building	1519-3rd Avenue
Bon Marche (Macy's)	3rd and Pine
Melbourne House	1511 - 3rd Avenue
Former Woolworth's Building	1512 - 3rd Avenue

c. The restrictions in this subsection 5 are in addition to, and not in substitution for, the requirements of the Landmarks Ordinance, SMC Chapter 25.12.

6. The applicable height limit for a structure is the base height limit plus any height allowed as a bonus under this chapter and any additional height allowed by special exception or departure. The height of a structure shall not exceed the applicable height limit, except as provided in subsections B, C and D of this section.

7. The height of rooftop features, as provided in subsection D, is allowed to exceed the applicable height limit.

B. Structures located in DMC 240/290-400 or DMC 340/290-400 zones may exceed the maximum height limit for residential use by ten (10) percent of that limit if:

1. the facades of the portion of the structure above the limit do not enclose an area greater than nine thousand (9,000) square feet, and

2. the enclosed space is occupied only by those uses or features otherwise permitted in this Section as an exception above the height limit.

This exception shall not be combined with any other height exception for screening or rooftop features to gain additional height.

C. Height in Downtown Mixed Residential (DMR) zones is regulated as follows:

1. No portion of a structure that contains only nonresidential or live-work uses may exceed the lower height limit established on the Official Land Use Map, except for rooftop features permitted by subsection D of this section.

2. Portions of structures that contain only residential uses may extend to the higher height limit established on the Official Land Use Map.

D. Rooftop Features.

1. The following rooftop features are permitted with unlimited rooftop coverage and may not exceed the height limits as indicated:

a. Open railings, planters, clerestories, skylights, play equipment, parapets and firewalls up to four (4) feet above the applicable height limit;

b. Solar collectors up to seven (7) feet above the applicable height limit; and

c. The rooftop features listed below shall be located a minimum of ten (10) feet from all lot lines and may extend up to fifty (50) feet above the roof of the structure on which they are located or fifty (50) feet above the applicable height limit, whichever is less, except as regulated by Chapter 23.64, Airport Height Overlay District:

(1) Religious symbols for religious institutions,

(2) Smokestacks, and

(3) Flagpoles.

2. The following rooftop features are permitted up to the heights indicated below, as long as the combined coverage of all rooftop features, whether or not listed in this subsection 2, does not exceed fifty-five (55) percent of the roof area for structures that are subject to maximum floor area limits per story pursuant to Section 23.49.058, or thirty-five (35) percent of the roof area for other structures.

a. The following rooftop features are permitted to extend up to fifteen (15) feet above the applicable height limit:

(1) Solar collectors;

(2) Stair penthouses;

(3) Play equipment and open-mesh fencing, as long as the fencing is at least fifteen (15) feet from the roof edge;

(4) Covered or enclosed common recreation area; and

(5) Mechanical equipment.

b. Elevator penthouses as follows:

(1) In the PMM zone, up to fifteen (15) feet above the applicable height limit;

(2) Except in the PMM zone, up to twenty-three (23) feet above the applicable height limit for a penthouse designed for an elevator cab up to eight (8) feet high;

(3) Except in the PMM zone, up to twenty-five (25) feet above the applicable height limit for a penthouse designed for an elevator cab more than eight (8) feet high;

(4) Except in the PMM zone, when the elevator provides access to a rooftop

designed to provide usable open space, an additional ten (10) feet above the amount permitted in subsections (2) and (3) above shall be permitted.

c. Minor communication utilities and accessory communication devices, regulated according to Section 23.57.013, shall be included within the maximum permitted rooftop coverage.

3. Screening of Rooftop Features.

a. Measures may be taken to screen rooftop features from public view through the design review process or, if located within the Pike Place Market Historical District, by the Market Historical Commission.

b. Except in the PMM zone, the amount of roof area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of all rooftop features as provided in subsection D2 of this section.

c. Except in the PMM zone, in no circumstances shall the height of rooftop screening exceed ten (10) percent of the applicable height limit, or fifteen (15) feet, whichever is greater. In the PMM zone, the height of the screening shall not exceed the height of the rooftop feature being screened, or such greater height necessary for effective screening as determined by the Pike Place Market Historical Commission.

4. Administrative Conditional Use for Rooftop Features. Except in the PMM zone, the rooftop features listed in subsection D1c of this section may exceed a height of fifty (50) feet above the roof of the structure on which they are located if authorized by the Director through an administrative conditional use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:

a. The feature shall be compatible with and not adversely affect the downtown skyline.

b. The feature shall not have a substantial adverse effect upon the light, air, solar and visual access of properties within a three hundred (300) foot radius.

c. The feature, supporting structure and structure below shall be compatible in design elements such as bulk, profile, color and materials.

d. The increased size is necessary for the successful physical function of the feature, except for religious symbols.

5. Residential Penthouses Above Height Limit in DRC Zone.

a. A residential penthouse exceeding the applicable height limit shall be permitted in the DRC zone only on a mixed-use, City-designated Landmark structure for which a certificate of approval by the Landmarks Preservation Board is required. A residential penthouse allowed under this section may cover a maximum of fifty (50) percent of the total roof surface. Except as the Director may allow under subsection D5b of this section:

(1) A residential penthouse allowed under this subsection shall be set back a minimum of fifteen (15) feet from the street property line.

(2) A residential penthouse may extend up to eight (8) feet above the roof, or twelve (12) feet above the roof when set back a minimum of thirty (30) feet from the street property line.

b. If the Director determines, after a sight line review based upon adequate information submitted by the applicant, that a penthouse will be invisible or minimally visible from public streets and parks within three hundred (300) feet from the structure, the Director may allow one or both of the following in a Type I decision:

(1) An increase of the penthouse height limit under subsection D5a of this section by an amount up to the average height of the structure's street-facing parapet; or

(2) A reduction in the required setback for a residential penthouse.

c. The Director's decision to modify development standards pursuant to subsection D5b must be consistent with the certificate of approval from the Landmarks Preservation Board.

d. A residential penthouse allowed under this section shall not exceed the maximum structure height in the DRC zone under Section 23.49.008.

e. No rooftop features shall be permitted on a residential penthouse allowed under this subsection D5.

6. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.013.

(Ord. 122054 § 9, 2006; Ord. 121196 § 13, 2003; Ord. 120967 § 1, 2003; Ord. 120928 § 18, 2002; Ord. 120443 § 3, 2001; Ord. 120117 § 29, 2000; Ord. 119837 § 3, 2000; Ord. 119728 § 2, 1999; Ord. 119370 § 3, 1999; Ord. 118672 § 8, 1997: Ord. 116295 § 13, 1992; § 1 of Initiative 31, passed 5/16/89; Ord. 113279 § 1, 1987; Ord. 112303 § 3(part), 1985.)

23.49.009 Street-level use requirements.

One (1) or more of the uses listed in subsection A are required at street-level on all lots abutting streets

designated on Map 1G. Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses qualify as required street-level uses:

1. General sales and services;

2. Human service uses and childcare facilities;

3. Retail sales, major durables;

4. Entertainment uses;

5. Museums, and administrative offices within a museum expansion space meeting the requirement of subsection 23.49.011B1h;

6. Libraries;

7. Elementary and secondary schools;

8. Public atriums;

9. Eating and drinking establishments;

10. Sales and services, automotive;

11. Sales and services, marine; and

12. Animal shelters and kennels.

B. General Standards.

1. A minimum of seventy-five (75) percent of each street frontage at street-level where street level uses are required must be occupied by uses listed in subsection A. The remaining twenty-five (25) percent of the street frontage at street level may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any exterior public open space that qualifies for a floor area bonus, whether it receives a bonus or not; any eligible lot area of an open space TDR site, any outdoor common recreation area required for residential uses, or any open space required for office uses, is not counted in street frontage.

2. In the DRC zone, a combined total of no more than twenty (20) percent of the total street frontage of the lot may be occupied by human service uses, childcare facilities, customer service offices, entertainment uses or museums.

3. Required street-level uses shall be located within ten (10) feet of the street property line or shall abut a public open space that meets the eligibility criteria of the Downtown

Amenity Standards. When sidewalk widening is required by Section 23.49.022, the ten (10) feet shall be measured from the line established by the new sidewalk width.

4. Except for child care facilities, pedestrian access to required street-level uses shall be provided directly from the street, a bonused public open space, or other publicly accessible open space. Pedestrian entrances shall be located no more than three (3) feet above or below sidewalk grade or shall be at the same elevation as the abutting public open space.

(Ord. 122311, § 52, 2006; Ord. 122235, § 4, 2006; Ord. 122054 § 10, 2006)

23.49.010 General requirements for residential uses.

A. Reserved.

B. Common Recreation Area. Common recreation area is required for all new development with more than twenty (20) dwelling units. Required common recreation area shall meet the following standards:

1. An area equivalent to five (5) percent of the total gross floor area in residential use, excluding any floor area in residential use gained in a project through a voluntary agreement for housing under SMC Section 23.49.015, shall be provided as common recreation area. In no instance shall the amount of required common recreation area exceed the area of the lot. The common recreation area shall be available to all residents and may be provided at or above ground level.

2. A maximum of fifty (50) percent of the common recreation area may be enclosed.

3. The minimum horizontal dimension for required common recreation areas shall be fifteen (15) feet, except for open space provided as landscaped setback area at street level, which shall have a minimum horizontal dimension of ten (10) feet. No required common recreation area shall be less than two hundred twenty-five (225) square feet.

4. Common recreation area that is provided as open space at street level shall be counted as twice the actual area in determining the amount provided to meet the common recreation area requirement.

5. In mixed use projects, the Director may permit a bonused public open space to satisfy a portion of the common recreation area requirement, provided that the space meets the standards of this section, and the Director finds that its design, location, access and hours of operation meet the needs of building residents.

6. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier Free Design, shall not be counted as common recreation area.

7. In PSM zones, the Director of the Department of Neighborhoods, on recommendation of the Pioneer Square Preservation Board, may waive the requirement for common recreation area, pursuant to the criteria of Section 23.66.155, Waiver of common recreation area requirements.

8. In IDM and IDR zones, the Director of the Department of Neighborhoods, on recommendation of the International District Special Review District Board, may waive the requirement for common recreation area, pursuant to the criteria of Section 23.66.155, Waiver of common recreation area requirements.

9. For lots abutting designated green streets, up to fifty (50) percent of the common recreation area requirement may be met by contributing to the development of a green street. The Director may waive the requirement that the green street abut the lot and allow the improvement to be made to a green street located in the general vicinity of the project if such an improvement is determined to be beneficial to the residents of the project.

C. Assisted Living Facilities Use and Development Standards.

1. Assisted living facilities shall be subject to the development standards of the zone in which they are located except as provided below:

   a. Density. Density limits do not apply to assisted living facilities; and

   b. Open Space and Common Recreation Area. Open space and common recreation area requirements do not apply to assisted living facilities.

2. Other Requirements.

   a. Minimum Unit Size. Assisted living units shall be designed to meet the minimum square footage required by WAC 388-110-140.

   b. Facility Kitchen. There shall be provided a kitchen on-site which services the entire assisted living facility.

   c. Communal Area. Communal areas (e.g., solariums, decks and porches, recreation rooms, dining rooms, living rooms, foyers and lobbies that are provided with comfortable seating, and gardens or other outdoor landscaped areas that are accessible to wheelchairs and walkers) with sufficient accommodations for socialization and meeting with friends and family shall be provided:

      (1) The total amount of communal area shall, at a minimum, equal twenty (20) percent of the total floor area in assisted living units. In calculating the total floor area in assisted living units, all of the area of each of the individual units shall be counted, including counters, closets and built-ins, but excluding the bathroom;

      (2) No service areas, including, but not limited to, the facility kitchen, laundry, hallways and corridors, supply closets, operations and maintenance areas, staff areas and offices, and rooms used only for counseling or medical services, shall be counted toward the communal area requirement; and

(3) A minimum of four hundred (400) square feet of the required communal area shall be provided outdoors, with no dimensions less than ten (10) feet. A departure from the required amount and/or dimension of outdoor communal space may be permitted as part of the design review process, pursuant to Section 23.41.012 A.

(Ord. 122054 § 12, 2006; Ord. 121196 § 16, 2003; Ord. 120443 § 14, 2001; Ord. 119728 § 3, 1999; Ord. 119238 § 6, 1998; Ord. 117202 § 8, 1994; Ord. 112303 § 3(part), 1985.)

23.49.011 Floor area ratio.

A. General Standards.

1. The base and maximum floor area ratio (FAR) for each zone is provided in Chart 23.49.011 A1.

Chart 23.49.011 A1

Base and Maximum Area Ratios (FARs)

Zone Designation	Base FAR	Maximum FAR
Downtown Office Core 1 (DOC1)	6	20
Downtown Office Core 2 (DOC2)	5	14
Downtown Retail Core (DRC)	3	5
Downtown Mixed Commercial (DMC)	4 in 65' height district 4.5 in 85' height district 5 in 125', 160', 240'/290'--400' and 340'/290'--400' height districts	4 in 65' height district 4.5 in 85' height district 7 in 125', 160' and 240'/290'--400' height districts 10 in 340'/290'--400' height districts
Downtown Mixed Residential/Residential (DMR/R)	1 in 85'/65' height district 1 in 125'/65' height district 1 in 240'/65' height district	1 in 85'/65' height district 2 in 125'/65' height district 2 in 240'/65' height district
Downtown Mixed Residential/Commercial (DMR/C)	1 in 85'/65' height district 1 in 125'/65' height district 2 in 240'/125' height district	4 in 85'/65' height district 4 in 125'/65' height district 5 in 240'/125' height district
Pioneer Square Mixed (PSM)	N.A.	N.A.
International District Mixed (IDM)	3, except hotels 6 for hotels	3, except hotels 6 for hotels
International District Residential (IDR)	1	2 when 50% or more of the total gross floor area on the lot is in residential use
Downtown Harborfront 1 (DH1)	N.A.	N.A.
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR
Pike Market Mixed (PMM)	7	7

N.A. = Not Applicable.

2. Chargeable floor area shall not exceed the applicable base FAR except as expressly authorized

pursuant to the provisions of this chapter.

a. For new structures in DOC1, DOC2 and DMC zones allowing chargeable floor area above the base FAR, the first increment of chargeable floor area above the base FAR, shown for each zone on Chart 23.49.011 A.2, shall be gained by making a commitment satisfactory to the Director that the proposed development will earn a LEED Silver rating or a meet a substantially equivalent standard approved by the Director as a Type I decision. In these zones, no chargeable floor area above the base FAR is allowed for a project that includes chargeable floor area in a new structure unless the applicant makes such a commitment. When such a commitment is made, the provisions of SMC Section 23.49.020 shall apply. The Director may establish by rule procedures for determining whether an applicant has demonstrated that a new structure has earned a LEED Silver rating or met any such substantially equivalent standard, provided that no rule shall assign authority for making a final determination to any person other than an officer of the Department of Planning and Development or another City agency with regulatory authority and expertise in green building practices.

Chart 23.49.011 A.2

Zone	**First increment of FAR above the base FAR achieved through LEED Silver Rating**
DOC1	1.0
DOC2	0.75
DMC 340/290-400	0.50
DMC 125, 160, 240/290-400	0.25

b. In DOC1, DOC2, and DMC zones, additional chargeable floor area above the first increment of FAR that exceeds the base FAR may be obtained only by qualifying for floor area bonuses pursuant to Section 23.49.012 or 23.49.013, or by the transfer of development rights pursuant to Section 23.49.014, or both, except as provided in subsections A2c through A2i of this section.

c. In the DOC1 zone, additional chargeable floor area over seventeen (17) FAR may be obtained only through the transfer of rural development credits, except as provided below in this subsection c. No chargeable floor area shall be allowed under this subsection unless, at the time of the Master Use Permit application for the project proposing such floor area, an agreement is in effect between the City and King County, duly authorized by City ordinance, for the implementation of a Rural Development Credits Program. If no such agreement is in effect, the chargeable floor area above the seventeenth FAR may be obtained according to the provisions of Section 23.49.011A2f.

d. In no event shall the use of bonuses, TDR, or rural development credits, or any combination of them, be allowed to result in chargeable floor area in excess of the maximum as set forth in Chart 23.49.011 A.1, except that a structure on a lot in a planned

community development pursuant to Section 23.49.036 or a combined lot development pursuant to Section 23.49.041, may exceed the floor area ratio otherwise permitted on that lot, provided the chargeable floor area on all lots included in the planned community development or combined lot development as a whole does not exceed the combined total permitted chargeable floor area.

e. Except as otherwise provided in this subsection A2e or subsections A2g or A2i of this section, not less than five (5) percent of all floor area above the base FAR to be gained on any lot, excluding any floor area gained under subsection A2a of this Section, shall be gained through the transfer of Landmark TDR, to the extent that Landmark TDR is available. Landmark TDR shall be considered "available" only to the extent that, at the time of the Master Use Permit application to gain the additional floor area, the City of Seattle is offering Landmark TDR for sale, at a price per square foot no greater than the total bonus contribution under Section 23.49.012 for a project using the cash option for both housing and childcare facilities. An applicant may satisfy the minimum Landmark TDR requirement in this section by purchases from private parties, by transfer from an eligible sending lot owned by the applicant, by purchase from the City, or by any combination of the foregoing. This subsection A2e does not apply to any lot in a DMR zone.

f. Except as otherwise permitted under subsection A2h or A2i of this section, on any lot except a lot in a DMR zone, the total amount of chargeable floor area gained through bonuses under Section 23.49.012, together with any housing TDR and Landmark housing TDR used for the same project, shall equal seventy-five (75) percent of the amount, if any, by which the total chargeable floor area to be permitted on the lot exceeds the sum of (i) the base FAR, as determined under this section and Section 23.49.032 if applicable, plus (ii) any chargeable floor area gained on the lot pursuant to subsection A2a, A2c, A2h, or A2i of this section. At least half of the remaining twenty-five (25) percent shall be gained by using TDR from a sending lot with a major performing arts facility, to the extent available. The balance of such twenty-five (25) percent shall be gained through bonuses under Section 23.49.013 or through TDR other than housing TDR, or both, consistent with this chapter. TDR from a sending lot with a major performing arts facility shall be considered "available" only to the extent that, at the time of the Master Use Permit application to gain the additional floor area, the City of Seattle is offering such TDR for sale, at a price per square foot not exceeding the prevailing market price for TDR other than housing TDR, as determined by the Director.

g. In order to gain chargeable floor area on any lot in a DMR zone, an applicant may (i) use any types of TDR eligible under this chapter in any proportions, or (ii) use bonuses under Section 23.49.012 or 23.49.013, or both, subject to the limits for particular types of bonus under Section 23.49.013, or (iii) combine such TDR and bonuses in any proportions.

h. On any lot in a DMC zone allowing a maximum FAR of seven (7), in addition to the provisions of subsection 2f above, an applicant may gain chargeable floor area above the first increment of FAR above the base FAR through use of DMC housing TDR, or any combination of DMC housing TDR with floor area gained through other TDR and

bonuses as prescribed in subsection 2f.

i. When the amount of bonus development sought in any permit application does not exceed five thousand (5,000) square feet of chargeable floor area, the Director may permit such floor area to be achieved solely through the bonus for housing and child care.

j. Subsection A2a of this section shall expire five (5) years from the effective date of Ordinance 122054, and thereafter that first increment of floor area above the base FAR shall be zero (0).

k. No chargeable floor area above the base FAR shall be granted to any proposed development that would result in significant alteration to any designated feature of a Landmark structure, unless a Certificate of Approval for the alteration is granted by the Landmarks Preservation Board.

3. The Master Use Permit application to establish any bonus development under this section shall include a calculation of the amount of bonus development sought and shall identify the manner in which the conditions to such bonus development shall be satisfied. The Director shall, at the time of issuance of any Master Use Permit decision approving any such bonus development, issue a Type I decision as to the amount of bonus development to be allowed and the conditions to such bonus development, which decision may include alternative means to achieve bonus development, at the applicant's option, if each alternative would be consistent with the conditions of any other conditions of the permit, including Design Review if applicable.

B. Exemptions and Deductions from FAR Calculations.

1. The following are not included in chargeable floor area, except as specified below in this section:

a. Retail sales and service uses and entertainment uses in the DRC zone, up to a maximum FAR of two (2) for all such uses combined;

b. Street-level uses meeting the requirements of Section 23.49.009, Street-level use requirements, whether or not street-level use is required pursuant to Map 1G, if the uses and structure also satisfy the following standards:

(1) The street level of the structure containing the exempt space must have a minimum floor to floor height of thirteen (13) feet;

(2) The street level of the structure containing the exempt space must have a minimum depth of fifteen (15) feet;

(3) Overhead weather protection is provided satisfying the provisions of Section 23.49.018.

c. Shopping atria in the DRC zone and adjacent areas shown on Map 1J, provided that:

(1) The minimum area of the shopping atria shall be four thousand (4,000) square feet;

(2) The eligibility conditions of the Downtown Amenity Standards are met; and

(3) The maximum area eligible for a floor area exemption shall be twenty thousand (20,000) square feet;

d. Child care;

e. Human service use;

f. Residential use, except in the PMM and DH2 zones;

g. Live-work units, except in the PMM and DH2 zones;

h. Museums, provided that the eligibility conditions of the Downtown Amenity Standards are met;

i. The floor area identified as expansion space for a museum, where such expansion space satisfies the following:

(1) The floor area that will contain the museum expansion space is owned by the museum or a museum development authority; and

(2) The museum expansion space will be occupied by a museum, existing as of October 31, 2002, on a downtown zoned lot; and

(3) The museum expansion space is physically designed in conformance with the Seattle Building Code standards for museum use either at the time of original configuration or at such time as museum expansion is proposed;

j. Performing arts theaters;

k. Floor area below grade;

l. Floor area that is used only for short-term parking or parking accessory to residential uses, or both, subject to a limit on floor area used wholly or in part as parking accessory to residential uses of one (1) parking space for each dwelling unit on the lot with the residential use served by the parking;

m. Floor area of a public benefit feature that would be eligible for a bonus on the lot where the feature is located. The exemption applies regardless of whether a floor area bonus is obtained, and regardless of maximum bonusable area limitations;

n. Public restrooms;

o. Major retail stores in the DRC zone and adjacent areas shown on Map 1J, provided that:

(1) The minimum lot area for a major retail store development shall be twenty thousand (20,000) square feet;

(2) The minimum area of the major retail store shall be eighty thousand (80,000) square feet;

(3) The eligibility conditions of the Downtown Amenity Standards are met;

(4) The maximum area eligible for a floor area exemption shall be two hundred thousand (200,000) square feet;

(5) The floor area exemption applies to storage areas, store offices, and other support spaces necessary for the store's operation; and

p. Shower facilities for bicycle commuters.

2. As an allowance for mechanical equipment, three and one-half (3 1/2) percent shall be deducted in computing chargeable gross floor area. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection B1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

(Ord. 122054 § 13, 2006; Ord. 121874 § 1, 2005; Ord. 121828 § 6, 2005; Ord. 121278 § 3, 2003; Ord. 121196 § 14, 2003; Ord. 120967 § 3, 2003: Ord. 120443 §§ 5, 6, 2001.)

23.49.012 Bonus floor area for voluntary agreements for housing and child care.

A. General Provisions

1. The purpose of this section is to encourage development in addition to that authorized by basic zoning regulations ("bonus development"), provided that certain adverse impacts from the bonus development are mitigated. Two (2) impacts from such development are an increased need for low-income housing downtown to house the families of workers having lower-paid jobs and an increased need for child care for downtown workers.

2. If an applicant elects to seek approval of bonus development pursuant to this section, the applicant must execute a voluntary agreement with the City in which the applicant agrees to provide mitigation for such impacts. The mitigation may be provided by building the requisite low-income housing or child care facilities (the "performance option"), by making a contribution to be used by the City to build or provide the housing and child care facilities (the "payment option"), or by a combination of the performance and payment options.

B. Voluntary Agreements for Housing and Child Care. For each square foot of chargeable floor area above the base FAR to be earned under this section, the voluntary agreement shall commit the developer to provide or contribute to the following facilities in the following amounts:

1. Housing.

a. For each square foot of bonus floor area, housing serving each of the specified income levels, or an alternative cash contribution for housing to serve each specified income level, must be provided according to Chart 23.49.012 A.

b. For purposes of this subsection, a housing unit serves households up to an income level only if all of the following are satisfied for a period of fifty (50) years beginning upon the issuance of a final certificate of occupancy by the Department of Planning and Development:

(1) The housing unit is used as rental housing solely for households with incomes, at the time of each household's initial occupancy, not exceeding that level; and

(2) The monthly rent charged for the housing unit, together with a reasonable allowance for any basic utilities that are not included in the rent, does not exceed one-twelfth (1/12) of thirty (30) percent of that income level as adjusted for the estimated size of household corresponding to the size of unit, in such manner as the Director of the Office of Housing shall determine;

(3) There are no charges for occupancy other than rent; and

(4) The housing unit and the structure in which it is located are maintained in decent and habitable condition, including adequate basic appliances, for such fifty (50) year period.

c. For purposes of this section, housing may be considered to be provided by the applicant seeking bonus floor area if it is committed to serve one (1) or more of the income groups referred to in this section pursuant to an agreement between the housing owner and the City executed and recorded prior to the issuance of the building permit for the construction of such housing or conversion of nonresidential space to such housing, but no earlier than three (3) years prior to the issuance of a master use permit for the project using the bonus floor area, and either:

(1) The housing unit is newly constructed, is converted from nonresidential use, or is renovated space that was vacant as of the date of this ordinance, on the lot using the bonus floor area, pursuant to the same master use permit as the project using the bonus floor area; or

(2) The housing is newly constructed, is converted from nonresidential use, or is renovated in a residential building that was vacant as of the date of this ordinance on a lot in a Downtown zone, and:

i. The housing is owned by the applicant seeking to use the bonus; or

ii. The owner of the housing has signed, and there is in effect, a linkage agreement approved by the Director of the Office of Housing allowing the use of the housing bonus in return for necessary and adequate financial support to the development of the housing, and either the applicant has, by the terms of the linkage agreement, the exclusive privilege to use the housing to satisfy conditions for bonus floor area; or the applicant is the assignee of the privilege to use the housing to satisfy conditions for bonus floor area, pursuant to a full and exclusive assignment, approved by the Director of the Office of Housing, of the linkage agreement, and all provisions of this section respecting assignments are complied with. If housing is developed in advance of a linkage agreement, payments by the applicant used to retire or reduce interim financing may be considered necessary and adequate support for the development of the housing.

d. Housing that is not yet constructed, or is not ready for occupancy, at the time of the issuance of a building permit for the project intending to use bonus floor area, may be considered to be provided by the applicant if, within three (3) years of the issuance of the first building permit for such project, the Department of Planning and Development issues a final certificate of occupancy for such housing. Any applicant seeking to qualify for bonus floor area based on such housing shall provide to the City, prior to the date when a contribution would be due for the cash option under subsection C of this section, an irrevocable bank letter of credit or other sufficient security approved by the Director of the Office of Housing, and a related voluntary agreement, so that at the end of the three (3) year period, if the housing does not qualify or is not provided in a sufficient amount to satisfy the terms of this section, the City shall receive (i) a cash contribution for housing in the amount determined pursuant to this section after credit for any qualifying housing then provided, plus (ii) an amount equal to interest on such contribution, at the rate equal to the prime rate quoted from time to time by Bank of America, or its successor, plus three (3) percent per annum, from the date of issuance of the first building permit for the project using the bonus. If and when the City becomes entitled to realize on any such security, the Director of the Office of Housing shall take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions for housing made under this section. In the case of any project proposing to use bonus floor area for which no building permit is required, references to the building permit in this subsection shall mean the master use permit allowing establishment or expansion of the use for which bonus floor area is sought.

e. Nothing in this chapter shall be construed to confer on any owner or developer of housing, any party to a linkage agreement, or any assignee, any development rights or property interests. Because the availability and terms of allowance of bonus floor area depend upon the regulations in effect at the relevant time for the project proposing to use such bonus floor area, pursuant to SMC Section 23.76.026, any approvals or agreements by the Director of the Office of Housing regarding the eligibility of actual or proposed

housing as to satisfy conditions of a bonus, and any approval of a linkage agreement and/or assignment, do not grant any vested rights, nor guarantee that any bonus floor area will be permitted based on such housing.

f. The Director of the Office of Housing shall review the design and proposed management plan for any housing proposed under the performance option to determine whether it will comply with the terms of this section.

g. The Director of the Office of Housing is authorized to accept a voluntary agreement for the provision of housing and related agreements and instruments consistent with this section.

h. Any provision of any Director's rule notwithstanding, it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus floor area based on the provision of housing under this subsection, that the housing units shall continue to satisfy the requirements of this subsection throughout the required fifty (50) year period and that such compliance shall be documented annually to the satisfaction of the Director of the Office of Housing, and the owner of any project using such bonus floor area shall be in violation of this title if any such housing unit does not satisfy such requirements, or if satisfactory documentation is not provided to the Director of the Office of Housing, at any time during such period. The Director of the Office of Housing may provide by rule for circumstances in which housing units maybe replaced if lost due to casualty or other causes, and for terms and conditions upon which a cash contribution may be made in lieu of continuing to provide housing units under the terms of this subsection.

Chart 23.49.012 A

Income Level	**Gross Square Feet of Housing**	**Cash Contribution***
Up to 30% of median income	0.01905335	$3.20
Up to 50% of median income	0.06058827	9.28
Up to 80% of median income	0.07614345	6.27
Total	0.15578507	18.75

*The Director of the Office of Housing may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982 - 84=100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. The base year for the first such adjustment shall be 2001. In the alternative, the Director of the Office of Housing may adjust the cash contribution amounts based, on changes to commercial and/or housing development costs estimated in such manner as the Director deems appropriate. Any such adjustment to the cash contribution amounts may be implemented through a rule-making process.

j. Housing units provided to qualify for a bonus, or produced with voluntary contributions made under this section, should include a range of unit sizes, including units suitable for families with children. The Housing Director is authorized to prescribe by rule minimum requirements for the range of unit sizes, by numbers of bedrooms, in housing provided to qualify for a bonus. The Housing Director shall take into account, in any such rule, estimated distributions of household sizes among low-income households. The Housing Director is further authorized to adopt policies for distribution of unit sizes in housing developments funded by contributions received under this section.

2. Child Care.

a. For each square foot of bonus floor area allowed under this section, in addition to providing housing or an alternative cash contribution pursuant to subsection B1, the applicant shall provide fully improved child care facility space sufficient for 0.000127 of a child care slot, or a cash contribution to the City of Three Dollars and Twenty-five Cents ($3.25), to be administered by the Human Services Department. The Director of the Human Services Department may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982-84=100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. The base year for the first such adjustment shall be 2001. The minimum interior space in the child care facility for each child care slot shall comply with all applicable state and local regulations governing the operation of licensed childcare providers. Child care facility space shall be deemed provided only if the applicant causes the space to be newly constructed or newly placed in child care use after the submission of a permit application for the project intended to use the bonus floor area, except as provided in subsection B2b(6). If any contribution or subsidy in any form is made by any public entity to the acquisition, development, financing or improvement of any child care facility, then any portion of the space in such facility determined by the Director of the Human Services Department to be attributable to such contribution or subsidy shall not be considered as provided by any applicant other than that public entity.

b. Child care space shall be provided on the same lot as the project using the bonus floor area or on another lot in a downtown zone and shall be contained in a child care facility satisfying the following standards:

(1) The child care facility and accessory exterior space must be approved for licensing by the State of Washington Department of Social and Health Services and any other applicable state or local governmental agencies responsible for the regulation of licensed childcare providers.

(2) At least twenty (20) percent of the number of child care slots for which space is provided as a condition of bonus floor area must be reserved for, and affordable to, families with annual incomes at or below the U.S. Department of Housing and Urban Development Low Income Standard for Section 8 Housing based on family

size (or, if such standard shall no longer be published, a standard established by the Human Services Director based generally on eighty (80) percent of the median family income of the Metropolitan Statistical Area, or division thereof, that includes Seattle, adjusted for family size). Child care slots shall be deemed to meet these conditions if they serve, and are limited to, (a) children receiving child care subsidy from the City of Seattle, King County or State Department of Social and Health Services, and/or (b) children whose families have annual incomes no higher than the above standard who are charged according to a sliding fee scale such that the fees paid by any family do not exceed the amount it would be charged, exclusive of subsidy, if the family were enrolled in the City of Seattle Child Care Subsidy Program.

(3) Child care space provided to satisfy bonus conditions shall be dedicated to child care use, consistent with the terms of this section, for twenty (20) years. The dedication shall be established by a recorded covenant, running with the land, and enforceable by the City, signed by the owner of the lot where the child care facility is located and by the owner of the lot where the bonus floor area is used, if different from the lot of the child care facility. The child care facility shall be maintained in operation, with adequate staffing, at least eleven (11) hours per day, five (5) days per week, fifty (50) weeks per year.

(4) Exterior space for which a bonus is or has been allowed under any other section of this title or under former Title 24 shall not be eligible to satisfy the conditions of this section.

(5) Unless the applicant is the owner of the child care space and is a duly licensed and experienced child care provider approved by the Director of the Human Services Department, the applicant shall provide to the Director a signed agreement, acceptable to such Director, with a duly licensed child care provider, under which the child care provider agrees to operate the child care facility consistent with the terms of this section and of the recorded covenant, and to provide reports and documentation to the City to demonstrate such compliance.

(6) One (1) child care facility may fulfill the conditions for a bonus for more than one (1) project if it includes sufficient space, and provides sufficient slots affordable to limited income families, to satisfy the conditions for each such project without any space or child care slot being counted toward the conditions for more than one (1) project. If the child care facility is located on the same lot as one of the projects using the bonus, then the owner of that lot shall be responsible for maintaining compliance with all the requirements applicable to the child care facility; otherwise responsibility for such requirements shall be allocated by agreement in such manner as the Director of the Human Services Department may approve. If a child care facility developed to qualify for bonus floor area by one applicant includes space exceeding the amount necessary for the bonus floor area used by that applicant, then to the extent that the voluntary agreement accepted by the Director of the Human Services Department from that applicant so provides,

such excess space may be deemed provided by the applicant for a later project pursuant to a new voluntary agreement signed by both such applicants and by any other owner of the child care facility, and a modification of the recorded covenant, each in form and substance acceptable to such Director.

c. The Director of the Human Services Department shall review the design and proposed management plan for any child care facility proposed to qualify for bonus floor area to determine whether it will comply with the terms of this section. The allowance of bonus floor area is conditioned upon approval of the design and proposed management plan by the Director. The child care facility shall be constructed consistent with the design approved by such Director and shall be operated for the minimum twenty (20) year term consistent with the management plan approved by such Director, in each case with only such modifications as shall be approved by such Director. If the proposed management plan includes provisions for payment of rent or occupancy costs by the provider, the management plan must include a detailed operating budget, staffing ratios, and other information requested by the Director to assess whether the child care facility may be economically feasible and able to deliver quality services.

d. The Director of the Human Services Department is authorized to accept a voluntary agreement for the provision of a child care facility to satisfy bonus conditions and related agreements and instruments consistent with this section. The voluntary agreement may provide, in case a child care facility is not maintained in continuous operation consistent with this subsection B2 at any time within the minimum twenty (20) year period, for the City's right to receive payment of a prorated amount of the alternative cash contribution that then would be applicable to a new project seeking bonus floor area. Such Director may require security or evidence of adequate financial responsibility, or both, as a condition to acceptance of an agreement under this subsection.

C. Cash Option Payments. Cash payments under voluntary agreements for bonuses shall be made prior to issuance of any building permit after the first building permit for a project, and in any event before any permit for any construction activity other than excavation and shoring is issued, or if the bonus is for use of existing floor area, the cash payment shall be made prior to issuance of any permit or modification allowing for use of such space as chargeable floor area. Such payments shall be deposited in special accounts established solely to fund capital expenditures for the public benefit features for which the payments are made as set forth in this section. Housing units that are funded with cash contributions under this section shall be generally comparable in their average size and quality of construction to other housing units in the same structure, in the judgment of the Housing Director.

D. No Subsidies for Bonused Housing: Exception.

1. Intent. Housing provided through the bonus system is intended to mitigate a portion of the additional housing needs resulting from increased density, beyond those needs that would otherwise exist, which the City and other governmental and charitable entities attempt to meet through various subsidy programs. Allowing bonus floor area under the performance option for housing that uses such subsidy programs therefore could undermine the intent of this section.

2. Agreement Concerning Subsidies. The Director of the Office of Housing may require, as a condition of any bonus floor area for housing under the performance option, that the owner of the lot upon which the housing is located agree not to seek or accept any subsidies, including without limitation those items referred to in subsection D3 of this section, related to the housing, except for any subsidies that may be allowed by the Director of the Office of Housing under that subsection. The Director may require that such agreement provide for the payment to the City, for deposit in the Downtown Housing Bonus Account, of the value of any subsidies received in excess of any amounts allowed by such agreement.

3. No Bonus for Subsidized or Restricted Housing. In general, no bonus may be earned by providing housing if:

a. Any person is receiving or will receive with respect to the housing any charitable contributions or public subsidies for housing development or operation, including, but not limited to, tax exempt bond financing, tax credits, federal loans or grants. City of Seattle housing loans or grants, county housing funds, State of Washington housing funds, or property tax exemptions or other special tax treatment; or

b. The housing is or would be, independent of the requirements for the bonus, subject to any restrictions on the use, occupancy or rents.

4. Exceptions by Rule. The Director of the Office of Housing may provide, by rule promulgated after the effective date of this ordinance, for terms and conditions on which exceptions to the restriction on subsidies in this subsection may be allowed. Such rule may provide that, as a condition to any exception, the Director of the Office of Housing shall increase the amount of housing floor area per bonus square foot, as set forth in subsection B1 of this section, to an amount that allows credit for only the Director's estimate of the incremental effect, in meeting the City's housing needs for the next fifty (50) years, of the net financial contribution that is being made by the applicant pursuant to the voluntary agreement and not funded or reimbursed, directly or indirectly, from any other source.

(Ord. 122054 § 14, 2006; Ord. 120443 §§ 7, 8, 2001)

23.49.013 Bonus floor area for amenities.

A. An applicant may achieve a portion of the chargeable floor area to be established in addition to base FAR through bonuses for amenities, subject to the limits in this chapter. Amenities for which bonuses may be allowed are limited to:

1. Public open space amenities, including hillside terraces on sites shown as eligible for bonuses on Map 1J, urban plazas in DOC1, DOC2 and DMC 340/290-400 zones, parcel parks in DOC1, DOC2, DMC, and DMR zones, public atria in DOC1, DOC2, and DMC 340/290-400 zones, green street improvements and green street setbacks on designated green streets;

2. Hillclimb assists or shopping corridors on sites shown as eligible for these respective bonuses on Map 1J;

3. Human services uses as follows:

a. Information and referral for support services;

b. Health clinics;

c. Mental health counseling services;

d. Substance abuse prevention and treatment services;

e. Consumer credit counseling;

f. Day care services for adults;

g. Jobs skills training services;

4. Public restrooms;

5. For projects in a DOC1, DOC2, or DMC 340'/290-400' zone, restoration and preservation of Landmark performing arts theaters, provided that the following conditions are met:

a. the theater contains space that was designed for use primarily as, or is suitable for use as, a performing arts theater;

b. the theater is located in a DOC1, DOC2, DRC, or DMC zone;

c. the theater is a designated Landmark pursuant to Chapter 25.12;

d. the theater is subject to an ordinance establishing an incentive and controls, or the owner of the theater executes, prior to the approval of a floor area bonus under any agreement with respect to such theater, an incentives and controls agreement approved by the City Landmarks Preservation Board;

e. the theater has, or will have upon completion of a proposed plan or rehabilitation, a minimum floor area devoted to performing arts theater space and accessory uses of at least twenty thousand (20,000) square feet; and

f. The theater will be available, for the duration of any commitment made to qualify for a floor area bonus, for live theater performances no fewer than one hundred eighty (180) days per year; and

6. Transit station access for fixed rail transit facilities.

B. Standards for Amenities.

1. Location of Amenities. Amenities shall be located on the lot using the bonus, except as follows:

a. Green street improvements may be located within an abutting right-of-way subject to applicable Director's rules.

b. An open space amenity, other than green street improvements, may be on a lot other than the lot using the bonus, provided that it is within a Downtown zone and all of the following conditions are satisfied:

(1) The open space must be open to the general public without charge, must meet the eligibility conditions of the Downtown Amenity Standards, and must be one of the open space features cited in subsection A1 of this section.

(2) The open space must be within one-quarter (1/4) mile of the lot using the bonus, except as may be permitted pursuant to subsection B1b(4).

(3) The open space must have a minimum contiguous area of five thousand (5,000) square feet, except as may be permitted pursuant to subsection B1b(4).

(4) Departures from standards for the minimum size of off-site open space and maximum distance from the project may be allowed by the Director as a Type I decision if the Director determines that if such departures are approved, the proposed open space will meet the additional need for open space caused by the project, and improve public access to the open space compared to provision of the open space on-site.

(5) The owner of any lot on which off-site open space is provided to meet the requirements of this section shall execute and record an easement or other instrument in a form acceptable to the Director assuring compliance with the requirements of this section, including applicable conditions of the Downtown Amenity Standards.

c. Public restrooms shall be on a ground floor; shall satisfy all codes and accessibility standards; shall be open to the general public during hours that the structure is open to the public, although access may be monitored by a person located at the restroom facility; shall be maintained by the owner of the structure for the life of the structure that includes the bonused space; and shall be designated by signs sufficient so that they are readily located by pedestrians on an abutting street or public open space. The Director is authorized to establish standards for the design, construction, operation and maintenance of public restrooms qualifying for a bonus, consistent with the intent of this subsection to encourage the provision of accessible, clean, safe and environmentally sound facilities.

2. Options for Provision of Amenities.

a. Amenities must be provided by performance except as expressly permitted in this Section. The Director may accept a cash payment for green street improvements subject to the provisions of this section, the Downtown Amenity Standards and the Green Street

Director's Rule, DR 11-93, if the Director determines that improvement of a green street abutting or in the vicinity of the lot within a reasonable time is feasible. The cash payment must be in an amount sufficient to improve fully one (1) square foot of green street space for each five (5) square feet of bonus floor area allowed for such payment.

b. Restoration and preservation of a Landmark performing arts theater may consist of financial assistance provided by the applicant for rehabilitation work on a Landmark performing arts theater, or for retirement of the cost of improvements made after February 5, 1993, if:

(1) The assistance is provided pursuant to a linkage agreement between the applicant and the owner of the Landmark performing arts theater satisfactory to the Director, in which such owner agrees to use such financial assistance to complete such rehabilitation and agrees that the applicant is entitled to all or a portion of the bonus floor area that may be allowed therefor;

(2) The owner of the Landmark performing arts theater executes and records covenants enforceable by the City, agreeing to maintain the structure and the performing arts theater use, consistent with the Downtown Amenity Standards; and

(3) Prior to the issuance of any building permit after the first building permit for the project using the bonus, and in any event before any permit for any construction activity other than excavation and shoring is issued for that project, unless the rehabilitation work has then been completed, the applicant posts security for completion of that work, consistent with the Downtown Amenity Standards.

3. Ratios and limits.

a. Amenities may be used to gain floor area according to the applicable ratios, and subject to the limits, in Section 23.49.011 and in Chart 23.49.013A.

Chart 23.49.013A Downtown Amenities

Amenity	Zone Location of Lots Eligible to Use Bonus						Bonus Ratio	Maximum square feet (SF) of floor area eligible for a bonus
	DOC1	DOC2	DMC 340/290-400	DMC 240/290-400	DRC	DMR		
Hillside Terrace	Only eligible for bonus at locations specified on Map 1J of the Land Use Code						5:1	6,000 SF
Urban Plaza	X	X	X				5:1	15,000 SF
Commercial Parcel Park	X	X	X	X			5:1	7,000 SF
Residential Parcel Park			X	X		X	5:1	12,000 SF
Green Street Parcel Park	Lots abutting designated green street						5:1	7,000 SF

Public Atrium	X	X	X				5:1	5,500 SF
Green Street Improvement	Lots abutting designated green street						5:1	No limit
Green Street Setback	Lots abutting designated green street not subject to property line street wall requirement						1:1	10 times the length of lot's green street frontage
Hillclimb Assist	Only eligible for bonus at locations specified on Map 1J of the Land Use Code						Not applicable	Maximum gain of 0.5 FAR
Shopping Corridor	Only eligible for bonus at locations specified on Map 1J of the Land Use Code						5:1	7,200 SF
Transit Station Access	X	X	X	X	X	X	Not Applicable	Maximum gain of 1.0 FAR
Public Restroom	X	X	X	X	X	X	7:1	No limit
Human Services	X	X	X	X	X	X	7:1	10,000 SF
Preservation of Landmark Theater	X	X	X				Variable; maximum of 12:1	Maximum gain of 1.0 FAR

"X" indicates that bonus is potentially available.

b. Any bonus for restoration and preservation of a Landmark performing arts theater shall not exceed a maximum of one (1) FAR. Such bonus may be allowed at a variable ratio, as described in the Downtown Amenity Standards, of up to twelve (12) square feet of floor area granted per one (1) square foot (12:1) of performing arts theater space rehabilitated by the applicant, or previously rehabilitated so as to have a useful life at the time the bonus is allowed of no less than twenty (20) years, in each case consistent with any controls applicable to the Landmark performing arts theater and any certificates of approval issued by the Landmarks Preservation Board. For purposes of this subsection, performing arts theater space shall consist only of the following: stage; audience seating; theater lobby; backstage areas such as dressing and rehearsal space; the restrooms for audience, performers and staff; and areas reserved exclusively for theater storage. For any Landmark performing arts theater from which TDR has been transferred, or that has received any public funding or subsidy for rehabilitation or improvements, the bonus ratio shall be limited, pursuant to a subsidy review, to the lowest ratio, as determined by the Housing Director, such that the benefits of the bonus, together with the value of any TDR and any public finding or subsidy, are no more than the amounts reasonably necessary to make economically feasible:

(1) The rehabilitation and preservation of the Landmark performing arts theater; and

(2) Any replacement by the owner of such theater of low-income housing that is reasonably required to be eliminated from the lot of the Landmark performing arts theater to make rehabilitation, preservation and operation of the performing arts theater economically feasible.

4. Downtown Amenity Standards.

a. The Director shall approve a feature for a bonus if the Director determines that the feature satisfies the eligibility conditions of the Downtown Amenity Standards, and that the feature carries out the intent of this section and the guidelines in the Downtown Amenity Standards.

b. The Director may allow departures from the eligibility conditions in the Downtown Amenity Standards as a Type I decision, if the applicant can demonstrate that the amenity better achieves the intent of the amenity as described in this chapter and the Downtown Amenity Standards, and that the departure is consistent with any applicable criteria for allowing the particular type of departure in the Downtown Amenity Standards.

c. The Director may condition the approval of a feature for a bonus as provided in the Downtown Amenity Standards.

5. Open Space Amenities. Open space amenities must be newly constructed on a lot in a Downtown zone in compliance with the applicable provisions of this chapter and the Downtown Amenity Standards.

6. Declaration. When amenities are to be provided on-site for purposes of obtaining bonus floor area, the owner shall execute and record a declaration in a form acceptable to the Director identifying the features and the fact that the right, to develop and occupy a portion of the gross floor area on the site is based upon the long-term provision and maintenance of those amenities.

7. All bonused amenities shall be provided and maintained in accordance with the applicable provisions of the Downtown Amenity Standards for as long as the portion of the chargeable floor area gained by the amenities exists. A permit is required to alter or remove any bonused amenity.

(Ord. 122054 § 15, 2006; Ord. 120443 § 9, 2001.)

23.49.014 Transfer of development rights (TDR).

A. General Standards.

1. The following types of TDR may be transferred to the extent permitted in Chart 23.49.014A, subject to the limits and conditions in this Chapter:

a. Housing TDR;

b. DMC housing TDR;

c. Landmark housing TDR;

d. Landmark TDR; and

e. Open space TDR.

2. In addition to transfers permitted under subsection A1, TDR may be transferred from any lot to another lot on the same block, as within-block TDR, to the extent permitted in Chart 23.49.014A, subject to the limits and conditions in this chapter.

3. A lot's eligibility to be either a sending or receiving lot is regulated by Chart 23.49.014A.

4. Except as expressly permitted pursuant to this chapter, development rights or potential floor area may not be transferred from one lot to another.

5. No permit after the first building permit, and in any event, no permit for any construction activity other than excavation and shoring or for occupancy of existing floor area by any use based upon TDR, will be issued for development that includes TDR until the applicant's possession of TDR is demonstrated according to rules promulgated by the Director to implement this section.

B. Standards for Sending Lots.

1. a. The maximum amount of floor area that may be transferred, except as open space TDR, Landmark TDR, or Landmark housing TDR, from an eligible sending lot, except a sending lot in the PSM or IDM zones, is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds the sum of any chargeable gross floor area existing or, if a DMC housing TDR site, to be developed on the sending lot, plus any TDR previously transferred from the sending lot.

b. The maximum amount of floor area that may be transferred from an eligible open space TDR site is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds the sum of (a) any existing chargeable gross floor area that is built on or over the eligible lot area on the sending lot, plus (b) the amount, if any, by which the total of any other chargeable floor area on the sending lot exceeds the product of the base FAR of the sending lot, as provided in Section 23.49.011, multiplied by the difference between the total lot area and the eligible lot area, plus (c) any TDR previously transferred from the sending lot.

c. The maximum amount of floor area that may be transferred from an eligible Landmark housing TDR site is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds TDR previously transferred from the sending lot, if any.

d. The maximum amount of floor area that may be transferred from an eligible Landmark TDR site, when the chargeable floor area of the landmark structure is less than or equal to the base FAR permitted in the zone, is equivalent to the base FAR of the sending lot, minus any TDR that have been previously transferred. For landmark structures having chargeable floor area greater than the base FAR of the zone, the amount of floor area that may be transferred is limited to an amount equivalent to the base FAR of the sending lot minus the sum of (i) any chargeable floor area of the landmark structure exceeding the base FAR and (ii) any TDR that have been previously transferred.

e. For purposes of this subsection 1, the eligible lot area is the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface parking over one-quarter (1/4) of the total area of the footprints of all structures on the sending lot; and for an open space TDR site, further reduced by any portion of the lot ineligible under Section 23.49.016.

2. When the sending lot is located in the PSM or IDM zone, the gross floor area that may be transferred is six (6) FAR, minus the sum of any existing chargeable gross floor area and any floor area in residential use on the sending lot, and further reduced by any TDR previously transferred from the sending lot.

3. When TDR are transferred from a sending lot in a zone with a base FAR limit, the amount of chargeable gross floor area that may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable base FAR limit set in Section 23.49.011, minus the total of:

a. The existing chargeable floor area on the lot; plus

b. The amount of gross floor area transferred from the lot.

4. When TDR are sent from a sending lot in a PSM zone, the combined maximum chargeable floor area and residential floor area that may then be established on the sending lot shall be equal to the total gross floor area that could have been built on the sending lot consistent with applicable development standards as determined by the Director had no TDR been transferred, less the sum of:

a. The existing chargeable floor area on the lot; plus

b. The amount of gross floor area that was transferred from the lot.

5. Gross floor area allowed above base FAR under any bonus provisions of this title or the former Title 24, or allowed under any exceptions or waivers of development standards, may not be transferred. TDR may be transferred from a lot that contains chargeable floor area exceeding the base FAR only if the TDR are from an eligible Landmark site, consistent with subsection B1c above, or to the extent, if any, that:

a. TDR were previously transferred to such lot in compliance with the Land Use Code provisions and applicable rules then in effect;

b. Those TDR, together with the base FAR under Section 23.49.011, exceed the chargeable floor area on the lot and any additional chargeable floor area for which any permit has been issued or for which any permit application is pending; and

c. The excess amount of TDR previously transferred to such lot would have been eligible for transfer from the original sending lot under the provisions of this section at the time of their original transfer from that lot.

6. Landmark structures on sending lots from which Landmark TDR or Landmark housing TDR are transferred shall be restored and maintained as required by the Landmarks Preservation Board.

7. Housing on lots from which housing TDR are transferred shall be rehabilitated to the extent required to provide decent, sanitary and habitable conditions, in compliance with applicable codes, and so as to have an estimated minimum useful life of at least fifty (50) years from the time of the TDR transfer, as approved by the Director of the Office of Housing. Landmark buildings on lots from which Landmark housing TDR are transferred shall be rehabilitated to the extent required to provide decent, sanitary and habitable housing, in compliance with applicable codes, and so as to have an estimated minimum useful life of at least fifty (50) years from the time of the TDR transfer, as approved by the Director of the Office of Housing and the Landmarks Preservation Board. If housing TDR or Landmark housing TDR are proposed to be transferred prior to the completion of work necessary to satisfy this subsection B7, the Director of the Office of Housing may require, as a condition to such transfer, that security be deposited with the City to ensure the completion of such work.

8. The housing units on a lot from which housing TDR, Landmark housing TDR, or DMC housing TDR are transferred, and that are committed to low-income housing use as a condition to eligibility of the lot as a TDR sending lot, shall be generally comparable in their average size and quality of construction to other housing units in the same structure, in the judgment of the Housing Director, after completion of any rehabilitation or construction undertaken in order to qualify as a TDR sending lot.

C. Limit on within-block TDR. Any receiving lot is limited to a gain of fifteen (15) percent of the floor area above the first increment of FAR above the base FAR, as specified in subsection 23.49.011A2a, from TDR from sending lots that are eligible to send TDR solely because they are on the same block as the receiving lot.

D. Transfer of Development Rights Deeds and Agreements.

1. The fee owners of the sending lot shall execute a deed with the written consent of all holders of encumbrances on the sending lot, unless (in the case of TDR from a housing TDR site, Landmark housing TDR site or DMC housing TDR site) such consent is waived by the Director of the Office of Housing for good cause, which deed shall be recorded in the King County real property records. When TDR are conveyed to the owner of a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent instrument conveying such lot or the TDR, the TDR shall pass with the receiving lot whether or not a structure using such TDR shall have been permitted or built prior to any conveyance of the receiving lot. Any subsequent conveyance of TDR previously conveyed to a receiving lot shall require the written consent of all parties holding any interest in or lien on the receiving lot from which the conveyance is made. If the TDR are transferred other than directly from the sending lot to the receiving lot using the TDR, then after the initial transfer, all subsequent transfers also shall be by deed, duly executed, acknowledged and recorded, each referring by King County recording number to the prior deed.

2. Any person may purchase any TDR that are eligible for transfer by complying with the applicable provisions of this section, whether or not the purchaser is then an applicant for a permit to develop downtown real property. Any purchaser of such TDR (including any successor or assignee) may use such TDR to obtain chargeable floor area above the applicable base on a receiving lot to the extent such use of TDR is permitted under the Land Use Code provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to the issuance of permits for development of the project intended to use such TDR. The Director may require, as a condition of processing any permit application using TDR or for the release of any security posted in lieu of a deed for TDR to the receiving lot, that the owner of the receiving lot demonstrate that the TDR have been validly transferred of record to the receiving lot, and that such owner has recorded in the real estate records a notice of the filing of such permit application, stating that such TDR are not available for retransfer.

3. For transfers of housing TDR, Landmark housing TDR, or DMC housing TDR, the owner of the sending lot shall execute and record an agreement, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of the Office of Housing for good cause, to provide for the maintenance of the required housing on the sending lot for a minimum of fifty (50) years. Such agreement shall commit to limits on rent and occupancy, consistent with the definition of housing TDR site, Landmark housing TDR site, or DMC housing TDR site, as applicable, and acceptable to the Director of the Office of Housing.

4. For transfers of Landmark TDR or Landmark housing TDR, the owner of the sending lot shall execute and record an agreement in form and content acceptable to the Landmarks Preservation Board providing for the restoration and maintenance of the historically significant features of the structure or structures on the lot.

5. A deed conveying TDR may require or permit the return of the TDR to the sending lot under specified conditions, but notwithstanding any such provisions:

Chart 23.49.014 A

	TDR Transferable Within-block	Types of TDR Transferable Within or Between Blocks			
Zones[1]	Transfer from any lot within the same Downtown block	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR
DOC1 and DOC2	S, R	S, R	X	S, R	S, R
DRC	S, R[2]	S, R[2]	X	S, R[2]	S, R[2]
DMC zones with maximum 10 FAR	S, R	S, R	S	S, R	S, R
DMC zones with maximum 7 FAR	S[3]	S, R	S, R	S, R	S, R
DMC 85'	X	S, R	X	S, R	S, R
DMC 65'	X	S	X	S	S
DMR	X	S, R[4]	X	S, R[4]	S, R[4]
IDM, IDR and PSM	X	S	X	X	X

S = Eligible sending lot.
R = Eligible receiving lot.

X = Not permitted.

[1]Development rights may not be transferred to or from lots in the following zones: PMM; DH1 or DH2.

[2]Transfers to lots in the DRC zone are permitted only from lots that also are zoned DRC.

[3]Transfers are permitted only from lots zoned DMC to lots zoned DOC1.

[4]Transfers to lots in the DMR zone are permitted only from lots that also are zoned DMR.

a. The transfer of TDR to a receiving lot shall remain effective so long as any portion of any structure for which a permit was issued based upon such transfer remains on the receiving lot; and

b. The City shall not be required to recognize any return of TDR unless it is demonstrated that all parties in the chain of title have executed, acknowledged and recorded instruments conveying any interest in the TDR back to the sending lot and any lien holders have released any liens thereon.

6. Any agreement governing the use or development of the sending lot shall provide that its covenants or conditions shall run with the land and shall be specifically enforceable by The City of Seattle.

E. TDR Sales Before Base FAR Increases and Changes in Exemptions. Except for transfers of TDR from a sending lot with a major performing arts facility, transfers of TDR from any lot from which a TDR transfer was made prior to the effective date of Ordinance 120443 are limited to the amount of TDR available from such lot immediately prior to such date.

F. Projects Developed Under Prior Code Provisions.

1. Any project that is developed pursuant to a master use permit issued under the provisions of this title as in effect prior to the effective date of Ordinance 120443, which permit provides for the use of TDR, may use TDR that were transferred from the sending lot consistent with such prior provisions prior to such effective date.

2. In addition or in the alternative, such a project may use TDR that are transferred from a sending lot after the effective date of Ordinance 120443.

3. The use of TDR by any such project must be consistent with the provisions of this title applicable to the project, including any limits on the range of FAR in which a type of TDR may be used, except that open space TDR may be used by such a project in lieu of any other TDR or any bonus, or both, allowable under such provisions.

G. TDR Satisfying Conditions to Transfer Under Prior Code.

1. If the conditions to transfer Landmark TDR, as in effect immediately prior to the effective date

of Ordinance 120443, the following are satisfied on or before December 31, 2001, such TDR may be transferred from the sending lot in the amounts eligible for transfer as determined under the provisions of this title in effect immediately prior to the effective date of Ordinance 120443. If the conditions to transfer housing TDR are satisfied prior to the effective date of Ordinance 120443 under the provisions of this title then in effect, such TDR may be transferred from the sending lot in the amounts eligible for transfer immediately prior to that effective date. If the conditions to transfer TDR from a major performing arts facility are satisfied prior to the effective date of Ordinance 120443 under the provisions of this Title then in effect, TDR may be transferred from the sending lot after that effective date, for use on any receiving lots in zones where housing TDR may be used according to Chart 23.49.014 A, in an amount as determined under subsection B of this section, provided that the cumulative amount of TDR that may be transferred after June 1, 2005 from any sending lot based on the presence of a major performing arts facility is limited to one hundred fifty thousand (150,000) square feet.

2. For purposes of this subsection, conditions to transfer include, without limitations, the execution by the owner of the sending lot, and recording in the King County real property records, of any agreement required by the provisions of this title or the Public Benefit Features Rule in effect immediately prior to the effective date of Ordinance 120443, but such conditions do not include any requirement for a master use permit application for a project intending to use TDR, or any action connected with a receiving lot. TDR transferable under this subsection G are eligible either for use consistent with the terms of Section 23.49.011 or for use by projects developed pursuant to permits issued under the provisions of this title in effect prior to the effective date of Ordinance 120443. The use of TDR transferred under this subsection G on the receiving lot shall be subject only to those conditions and limits that apply for purposes of the master use permit decision for the project using the TDR.

H. Time of Determination of TDR Eligible for Transfer. Except as stated in subsection G, the eligibility of a sending lot to transfer TDR, and the amount transferable from a sending lot, shall be determined as of the date of transfer from the sending lot and shall not be affected by the date of any application, permit decision or other action for any project seeking to use such TDR.

I. Use of Previously Transferred TDR by New Projects. Any project using TDR according to applicable limits on types and amounts of TDR in Section 23.49.011 may use TDR that were transferred from the sending lot consistent with the provisions of this title in effect at the time of such transfer. For purposes of this subsection I, the owner of TDR that were transferred based upon a housing commitment accepted by the City shall be entitled to have such TDR considered as housing TDR.
(Ord. 122054 § 16, 2006; Ord. 121874 § 2, 2005; Ord. 120967 §§ 4,5, 2003; Ord. 120443 § 11, 2001.)
1. Editor's Note: Ordinance 120443 was effective as of August 26, 2001.

23.49.015 Bonus residential floor area for voluntary agreements for low-income housing and moderate-income housing.

A. General Provisions.

1. The purpose of this section is to encourage residential development in addition to that authorized by basic zoning regulations ("bonus development"), provided that certain adverse impacts from the bonus development are mitigated. "Basic zoning regulations" for purposes of this section are

the provisions of Section 23.49.008 that determine base height limits for residential use in DOC-1, DOC-2 and DMC zones, and for DMC zones, the provisions of Section 23.49.058 that determine the maximum average floor area per story. The City has determined that one impact of high-rise residential development is an increased need for low-income housing and moderate-income housing downtown to house the families of workers having lower paid jobs who serve the residents of such development. The City also finds that DOC-1, DOC-2, and DMC zones are areas in which increased residential development will assist in achieving local growth management and housing policies, and has determined that increased residential development capacity and height of residential structures can be achieved within these zones, subject to consideration of other regulatory controls on development. The City Council finds that in the case of affordable housing for rental occupancy, use of the income level for low-income housing rather than a lower level is necessary to address local housing market conditions, and that in the case of affordable housing for owner occupancy, higher income levels than those for low-income housing are needed to address local housing market conditions. The City hereby adopts the extension of the authority of Chapter 149, Laws of 2006 of the State of Washington, to the bonus development program under this Section 23.49.015, in addition to the City's preexisting authority. To the extent that any provision of this Section or the application thereof to any project for which a Master Use Permit application is considered under the Land Use Code as in effect after the effective date of Section 2 of Chapter 149, Laws of 2006 would conflict with any requirement of that statute, the terms of this Section shall be deemed modified to conform to the requirements of Section 2 of Chapter 149, Laws of 2006.

2. An applicant may elect to seek bonus development under this section only for a project in a DOC1, DOC2 or DMC zone that includes residential development. If an applicant elects to seek approval of bonus development under this section, the applicant must execute a voluntary agreement with the City in which the applicant agrees to provide mitigation for impacts described in subsection A1 of this section. The mitigation may be provided in the form of low-income housing or moderate-income housing, or both, either within or adjacent to the residential project using the bonus development (the "performance option"), by paying the City to build or provide the housing (the "payment option"), or by a combination of the performance and payment options.

3. No bonus development under this section shall be granted to any proposed development that would result in significant alteration to any designated feature of a Landmark structure unless a Certificate of Approval for the alteration is granted by the Landmarks Preservation Board.

4. No bonus development under this section shall be granted for any housing in a new structure unless the applicant makes a commitment that the structure shall earn a LEED Silver rating. When such a commitment is made, the provisions of SMC Section 23.49.020 shall apply. This subsection 4 shall expire and be of no further effect five (5) years after the effective date of this ordinance.

5. The Master Use Permit application to establish any bonus development under this section shall include a calculation of the amount of bonus development sought and shall identify the manner in which the conditions to such bonus development shall be satisfied. The Director shall, at the time of issuance of any Master Use Permit decision approving any such bonus development,

issue a Type I decision as to the amount of bonus development to be allowed and the conditions to such bonus development, which decision may include alternative means to achieve bonus development, at the applicant's option, if each alternative would be consistent with this section and any other conditions of the permit, including Design Review conditions if applicable.

B. Voluntary Agreements for Housing.

1. The voluntary agreement shall commit the applicant to provide or contribute to low-income housing or moderate-income housing, or both, in an amount as set forth in this subsection B. The quantities in this subsection are based on findings of an analysis that quantifies the linkages between new market-rate units in high-rise residential structures in DOC1, DOC2, and DMC zones and the demand that residents of such units generate for low-income housing and moderate-income housing. The amount of such housing and income levels served, and the amount of any cash payment, shall be determined as follows:

a. For the performance option, the applicant shall provide, as low-income housing or moderate-income housing, net rentable floor area equal to eleven (11) percent of the net residential floor area sought as bonus development, computed by multiplying the following sum by an efficiency factor of eighty (80) percent: (i) the total square footage of gross residential floor area to be developed on the lot above the base height limit for residential use under SMC Section 23.49.008, plus (ii) the excess, if any, in each tower to be developed on the lot, of (X) the total number of square feet of gross residential floor area between the height of eighty-five (85) feet and such base height limit, over (Y) the product of the "average residential gross floor area limit of stories above 85 feet if height does not exceed the base height limit for residential use" as provided in Chart 23.49.058D1, column 2, multiplied by the number of stories with residential use in such tower above eighty-five (85) feet and below such base height limit. All low-income housing or moderate-income housing provided under the performance option shall be on the lot where the bonus development is used or an adjacent lot. The adjacent lot must be within the block where the bonus development is used and either abut the lot where bonus development is used, or be separated only by public right-of-way. All rental housing provided under the performance option shall be low-income housing.

b. For the payment option, the applicant shall pay the lesser of the following:

(1) an amount that equals the approximate cost of developing the same number and quality of housing units that would be developed under the performance option, as determined by the Director; or

(2) (i) in DMC zones, Ten Dollars ($10) per square foot of net residential floor area sought as bonus development between the height of eighty-five (85) feet and the base height limit for residential use under Section 23.49.008, Fifteen Dollars ($15) per square foot of the net residential floor area of the first four (4) floors above the base height limit for residential use, Twenty Dollars ($20) per square foot of net residential floor area of the next three (3) floors, and Twenty-five Dollars ($25) per square foot of net residential floor area of the remaining floors

up to the maximum residential height limit, not to exceed an average of Eighteen Dollars and Ninety-four Cents ($18.94) per square foot of net residential floor area sought as bonus development; and

(ii) in DOC1 and DOC2 zones, Eighteen Dollars and Ninety-four Cents ($18.94) per square foot of net residential floor area sought as bonus development above the base height limit for residential use under Section 23.49.008. Net residential floor area shall be computed by multiplying the total gross floor area sought as bonus development by an efficiency factor of eighty (80) percent. The full amount must be paid to the City in cash, except that if the City shall approve by ordinance the acceptance of specific real property in lieu of all or part of the cash payment, the Housing Director may accept such real property.

2. Each low-income housing unit provided as a condition to the bonus allowed under this section shall serve only households with incomes at or below eighty (80) percent of median income at the time of their initial occupancy. Each moderate-income housing unit provided as a condition to the bonus allowed under this section shall serve only as owner-occupied housing for households with incomes no higher than median income at the time of their initial occupancy. For rental housing, housing costs, including rent and basic utilities, shall not exceed thirty (30) percent of eighty (80) percent of median income, adjusted for the average size of family expected to occupy the unit based on the number of bedrooms, all as determined by the Housing Director, for a minimum period of fifty (50) years. For owner-occupied housing, the initial sale price shall not exceed an amount determined by the Housing Director to be consistent with affordable housing for a moderate-income household with the average family size expected to occupy the unit based on the number of bedrooms, and the units shall be subject to recorded instruments satisfactory to the Housing Director providing for sales prices on any resale consistent with affordability on the same basis. The Housing Director may promulgate rules specifying the method of determining affordability, including eligible monthly housing costs. The Housing Director may also promulgate rules for determining whether units satisfy the requirements of this section and any requirements relating to down-payment amount, design, quality, maintenance and condition of the low-income housing or moderate-income housing.

3. For purposes of this section, housing may be considered to be provided by the applicant seeking bonus development under the performance option if the housing satisfies all of the following conditions:

(i) It is committed to serve an eligible income group, and for a time period, referred to in this section pursuant to an agreement between the housing owner and the City.

(ii) The agreement required by subsection (i) is executed and recorded prior to the issuance of the master use permit to establish the use for the project using the bonus development, but except when subsection (iii)(B) below applies, no earlier than one (1) year prior to issuance of that master use permit.

(iii) Either (A) the Certificate of Occupancy for the new low-income housing or moderate

income housing, or both, must be issued within three (3) years of the date the Certificate of Occupancy is issued for the project using the bonus development, unless the Housing Director approves an extension based on delays that the applicant or housing developer could not reasonably have avoided, or (B) only in the case of low-income housing on a lot adjacent to the project using bonus development, which housing is subject to a regulatory agreement related to long-term City financing of low-income housing and was developed under a master use permit issued pursuant to a decision that considered the housing together with a project then proposed on that adjacent site, a final Certificate of Occupancy for the low-income housing was issued within five (5) years of the building permit issuance for the project proposed for bonus development on the adjacent lot.

(iv) If the low-income housing or moderate-income housing is not owned by the applicant, then the applicant made a financial contribution to the low-income housing or moderate-income housing, or promised such contribution and has provided to the City an irrevocable, unconditional letter of credit to ensure its payment, in form and content satisfactory to the Housing Director, in either case in an amount determined by the Housing Director to be, when reduced by the value of any expected benefits to be received for such contribution other than the bonus development, approximately equal to the cost of providing units within the project using the bonus development, and the owner of the low-income housing or moderate-income housing has entered into a linkage agreement with the applicant pursuant to which only the applicant has the right to claim such housing for purposes of bonus development under this section or any other bonus under this title.

4. Any applicant seeking to qualify for bonus floor area based on development of new housing shall provide to the City, prior to the date when a contribution would be due for the cash option under subsection C of this section, an irrevocable bank letter of credit or other sufficient security approved by the Director of the Office of Housing, and a related voluntary agreement, so that at the end of the three (3) year period specified in subsection B3 of this section, if the housing does not qualify or is not provided in a sufficient amount to satisfy the terms of this section, the City shall receive (i) a cash contribution for housing in the amount determined pursuant to this section after credit for any qualifying housing then provided, plus (ii) an amount equal to interest on such contribution, at the rate equal to the prime rate quoted from time to time by Bank of America, or its successor, plus three (3) percent per annum, from the date of issuance of the first building permit for the project using the bonus. If and when the City becomes entitled to realize on any such security, the Director of the Office of Housing shall take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions for housing made under this section. In the case of any project proposing to use bonus development for which no building permit is required, references to the building permit in this subsection shall mean the master use permit allowing establishment or expansion of the use for which bonus development is sought.

5. Nothing in this chapter shall be construed to confer on any owner or developer of housing, any party to a linkage agreement, or any assignee, any development rights or property interests. Because the availability and terms of allowance of bonus development depend upon the regulations in effect at the relevant time for the project proposing to use such bonus

development, pursuant to SMC Section 23.76.026, any approvals or agreements by the Director of the Office of Housing regarding the eligibility of actual or proposed housing as to satisfy conditions of a bonus, and any approval of a linkage agreement and/or assignment, do not grant any vested rights, nor guarantee that any bonus development will be permitted based on such housing.

6. The Director of the Office of Housing is authorized to accept and execute agreements and instruments to implement this section. For the performance option, the voluntary agreement by the applicant or, if the applicant is not the housing owner, then a recorded agreement of the housing owner acceptable to the Housing Director, shall provide for an initial monitoring fee payable to the City of Five Hundred Dollars ($500) per unit of low-income housing or moderate-income housing provided, and in the case of rental housing, an annual monitoring fee payable to the City of Sixty-five Dollars ($65) for each such unit. For rental housing, such agreement also shall require the housing owner to submit to the City annual reports with such information as the Housing Director shall require for monitoring purposes. In the case of housing for owner-occupancy, the recorded resale restrictions also shall include a provision requiring payment to the City, on any sale or other transfer, of a fee of Five Hundred Dollars ($500) for the review and processing of transfer documents to determine compliance with income and affordability restrictions.

7. If the Housing Director shall certify to the Director that the Housing Director has accepted and there have been recorded one or more agreements or instruments satisfactory to the Housing Director providing for occupancy and affordability restrictions on housing provided for purposes of the performance option under this section, and that either all affordable housing has been completed or the applicant has provided the City with an irrevocable, unconditional letter of credit satisfactory to the Housing Director in the amount of the contribution to the affordable housing approved by the Housing Director, if applicable, then any failure of such housing to satisfy the requirements of this subsection B shall not affect the right to maintain or occupy the bonus development. Unless and until the Housing Director shall so certify, it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus floor area based on the provision of housing under this subsection, that the low-income or moderate-income housing units, or both, as applicable, shall continue to satisfy the requirements of this subsection throughout the term specified in this section and that such compliance shall be documented to the satisfaction of the Director of the Office of Housing. The Director of the Office of Housing may provide by rule for circumstances in which low-income or moderate-income housing units, or both, as applicable, may be replaced if lost due to casualty or other causes, and for terms and conditions upon which a cash contribution may be made in lieu of continuing to provide low-income housing or moderate-income housing, or both, under the terms of this subsection.

8. Housing units produced with voluntary contributions made under this section, shall include a range of unit sizes, including units suitable for families with children. Housing units provided to qualify for bonus development shall comply with the following: (i) they shall be provided in a range of sizes comparable to those available to other residents; (ii) to the extent practicable, the number of bedrooms in low-income units and moderate-income units must be in the same proportion as the number of bedrooms in units within the entire building; (iii) the low-income

units and moderate-income units shall generally be distributed throughout the building, except that they may be provided in an adjacent building; and (iv) the low-income units and moderate-income units shall have substantially the same functionality as the other units in the building or buildings. The Housing Director is authorized to prescribe by rule standards and procedures for determining compliance with the requirements of this subsection 8. The Housing Director is further authorized to adopt policies for distribution of unit sizes in housing developments funded by contributions received under this section.

9. References in this subsection B to a Certificate of Occupancy for a project mean the first Certificate of Occupancy issued by the City for the project, whether temporary or permanent.

C. Cash Option Payments.

1. The Director of the Office of Housing may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other relevant and appropriate index that such Director may deem appropriate. Any such adjustment to the cash contribution amounts may be implemented through a rule-making process.

2. Cash payments under voluntary agreements for bonuses shall be made prior to issuance, and as a condition to issuance, of any building permit after the first building permit for a project, and in any event before any permit for any construction activity other than excavation and shoring is issued, unless the applicant elects in writing to defer payment. If the applicant elects to defer payment, then the issuance of any certificate of occupancy for the project shall be conditioned upon payment of the full amount of the cash payment determined under this Section, plus an interest factor equal to that amount multiplied by the increase, if any, in the Consumer Price Index, All Urban Consumers, West Region, All Items, 1962-64=100, as published monthly, from the last month prior to the date when payment would have been required if deferred payment had not been elected, to the last month for which data are available at the time of payment. If the index specified in this subsection is not available for any reason, the Director shall select a substitute cost of living index. In no case shall the interest factor be less than zero (0). All payments under this Section shall be deposited in special accounts established solely to fund capital expenditures for the affordable housing for low-income households.

D. No Subsidies for Bonused Housing: Exception.

1. Intent. Housing provided through the bonus system is intended to mitigate a portion of the additional low-income housing needs resulting from increased high-rise market rate housing development, beyond those needs that would otherwise exist, which the City and other governmental and charitable entities attempt to meet through various subsidy programs. Allowing bonus development under the performance option for housing that uses such subsidy programs therefore could undermine the intent of this section.

2. Agreement Concerning Subsidies. The Director of the Office of Housing may require, as a

condition of any bonus floor area for housing under the performance option, that the owner of the lot upon which the low-income housing is located agree not to seek or accept any subsidies, including without limitation those items referred to in subsection D3 of this section, related to the housing, except for any subsidies that may be allowed by the Director of the Office of Housing under that subsection. The Housing Director may require that such agreement provide for the payment to the City, for deposit in an appropriate account to be used for Downtown low-income housing, of the value of any subsidies received in excess of any amounts allowed by such agreement.

3. No Bonus for Subsidized or Restricted Housing. In general, no bonus may be earned by providing housing if:

a. Any person is receiving or will receive with respect to the housing any charitable contributions or public subsidies for housing development or operation, including, but not limited to, tax exempt bond financing, tax credits, federal loans or grants, City of Seattle housing loans or grants, county housing funds, State of Washington housing funds, or property tax exemptions or other special tax treatment; or

b. The housing is or would be, independent of the requirements for the bonus, subject to any restrictions on the use, occupancy or rents.

4. Exceptions by Rule. The Director of the Office of Housing may provide, by rule promulgated after the effective date of this ordinance, for terms and conditions on which exceptions to the restriction on subsidies in this subsection may be allowed. Such rule may provide that, as a condition to any exception, the Director of the Office of Housing shall increase the amount of floor area of low-income housing or moderate-income housing per square foot of bonus development, otherwise determined pursuant to subsection B of this section, to an amount that allows credit for only the Director's estimate of the incremental effect, in meeting the City's housing needs for the next fifty (50) years, of the net financial contribution that is being made by the applicant pursuant to the voluntary agreement and not funded or reimbursed, directly or indirectly, from any other source.

(Ord. 122235, § 5, 2006; Ord. 122054 § 18, 2006.)

23.49.016 Open space.

A. Finding. The City Council finds that:

1. Office workers are the principal users of Downtown open space.

2. Additional major office projects Downtown will result in increased use of public open space.

3. If additional major office projects Downtown do not provide open space to offset the additional demands on public open space caused by such projects, the result will be overcrowding of public open space, adversely affecting the public health, safety and welfare.

4. The additional open space needed to accommodate office workers is at least twenty (20) square

feet for each one thousand (1,000) square feet of office space.

5. Smaller office developments may encounter design problems in incorporating open space, and the sizes of open spaces provided for office projects under eighty-five thousand (85,000) square feet may make them less attractive and less likely to be used. Therefore, and in order not to discourage small scale office development, projects involving less than eighty-five thousand (85,000) square feet of new office space should be exempt from any open space requirement.

6. As indicated in the October 1994 report of the Department of Construction and land use, with the exception of certain projects, most major recent Downtown office projects have provided significant amounts of on-site open space. Therefore, requiring open space for future major projects will tend to ensure that existing projects do not bear the burdens caused by new development and will result in an average reciprocity of advantage.

B. Quantity of Open Space. Open space in the amount of twenty (20) square feet for each one thousand (1,000) square feet of gross office floor area shall be required of projects that include eighty-five thousand (85,000) or more square feet of gross office floor area in DOC1, DOC2, DMC, DMR/C and DH2 zones, except that the floor area of a museum expansion space, satisfying the provisions of Section 23.49.011 B1h, shall be excluded from the calculation of gross office floor area.

C. Standards for Open Space. To satisfy this requirement, open space may be provided on-site or off-site, as follows:

1. Private Open Space. Private open space on the project site or on an adjacent lot directly accessible from the project site may satisfy the requirement of this section. Such space shall not be eligible for bonuses. Private open space shall be open to the sky and shall be consistent with the general conditions related to landscaping; seating and furnishings contained in the Downtown Amenity Standards. Private open space satisfying this requirement must be accessible to all tenants of the building and their employees.

2. On-site Public Open Space.

a. Open space provided on the project site under this requirement shall be eligible for amenity feature bonuses, as allowed for each zone, provided the open space is open to the public without charge and meets the standards of Section 23.49.013 and the Downtown Amenity Standards for one (1) or more of the following:

• Parcel park;

• Green street setback and green street improvement on an abutting right-of-way;

• Hillside terrace;

• Harborfront open space; or

• Urban plaza.

b. On-site open space satisfying the requirement of subsection C2a of this section may achieve a bonus as an amenity feature not to exceed any limits pursuant to Section 23.49.013, subject to the conditions in this chapter, which bonus shall be counted against, and not increase, the total FAR bonus available from the provision of amenity features.

3. Off-site Public Open Space.

a. Open space satisfying the requirement of this section may be on a site other than the project site, provided that it is within a Downtown zone, within one-quarter (1/4) mile of the project site, open to the public without charge, and at least five thousand (5,000) square feet in contiguous area. The minimum size of off-site open space and maximum distance from the project may be increased or decreased for a project if the Director determines that such adjustments are reasonably necessary to provide for open space that will meet the additional need for open space caused by the project and enhance public access.

b. Public open space provided on a site other than the project site may qualify for a development bonus for the project if the open space meets the standards of Section 23.49.013 and is one of the open space features citied in subsection C2a of this section. Bonus ratios for off-site open space are prescribed in Section 23.49.013. This bonus is counted against, and may not increase, the total amount of bonus development allowed under Section 23.49.011 and Section 23.49.013.

4. Easement for Off-site Open Space. The owner of any lot on which off-site open space is provided to meet the requirements of this section shall execute and record an easement in a form acceptable to the Director assuring compliance with the requirements of this section, including applicable conditions of the Downtown Amenity Standards. The Director is authorized to accept such an easement, provided that the terms do not impose any costs or obligations on the City.

D. Payment in Lieu. In lieu of providing open space under this requirement, an owner may make a payment to the City if the Director determines that the payment will contribute to the improvement of a designated green street or to other public open space improvements abutting the lot or in the vicinity, in an amount sufficient to develop improvements that will meet the additional need for open space caused by the project, and that the improvement within a reasonable time is feasible. Any such payment shall be placed in a dedicated fund or account and used within five (5) years of receipt for the development of such improvements, unless the property owner and the City agree upon another use involving the acquisition or development of public open space that will mitigate the impact of the project. A bonus may be allowed for a payment in lieu of providing improvement made wholly or in part to satisfy the requirements of this section, pursuant to Section 23.49.013.

E. Limitations. Open space satisfying the requirement of this section for any project shall not be used to satisfy the open space requirement for any other project, nor shall any bonus be granted to any project for open space meeting the requirement of this section for any other project. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.013. Open space on the site of any building for which a Master Use Permit decision was issued or a complete building

permit application was filed prior to the effective date ordinance 117430, that is not required under the Land Use Code in effect when such permit decision was issued or such application filed but that would have been required for the same building by this section, shall not be used to satisfy the open space requirement or to gain an FAR bonus for any other project.

F. Authority. This section is adopted pursuant to the Growth Management Act, the City's Comprehensive Plan and the City's inherent police power authority. The City Council finds that the requirements of this section are necessary to protect and promote the public health, safety and welfare. (Ord. 122054 § 20, 2006; Ord. 121477 § 14, 2004; Ord. 120967 § 2, 2003; Ord. 120928 § 19, 2002; Ord. 120443 § 4, 2001; Ord. 117430 § 60, 1994.)

23.49.017 Open space TDR Site Eligibility.

A. Intent. The intent of open space TDR is to provide opportunities for establishing a variety of usable public open space generally distributed to serve all areas of downtown.

B. Application and Approval. The owner of a lot who wants to establish and convey open space TDR shall apply to the Director for approval of the lot as a sending lot for open space TDR. The application shall include a design for the open space in such detail as the Director shall require and a maintenance plan for the open space. The Director shall review the application pursuant to the provisions of this section, and shall approve, disapprove or conditionally approve the application to establish and convey open space TDR. Conditions may include, without limitation, assurance of funding for long-term maintenance of the open space and dates when approvals shall expire if the open space is not developed.

C. Area Eligible for Transfer. For purposes of calculating the amount of TDR transferable under Section 23.49.014, Transfer of Development Rights (TDR), eligible area does not include any portion of the lot occupied above grade by a structure or use unless the structure or use is accessory to the open space.

D. Basic requirements. In order to qualify as a sending lot for open space TDR, the sending lot must include open space that satisfies the basic requirements of this subsection, unless an exception is granted by the Director pursuant to (Section 23.49.039) subsection H of this section. A sending lot for open space TDR must:

1. Include a minimum area as follows:

   a. Contiguous open space with a minimum area of fifteen thousand (15,000) square feet; or

   b. A network of adjacent open spaces, which may be separated by a street right-of-way, that are physically and visually connected with a minimum area of thirty thousand (30,000) square feet;

2. Be directly accessible from the sidewalk or another public open space, including access for persons with disabilities;

3. Be at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected;

4. Not have more than twenty (20) percent of the lot area occupied by any above grade structures; and

5. Be located a minimum of one quarter (1/4) mile from the closest lot approved by the Director as a separate open space TDR site.

E. Open Space Guidelines. The Director shall consider the following guidelines, and may disapprove or condition an application based on one or more of them. If the Director determines that the design for the open space will substantially satisfy the intent of the guidelines as a whole, the Director need not require that every guideline be satisfied as a condition to approval. Open space should be designed to:

1. Be well integrated with Downtown's pedestrian and transit network;

2. Be oriented to promote access to sun and views and protection from wind, taking into account potential development on adjacent lots built to the maximum limits zoning allows;

3. Enhance user safety and security and ease of maintenance;

4. Be highly visible because of the relation to the street grid, topographic conditions, surrounding development pattern, or other factors, thereby enhancing public access and identification of the space as a significant component of the urban landscape;

5. Incorporate various features, such as seating and access to food service, that are appropriate to the type of area and that will enhance public use of the area as provided by the guidelines for an urban plaza in the Downtown Amenity Standards;

6. Provide such ingress and egress as will make the areas easily accessible to the general public along street perimeters;

7. Be aesthetically pleasing space that is well integrated with the surrounding area through landscaping and special elements, which should establish an identity for the space while providing for the comfort of those using it;

8. Increase activity and comfort while maintaining the overall open character of public outdoor space; and

9. Include artwork as an integral part of the design of the public space.

F. Public Access.

1. Recorded Documents. The open space must be subject to a recorded easement, or other instrument acceptable to the Director, to limit any future development on the lot and to ensure general public access and the preservation and maintenance of the open space, unless such requirement is waived by the Director for open space in public ownership. The Director is authorized to accept such an easement or instrument, so long as its terms do not impose

obligations or costs on the City.

2. Hours of Operation. The open space must be open to the general public without charge for reasonable and predictable hours, such as those for a public park, for a minimum of ten (10) hours each day of every week. Within the open space, property owners, tenants and their agents shall allow individuals to engage in activities allowed in public parks of a similar nature. Free speech activities such as hand billing, signature gathering and holding signs, all without obstructing access to the open space, or adjacent buildings or features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed. While engaged in allowed activities members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others.

3. Plaque Requirement. A plaque indicating the nature of the site and its availability for general public access must be placed in a visible location at the entrances to the site. The text on the plaque is subject to the approval of the Director.

G. Maintenance. The property owner and/or another responsible party who shall have assumed obligations for maintenance on terms approved by the Director, shall maintain all elements of the site, including but not limited to landscaping, parking, seating and lighting, in a safe and clean condition as provided for in a maintenance plan to be approved by the Director.

H. Special exception for Open Space TDR sites. The Director may authorize an exception to the requirements for open space TDR sites in subsection D of this section, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions.

1. The provisions of this subsection H will be used by the Director in determining whether to grant, grant with condition or deny a special exception. The Director may grant exceptions only to the extent such exceptions further the provisions of this subsection H.

2. In order for the Director to grant, or grant with conditions, an exception to the requirements for open space TDR sites, the following must be satisfied:

a. The exception allows the design of the open space to take advantage of unusual site characteristics or conditions in the surrounding area, such as views and relationship to surroundings; and

b. The applicant demonstrates that the exceptions would result in an open-space that better meets the intent of the provisions for open space TDR sites in subsection G of this section.

(Ord. 122054 § 21, 2006)

23.49.018 Overhead Weather Protection and Lighting.

A. Continuous overhead weather protection shall be required for new development along the entire street frontage of a lot except along those portions of the structure facade that:

1. are located farther than five (5) feet from the street property line or widened sidewalk on private property; or

2. abut a bonused open space amenity feature; or

3. are separated from the street property line or widened sidewalk on private property by a landscaped area at least two (2) feet in width; or

4. are driveways into structures or loading docks.

B. Overhead weather protection shall have a minimum dimension of eight (8) feet measured horizontally from the building wall or must extend to a line two (2) feet from the curb line, whichever is less.

C. The installation of overhead weather protection shall not result in any obstructions in the sidewalk area.

D. The lower edge of the overhead weather protection must be a minimum of ten (10) feet and a maximum of fifteen (15) feet above the sidewalk.

E. Adequate lighting for pedestrians shall be provided. The lighting may be located on the facade of the building or on the overhead weather protection.
(Ord. 122234, § 6, 2006; Ord. 122054 § 27, 2006.)

23.49.019 Parking quantity, location and access requirements, and screening and landscaping of surface parking areas.

The regulations in this section do not apply to the Pike Market Mixed zones.

A. Parking Quantity Requirements.

1. No parking, either long-term or short-term, is required for uses on lots in Downtown zones, except as follows:

   a. In the International District Mixed and International District Residential zones, parking requirements for restaurants, motion picture theaters, and other entertainment uses are as prescribed by Section 23.66.342.

   b. In the International District Mixed and International District Residential zones, the Director of the Department of Neighborhoods, upon the recommendation of the International District Special Review District Board may waive or reduce required parking according to the provisions of Section 23.66.342, Parking and access.

   c. Bicycle parking is required as specified in E1 of this section.

2. Reduction or Elimination of Parking Required by Permits. A property owner may apply to the Director for the reduction or elimination of parking required by any permit issued under this title

or Title 24, except for a condition contained in or required pursuant to any Council conditional use, contract rezone, planned community development or other Type IV decision. The Director may grant reduction or elimination of required parking as a Type I decision, either as part of a Master Use Permit for the establishment of any new use or structure, or as an independent application for reduction or elimination of parking required by permit. Parking for bicycles may not be reduced or eliminated under this subsection. Any Transportation Management Plan (TMP) required by permit for the development for which a parking reduction or elimination is proposed shall remain in effect, except that the Director may change the conditions of the TMP to reflect current conditions and to mitigate any parking and traffic impacts of the proposed changes. If any bonus floor area was granted for the parking, then reduction or elimination shall not be permitted except in compliance with applicable provisions regarding the elimination or reduction of bonus features. If any required parking that is allowed to be reduced or eliminated under this subsection is the subject of a recorded parking covenant, the Director may authorize modification or release of the covenant.

B. Parking Location within Structures.

1. Parking at street level.

a. On Class I pedestrian streets and designated green streets, parking is not permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

b. On Class II pedestrian streets, parking may be permitted at street level if:

(1) at least thirty (30) percent of the street frontage of any street level parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses;

(2) the facade of the separating uses satisfies the transparency and blank wall standards for Class I pedestrian streets for the zone in which the structure is located;

(3) the portion of the parking, excluding garage doors, that is not separated from the street by other uses is screened from view at street level; and

(4) the street facade is enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

2. Except as provided in subsection B1 above for parking at street level, parking within structures shall be located below street level or separated from the street by other uses, except as follows:

a. On lots that are less than thirty thousand (30,000) square feet in size or that are less than one hundred fifty (150) feet in depth measured from the lot line with the greatest street frontage, parking shall be permitted above the first story under the following conditions:

(1) One (1) story of parking shall be permitted above the first story of a structure for each story of parking provided below grade that is of at least equivalent capacity, up to a maximum of four (4) stories of parking above the first story.

(2) Parking above the third story of a structure shall be separated from the street by another use for a minimum of thirty (30) percent of each street frontage of the structure. For structures on lots located at street intersections, the separation by another use shall be provided at the corner portion(s) of the structure.

(3) The perimeter of each story of parking above the first story of the structure shall have an opaque screen at least three and one-half (3 1/2) feet high where the parking is not separated from the street by another use.

b. The Director may permit more than four (4) stories of parking above the first story of the structure, or may permit other exceptions to subsection B2a(1) as a Type I decision if the Director finds that locating parking below grade is infeasible due to physical site conditions such as a high water table or proximity to a tunnel. In such cases, the applicant shall place the maximum feasible amount of parking below grade before more than four stories of parking above the first story shall be permitted. Site size is not a basis for granting an exception under this subsection 2b.

C. Maximum Parking Limit for Nonresidential Uses.

1. Except as provided in subsection C2 below, parking for nonresidential uses is limited to a maximum of one parking space per one thousand (1,000) square feet.

2. More than one (1) parking space per one thousand (1,000) square feet of nonresidential use may be permitted as a special exception pursuant to Chapter 23.76. When deciding whether to grant a special exception, the Director shall consider evidence of parking demand and alternative means of transportation, including but not limited to the following:

a. Whether the additional parking will substantially encourage the use of single occupancy vehicles;

b. Characteristics of the work force and employee hours, such as multiple shifts that end when transit service is not readily available;

c. Proximity of transit lines to the lot and headway times of those lines;

d. The need for a motor pool or large number of fleet vehicles at the site;

e. Proximity to existing long-term parking opportunities downtown which might eliminate the need for additional parking on the lot;

f. Whether the additional parking will adversely affect vehicular and pedestrian circulation in the area;

g. Potential for shared use of additional parking as residential or short-term parking.

h. The need for additional short-term parking to support shopping in the retail core or retail activity in other areas where short-term parking is limited.

D. Ridesharing and transit incentive program requirements. The following requirements apply to all new structures containing more than ten thousand (10,000) square feet of new nonresidential use, and to structures where more than ten thousand (10,000) square feet of nonresidential use is proposed to be added.

1. The building owner shall establish and maintain a transportation coordinator position for the proposed structure and designate a person fill this position, or the building owner may contract with an area-wide transportation coordinator acceptable to the Department. The transportation coordinator shall devise and implement alternative means for employee commuting. The transportation coordinator shall be trained by the Seattle Department of Transportation or by an alternative organization with ridesharing experience, and shall work with the Seattle Department of Transportation and building tenants. The coordinator shall disseminate ridesharing information to building occupants to encourage use of public transit, carpools, vanpools and flextime; administer the in-house ridesharing program; and aid in evaluation and monitoring of the ridesharing program by the Seattle Department of Transportation. The transportation coordinator in addition shall survey all employees of building tenants once a year to determine commute mode percentages.

2. The Seattle Department of Transportation, in conjunction with the transportation coordinator, shall monitor the effectiveness of the ridesharing/transit incentive program on an annual basis. The building owner shall allow a designated Department of Transportation or rideshare representative to inspect the parking facility and review operation of the ridesharing program.

3. The building owner shall provide and maintain a transportation information center, which has transit information displays including transit route maps and schedules and Seattle ridesharing program information. The transportation display shall be located in the lobby or other location highly visible to employees within the structure, and shall be established prior to issuance of a certificate of occupancy.

E. Bicycle Parking.

1. The minimum number of off-street spaces for bicycle parking required for specific use categories is set forth in Chart 23.49.019 A below. In the case of a use not shown on Chart 23.49.019 A, there is no minimum bicycle parking requirement. After the first fifty (50) spaces for bicycles are provided for a use, additional spaces are required at one half (1/2) the ratio shown in Chart 23.49.019 A. Spaces within dwelling units or on balconies do not count toward the bicycle parking requirement.

Chart 23.49.019 A	
Use	Bicycle Parking Required
Office	1 space per 5,000 square feet of gross floor area of office use
Hotel	.05 spaces per hotel room

Retail use over 10,000 square feet	1 space per 5,000 square feet of gross floor area of retail use
square feet	gross floor area of retail use
Residential	1 space for every 2 dwelling units

2. Required bicycle parking shall be provided in a safe, accessible and convenient location. Bicycle parking hardware shall be installed according to its manufacturer's instructions, and the Seattle Department of Transportation design criteria, allowing adequate clearance for bicycles and their riders. Directional signage shall be installed when bike parking facilities are not clearly visible from the street or sidewalk. When any covered automobile parking is provided, all required long-term bicycle parking shall be covered. When located off-street, bicycle and automobile parking areas shall be separated by a barrier or painted lines.

3. Bicycle parking facilities for nonresidential uses shall be located on the lot or in a shared bicycle parking facility within one hundred (100) feet of the lot, except as provided in subsection 6 below.

4. Bicycle parking for residential uses shall be located on-site.

5. Co-location of bicycle parking facilities by more than one (1) use is encouraged.

6. For nonresidential uses, the applicant may make a payment to the City to fund public bicycle parking in the public right-of-way in lieu of providing required bicycle parking on- or off-site, if the Director determines that:

   a. Safe, accessible and convenient bicycle parking accessory to a nonresidential use cannot be provided on-site or in a shared bicycle parking facility within one hundred (100) feet of the lot, without extraordinary physical or financial difficulty;

   b. The payment is comparable to the cost of providing the equivalent bicycle parking on-site, and takes in consideration the cost of materials, equipment and labor for installation; and

   c. The bicycle parking funded by the payment is located within sufficient proximity to serve the bicycle parking demand generated by the project.

   d. Any such payment shall be placed in a dedicated fund or account and used within five (5) years of receipt to provide the bicycle parking.

F. Bicycle Commuter Shower Facilities. Structures containing two hundred fifty thousand (250,000) square feet or more of office gross floor area shall include shower facilities and clothing storage areas for bicycle commuters. One (1) shower per gender shall be required for every two hundred fifty thousand (250,000) square feet of office use. Such facilities shall be for the use of the employees and occupants of the building, and shall be located where they are easily accessible to parking facilities for bicycles.

G. Off-street Loading.

1. Off-street loading spaces shall be provided according to the standards of Section 23.54.030, Parking space standards.

2. In Pioneer Square Mixed zones, the Department of Neighborhoods Director, after review and recommendation by the Pioneer Square Preservation Board, may waive or reduce required loading spaces according to the provisions of Section 23.66.170, Parking and access.

3. In International District Mixed and International District Residential zones, the Department of Neighborhoods Director, after review and recommendation by the International District Special Review District Board, may waive or reduce required loading spaces according to the provisions of Section 23.66.342, Parking and access.

H. Standards for location of access to parking. This subsection does not apply to Pike Market Mixed, Pioneer Square Mixed, International District Mixed, and International District Residential zones.

1. Curbcut Location.

a. When a lot abuts an alley, alley access shall be required, unless the Director otherwise determines under subsection H1c.

b. When a lot does not abut an alley and abuts more than one (1) right-of-way, the location of access shall be determined by the Director as a Type I decision after consulting with the Director of Transportation. Unless the Director otherwise determines under subsection H1c, access shall be allowed only from a right-of-way in the category, determined by the classifications shown on Map 1B and Map 1F, that is most preferred among the categories of rights-of-way abutting the lot, according to the ranking set forth below, from most to least preferred (a portion of a street that is included in more than one of the categories in subsections i--vii below shall be considered as belonging only to the least preferred of the categories in which it is included):

i. Access street;

ii. Class II pedestrian street-Minor arterial;

iii. Class II pedestrian street-Principal arterial;

iv. Class I pedestrian street-Minor arterial;

v. Class I pedestrian street-Principal arterial;

vi. Principal transit street;

vii. Designated green street.

c. The Director may allow or require access from a right-of-way other than one indicated by subsection H1a or H1b if, after consulting with the Director of Transportation on whether and to what extent alternative locations of access would enhance pedestrian safety and comfort, facilitate transit operations, facilitate the movement of vehicles, minimize the on-street queuing of vehicles, enhance vehicular safety, or minimize hazards, the Director finds that an exception to the general policy is warranted. Curbcut controls on designated green streets shall be evaluated on a case-by-case basis, but generally access from green streets is not allowed if access from any other right-of-way is possible.

2. Curbcut Width and Number. The width and number of curbcuts shall comply with the provisions of Section 23.54.030, Parking space standards.

I. Screening and landscaping of surface parking areas.

1. Screening. Surface parking areas for more than five (5) vehicles shall be screened in accordance with the following requirements:

a. Screening is required along each street lot line.

b. Screening shall consist of a landscaped berm, or a view-obscuring fence or wall at least three (3) feet in height.

c. A landscaped strip on the street side of the fence or wall shall be provided when a fence or wall is used for screening. The strip shall be an average of three (3) feet from the property line, but at no point less than one and one-half (1 1/2) feet wide. Each landscaped strip shall be planted with sufficient shrubs, grass and/or evergreen groundcover so that the entire strip, excluding driveways, will be covered in three (3) years.

d. Sight triangles shall be provided in accordance with Section 23.54.030, Parking space standards.

2. Landscaping. Surface parking areas for twenty (20) or more vehicles, except temporary surface parking areas, shall be landscaped in accordance with the following requirements:

a. Amount of landscaped area required:

Total Number of Parking Spaces	Required Landscaped Area
20 to 50 spaces	18 square feet per parking space
51 to 99 spaces	25 square feet per parking space
100 or more spaces	35 square feet per parking space

b. The minimum size of a required landscaped area is one hundred (100) square feet. Berms provided to meet the screening standards in subsection 12 of this section may be counted as part of a landscaped area. No part of a landscaped area shall be less than four (4) feet in any dimension except those dimensions reduced by turning radii or angles of parking spaces.

c. No parking stall shall be more than sixty (60) feet from a required landscaped area.

d. One (1) tree per every five (5) parking spaces is required.

e. Each tree shall be at least three (3) feet from any curb of a landscaped area or edge of the parking area.

f. Permanent curbs or structural barriers shall enclose landscaped areas.

g. Sufficient hardy evergreen groundcover shall be planted to cover each landscaped area completely within three (3) years. Trees shall be selected from Seattle Department of Transportation's list for parking area planting.

(Ord. 122311, § 53, 2006; Ord. 122235, § 7, 2006; Ord. 122054 § 28, 2006.)

23.49.020 Demonstration of LEED Silver rating.

A. Applicability. This section applies whenever a commitment to earn a LEED Silver rating or substantially equivalent standard is a condition of a permit pursuant to SMC Section 23.49.011 or 23.49.015.

B. Demonstration of Compliance; Penalties.

1. The applicant shall demonstrate to the Director the extent to which the applicant has complied with the commitment to earn a LEED Silver rating no later than ninety (90) days after issuance of final Certificate of Occupancy for the new structure, or such later date as may be allowed by the Director for good cause, by submitting a report analyzing the extent credits earned toward such rating from the U.S. Green Building Council or another independent entity approved by the Director. For purposes of this section, if the Director shall have approved a commitment to achieve a substantially equivalent standard, the term "LEED Silver rating" shall mean such other standard.

2. Failure to submit a timely report regarding a LEED Silver rating from an approved independent entity by the date required is a violation of the Land Use Code. The penalty for such violation shall be Five Hundred Dollars ($500) per day from the date when the report was due to the date it is submitted, without any requirement of notice to the applicant.

3. Failure to demonstrate, through an independent report as provided in this subsection, full compliance with the applicant's commitment to earn a LEED Silver rating, is a violation of the Land Use Code. The penalty for each violation is an amount determined as follows:

$P = [(LSM-CE)/LSM] \times CV \times 0.0075$,

where:

P is the penalty;

LSM is the minimum number of credits to earn a LEED Silver rating;

CE is the number of credits earned as documented by the report; and

CV is the Construction Value as set forth on the building permit for the new structure.

Example:

Construction Value	$200,000,000.00
Minimum LEED Credits for Silver rating	33
Credits Earned	32
Penalty = [(33-32)/33] × 200,000,000 × .0075 =	$45,454.55

4. Failure to comply with the applicant's commitment to earn a LEED Silver rating is a violation of the Land Use Code independent of the failure to demonstrate compliance; however, such violation shall not affect the right to occupy any chargeable floor area, and if a penalty is paid in the amount determined under subsection B3 of this section, no additional penalty shall be imposed for the failure to comply with the commitment.

5. If the Director determines that the report submitted provides satisfactory evidence that the applicant's commitment is satisfied, the Director shall issue a certificate to the applicant so stating. If the Director determines that the applicant did not demonstrate compliance with its commitment to earn a LEED Silver rating in accordance with this section, the Director may give notice of such determination, and of the calculation of the penalty due, to the applicant.

6. If, within ninety (90) days, or such longer period as the Director may allow for good cause, after initial notice from the Director of a penalty due under this subsection, the applicant shall demonstrate, through a supplemental report from the independent entity that provided the initial report, that it has made sufficient alterations or improvements to earn a LEED Silver rating, or to earn more credits toward such a rating, then the penalty owing shall be eliminated or recalculated accordingly. The amount of the penalty as so redetermined shall be final. If the applicant does not submit a supplemental report in accordance with this subsection by the date required under this subsection, then the amount of the penalty as set forth in the Director's original notice shall be final.

7. Any owner, other than the applicant, of any lot on which the bonus development was obtained or any part thereof, shall be jointly and severally responsible for compliance and liable for any penalty due under this subsection.

C. Use of Penalties. A subfund shall be established in the City's General Fund to receive revenue

from penalties under subsection B of this section. Revenue from penalties under that subsection shall be allocated to activities or incentives to encourage and promote the development of sustainable buildings. The Director shall recommend to the Mayor and City Council how these funds should be allocated.
(Ord. 122054 § 29, 2006.)

23.49.021 Transportation concurrency level-of-service standards.

Proposed uses in downtown zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.
(Ord. 117383 § 7, 1994.)

23.49.022 Minimum sidewalk and alley width.

A. Except in PMM, PSM, IDM, and IDR zones, minimum sidewalk widths are established for certain streets by Map 1C.1 When a new structure is proposed on lots abutting these streets, sidewalks shall be widened, if necessary, to meet the minimum standard. The sidewalk may be widened into the right-of-way if approved by the Director of Transportation.

B. A setback or dedication may be required in order to meet the provisions of Section 23.53.030, Alley improvements in all zones.
(Ord. 118409 § 185, 1996: Ord. 115326 § 19, 1990: Ord. 112303 § 3(part), 1985.)
1. Editor's Note: Map 1C is codified at the end of this chapter.

23.49.024 View corridor requirements.

A. Upper-level setbacks shall be required for the following view corridors, identified on Map 1D:

1. Broad, Clay, Vine, Wall, Battery and Bell Streets west of First Avenue; and

2. University, Seneca, Spring, Madison and Marion Streets west of Third Avenue.

B. Upper-level setbacks for view corridors listed in subsection A1 shall be provided as follows. (See Table for Section 23.49.024 B and Exhibits 23.49.024 A and 23.49.024 B.)

C. Upper-level setbacks for view corridors listed in subsection A2 shall be provided as follows. (See Table for Section 23.49.024 C and Exhibits 23.49.024 C and 23.49.024 D.)
(Ord. 122235, § 8, 2006; Ord. 113279 § 5, 1987; Ord. 112303 § 3(part), 1985.)
1. Editor's Note: Map ID is codified at the end of this chapter.

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23.49.025 Odor, noise, light/glare, and solid waste recyclable materials storage space standards.

A. The venting of odors, fumes, vapors, smoke, cinders, dust, and gas shall be at least ten (10) feet above finished sidewalk grade, and directed away from residential uses within fifty (50) feet of the vent.

1. Major Odor Sources.

a. Uses that employ the following odor-emitting processes or activities are considered major odor sources:

Lithographic, rotogravure or flexographic printing;

Film burning;

Fiberglassing;

Selling of gasoline and/or storage of gasoline in tanks larger than two hundred sixty (260) gallons;

Handling of heated tars and asphalts;

Incinerating (commercial);

Metal plating;

Use of boilers (greater than one hundred six (106) British thermal units per hour, ten thousand (10,000) pounds steam per hour, or thirty (30) boiler horsepower);

Other similar uses.

b. Uses which employ the following processes are considered major odor sources except when the entire activity is conducted as part of a retail sales and service use:

Cooking of grains;

Smoking of food or food products;

Fish or fishmeal processing;

Coffee or nut roasting;

Deep fat frying;

Dry cleaning;

Other similar uses.

2. Review of Major Odor Sources. When an application is made for a use which is a major odor

source, the Director, in consultation with the Puget Sound Clean Air Agency (PSCAA), shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken shall be specified on plans submitted to the Director, and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures that were required by the permit shall be maintained.

B. Noise standards.

1. All food processing for human consumption, custom and craft work involving the use of mechanical equipment, and light manufacturing activities shall be conducted wholly within an enclosed structure.

2. The following uses or devices are considered major noise generators:

a. Light manufacturing uses;

b. Auto body, boat and aircraft repair shops; and

c. Other similar uses.

3. When a major noise generator is proposed, a report from an acoustical consultant shall be required to describe the measures to be taken by the applicant in order to meet noise standards for the area. Such measures may include, for example, the provision of buffers, reduction in hours of operation, relocation of mechanical equipment, increased setbacks, and use of specified construction techniques or building materials. Measures to be taken shall be specified on the plans. After a permit has been issued, any measures that are required by the permit to limit noise shall be maintained.

C. Lighting and glare.

1. Exterior lighting shall be shielded and directed away from adjacent uses.

2. Interior lighting in parking garages shall be shielded, to minimize nighttime glare affecting nearby uses.

D. Solid waste and recyclable materials storage space.

1. Storage space for solid waste and recyclable materials containers shall be provided for all new structures permitted in Downtown zones and expanded multifamily structures as indicated in the table below. For the purposes of this subsection, the addition of two (2) or more units to a multifamily structure shall be considered expansion.

2. The design of the storage space shall meet the following requirements:

a. The storage space shall have no dimension (width and depth) less than six (6) feet;

b. The floor of the storage space shall be level and hard-surfaced (garbage or recycling compactors require a concrete surface); and

c. If located outdoors, the storage space shall be screened from public view and designed to minimize light and glare impacts.

3. The location of the storage space shall meet the following requirements:

a. The storage space shall be located within the private property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street facing facade of the structure and the street;

b. The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure;

c. The storage space shall not block or impede any fire exits, public rights-of-ways or any pedestrian or vehicular access; and

d. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

4. Access to the storage space for occupants and service providers shall meet the following requirements:

a. For rear-loading containers:

(1) Any ramps to the storage space shall have a maximum slope of six (6) percent, and

(2) Any gates or access routes shall be a minimum of six (6) feet wide; and

b. For front-loading containers:

(1) Direct access shall be provided from the alley or street to the containers,

(2) Any proposed gates or access routes shall be a minimum of ten (10) feet wide, and

(3) When accessed directly by a collection vehicle into a structure, a twenty-one (21) foot overhead clearance shall be provided.

5. The solid waste and recyclable materials storage space specifications required in subsections 1, 2, 3, and 4 of this subsection above, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

6. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to allow departure from the requirements of subsections, 1, 2, 3, and 4 of this subsection as a Type I decision when the applicant proposes alternative, workable measures that meet the intent of this section and:

a. For new construction, the applicant can demonstrate significant difficulty in meeting any of the requirements of subsections 1, 2, 3, and 4 of this subsection due to unusual site conditions such as steep topography; or

b. For expansion of an existing building, the applicant can demonstrate that the requirements of subsections 1, 2, 3, and 4 of this subsection conflict with opportunities to retain ground-level retail uses.

Chart 23.49.025 A

Structure Type	Structure Size	Minimum Area for Storage Space	Container Type
Multifamily*	7--15 units	75 square feet	Rear-loading
	16--25 units	100 square feet	Rear-loading
	26--50 units	150 square feet	Front-loading
	51--100 units	200 square feet	Front-loading
	More than 100 units	200 square feet plus 2 square feet for each additional unit	Front-loading
Commercial*	0--5,000 square feet	82 square feet	Rear-loading
	5,001--15,000 square feet	125 square feet	Rear-loading
	15,001--50,000 square feet	175 square feet	Front-loading
	50,001--100,000 square feet	225 square feet	Front-loading
	100,001--200,000 square feet	275 square feet	Front-loading
	200,001 plus square feet	500 square feet	Front-loading

* Mixed Use Buildings. Mixed use buildings with eighty (80) percent or more of floor space designated for residential use will be considered residential buildings. All other mixed use buildings will be considered commercial buildings.
(Ord. 122054 § 31, 2006)

23.49.028 Keeping of animals and pet daycare centers.

A. Animals that are not being kept in connection with animal husbandry or animal service uses may be kept as an accessory use on any lot in a downtown zone according to the following:

1. Up to three (3) small animals per business establishment or dwelling unit may be kept in downtown zones.

2. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scrofa bittatus) shall be permitted as a small animal provided such swine is no greater than twenty-two (22) inches in height at the shoulder and no more than one hundred fifty (150) pounds in weight. No more than one (1) such swine may be kept per business establishment or dwelling unit.

B. In addition to the development standards of the zone, pet daycare centers are subject to the following:

1. Operating business establishments that have been providing pet daycare services as of July 31, 2006 may continue not withstanding nonconformities to applicable development standards, provided the provisions of this section are met.

2. The pet daycare center must be permitted by Public Health--Seattle & King County, as required by SMC 10.72.020.

3. Facilities for the boarding of animals may occupy no more than thirty (30) percent of the gross floor area of the pet daycare center.

4. Required loading pursuant to 23.54.015 may be provided in a public right of way if the applicant can demonstrate to the Director, in consultation with the Seattle transportation Department, that pedestrian circulation or vehicle traffic will not be significantly impacted.

5. Applicants must submit at the time of permit application, written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures, which are to be followed for the life of the business, must address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking.

6. Violations of this Section.

a. The exemption in SMC 25.08.500A of the Noise Control Ordinance to uses permitted under SMC 10.72, provisions for pet kennels and similar uses, does not apply to pet daycare centers.

b. When a notice of violation is issued for animal noise, the Director may require a report from an acoustical consultant to describe measures to be taken by the applicant to mitigate adverse noise impacts. The Director may require measures, including but not limited to: development or modification of operating procedures; cessation of the use of outdoor area(s); closure of windows and doors; reduction in hours of operation; use of sound attenuating construction or building materials such as insulation and noise baffles.

(Ord. 122273, § 3, 2006)

23.49.030 Adult Cabarets.

A. Any lot line of property containing any proposed new or expanding adult cabaret must be eight

hundred (800) feet or more from any lot line of property containing any community center; child care center; school, elementary or secondary; or public parks and open space use.

B. Any lot line of property containing any proposed new or expanding adult cabaret must be six hundred (600) feet or more from any lot line of property containing any other adult cabaret and must be six hundred (600) feet or more from any lot line of property containing any adult panoram or adult motion picture theater.
(Ord. 122411, § 5, 2007)

23.49.032 Additions of chargeable floor area to lots with existing structures.

A. When development is proposed on a lot that will retain existing structures containing chargeable floor area in excess of the applicable base FAR, additional chargeable floor area may be added to the lot up to the maximum permitted FAR, by qualifying for bonuses or using TDR, or both, and by the use of rural development credits if permitted on such lot, subject to the general rules for FAR and use of bonuses, TDR, and rural development credits, SMC Sections 23.49.011 through 23.49.014. Solely for the purpose of determining the amounts and types of bonus and TDR, if any, that may be used to achieve the proposed increase in chargeable floor area, the legally established continuing chargeable floor area of the existing structures on the lot shall be considered as the base FAR.

B. When mechanical equipment or parking that was exempted from floor area calculation under the provisions of Title 24 is proposed to be changed to uses that are not exempt from floor area calculations under this chapter, and the chargeable floor area on the lot exceeds the base FAR for the zone in which it is located, the gross floor area proposed to be changed shall be achieved through qualifying for bonuses or transfer of development rights, according to the provisions of Sections 23.49.011 through 23.49.014 as applicable to the zone in which the structure is located.

C. When subsection A or B applies, any existing public benefit features for which increased floor area was granted under Title 24 shall, to the extent possible in the opinion of the Director, satisfy the requirements of Section 23.49.034, Modification of plazas and other features bonused under Title 24.
(Ord. 122054 § 33, 2006; Ord. 120443 § 16, 2001: Ord. 112303 § 3(part), 1985.)

23.49.034 Modification of plazas and other features bonused under Title 24.

A. The modification of plazas, shopping plazas, arcades, shopping arcades, and voluntary building setbacks that resulted in any increase in gross floor area under Title 24 of the Seattle Municipal Code, shall be encouraged in any Downtown zone if the change makes the plaza, arcade or setback more closely conform to the criteria for amenities or street level use and development standards in this chapter. The Director shall review proposed modifications to determine whether they provide greater public benefits and are consistent with the intent of the Downtown Amenity Standards, as specified in this section. The procedure for approval of proposed modifications shall be as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, except as provided in subsection G of this section.

B. Except as provided in subsections E2 and E3, no modification to a plaza or other feature listed in subsection A may be made under this section if it will increase the total floor area ratio (FAR) of the structure. Except as permitted in subsections E2 and E3, no reduction in the area of the bonused feature may be made for

addition or expansion of any uses, except for the following uses, to the extent permitted:

1. general sales and services,

2. major durables retail sales,

3. eating and drinking establishments,

4. lodging,

5. entertainment,

6. automotive sales and services,

7. marine sales and services,

8. animal shelters and kennels,

9. medical services,

10. human service uses, or

11. child care centers,

unless the loss of area is offset by the conversion of existing floor area in the structure to uses exempt from chargeable floor area under Section 23.49.011.

C. Plazas and Shopping Plazas. Modifications to plazas and shopping plazas for which increased gross floor area was granted under Title 24 shall be permitted, based on the classification of the plaza on Map 1E.

1. Type I Plazas. Type I plazas shall continue to function as major downtown open spaces. Modification of these plazas and/or reductions in plaza size shall be permitted if the Director finds that the modified or remaining plaza is consistent with the intent of the Downtown Amenity Standards for urban plazas and parcel parks.

2. Type II Plazas. Type II plazas do not function as major downtown open spaces, but they shall continue to provide open space for the public. Modification of these plazas and/or reductions in plaza size shall be permitted if the Director finds that the modified or remaining plaza is consistent with the intent of the Downtown Amenity Standards for urban plazas, parcel parks, and hillside terraces.

D. Shopping Arcades.

1. Exterior Shopping Arcades. When street level uses are eligible for a floor area bonus in a zone in which an existing exterior shopping arcade is located, the existing shopping arcade or a portion

of the existing shopping arcade may be converted to retail sales and service uses if the conversion will result in greater conformity with the street facade development standards of the zone, and if the minimum sidewalk widths established by Section 23.49.022 are met. No bonuses shall be given for any retail space created by conversion of a shopping arcade. New retail sales and service uses shall comply with the Downtown Amenity Standards for retail shopping bonuses.

2. Interior Shopping Arcades. Portions of existing interior shopping arcades may be modified and/or reduced in size, so long as any pathway which connects streets or other public open spaces is maintained at a width of at least fifteen (15) feet and it continues to allow comfortable and convenient pedestrian movement. The visual interest and the sense of space and light in the shopping arcade shall be also maintained and enhanced if possible. The Downtown Amenity Standards for shopping atriums and shopping corridors shall be used as a guideline in the review of proposed changes.

E. Arcades. The Director shall use the following standards to determine whether an arcade may be filled in, and to determine the uses that may be permitted in a former arcade.

1. Arcades that provide essential pedestrian connections, such as a connection to a bonused public open space or access to public parks, shall not be filled in.

2. Arcades that do not provide essential pedestrian connections may be filled in. In downtown areas where bonuses may be granted for shopping atriums and shopping corridors, an arcade may be filled in only with uses which qualify for a retail shopping bonus. In other areas, when the total floor area of the structure does not exceed the maximum permitted FAR, the arcade may be filled in with uses which qualify as required street-level uses except that arcades along alleys may be filled in with any permitted use. If the structure exceeds the maximum permitted FAR, arcades may only be filled in with uses which qualify for a retail shopping bonus.

3. If an arcade is filled in with a use which does not qualify for a retail shopping bonus pursuant to subsection E2, new public benefit features shall be required for any additional floor area.

4. Overhead weather protection shall be provided when an arcade on a street or public open space is filled in. No additional floor area shall be granted for the required overhead weather protection.

F. Voluntary Building Setbacks. Voluntary building setbacks may be filled in to provide retail sales and service uses, provided that the conversion maintains the minimum required sidewalk width established in Section 23.49.022, and will result in greater conformity with the standards for required street-level uses, if any, and street facade development standards for the zone.

G. Optional Public Access and Signage Standards. The owner of any lot with a plaza, arcade, shopping plaza, or exterior shopping arcade for which a bonus was granted under Title 24, and which feature has not become subject to standards for amenity features under Title 23, may elect to have the signage requirements and the terms of public access and use for that feature governed by the Downtown Amenity Standards as they apply to urban plazas, as modified by this subsection G. If the owner so elects, then the hours during which such feature must be open to the public without charge shall be as designated by the owner on

signs identifying the feature, but in any event shall include the period from 7:00 AM to 11:00 PM every day, plus any other hours during which the principal structure on the lot is open. In order to make an election under this subsection G, the owner shall sign and record in the real property records a declaration in form approved by the Director. The owner then shall install and maintain signs identifying the feature as open to the public, consistent with the Downtown Amenity Standards. Such election, once made, may not be revoked or modified. The public access and signage requirements pursuant to this subsection shall be deemed conditions of any permit under which a bonus was allowed for the feature. The purpose of this subsection is to encourage public awareness and use of features bonused under Title 24, while providing for greater certainty and consistency in the rules applicable to such features. Until an election shall be made as to any such feature in compliance with this subsection G, nothing in this subsection G shall limit any obligation to allow public access or use of any such feature under the terms of any permit or Code provision.

(Ord. 122311, § 54, 2006; Ord. 122054 § 34, 2006; Ord. 112522 § 12(part), 1985; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map IE is codified at the end of this chapter.

2. Editor's Note: The Downtown Public Benefit Features Rule is a Department of Construction and land use Director's Rule. It is available at the DCLU public information counter.

23.49.035 Replacement of public benefit features.

A. All public benefit features, except (1) housing and (2) landmark performing arts theaters, shall remain for the life of the structure that includes the additional gross floor area except as otherwise specifically permitted pursuant to this section.

B. Unless the specified period for which a feature is to be maintained has expired in accordance with the terms of this chapter, or another provision of this chapter specifically otherwise provides, a public benefit feature may be diminished or discontinued only if:

1. the feature is not housing or child care; and

2. a. the additional gross floor area permitted in return for the specific feature is permanently removed or converted to a use that is not counted as chargeable floor area; or

b. an amount of chargeable floor area equal to that obtained by the public benefit feature to be replaced is provided pursuant to provisions for granting floor area above the base FAR in this chapter.

C. The terms under which use as a landmark performing arts theater may be discontinued or diminished, and the sanctions for failure to continue such use, shall be governed by the agreements and instruments executed by the City and owners of the properties on which such theaters are located. Any such change in use shall not affect any other structure for which additional FAR was granted in return for the provision of such public benefit features.

D. In addition to the provisions of subsections A and B, this subsection applies in Downtown zones when additional gross floor area or a floor area exemption is granted for any of the following public benefit features: Human service uses, child care centers, retail shopping, cinemas, performing arts theaters other than landmark performing arts theaters, major retail stores, and museums.

1. In the event that the occupant or operator of one (1) of the public benefit features listed in this

subsection moves out of a structure, or notifies the owner of intent to move, the owner or owner's agent shall notify the Director within five (5) days of the date that notice of intent to move is given or that the occupant or operator moves out, whichever is earlier.

2. Starting from the fifth day after notice is given or that the occupant or operator moves out, whichever is first, the owner or owner's agent shall have a maximum of six (6) months to replace the use with another use that meets the provisions of Section 23.49.011 and the Downtown Amenity Standards.

3. When the public benefit feature is replaced, any portion of the gross floor area formerly occupied by that feature and not reoccupied by a replacement feature, may be either:

a. Changed to other uses that are exempt from FAR calculations in the zone in which the structure is located; or

b. Changed to uses that are not exempt from FAR calculations, provided that this would not cause the structure to exceed the maximum FAR limit for the zone in which it is located, and that gross floor area in an amount equivalent to the gross floor area proposed to be changed shall be achieved through provision of public benefit features, or transfer of development rights, according to the provisions of SMC Section 23.49.011.

4. As a condition to allowing the substitution of a feature, rather than an application to establish floor area de novo under the terms of this chapter, during the time that the space formerly constituting the amenity feature is vacant, it shall be made available to nonprofit community and charitable organizations for events at no charge.

E. Modifications of amenity features that do not result in the diminishment or discontinuation of the feature may be permitted by the Director as a Type I decision, provided that the Director finds that the feature as modified meets the eligibility conditions in the Downtown Amenity Standards.
(Ord. 122054 § 35, 2006; Ord. 119484 § 8, 1999; Ord. 117263 § 33, 1994; Ord. 116513 § 2, 1993: Ord. 112303 § 3(part), 1985.)

23.49.036 Planned community developments (PCDs).

A. Authority. Planned community developments may be permitted by the Director as a Type II Land Use Decision pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. Public Benefit Priorities. The Director shall determine public benefit priorities for the PCD. These priorities shall be prepared prior to application for a Master Use Permit. They shall include priorities for public benefits listed in subsection F and priorities for implementing the goals of the Comprehensive Plan, including adopted neighborhood plans for the area affected by the PCD, and a determination of whether the proposed PCD may use public right-of-way area to meet the minimum site size set forth in subsection E. Before the priorities are prepared, the Director shall cause a public meeting to be held to identify concerns about the site and to receive public input into priorities for public benefits identified in adopted neighborhood plans and subsection F. Notice for the meeting shall be provided pursuant to Section 23.76.011. The Director shall prepare

priorities for the PCD taking into account comments made at the public meeting or in writing to the Director, and the criteria in this section. The Director shall distribute a copy of the priorities to all those who provided addresses for this purpose at the public meeting, to those who sent in comments or otherwise requested notification, and to the project proponent.

C. A PCD shall not be permitted if the Director determines it would be likely to result in a net loss of housing units or if it would result in significant alteration to any designated feature of a Landmark structure, unless a Certificate of Approval for the alteration is granted by the Landmarks Preservation Board.

D. Location.

1. Planned Community Developments may be permitted in all Downtown zones except the Pike Market Mixed zone and the Downtown Harborfront 1 zone.

2. A portion of a PCD may extend into any non-downtown zone(s) within the Downtown Urban Center and adjacent to a downtown zone subject to the following conditions:

a. The provisions of this title applicable in the non-downtown zone(s) regulate the density of non-residential use by floor area ratio; and

b. The portion of a PCD project located in non-downtown zone(s) shall be not more than twenty (20) percent of the total area of the PCD.

E. Minimum Size. A PCD shall include a minimum site size of one hundred thousand (100,000) square feet within one (1) or more of the Downtown zones where PCDs are permitted according to subsection D1. The total area of a PCD shall be contiguous. Public right-of-way shall not be considered a break in contiguity. At the Director's discretion, public right-of-way area may be included in the minimum area calculations if actions related to the PCD will result in significant enhancements to the streetscape of the public right-of-way, improved transit access and expanded transit facilities in the area, and/or significant improvement to local circulation, especially for transit and pedestrians.

F. Evaluation of PCDs. A proposed PCD shall be evaluated on the basis of public benefits provided, possible impacts of the project, and consistency with the standards contained in this subsection.

1. Public Benefits. A proposed PCD shall address the priorities for public benefits identified through the process outlined in subsection B. The PCD shall include three (3) or more of the following elements:

a. low-income housing,

b. townhouse development,

c. historic preservation,

d. public open space,

e. implementation of adopted neighborhood plans,

f. improvements in pedestrian circulation,

g. improvements in urban form,

h. improvements in transit facilities, and/or

i. other elements that further an adopted City policy and provide a demonstrable public benefit.

2. Potential Impacts. The Director shall evaluate the potential impacts of a proposed PCD including, but not necessarily limited to, the impacts on housing, particularly low-income housing, transportation systems, parking, energy, and public services, as well as environmental factors such as noise, air, light, glare, public views and water quality.

3. The Director may place conditions on the proposed PCD in order to make it compatible with areas adjacent to Downtown that could be affected by the PCD.

4. When the proposed PCD is located in the Pioneer Square Preservation District or International District Special Review District, the Board of the District(s) in which the PCD is located shall review the proposal and make a recommendation to the Department of Neighborhoods Director who shall make a recommendation to the Director prior to the Director's decision on the PCD.

G. Bonus Development in PCDs. All increases in floor area above the base FAR shall be consistent with provisions in Section 23.49.011, Floor area ratio, and the PCD process shall not result in any increase in the amount of chargeable floor area allowed without use of bonuses or TDR, considering all of the lots within the PCD boundaries as a single lot.

H. Exceptions to Standards.

1. Portions of a project may exceed the floor area ratio permitted in the zone or zones in which the PCD is located, but the maximum chargeable floor area allowed for the PCD as a whole shall meet the requirements of the zone or zones in which it is located.

2. Except as provided in subsection H3 of this section, any requirements of this chapter may be varied through the PCD process in order to provide public benefits identified in subsection F.

3. Exceptions to the following provisions are not permitted through the PCD process:

a. The following provisions of Subchapter I, General Standards:

(1) Applicable height limits,

(2) Light and glare standards,

(3) Noise standards,

(4) Odor standards,

(5) Minimum sidewalk widths,

(6) View corridor requirements,

(7) Nonconforming uses,

(8) Nonconforming structures, when the nonconformity is to one (1) of the standards listed in this subsection;

b. Use provisions except for provisions for principal and accessory parking;

c. Transfer of development rights regulations;

d. Bonus ratios and amounts assigned to public benefit features;

e. Development standards of adjacent zones outside the Downtown Urban Center in which a PCD may be partially located according to subsection D2 of this section.

f. Provisions for allowing increases in floor area above the base FAR and for allowing residential floor area above the base height limit.

(Ord. 122054 § 36, 2006; Ord. 120691 § 13, 2001; Ord. 119484 § 9, 1999; Ord. 117570 § 15, 1995; Ord. 116744 § 9, 1993; Ord. 114725 § 2, 1989; Ord. 113373 § 1, 1987; Ord. 113279 § 6, 1987; Ord. 112522 §§ 12(part) and 21(part), 1985; Ord. 112519 § 7, 1985; Ord. 112303 § 3(part), 1985.)

23.49.038 Lots located in more than one (1) zone.

When a lot is located in more than one (1) zone, the regulations for each zone shall apply to the portion of the lot located in that zone.
(Ord. 112303 § 3(part), 1985.)

23.49.040 Termination of discontinued conditional uses.

Any authorized conditional use which has been discontinued shall not be re-established or recommenced except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

A. A permit to change the use of the property has been issued and the new use has been established; or

B. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.

Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multi-family structure or a multi-tenant commercial structure shall not be considered as discontinued unless all units are either vacant or devoted to another use.
(Ord. 113262 § 5, 1986.)

23.49.041 Combined lot development.

When authorized by the Director pursuant to this section, lots located on the same block in DOC1 or DOC2 zones, or in DMC zones with a maximum FAR of ten (10), or lots zoned DOC1 and DMC on the same block, may be combined, whether contiguous or not, solely for the purpose of allowing some or all of the capacity for chargeable floor area on one such lot under this chapter to be used on one (1) or more other lots, according to the following provisions:

A. Up to all of the capacity on one (1) lot, referred to in this section as the "sending lot," for chargeable floor area in addition to the base FAR, pursuant to Section 23.49.011 (referred to in this section as "bonus capacity"), may be used on one or more other lots, subject to compliance with all conditions to use of such bonus capacity, pursuant to Sections 23.49.011--.014, as modified in this section. For purposes of applying any conditions related to amenities or features provided on site under Section 23.49.013, only the lot or lots on which such bonus capacity shall be used are considered to be the lot or site using a bonus. Criteria for use of bonus that apply to the structure or structures shall be applied only to the structure(s) on the lots using the transferred bonus capacity.

B. Only if all of the bonus capacity on one (1) lot shall be used on other lots pursuant to this section, there may also be transferred from the sending lot, to one or more such other lots, up to all of the unused base FAR on the sending lot, without regard to limits on the transfer or on use of TDR in Section 23.49.014. Such transfer shall be treated as a transfer of TDR for purposes of determining remaining development capacity on the sending lot and TDR available to transfer under SMC 23.49.014, but shall be treated as additional base FAR on the other lots, and to the extent so treated shall not qualify such lots for bonus development. If less than all of the bonus capacity of the sending lot shall be used on such other lots, then unused base FAR on the sending lot still may be transferred to the extent permitted for within-block TDR under Section 23.49.014, and if the sending lot qualifies for transfer of TDR under any other category of sending lot in Chart 23.49.014A, such unused base FAR may be transferred to the extent permitted for such category, but in each case only to satisfy in part the conditions to use of bonus capacity, not as additional base FAR.

C. To the extent permitted by the Director, the maximum chargeable floor area for any one (1) or more lots in the combined lot development may be increased up to the combined maximum chargeable floor area under Section 23.49.011 computed for all lots participating in the combined lot development. To the extent permitted by the Director, and subject to subsection B of this section, the base floor area for any one (1) or more lots in the combined lot development may be increased up to the combined maximum base chargeable floor area under Section 23.49.011 computed for all lots participating in the combined lot development.

D. The Director shall allow combined lot development only to the extent that the Director determines, in a Type I land use decision, that permitting more chargeable floor area than would otherwise be allowed on a lot shall result in a significant public benefit. In addition to features for which floor area bonuses

are granted, the Director may also consider the following as public benefits that could satisfy this condition when provided for as a result of the lot combination:

1. preservation of a landmark structure located on the block or adjacent blocks;

2. uses serving the downtown residential community, such as a grocery store, at appropriate locations;

3. public facilities serving the Downtown population, including schools, parks, community centers, human service facilities, and clinics;

4. transportation facilities promoting pedestrian circulation and transit use, including through block pedestrian connections, transit stations and bus layover facilities;

5. Short-term parking on blocks within convenient walking distance of the retail core or other Downtown business areas where the amount of available short term parking is determined to be insufficient;

6. a significant amount of housing serving households with a range of income levels;

7. improved massing of development on the block that achieves a better relationship with surrounding conditions, including: better integration with adjacent development, greater compatibility with an established scale of development, especially relative to landmark structures, or improved conditions for adjacent public open spaces, designated green streets, or other special street environments;

8. public view protection within an area; and/or

9. arts and cultural facilities, including a museum or museum expansion space.

E. The fee owners of each of the combined lots shall execute an appropriate agreement or instrument, which shall include the legal descriptions of each lot and shall be recorded in the King County real property records. In the agreement or instrument, the owners shall acknowledge the extent to which development capacity on each sending lot is reduced by the use of such capacity on another lot or lots, at least for so long as the chargeable floor area for which such capacity is used remains on such other lot or lots. The deed or instrument shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by the City of Seattle.

F. Nothing in this Section shall allow the development on any lot in a combined lot development to exceed or deviate from height limits or other development standards.
(Ord. 122054 § 40, 2006)

Subchapter II

Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial

23.49.042 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial permitted uses.

The provisions of this section apply in DOC1, DOC2 and DMC zones.

A. All uses shall be permitted outright except those specifically prohibited by Section 23.49.044, those permitted only as conditional uses by Section 23.49.046, and parking, which shall be regulated by Section 23.49.045.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

C. Public Facilities.

1. Except as provided in Section 23.49.046.D2, uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

2. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 122054 § 41, 2006; Ord. 118672 § 9, 1997; Ord. 117430 § 61, 1994; Ord. 112303 § 3(part), 1985.)

23.49.044 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial prohibited uses.

The following uses are prohibited as both principal and accessory uses in DOC1, DOC2, and DMC zones, or where a single zone classification is specified, in zones with that classification only:

A. Drive-in businesses, except gas stations located in parking garages;

B. Outdoor storage;

C. All general and heavy manufacturing uses;

D. Solid waste management;

E. Recycling;

F. All high-impact uses;

G. In DMC zones, adult motion picture theaters and adult panorams; and

H. Principal use parking garages for long-term parking.

(Ord. 122311, § 55, 2006; Ord. 122054 § 42, 2006; Ord. 112777 § 26, 1986: Ord. 112303 § 3(part), 1985.)

23.49.045 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial principal and accessory parking.

The provisions of this section apply in DOC1, DOC2, and DMC zones.

A. Principal Use Parking.

1. Principal use parking garages for short-term parking may be permitted as conditional uses, pursuant to Section 23.49.046.

2. In DOC1 zones, principal use long-term and short-term surface parking areas are prohibited. In DOC2 and DMC zones, principal use long-term and short-term surface parking areas may be permitted as administrative conditional uses in areas shown on Map 1I, pursuant to Section 23.49.046.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking are permitted outright, up to the maximum parking limit established by Section 23.49.019, Parking quantity, access and screening/landscaping requirements.

2. Accessory surface parking areas are:

a. Permitted outright in areas shown on Map 1I when containing a total of twenty (20) or fewer parking spaces on the lot; and

b. Permitted as administrative conditional uses pursuant to Section 23.49.046 when located in areas shown on Map 1I on a lot containing more than twenty (20) parking spaces; and

c. Prohibited in areas not shown on Map 1I.

3. Temporary principal and accessory surface parking areas may be permitted as conditional uses pursuant to Section 23.49.046.

(Ord. 122054 § 43, 2006; Ord. 120443 § 21, 2001; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map 1J is codified at the end of this chapter.

23.49.046 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial conditional uses and Council decisions.

The provisions of this section apply in DOC1, DOC2 and DMC zones.

A. All conditional uses shall meet the following criteria:

1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. In authorizing a conditional use, adverse negative impacts may be mitigated by imposing requirements of conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest. The Director or Council shall deny the conditional use if it is

determined that the negative impacts cannot be mitigated satisfactorily.

B. Principal use parking garages for short-term parking may be permitted as administrative conditional uses, if the Director finds that:

1. Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5 or on traffic circulation in the area around the garage; and

2. The vehicular entrances to the garage are located so that they will not disrupt traffic or transit routes; and

3. The traffic generated by the garage will not have substantial adverse effects on pedestrian circulation.

C. Temporary surface parking areas that were in existence prior to January 1, 1985 or are located on lots vacant on or before January 1, 1985, or on lots that become vacant as a result of a City-initiated abatement action, and surface parking areas meeting the requirements of Section 23.49.045, may be permitted as administrative conditional uses according to the following standards:

1. The standards stated for garages in subsection B of this section are met; and

2. The lot is screened and landscaped according to the provisions of Section 23.49.019 Parking quantity, access and screening/landscaping requirements; and

3. Permits for temporary surface parking areas may be issued for a maximum of two (2) years. Renewal of a permit for a temporary surface parking area is subject to the following:

   a. Renewals are permitted only for those temporary surface parking areas that were in existence on or before January 1, 1985, or are located on lots vacant on or before January 1, 1985. A permit for temporary surface parking on a lot that became vacant as a result of a City-initiated abatement action shall not be renewed, and

   b. Renewal shall be for a maximum of two (2) years and shall be granted only if, through an administrative conditional use process, the Director finds that the temporary surface parking area continues to meet applicable criteria; and

   c. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curbcuts, paving, and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires; and

   d. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

D. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted as a conditional use under this chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.

2. The City Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as a conditional use according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

3. Other Permitted Uses in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter may be permitted by the City Council. The City Council may waive or modify development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

4. Expansion of Uses in Public Facilities.

   a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

   b. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

E. Rooftop features listed in subsection C4 of Section 23.49.008 more than fifty (50) feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

F. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for the takeoff and landing of helicopters that serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan

approved by the City Council and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as Safeco Field and Qwest Field, the Pike Place Market, and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

G. Work-release centers may be permitted as Council conditional uses, based on the following criteria:

1. Maximum Number of Residents. No work-release center shall house more than fifty (50) persons, excluding resident staff.

2. Dispersion Criteria.

   a. The lot line of any new or expanding work-release center shall be located six hundred (600) feet or more from any residential zone, any lot line of any special residence, and any lot line of any school.

   b. The lot line of any new or expanding work-release center shall be located one (1) mile or more from any lot line of any other work-release center.

   c. The Director shall determine whether a proposed facility meets the dispersion criteria from maps which shall note the location of current work-release centers and special residences. Any person who disputes the accuracy of the maps may furnish the Director with the new information and, if determined by the Director to be accurate, this information shall be used in processing the application.

3. The Council's decision shall be based on the following criteria:

   a. The extent to which the applicant can demonstrate the need for the new or expanded facility in the City, including a statement describing the public interest in establishing or expanding the facility;

   b. The extent to which the applicant has demonstrated that the facility can be made secure. The applicant shall submit a proposed security plan to the Director, and the Director, in consultation with the Seattle Police Department, shall consider and evaluate the plan. The security plan shall address, but is not limited to, the following:

i. Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies on sign-outs for time periods consistent with the stated purpose of the absence for unescorted trips by residents away from the center, methods of checking the records of persons sponsoring outings for work-release residents, and policies on penalties for drug or alcohol use by residents, and

ii. Staff numbers, level of responsibilities, and scheduling, and

iii. Compliance with the security standards of the American Corrections Association;

c. The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure security is maintained;

d. The extent to which the facility's landscape plan meets the requirements of the zone while allowing visual supervision of the residents of the facility;

e. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

f. The extent to which the impacts of traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking;

g. The extent to which the facility is well-served by public transportation or to which the facility is committed to a program of encouraging the use of public or private mass transportation;

h. Verification from the Department of Corrections (DOC), which shall be reviewed by the Police Department, that the proposed work-release center meets DOC standards for such facilities, and that the facility will meet State laws and requirements.

H. Jails may be permitted as Council conditional uses. The Council's decision shall be based on the following criteria:

1. The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

2. The extent to which the applicant can demonstrate that the proposed location is functionally necessary to the criminal justice system;

3. The extent to which the applicant can demonstrate that the new or expanding facility does not create or further advance a level of institutionalization which is harmful to the surrounding community.

(Ord. 122054 § 44, 2006; Ord. 120443 § 22, 2001; Ord. 119484 § 10, 1999; Ord. 118672 § 10, 1997; Ord. 116907 § 2, 1993; Ord. 116744 § 10, 1993; Ord. 116616 § 2, 1993; Ord. 116295 § 14, 1992; Ord. 114623 § 5, 1989; Ord. 114202 § 2, 1988; Ord. 113279 § 7, 1987; Ord. 112522 § 21(part), 1985; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map 1J is codified at the end of this chapter.

23.49.056 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial street facade and street setback requirements.

Standards for the street facades of structures are established in this section for DOC1, DOC2, and DMC zones, for the following elements:

Minimum facade heights;

Setback limits;

Facade transparency;

Blank facade limits;

Street trees; and

Setback and Landscaping Requirements in the Denny Triangle Urban Village.

These standards apply to each lot line that abuts a street designated on Map 1F as having a pedestrian classification, except lot lines of open space TDR sites. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map 1F, and whether property line facades are required by Map 1H. Standards for street landscaping and setback requirements in subsection G of this section also apply along lot lines abutting streets in the Denny Triangle Urban Village, as shown on Exhibit 23.49.056 F.

A. Minimum Facade Height.

1. Minimum facade height(s) are prescribed in the chart below, and Exhibit 23.49.056 A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

Street Classification	Minimum Facade Height* within Designated Zone
Streets Requiring Property Line Facades	DOC1, DOC2, DMC: 35 feet
Class I Pedestrian Streets	DOC 1, DOC 2: 35 feet DMC: 25 feet
Class II Pedestrian Streets	DOC 1, DOC 2: 25 feet DMC: 15 feet

Designated Green Streets	DOC1, DOC2, DMC: 25 feet

*Except as provided in subsection A2 regarding view corridor requirements.

2. On designated view corridors specified in Section 23.49.024, the minimum facade height is the maximum height permitted in the required setback, when it is less than the minimum facade height required in subsection A1 of this section.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map 1H as requiring property line facades.

a. The facades of structures fifteen (15) feet or less in height shall be located within two (2) feet of the street property line.

b. Structures greater than fifteen (15) feet in height shall be governed by the following criteria:

(1) No setback limits shall apply up to an elevation of fifteen (15) feet above sidewalk grade.

(2) Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that:

i. Any exterior public open space that satisfies the Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the property line shall be permitted according to the following standards, as depicted in Exhibit 23.49.056 B:

-- The maximum setback shall be ten (10) feet.

-- The total area of a facade that is setback more than two (2) feet from the street property line shall not exceed forty (40) percent of the total facade area between the elevations of fifteen (15) and thirty-five (35) feet.

-- No setback deeper than two (2) feet shall be wider than twenty (20) feet, measured parallel to the street property line.

-- The facade of the structure shall return to within two (2) feet of the

street property line between each setback area for a minimum of ten (10) feet. Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

c. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

2. General Setback Limits. The following setback limits apply on streets not requiring property line facades, as shown on Map 1H:

a. The portion of a structure subject to setback limits shall vary according to the structure height and required minimum facade height, as follows:

(1) Except as provided in subsection C2a(3) of this section, when the structure is greater than fifteen (15) feet in height, the setback limits apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section and Exhibit 23.49.056 C.

(2) When the entire structure is fifteen (15) feet or less in height, the setback limits apply to the entire street facade.

(3) When the minimum facade height is fifteen (15) feet, the setback limits apply to the portion of the street facade that is fifteen (15) feet or less in height.

b. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street (see Exhibit 23.49.056 D). The averaging factor shall be five (5) on Class I pedestrian streets and ten (10) on Class II pedestrian streets and designated green streets.

c. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.056 D.)

d. The maximum setback of the facade from the street property lines at intersections shall be ten (10) feet. The minimum distance the facade must conform to this limit shall be twenty (20) feet along each street. (See Exhibit 23.49.056 E.)

e. Any exterior public open space that meets the Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.056 C.)

f. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property

line.

C. Facade Transparency Requirements.

1. Facade transparency requirements apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except that when the slope along the street frontage of the facade exceeds seven and one-half (7 1/2) percent, the transparency requirements apply to the area of the facade between four (4) feet and eight (8) feet above sidewalk grade. Only clear or lightly tinted glass in windows, doors, and display windows is considered to be transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. Facade transparency requirements do not apply to portions of structures in residential use.

3. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code, this subsection shall apply.

4. Transparency requirements are as follows:

a. Class I pedestrian streets and designated green streets: A minimum of sixty (60) percent of the street level facade shall be transparent.

b. Class II pedestrian streets: A minimum of thirty (30) percent of the street level facade shall be transparent.

c. Where the slope along the street frontage of the facade exceeds seven and one-half (7 1/2) percent, the required amount of transparency shall be reduced to fifty (50) percent on Class I pedestrian streets and designated green streets and twenty-five (25) percent on Class II pedestrian streets.

D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except that where the slope along the street frontage of the facade exceeds seven and one-half (7 1/2) percent, blank facade limits apply to the area of the facade between four (4) feet and eight (8) feet above sidewalk grade.

b. Any portion of a facade that is not transparent shall be considered to be a blank facade.

c. Blank facade limits do not apply to portions of structures in residential use.

2. Blank Facade Limits for Class I Pedestrian Streets and designated Green Streets.

a. Blank facades shall be no more than fifteen (15) feet wide except for garage doors which may exceed fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if

the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage, or fifty (50) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

3. Blank Facade Limits for Class II Pedestrian Streets.

a. Blank facades shall be no more than thirty (30) feet wide, except for garage doors, which may exceed thirty (30) feet. Blank facade width may be increased to sixty (60) feet if the Director in a Type I decision determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed seventy (70) percent of the street facade of the structure on each street frontage; or seventy-five (75) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

F. Setback and Landscaping Requirements for Lots Located Within the Denny Triangle Urban Village.

1. Landscaping in the Street Right-of-Way for All Streets Other Than Those With Green Street Plans Approved by Director's Rule. All new development in DMC zones in the Denny Triangle Urban Village, as shown on Exhibit 23.49.056 F, shall provide landscaping in the sidewalk area of the street right-of-way, except on streets with a Green Street plan approved by Director's Rule. The square footage of landscaped area provided shall be at least one and one-half (1 1/2) times the length of the street property line (in linear feet). The following standards apply to the required landscaped area:

a. The landscaped area shall be at least eighteen (18) inches wide and shall be located in the public right-of-way along the entire length of the street property line, except for building entrances, vehicular access or other connections between the sidewalk and the lot, provided that the exceptions may not exceed fifty (50) percent of the total length of the street property line(s).

b. As an alternative to locating the landscaping at the street property line, all or a portion of the required landscaped area may be provided in the sidewalk area within five (5) feet of

the curbline.

c. Landscaping provided within five (5) feet of the curbline shall be located and designed in relation to the required street tree planting and be compatible with use of the curb lane for parking and loading.

d. All plant material shall be planted directly in the ground or in permanently installed planters where planting in the ground is not feasible. A minimum of fifty (50) percent of the plant material shall be perennial.

2. Landscaping on a Designated Green Street. Where required landscaping is on a designated Green Street, or on a street with urban design and/or landscaping guidelines promulgated by Seattle Department of Transportation, the planting shall conform to those provisions.

3. Landscaping in Setbacks.

a. In the Denny Triangle Urban Village, as shown on Exhibit 23.49.056 F, at least twenty (20) percent of the total square footage of all areas abutting the street property line that are not covered by a structure, have a depth of ten (10) feet or more from the street property line and are larger than three hundred (300) square feet, shall be landscaped. Any area under canopies or marquees is considered uncovered. Any setback provided to meet the minimum sidewalk widths established by Section 23.49.022 is exempt from the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently installed planters where planting in the ground is not feasible. A minimum of fifty (50) percent of the plant material shall be perennial and shall include trees when a contiguous area, all or a portion of which is landscaped pursuant to subsection G1a above, exceeds six hundred (600) square feet.

4. Terry and 9th Avenues Green Street Setbacks.

a. In addition to the requirements of subsections G2 and G3 of this section, a two (2) foot wide setback from the street property line is required along the Terry and 9th Avenue Green Streets within the Denny Triangle Urban Village as shown on Exhibit 23.49.056 F. The Director may allow averaging of the setback requirement of this subsection to provide greater conformity with an adopted Green Street plan.

b. Fifty (50) percent of the setback area must be landscaped.

(Ord. 122054 § 45, 2006; Ord. 121477 § 17, 2004; Ord. 120443 § 27, 2001; Ord. 118409 § 186, 1996; Ord. 116744 § 11, 1993; Ord. 112303 § 3(part), 1985.)

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23.49.058 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial upper-level development standards.

The provisions of this section apply in DOC 1, DOC 2, and DMC zones. For purposes of this section, a "tower" is a portion of a structure, not including rooftop features that would be permitted above the applicable height limit pursuant to Section 23.49.008, in which portion all gross floor area in each story is horizontally contiguous, and which portion is above (i) a height of eighty-five (85) feet in a structure that has any nonresidential use above a height of sixty-five (65) feet or does not have residential use above a height of one hundred sixty (160) feet; or (ii) in any structure not described in clause (i) a height determined as follows:

(1) For a structure on a lot that includes an entire block front or that is on a block front with no other structures, sixty-five (65) feet; or

(2) For a structure on any other lot, the height of the facade closest to the street property line of the existing structure on the same block front nearest to that lot, but if the nearest existing structures are equidistant from that lot, then the height of the higher such facade; but in no instance shall the height exceed eighty-five (85) feet or be required to be less than sixty-five (65) feet.

A. The requirements of subsections 23.49.058B and C apply to:

1. All structures one hundred sixty (160) feet in height or less in which any story above an elevation of eighty-five (85) feet above the adjacent sidewalk exceeds fifteen thousand (15,000) square feet. For structures with separate towers, the fifteen thousand (15,000) square foot threshold applies to each tower individually; and

2. Portions of structures in non-residential use above a height of one hundred sixty (160) feet in which any story above an elevation of eighty-five (85) feet exceeds fifteen thousand (15,000) square feet. For structures with separate towers, the fifteen thousand (15,000) square foot threshold applies to each tower individually.

B. Facade Modulation.

1. Facade modulation is required above a height of eighty-five (85) feet above the sidewalk for any portion of a structure located within fifteen (15) feet of a street property line. No modulation is required for portions of a facade set back fifteen (15) feet or more from a street property line.

2. The maximum length of a facade without modulation is prescribed in Chart 23.49.058A. This maximum length shall be measured parallel to each street property line, and shall apply to any portion of a facade, including projections such as balconies, that is located within fifteen (15) feet of street property lines.

Chart 23.49.058A	
Elevation	**Maximum length of un-modulated facade within 15' of street property line**
0 to 85 feet	No limit

86 to 160 feet	155 feet
161 to 240 feet	125 feet
241 to 500 feet	100 feet
Above 500 feet	80 feet

3. Any portion of a facade exceeding the maximum length of facade prescribed on Chart 23.49.058A shall be set back a minimum of fifteen (15) feet from the street property line for a minimum distance of sixty (60) feet before any other portion may be within fifteen (15) feet of the street property line.

C. Upper-level width limit. On lots where the width and depth of the lot each exceed two hundred (200) feet, the maximum facade width for any portion of a building above two hundred forty (240) feet shall be one hundred forty-five (145) feet along the general north/south axis of a site (parallel to the Avenues), and this portion of the structure shall be separated horizontally from any other portion of a structure on the lot above two hundred forty (240) feet by at least eighty (80) feet at all points.

D. Tower floor area limits and tower width limits for portions of structures in residential use. The requirements of this subsection D apply only to structures that include portions in residential use above a height of one hundred sixty (160) feet.

1. Maximum limits on average residential gross floor area per story and maximum residential floor area per story of towers are prescribed in Chart 23.49.058D1.

Chart 23.49.058D1

Average residential gross floor area per story and maximum residential gross floor area per story of a tower*

(1) Zone	(2) Average residential gross floor area limit per story of a tower if height does not exceed the base height limit for residential use	(3) Average residential gross floor area limit per story of a tower when height exceeds the base height limit for residential use	(4) Maximum residential floor area of any story in a tower
DMC 240/290-400 and DMC 340/290-400	10,000 sq. ft.	10,700 sq. ft.	11,500 sq. ft.
DOC2	15,000 sq. ft.	12,700 sq. ft.	16,500 sq. ft.
DOC1	15,000 sq. ft.	13,800 sq. ft.	16,500 sq. ft.

*For the height at which a "tower" begins, see the definition at the beginning of this Section 23.49.058.

a. For structures that do not exceed the base height limit for residential use, each tower is subject to the average floor area per story limits specified in column (2) on Chart 23.49.058D1.

b. For structures that exceed the base height limit for residential use (which requires that the applicant obtain bonus residential floor area pursuant to Section 23.49.015), the average residential gross floor area per story of each tower is subject to the applicable maximum limit specified in column (3) on Chart 23.49.058D1.

c. In no instance shall the residential gross floor area of any story in a tower exceed the applicable maximum limit specified in column (4) on Chart 23.49.058D1.

d. Unoccupied space provided for architectural interest pursuant to Section 23.49.008B shall not be included in the calculation of gross floor area.

2. Maximum Tower Width.

a. In DMC zones, the maximum facade width for portions of a building above eighty-five (85) feet along the general north/south axis of a site (parallel to the Avenues) shall be one hundred twenty (120) feet or eighty (80) percent of the width of the lot measured on the Avenue, which ever is less, except that:

(1) On a lot where the limiting factor is the eighty (80) percent width limit, the facade width is one hundred twenty (120) feet, when at all elevations above a height of eighty-five (85) feet, no more than fifty (50) percent of the area of the lot located within fifteen (15) feet of the street lot line(s) is occupied by the structure; and

(2) On lots smaller than ten thousand seven hundred (10,700) square feet that are bounded on all sides by street right-of-way, the maximum facade width shall be one hundred twenty (120) feet.

b. In DOC1 and DOC2 zones, the maximum facade width for portions of a building above eighty-five (85) feet along the general north/south axis of a site (parallel to the Avenues) shall be one hundred forty-five (145) feet.

c. The projection of unenclosed decks and balconies, and architectural features such as cornices, shall be disregarded in calculating the maximum width of a facade.

E. Tower spacing for all structures over one hundred sixty (160) feet in height in those DMC zoned areas specified below:

1. For the purposes of this section, no separation is required:

a. between structures on different blocks, except as may be required by view corridor or designated green street setbacks, or

b. from a structure on the same block that is not located in a DMC zone; or

c. from a structure allowed pursuant to the Land Use Code in effect prior to the effective date of Ordinance 122054.

2. Except as otherwise provided in this subsection E, in the DMC 240'/290-400' zone located between Stewart Street, Union Street, Third Avenue and First Avenue, if any part of a tower exceeds one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred twenty-five (125) feet in height shall be separated by a minimum of two hundred (200)

feet from any portion of any other existing tower above one hundred twenty-five (125) feet in height.

3. Except as otherwise provided in this subsection E, on DMC zoned sites with maximum height limits of more than one hundred sixty (160) feet located either in the Belltown Urban Center Village, as shown on Exhibit 23.49.058E, or south of Union Street, if any part of a tower exceeds one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred twenty-five (125) feet in height must be separated by a minimum of eighty (80) feet from any portion of any other existing tower above one hundred twenty-five (125) feet in height.

4. Except as otherwise provided in this subsection E, on DMC zoned sites with maximum height limits of more than one hundred sixty (160) feet located in the Denny Triangle Urban Center Village, as shown on Exhibit 23.49.056F, if any part of a tower exceeds one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred twenty-five (125) feet in height must be separated by a minimum of sixty (60) feet from any portion of any other existing tower above one hundred twenty-five (125) feet in height.

5. The projection of unenclosed decks and balconies, and architectural features such as cornices, shall be disregarded in calculating tower separation.

6. If the presence of an existing tower would preclude the addition of another tower proposed on the same block, as a special exception, the Director may waive or modify the tower spacing requirements of this section to allow a maximum of two (2) towers to be located on the same block that are not separated by at least the minimum spacing required in subsections E2, E3 and E4, other than towers described in subsection E1. The Director shall determine that issues raised in the design review process related to the presence of the additional tower have been adequately addressed before granting any exceptions to tower spacing standards. The Director shall consider the following factors in determining whether such an exception shall be granted:

   a. potential impact of the additional tower on adjacent residential structures, located within the same block and on adjacent blocks, in terms of views, privacy, and shadows;

   b. potential public benefits that offset the impact of the reduction in required separation between towers, including the provision of public open space, designated green street or other streetscape improvements, preservation of landmark structures, and provision of neighborhood commercial services, such as a grocery store, or community services, such as a community center or school;

   c. potential impact on the public environment, including shadow and view impacts on nearby streets and public open spaces;

   d. design characteristics of the additional tower in terms of overall bulk and massing, facade treatments and transparency, visual interest, and other features that may offset impacts related to the reduction in required separation between towers;

   e. the City's goal of encouraging residential development downtown; and

f. the feasibility of developing the site without an exception from the tower spacing requirement.

7. For purposes of this section, an "existing" tower is either:

(a) a tower that is physically present, except as provided below in this subsection E6, or

(b) a proposed tower for which a Master Use Permit decision that includes approval of the Design Review element has been issued, unless and until either (i) the Master Use Permit issued pursuant to such decision expires or is cancelled, or the related application is withdrawn by the applicant, without the tower having been constructed; or (ii) a ruling by a hearing examiner or court of competent jurisdiction reversing or vacating such decision, or determining such decision or the Master Use Permit issued thereunder to be invalid, becomes final and no longer subject to judicial review.

A tower that is physically present shall not be considered "existing" if the owner of the lot where such tower is located shall have applied to the Director for a permit to demolish such tower and such application shall be pending or a permit issued for such demolition shall be in effect, but any permit decision or permit for any structure that would not be permitted under this section if such tower were considered "existing" may be conditioned upon the actual demolition of such tower.

F. Upper Level Setbacks.

1. When a lot in a DMC zone is across a street from the Pike Place Market Historical District as shown on Map 1K, a continuous upper-level setback of fifteen (15) feet shall be provided on all street frontages across from the Historical District above a height of sixty-five (65) feet.

2. When a lot in a DMC or DOC2 zone is located on a designated green street, a continuous upper-level setback of fifteen (15) feet shall be provided on the street frontage abutting the green street at a height of forty-five (45) feet.

(Ord. 122235, § 9, 2006; Ord. 122054 § 46, 2006; Ord. 120967 § 7, 2003; Ord. 120443 § 28, 2001; Ord. 119728 § 5, 1999; Ord. 112519 § 10, 1985; Ord. 112303 § 3(part), 1985.)

Subchapter III

Downtown Retail Core

23.49.090 Downtown Retail Core, permitted uses.

A. All uses shall be permitted outright except those which are specifically prohibited by Section 23.49.092, those which are permitted only as conditional uses by Section 23.49.096, and parking, which shall be regulated by Section 23.49.094.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

C. Public Facilities.

1. Except as provided in Section 23.49.096, uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

2. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 120443 § 37, 2001; Ord. 118672 § 13, 1997; Ord. 117430 § 65, 1994; Ord. 112303 § 3(part), 1985.)

23.49.092 Downtown Retail Core, prohibited uses.

The following uses shall be prohibited as both principal and accessory uses:

A. Drive-in businesses, except gas stations located in parking garages;

B. Outdoor storage;

C. All general and heavy manufacturing uses;

D. Solid waste management;

E. Recycling; and

F. All high-impact uses.

(Ord. 122311, § 56, 2006; Ord. 112777 § 28, 1986: Ord. 112303 § 3(part), 1985.)

23.49.094 Downtown Retail Core, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking are prohibited.

2. Principal use parking garages for short-term parking may be permitted as administrative conditional uses pursuant to Section 23.49.096.

3. Principal use surface parking areas for both long and short term parking are prohibited, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.096.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking are permitted outright, up to the maximum parking limit established by Section 23.49.019, Parking quantity, access and screening/landscaping requirements.

2. Accessory surface parking areas are prohibited, except that temporary accessory surface parking may be permitted as administrative conditional uses pursuant to Section 23.49.096.

(Ord. 122054 § 53, 2006; Ord. 112519 § 14, 1985; Ord. 112303 § 3(part), 1985.)

23.49.096 Downtown Retail Core, conditional uses and Council decisions.

A. All conditional uses shall meet the following criteria:

1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. In authorizing a conditional use, adverse negative impacts may be mitigated by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest. The Director or Council shall deny the conditional use, if it is determined that the negative impacts cannot be mitigated satisfactorily.

B. Reserved.

C. Principal use parking garages for short-term parking may be permitted as conditional uses, if the Director finds that:

1. Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5, or traffic circulation in the area around the garage; and

2. The vehicular entrances to the garage are located so that they will not disrupt traffic or transit routes; and

3. The traffic generated by the garage will not have substantial adverse effects on pedestrian circulation.

D. Temporary surface parking areas that were in existence prior to January 1, 1985, or are located on lots vacant on or before January 1, 1985, or that are located on lots that become vacant as a result of a City-initiated abatement action, may be permitted as administrative conditional uses according to the following standards:

1. The standards stated for garages in subsection C of this section are met; and

2. The lot is screened and landscaped according to the provisions of Section 23.49.019, Parking quantity, access and screening/landscaping requirements; and

3. Permits for temporary surface parking areas may be issued for a maximum of two (2) years. Renewal of a permit for a temporary surface parking area is subject to the following:

a. Renewals are permitted only for those temporary surface parking areas that were in existence on or before January 1, 1985 or are located on lots vacant on or before January 1, 1985. A permit for a temporary surface parking area on a lot that became vacant as a

result of a City-initiated abatement action shall not be renewed; and

b. Renewal shall be for a maximum of two (2) years and shall be granted only if, through an administrative conditional use approval process, the Director finds that the temporary surface parking area continues to meet applicable criteria; and

c. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curbcuts, paving and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires; and

4. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

E. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted as a conditional use under this chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.

2. The City Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as a conditional use according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

3. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter may be permitted by the City Council. The City Council may waive or modify development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections E1, E2 and E3 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 E1, E2 and E3 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.

F. Rooftop features listed in subsection C4 of Section 23.49.008 more than fifty (50) feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

G. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for the takeoff and landing of helicopters that serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan adopted by the City Council and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as Safeco Field and Qwest Field, the Pike Place Market, and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

H. Work-release centers may be permitted as Council conditional uses, based on the following criteria:

1. Maximum Number of Residents. No work-release center shall house more than fifty (50) persons, excluding resident staff.

2. Dispersion Criteria.

a. The lot line of any new or expanding work-release center shall be located six hundred (600) feet or more from any residential zone, any lot line of any special residence, and any lot line of any school.

b. The lot line of any new or expanding work-release center shall be located one (1) mile or more from any lot line of any other work-release center.

c. The Director shall determine whether a proposed facility meets the dispersion criteria

from maps which shall note the location of current work-release centers and special residences. Any person who disputes the accuracy of the maps may furnish the Director with the new information and, if determined by the Director to be accurate, this information shall be used in processing the application.

3. The Council's decision shall be based on the following criteria:

a. The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

b. The extent to which the applicant has demonstrated that the facility can be made secure. The applicant shall submit a proposed security plan to the Director, and the Director, in consultation with the Seattle Police Department, shall consider and evaluate the plan. The security plan shall address, but is not limited to, the following:

i. Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies on sign-outs for time periods consistent with the stated purpose of the absence for unescorted trips by residents away from the center, methods of checking the records of persons sponsoring outings for work-release residents, and policies on penalties for drug or alcohol use by residents, and

ii. Staff numbers, level of responsibilities, and scheduling, and

iii. Compliance with the security standards of the American Corrections Association;

c. The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure security is maintained;

d. The extent to which the facility's landscape plan meets the requirements of the zone while allowing visual supervision of the residents of the facility;

e. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

f. The extent to which the impacts of traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking;

g. The extent to which the facility is well-served by public transportation or to which the facility is committed to a program of encouraging the use of public or private mass transportation;

h. Verification from the Department of Corrections (DOC), which shall be reviewed by the Police Department, that the proposed work-release center meets DOC standards for such facilities and that the facility will meet State laws and requirements.

I. Jails may be permitted as Council conditional uses. The Council's decision shall be based on the following criteria:

1. The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

2. The extent to which the applicant can demonstrate that the proposed location is functionally necessary to the criminal justice system;

3. The extent to which the applicant can demonstrate that the new or expanding facility does not create or further advance a level of institutionalization which is harmful to the surrounding community.

(Ord. 122054 § 54, 2006; Ord. 120443 § 38, 2001; Ord. 119484 § 18, 1999; Ord. 118672 § 14, 1997; Ord. 116907 § 4, 1993; Ord. 116744 § 14, 1993; Ord. 116616 § 4, 1993; Ord. 116295 § 16, 1992; Ord. 114623 § 7, 1989; § 5 of Initiative 31, passed 5/16/89; Ord. 114202 § 4, 1988; Ord. 113279 § 11, 1987; Ord. 112522 § 21(part), 1985; Ord. 112519 § 15, 1985; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map IVB is codified at the end of this chapter.

23.49.106 Downtown Retail Core, street facade requirements.

Standards for the street facades of structures are established for the following elements:

Minimum and maximum facade heights

Setback limits

Facade transparency

Blank facade limits

Screening of parking

Street trees.

These standards shall apply to each lot line of a lot that abuts a street.

A. Minimum Facade Height. Minimum facade height shall be thirty-five (35) feet except that this requirement shall not apply when all portions of the structure are lower than an elevation of thirty-five (35) feet.

B. Facade Setback Limits.

1. The facades of structures less than or equal to fifteen (15) feet in height shall be located within two (2) feet of the street property line.

2. Structures greater than fifteen (15) feet in height shall be governed by the following criteria:

a. No setback limits shall apply up to an elevation of fifteen (15) feet above sidewalk grade.

b. Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the property line shall be permitted according to the following standards (see Exhibit 23.49.106 A):

(1) The maximum setback shall be ten (10) feet.

(2) The total area of the portion of the facade between the elevations of fifteen (15) feet and thirty-five (35) feet above sidewalk grade at the street property line that is set back more than two (2) feet from the street property line shall not exceed forty (40) percent of the total facade area between the elevations of fifteen (15) feet and thirty-five (35) feet.

(3) No setback deeper than two (2) feet shall be wider than twenty (20) feet, measured parallel to the street property line.

(4) The facade of the structure shall return to within two (2) feet of the street property line between each setback area for a minimum of ten (10) feet. Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

3. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

1. Facade transparency requirements shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk. Only clear or lightly tinted glass in windows, doors and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code[1], this subsection shall apply.

3. On all streets, a minimum of sixty (60) percent of the street level facade shall be transparent.

D. Blank Facade Limits.

1. Blank facade limits shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk.

2. Any portion of the facade which is not transparent shall be considered to be a blank facade.

3. Blank facades shall be limited to segments fifteen (15) feet wide, except for garage doors which may be wider than fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

4. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

5. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage.

E. Reserved.

F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to Seattle Department of Transportation Tree Planting Standards.

(Ord. 122054 § 55, 2006; Ord. 121477 § 19, 2004; Ord. 120443 § 43, 2001; Ord. 118409 § 188, 1996: Ord. 116744 § 15, 1993; Ord. 112519 § 18, 1985; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: The Energy Code is codified at Subtitle VII of Title 22 of this Code.

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23.49.108 Downtown Retail Core, upper-level development standards.

A. Structure setbacks of fifteen (15) feet from the street property line are required for all portions of a building at or above a height of eighty-five (85) feet above the adjacent sidewalk. (See Exhibit 23.49.108A.)

(Ord. 122054 § 56, 2006; Ord. 120443 § 44, 2001.)

GRAPHIC UNAVAILABLE: Click here

Subchapter IV

Downtown Mixed Residential

23.49.140 General provisions.

All property zoned Downtown Mixed Residential (DMR) shall be designated as either Downtown Mixed Residential/Residential (DMR/R) or Downtown Mixed Residential/Commercial (DMR/C) on the Official Land Use Map, Chapter 23.32.
(Ord. 112303 § 3(part), 1985.)

23.49.142 Downtown Mixed Residential, permitted uses.

A. All uses shall be permitted outright except those specifically prohibited by Section 23.49.144, and those permitted only as conditional uses by Section 23.49.148, and parking, which shall be regulated by Section 23.49.146.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

C. Public Facilities.

1. Except as provided in Section 23.49.148 D2, uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

2. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118672 § 17, 1997; Ord. 117430 § 68, 1994; Ord. 112303 § 3(part), 1985.)

23.49.144 Downtown Mixed Residential, prohibited uses.

The following uses shall be prohibited as both principal and accessory uses:

A. Drive-in businesses, except gas stations located in parking garages;

B. Outdoor storage;

C. Helistops and heliports;

D. Adult motion picture theaters and adult panorams;

E. Light manufacturing uses in DMR/R areas;

F. All general and heavy manufacturing uses;

G. Solid waste management;

H. Recycling;

I. All high-impact uses; and

J. Work-release centers.

(Ord. 122311, § 57, 2006; Ord. 114623 § 9, 1989: Ord. 113279 § 15, 1987: Ord. 112777 § 30, 1986: Ord. 112303 § 3(part), 1985.)

23.49.146 Downtown Mixed Residential, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term and short-term parking shall be prohibited.

2. Principal use surface parking areas shall be prohibited, except that temporary principal use surface parking areas in DMR/C areas may be permitted as conditional uses pursuant to Section 23.49.148.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking are permitted outright, when located on the same lot as the use that they serve, up to the maximum parking limit established by Section 23.49.019, Parking quantity, access and screening/landscaping requirements. Parking garages providing accessory parking for residential uses, which include the residential portion of live-work units, located on another lot may be permitted as conditional uses pursuant to. Section 23.49.148. Parking garages providing accessory parking for nonresidential uses located on another lot are prohibited.

2. Accessory surface parking areas are:

a. Prohibited in DMR/R areas;

b. Permitted outright in DMR/C areas when containing twenty (20) or fewer parking spaces; or

c. Permitted as a conditional use in DMR/C areas when containing more than twenty (20) parking spaces, pursuant to Section 23.49.148.

(Ord. 122054 § 65, 2006; Ord. 121196 § 17, 2003; Ord. 113279 § 16, 1987: Ord. 112519 § 23, 1985; Ord. 112303 § 3(part), 1985.)

23.49.148 Downtown Mixed Residential, conditional uses and Council decisions.

A. All conditional uses shall meet the following criteria:

1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. In authorizing a conditional use, adverse negative impacts may be mitigated by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or

vicinity and the public interest. The Director or Council shall deny the conditional use, if it is determined that the negative impacts cannot be mitigated satisfactorily.

B. Parking garages providing accessory parking for residential uses located on another lot may be permitted as conditional uses, if the Director finds that:

1. Unserved parking demand associated with existing or forecast future residential development within one thousand (1,000) feet of the proposed parking facility is sufficient to warrant construction of the facility; and

2. The garage will be operated in a manner such that substantial traffic associated with uses not located within the DMR zone will not be generated; and

3. The vehicular entrances to the garage are located so that they will not disrupt traffic or transit routes; and

4. The traffic generated by the garage will not have substantial adverse effects on pedestrian circulation.

C. Accessory surface parking areas, where permitted as an administrative conditional use by Section 23.49.146, and temporary principal surface parking areas that were in existence prior to January 1, 1985, or are located on lots vacant on or before January 1, 1985, or on lots that become vacant as a result of a City-initiated abatement action, may be permitted as conditional uses in DMR/C areas if the Director finds that:

1. Traffic from the parking area will not have substantial adverse effects on traffic circulation in the surrounding areas; and

2. The vehicular entrances to the parking area are located so that they will not disrupt traffic or transit routes; and

3. The traffic generated by the parking area will not have substantial adverse effects on pedestrian circulation; and

4. The parking area is screened and landscaped according to the provisions of Section 23.49.019, Parking quantity, access and screening/landscaping requirements; and

For temporary principal surface parking areas, permits may be issued for a maximum of two (2) years.

Renewal of a permit for a temporary surface parking area shall be subject to the following:

a. Renewals are permitted only for those temporary surface parking areas that were in existence on or before January 1, 1985, or located on lots vacant on or before January 1, 1985. A permit for temporary surface parking on a lot that became vacant as a result of a City-initiated abatement action shall not be renewed; and

b. Renewal shall be for a maximum of two (2) years and shall be granted only if, through an administrative conditional use process, the Director finds that the temporary surface parking area continues to meet applicable criteria; and

c. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curbcuts, paving, and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires, and

d. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

D. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted as a conditional use under this chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.

2. The City Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as a conditional use according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

3. Other Uses Permitted Uses in Public Facilities. Unless specifically prohibited, public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter may be permitted by the City Council. The City Council may waive or modify development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

b. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public

facility is located are met.

E. Rooftop features listed in subsection C4 of Section 23.49.008 more than fifty (50) feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

F. Jails may be permitted as Council conditional uses. The Council's decision shall be based on the following criteria:

1. The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

2. The extent to which the applicant can demonstrate that the proposed location is functionally necessary to the criminal justice system;

3. The extent to which the applicant can demonstrate that the new or expanding facility does not create or further advance a level of institutionalization which is harmful to the surrounding community.

(Ord. 122054 § 66, 2006; Ord. 119484 § 25, 1999; Ord. 118672 § 18, 1997; Ord. 116295 § 18, 1992; Ord. 114623 § 10, 1989; Ord. 114202 § 6, 1988; Ord. 113279 § 17, 1987; Ord. 112522 § 21(part), 1985; Ord. 112519 § 24, 1985; Ord. 112303 § 3(part), 1985.)

23.49.156 Downtown Mixed Residential, minimum lot size.

A. There shall be a minimum lot size of nineteen thousand (19,000) square feet for any structure over one hundred twenty-five (125) feet high.

B. To meet the minimum lot size requirement, a lot may be combined with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:

1. The total area of the combined lots meets the minimum lot size requirement;

2. All lots have frontage on the same avenue;

3. Any existing structure does not exceed a height of one hundred twenty-five (125) feet;

4. The coverage of both the proposed and any existing structures meets the coverage limits established in Section 23.49.158; and

5. The fee owners of the abutting lot(s) shall execute a deed or other agreement, which shall be recorded with the title to the lots, which restricts future development to a maximum height of one hundred twenty-five (125) feet for the life of the proposed structure; and which precludes the use of the lot(s) in combination with any abutting lots for purposes of meeting the minimum lot size requirements of this section.

(Ord. 112303 § 3(part), 1985.)

23.49.158 Downtown Mixed Residential, coverage and floor size limits.

A. Coverage.

1. Except on lots located in the DMR/R eighty-five (85) foot height district, portions of structures above an elevation of sixty-five (65) feet shall meet the following coverage limits:

Percent of Coverage Permitted
By Lot Size

Elevation of Portion of Structure (in feet)	0-- 19,000 Square Feet	19,001-- 25,000 Square Feet	25,001-- 38,000 Square Feet	Greater Than 38,000 Square Feet
0--65	100%	100%	100%	100%
66--85	75%	65%	55%	45%
86--125	65%	55%	50%	40%
126--240	Not applicable	45%	40%	35%

2. In order to meet the coverage limits, a lot may be combined with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:

a. The coverage of all structures on the lots meets the limits set in this subsection A; and

b. The fee owners of the abutting lot(s) shall execute a deed or other agreement, which shall be recorded with the title to the lots, which restricts future development so that in combination with the other lots, the coverage limits shall not be exceeded.

B. Floor Size. Each floor in portions of structures above an elevation of one hundred twenty-five (125) feet shall have a maximum gross floor area of eight thousand (8,000) square feet.
(Ord. 112303 § 3(part), 1985.)

23.49.162 Downtown Mixed Residential, street facade requirements.

Standards for the facades of structures are established for the following elements:

Minimum facade heights;

Setback limits;

Facade transparency;

Blank facade limits; and

Landscaping.

These standards shall apply to each lot line that abuts a street designated on Map 1F as having a pedestrian classification, except lot lines of open space TDR sites. The standards on each street frontage shall vary according to the pedestrian classification of the street on Map 1F, and whether property line facades are required by Map 1H.

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below (and see Exhibit 23.49.162 A), but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

All Streets Where Property Line Facades Are Required Minimum Facade* Height	Class I Pedestrian Streets and Green Streets Minimum Facade* Height	Class II Pedestrian Streets Minimum Facade* Height
35 feet	25 feet	15 feet

* Except as modified by view corridor requirements.

2. On designated view corridors, Section 23.49.024, the minimum facade height shall be the required elevation of the setback, when it is less than the minimum facade height required in subsection A1.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map 1H as requiring property line facades:

a. The facades of structures fifteen (15) feet or less in height shall be located within two (2) feet of the street property line.

b. Structures greater than fifteen (15) feet in height shall be governed by the following standards:

(1) No setback limits shall apply up to an elevation of fifteen (15) feet above sidewalk grade.

(2) Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that:

i. Any exterior public open space that satisfies the Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the property line shall be permitted according to the following standards (See Exhibit 23.49.162 B.):

(a) The maximum setback shall be ten (10) feet.

(b) The total area of a facade that is set back more than two (2) feet from the street property line shall not exceed forty (40) percent of the total facade area between the elevations of fifteen (15) and thirty-five (35) feet.

(c) No setback deeper than two (2) feet shall be wider than twenty (20) feet, measured parallel to the street property line.

(d) The facade of the structure shall return to within two (2) feet of the street property line between each setback area for a minimum of ten (10) feet. Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

c. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades as shown on Map 1H. Except when the entire structure is fifteen (15) feet or less in height, or when the minimum facade height established in subsection A of this section is fifteen (15) feet, the setback limits shall apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section (see Exhibit 23.49.162 C). When the structure is fifteen (15) feet or less in height, the setback limits shall apply to the entire street facade. When the minimum facade height is fifteen (15) feet, the setback limits shall apply to the portion of the street facade that is fifteen (15) feet or less in height.

a. The maximum area of all setbacks between the lot line and facade shall be limited according to an averaging technique. The maximum area of all setbacks along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor by the width of the street frontage of the structure along the street. (See Exhibit 23.49.162 D.) The averaging factor shall be five (5) on Class I pedestrian streets, twenty (20) on Class II pedestrian streets, and thirty (30) on designated green streets. Parking shall not be located between the facade and the street lot line.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.162D.)

c. The maximum setback of the facade from the street property line at intersections is ten (10) feet. The minimum distance the facade must conform to under this limit is twenty (20) feet along each street. (See Exhibit 23.49.162E.)

d. Any exterior public open space that satisfies the Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.162C.)

e. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

1. Facade transparency requirements apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except that where the slope along the street frontage of the facade exceeds seven and one-half (7 1/2) percent, the facade transparency requirements apply to the area of the facade between four (4) feet and eight (8) feet above sidewalk grade. Only clear or lightly tinted glass in windows, doors, and display windows is considered to be transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. Facade transparency requirements do not apply to portions of structures in residential use.

3. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code, this subsection applies.

4. Transparency requirements are as follows:

a. Class I pedestrian streets: A minimum of sixty (60) percent of the street-level facade shall be transparent.

b. Class II pedestrian streets and designated green streets: A minimum of thirty (30) percent of the street-level facade shall be transparent.

c. When the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent, the required amount of transparency shall be reduced to fifty (50) percent on Class I pedestrian streets and twenty-five (25) percent on Class II pedestrian streets and designated green streets.

D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except where the slope along the street frontage of the facade exceeds seven and one-half (7 1/2) percent, in which case the blank facade limits apply to the area of the facade between four (4) feet and eight (8) feet above sidewalk grade.

b. Any portion of a facade that is not transparent is considered to be a blank facade.

c. Blank facade limits do not apply to portions of structures in residential use.

2. Blank Facade Limits for Class I Pedestrian Streets.

a. Blank facades shall be limited to segments fifteen (15) feet wide, except for garage doors which may exceed fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage; or fifty (50) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

3. Blank Facade Limits for Class II Pedestrian Streets and Designated Green Streets.

a. Blank facades shall be limited to segments thirty (30) feet wide, except for garage doors which may exceed thirty (30) feet. Blank facade width may be increased to sixty (60) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed seventy (70) percent of the street facade of the structure on each street frontage; or seventy-five (75) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

E. Reserved.

F. Landscaping Requirements.

1. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways arc located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to Seattle Department of Transportation Tree Planting Standards.

2. Landscaping in the Street Right-of-way. All new development shall provide landscaping in the sidewalk area of the street right-of-way. The square feet of landscaped area provided shall be at least one and one-half (1 1/2) times the length of the street property line. The following standards

shall apply to the required landscaped area:

a. The landscaped area shall be at least eighteen (18) inches wide and shall be located in the public right-of-way along the entire length of the street property line.

b. Exceptions shall be allowed for building entrances, vehicular access or other connections between the sidewalk and the lot, but in no case shall exceptions exceed fifty (50) percent of the total length of the street property line(s).

c. As an alternative to locating the landscaping at the street property line, all or a portion of the required landscaped area may be provided in the sidewalk within five (5) feet of the curbline.

d. Landscaping provided within five (5) feet of the curbline shall be located and designed in relation to the required street tree planting and take into consideration use of the curb lane for parking and loading.

e. A minimum unobstructed sidewalk width of five (5) feet on east/west streets and eight (8) feet on avenues shall be provided.

f. All plant material shall be planted directly in the ground. A minimum of fifty (50) percent of the plant material shall be perennial.

g. Where the required landscaping is on a green street or street with urban design and/or landscaping guidelines promulgated by Seattle Department of Transportation, the planting shall be in conformance with those provisions.

3. Landscaping in Setbacks.

a. Twenty (20) percent of areas on the street property line that are not covered by a structure, which have a depth of ten (10) feet or more from the street property line and are larger than three hundred (300) square feet, shall be landscaped. Any area under canopies or marquees shall be considered uncovered. Any setback provided to meet the minimum sidewalk widths established by Section 23.49.022, shall be exempt from the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently installed planters. A minimum of fifty (50) percent of the plant material shall be perennial and shall include trees when the setback exceeds six hundred (600) square feet.

(Ord. 122054 § 67, 2006; Ord. 121477 § 21, 2004; Ord. 120443 § 57, 2001; Ord. 118409 § 190, 1996: Ord. 117263 § 44, 1994: Ord. 116744 § 18, 1993; Ord. 112519 § 26, 1985; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Maps 1I and 1G are codified at the end of this chapter.

2. Editor's Note: The Energy Code is codified at Subtitle VII of Title 22 of this code.

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23.49.164 Downtown Mixed Residential, maximum wall dimensions.

A. Except as provided in subsections B and C, a maximum wall length shall be established for each portion or portions of a structure above an elevation of sixty-five (65) feet. The maximum wall length shall be measured separately for each portion or portions of a structure that are separated by at least twenty (20) feet at all points. This maximum length shall be measured parallel to all street property lines, and shall be as follows:

Maximum Length by Lot Size

Elevation of Portion of Structure (in feet)	0--19,000 Square Feet	Greater Than 19,000 Square Feet
66--125	90' on avenues 120' on streets	120'
126--240	Not applicable	100'

B. DMR/R Eighty-Five Foot Height District. The length of walls above an elevation of sixty-five (65) feet shall not be limited in the DMR/R eighty-five (85) foot district.

C. Housing Option.

1. On lots with structures that contained low-income housing on or before the effective date of Ordinance 114079, and that meet the requirements of subsection C4, the maximum length of portions of structures above an elevation of sixty-five (65) feet that are located less than twenty (20) feet from a street property line shall not exceed one hundred twenty (120) feet per block front. This maximum length shall be measured parallel to the street property line. Portions of structures, measured parallel to the street property line, that are located twenty (20) feet or more from the street property line, shall have no maximum limit.

2. When the housing option is used, no portions of the structure may be located in the area within twenty (20) feet of the intersection of street property lines between elevations of sixty-five (65) and one hundred twenty-five (125) feet.

3. When the housing option is used, each floor in portions of structures between elevations of sixty-five (65) and one hundred twenty-five (125) feet shall have a maximum gross floor area of twenty-five thousand (25,000) square feet or the lot coverage limitation whichever is less.

4. In order to use the housing option, housing on the lot shall be subject to an agreement with the City that contains the following conditions and any other provisions necessary to ensure compliance:

   a. The demolition or change of use of the housing shall be prohibited for not less than fifty (50) years from the date a final certificate of occupancy is issued for the commercial development on the lot; and

   b. If the housing is or was rental housing on or before the effective date of Ordinance

114079, it shall be used as rental housing for not less than fifty (50) years from the date a final certificate of occupancy is issued for the commercial development of the lot; and

c. The structure will be brought up to and maintained in conformance with the Housing and Building Maintenance Code; and

d. Housing that is or was low-income housing on or before the effective date of ordinance 114079, shall be maintained as low-income housing for not less than fifty (50) years from the date a final certificate of occupancy is issued for the commercial development on the lot.

e. Housing that is preserved according to the provisions of this section shall not qualify for a downtown housing bonus or for transfer of development rights.

(Ord. 122054 § 68, 2006; Ord. 114079 § 2, 1988: Ord. 113279 § 20, 1987: Ord. 112519 § 27, 1985; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Ordinance 114079 was passed by the Council on August 8, 1988.
2. Editor's Note: The Housing and Building Maintenance Code is codified at Chapters 22.200 through 22.208 of this Code.

23.49.166 Downtown Mixed Residential, side setback and green street setback requirements.

A. Side Setbacks. Except on lots located in the DMR/R eighty-five (85) foot height district, setbacks shall be required from side lot lines that are not street side lot lines. The setback shall occur above an elevation of sixty-five (65) feet. The amount of the setback shall be determined by the length of the frontage of the lot on avenues, as follows:

Frontage on Avenue	Required Setback Above 65 Feet
120 feet or less	Not required
121 feet to 180 feet	20 feet
181 feet or more	40 feet

B. Green Street Setbacks. Except on lots located in DMR/R eighty-five (85) foot height districts, a setback from the street property line shall be required on green streets designated on Map 1G[1] at an elevation of sixty-five (65) feet. The setback shall be as follows:

Elevation of Portion of Structure	Required Setback
65' to 85'	10'
86' to 240'	(H - 85') x .2 + 10'

where H equals the highest point of the portion of the structure located within one hundred twenty (120) feet of the green street lot line, in feet.

(Ord. 120443 § 58, 2001; Ord. 117263 § 45, 1994; Ord. 114202 § 1, 1988; Ord. 113279 § 21, 1987; Ord. 112519 § 28, 1985; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map 1G is codified at the end of this chapter.

Subchapter V

Pioneer Square Mixed

23.49.168 General standards.

All property located within the Pioneer Square Mixed (PSM) zone shall be subject to the use and development standards of the Pioneer Square Preservation District, Chapter 23.66, in addition to the use and development standards contained in this chapter. In the event that there is a conflict between the use and development standards of this chapter and the provisions of the Pioneer Square Preservation District, Chapter 23.66, Subchapter II, the provisions of Chapter 23.66 shall apply.
(Ord. 112303 § 3(part), 1985.)

23.49.170 Pioneer Square Mixed, permitted uses.

The Overlay District regulations of the Pioneer Square Preservation District, Chapter 23.66, contain the use provisions for the PSM zone.
(Ord. 112303 § 3(part), 1985.)

23.49.178 Pioneer Square Mixed, structure height.

A. Maximum structure height shall be as designated on the Official Land Use Map, Chapter 23.32.

B. Rooftop features may be permitted according to the provisions of Section 23.66.140.

C. In the one hundred (100) foot height district, no structure shall exceed by more than fifteen (15) feet the height of the tallest structure on the block or the adjacent block front(s), to a maximum of one hundred (100) feet; provided that a structure within which a streetcar maintenance base use has been established may attain a maximum height of one hundred thirty (130) feet provided that the structure has, in residential or hotel use, gross floor area equivalent to the gross floor area in the structure above one hundred (100) feet.

D. In the one hundred (100) to one hundred twenty (120) foot height district, structure height over one hundred (100) feet to a maximum of one hundred twenty (120) feet shall be permitted if a minimum of seventy-five (75) percent of the gross floor area of the structure is in residential use.

E. In the eighty-five (85) to one hundred twenty (120) foot height district, structure height over eighty-five (85) feet to a maximum of one hundred twenty (120) feet shall be permitted if a minimum of seventy-five (75) percent of the gross floor area of the structure is in residential use.
(Ord. 122330, § 1, 2007; Ord. 112519 § 29, 1985; Ord. 112303 § 3(part), 1985.)

Subchapter VI

International District Mixed

23.49.198 Chapter 23.66 provisions apply.

All property located in the International District Mixed (IDM) zone shall be subject to the use and development standards of the International District Special Review District, Chapter 23.66, in addition to the use and development standards contained in this chapter. In the event that there is a conflict between the use and development standards of this chapter and the provisions of the International District Special Review District, the provisions of Chapter 23.66 shall apply.
(Ord. 112303 § 3(part), 1985.)

23.49.200 International District Mixed, permitted uses.

The Overlay District regulations of the International District Special Review District, Chapter 23.66, contain the use provisions for the IDM zone.
(Ord. 112303 § 3(part), 1985.)

23.49.208 International District Mixed, structure height.

A. Maximum structure height shall be as designated on the Official Land Use Map, Chapter 23.32.

B. Rooftop features may be permitted according to the provisions of Section 23.66.332.

C. In the seventy-five (75) to eighty-five (85) foot height district, structures in excess of seventy-five (75) feet, to a maximum of eighty-five (85) feet, shall be permitted only if fifty (50) percent of the gross floor area, excluding parking, is in residential use.

D. In the one hundred (100) to one hundred twenty (120) foot height district, structures in excess of one hundred (100) feet, to a maximum of one hundred twenty (120) feet, shall be permitted if seventy-five (75) percent or more of the gross floor area, excluding parking, is in residential use, or may be permitted as part of a planned community development, pursuant to Section 23.49.036, Planned community developments.

E. In the sixty-five (65) to one hundred twenty (120) foot height district, structures in excess of sixty-five (65) feet, to a maximum of one hundred twenty (120) feet, may be permitted only as a part of a planned community development, pursuant to Section 23.49.036, Planned community developments.
(Ord. 120928 § 20, 2002; Ord. 113279 § 23, 1987; Ord. 112519 § 30, 1985; Ord. 112303 § 3(part), 1985.)

Subchapter VII

International District Residential

23.49.223 Chapter 23.66 provisions apply.

All property located in the International District Residential (IDR) zone shall be subject to the use and development standards of the International District Special Review District, Chapter 23.66, in addition to the use and development standards contained in this chapter. In the event that there is a conflict between the use and development standards of this chapter and the provisions of the International District Special Review District, the provisions of Chapter 23.66 shall apply.
(Ord. 112303 § 3(part), 1985.)

23.49.226 International District Residential, permitted uses.

The Overlay District regulations of the International District Special Review District, Chapter 23.66, contain use provisions for IDR zones.
(Ord. 112303 § 3(part), 1985.)

23.49.236 International District Residential, structure height.

Maximum structure height shall be as designated on the Official Land Use Map, Chapter 23.32.
(Ord. 112303 § 3(part), 1985.)

23.49.242 International District Residential, minimum lot size.

A. There shall be a minimum lot size of nineteen thousand (19,000) square feet for any structure over one hundred twenty-five (125) feet high.

B. To meet the minimum lot size requirement, a lot may be combined with one (1) or more abutting lots whether occupied by existing structures or not, provided that:

1. The total area of the combined lots meets the minimum lot size requirement;

2. All lots have frontage on the same street;

3. Any existing structure does not exceed a height of one hundred twenty-five (125) feet;

4. The coverage of both the proposed and any existing structures meets the coverage limits established in Section 23.49.244; and

5. The fee owners of the abutting lot(s) shall execute a deed or other agreement, which shall be recorded with the title to the lots, which restricts future development to a maximum height of one hundred twenty-five (125) feet for the life of the proposed structure; and which precludes the use of the lot(s) in combination with any abutting lots for purposes of meeting the minimum size requirements of this section.

(Ord. 112303 § 3(part), 1985.)

23.49.244 International District Residential, coverage and floor size limits.

A. Coverage.

1. Portions of structures above a height of sixty-five (65) feet shall meet the following coverage limits:

Percent of Coverage Permitted
By Lot Size

	Lot Size			
Eleva- tion of Portion of Structure (in feet)	0-- 19,000 Square Feet	19,001-- 25,000 Square Feet	25,001-- 38,000 Square Feet	Greater Than 38,000 Square Feet
0--65	100%	100%	100%	100%
66--85	75%	65%	55%	45%
86--125	65%	55%	50%	40%
126--150	Not applicable 45%	40%	35%	

2. In order to meet the coverage limits, a lot may be combined with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:

a. The coverage of all structures on the lots meets the limits set in this subsection A; and

b. The fee owners of the abutting lots shall execute a deed or other agreement, which shall be recorded with the title to the lots, which restricts future development so that in combination with the other lots, the coverage limits shall not be exceeded.

B. Floor Size. Each floor in portions of structures above an elevation of one hundred twenty-five (125) feet shall have a maximum gross floor area of eight thousand (8,000) square feet.
(Ord. 112303 § 3(part), 1985.)

23.49.246 International District Residential, maximum wall dimensions.

A maximum wall length shall be established for each portion or portions of a structure above an elevation of sixty-five (65) feet. The maximum wall length shall be measured separately for each portion or portions of a structure that are separated by at least twenty (20) feet at all points. This maximum length shall be measured parallel to all street property lines, and shall be as follows:

	Maximum Length by Lot Size	
Elevation of Portion of Structure (in feet)	0--19,000 Square Feet	Greater Than 19,000 Square Feet
66--125	90' on avenues	120'
	120' on streets	
126--150	Not applicable	100'

(Ord. 113279 § 28, 1987: Ord. 112519 § 34, 1985; Ord. 112303 § 3(part), 1985.)

23.49.248 International District Residential, side setback and green street setback requirements.

A. Side Setbacks. Setbacks shall be required from side lot lines that are not street side lot lines. The setback shall occur above an elevation of sixty-five (65) feet. The amount of the setback shall be determined by the length of the frontage of the lot on avenues, as follows:

Frontage on Avenue	Required Setback at 65 Feet
120 feet or less	Not required
121 feet to 180 feet	20 feet

181 feet or more	40 feet

B. Green Street Setbacks. A setback from the street lot line shall be required on green streets, Map 1F, at an elevation of forty (40) feet. The setback shall be as follows:

Elevation of Portion of Structure	Required Setback
40' to 85'	10'
86' to 240'	(H-85') × .2 + 10'

where H = Total structure height in feet.
(Ord. 122235, § 10, 2006; Ord. 120443 § 65, 2001; Ord. 117263 § 46, 1994; Ord. 112519 § 35, 1985; Ord. 112303 § 3(part), 1985.)
1. Editor's Note: Map 1G is codified at the end of this chapter.

Subchapter VIII

Downtown Harborfront 1

23.49.300 Downtown Harborfront 1, uses.

A. Uses that shall be permitted or prohibited in Downtown Harborfront 1 are determined by the Seattle Shoreline Master Program.

B. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.
(Ord. 117430 § 70, 1994: Ord. 112303 § 3(part), 1985.)

23.49.302 Downtown Harborfront 1, general provisions.

All uses shall meet the development standards of the Seattle Shoreline Master Program.
(Ord. 112303 § 3(part), 1985.)

23.49.306 Downtown Harborfront 1, parking.

Parking located at or above grade shall be screened according to the following requirements:

A. Parking where permitted on dry land at street level shall be screened according to the provisions of Section 23.49.019, Parking quantity, access and screening/landscaping requirements.

B. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half (3 1/2) feet high.
(Ord. 122054 § 69, 2006; Ord. 112303 § 3(part), 1985.)

Subchapter IX

23.49.318 Downtown Harborfront 2, permitted uses.

A. All uses shall be permitted outright except those which are specifically prohibited in Section 23.49.320, those which are permitted only as conditional uses by Section 23.49.324, and parking, which shall be regulated by Section 23.49.322. Additionally, uses may be further restricted by the Seattle Shoreline Master Program.

B. All uses not specifically prohibited shall be permitted as either principal or accessory uses.

C. Public Facilities.

1. Except as provided in Section 23.49.324 D2, uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

2. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118672 § 19, 1997; Ord. 117430 § 71, 1994; Ord. 112303 § 3(part), 1985.)

23.49.320 Downtown Harborfront 2, prohibited uses.

The following uses shall be prohibited as both principal and accessory uses:

A. Drive-in businesses, except gas stations located in parking garages;

B. Outdoor storage, except when accessory to water-dependent or water-related uses located in Downtown Harborfront 1 or Downtown Harborfront 2;

C. Adult motion picture theaters and adult panorams;

D. All general and heavy manufacturing uses;

E. Solid waste management;

F. Recycling;

G. All high-impact uses; and

H. Work-release centers.

(Ord. 122311, § 58, 2006; Ord. 114623 § 11, 1989: Ord. 112777 § 31, 1986: Ord. 112303 § 3(part), 1985.)

23.49.322 Downtown Harborfront 2, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for both long-term and short-term parking shall be conditional uses, according to Section 23.49.324.

2. Principal use surface parking areas shall be conditional uses in areas shown on Map 1I, and shall be prohibited in other locations, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.324.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking shall be permitted outright.

2. Accessory surface parking areas shall be:

a. Permitted outright when located in areas shown on Map 1I and containing twenty (20) or fewer parking spaces; or

b. Permitted as a conditional use when located in areas shown on Map 1I and containing more than twenty (20) spaces; or

c. Prohibited in areas not shown on Map 1I, except that temporary accessory surface parking areas may be permitted as a conditional use pursuant to Section 23.49.324.

(Ord. 122235, § 11, 2006; Ord. 120443 § 67, 2001: Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map 1J is codified at the end of this chapter.

23.49.324 Downtown Harborfront 2, conditional uses.

A. All conditional uses shall meet the following criteria:

1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. In authorizing a conditional use, adverse negative impacts may be mitigated by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest. The Director or Council shall deny the conditional use, if it is determined that the negative impacts cannot be mitigated satisfactorily.

B. Principal use parking garages for long-term or short-term parking may be permitted as conditional uses, if the Director finds that:

1. Traffic from the garage will not have substantial adverse effects on traffic circulation in the area around the garage; and

2. The entrances to the garages are located so that they will not disrupt traffic or transit routes; and

3. The traffic generated by the garage will not have substantial adverse effects on pedestrian circulation.

C. Surface parking areas where permitted as an administrative conditional use by Section 23.49.322, and temporary surface parking areas located on lots vacant on or before January 1, 1985, or on lots which become vacant as a result of City-initiated abatement action, may be permitted as conditional uses according to the following standards:

1. The standards stated for garages in subsection B of this section are met; and

2. The lot is screened and landscaped according to the provisions of Section 23.49.019, Parking quantity, access and screening/landscaping requirements; and

3. For temporary surface parking areas:

a. At least twenty (20) percent of the long-term spaces shall be set aside for carpools, according to the provisions of Section 23.49.046 C3; and

b. The permit may be issued for a maximum of two (2) years.

c. Renewal of a permit for a temporary surface parking area shall be subject to the following:

(1) Renewals shall be permitted only for those temporary surface parking areas that were in existence on or before January 1, 1985 or located on lots vacant on or before January 1, 1985. A permit for a temporary surface parking area on a lot that became vacant as a result of a City-initiated abatement action shall not be renewed; and

(2) Renewal shall be for a maximum of two (2) years and shall be subject to conditional use approval. The Director must find that the temporary surface parking area continues to meet applicable criteria; and

d. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area such as curb cuts, paving and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires; and

e. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

D. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted as a conditional use under this chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.

2. When uses in public facilities meet the development standards of the Shoreline Master Program,

where applicable, the City Council may waive or modify applicable development standards of the underlying zone or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as a conditional use according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

3. Other Uses Permitted in Public Facilities. When uses in public facilities meet the development standards of the Shoreline Master Program, where applicable, and unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter may be permitted by the City Council. City Council may waive or modify development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

b. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

E. Rooftop features listed in subsection C4 of Section 23.49.008 more than fifty (50) feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

F. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for takeoff and landing of helicopters which serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan approved by the City Council and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on

lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as Safeco Field and Qwest Field, the Pike Place Market, and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

G. Jails may be permitted as Council conditional uses. The Council's decision shall be based on the following criteria:

1. The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

2. The extent to which the applicant can demonstrate that the proposed location is functionally necessary to the criminal justice system;

3. The extent to which the applicant can demonstrate that the new or expanding facility does not create or further advance a level of institutionalization which is harmful to the surrounding community.

(Ord. 122054 § 70, 2006; Ord. 119484 § 32, 1999; Ord. 118672 § 20, 1997; Ord. 116907 § 6, 1993; Ord. 116616 § 6, 1993; Ord. 114623 § 12, 1989; Ord. 114202 § 7, 1988; Ord. 113279 § 29, 1987; Ord. 112522 § 21(part), 1985; Ord. 112519 § 36, 1985; Ord. 112303 § 3(part), 1985.)

23.49.326 Downtown Harborfront 2, general provisions.

When a lot is in the Shoreline District, maximum height and lot coverage shall be regulated by the Seattle Shoreline Master Program, but may be reduced by the standards below.
(Ord. 112303 § 3(part), 1985.)

23.49.332 Downtown Harborfront 2, street facade requirements.

Standards for the facades of structures at street level are established for the following elements:

Minimum facade heights;

Setback limits;

Facade transparency;

Blank facade limits; and

Street trees.

These standards shall apply to each lot line that abuts a street designated on Map 1F as having a pedestrian classification. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map 1F.

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below, and as shown in Exhibit 23.49.332 A, but the minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

Green Streets Minimum Facade* Height	Class II Pedestrian Streets Minimum Facade* Height
25 feet	15 feet

* Except as modified by view corridor requirements.

2. On designated view corridors described in Section 23.49.024, the minimum facade height shall be the required elevation of the setback when it is less than the minimum facade height required in subsection A1.

B. Facade Setback Limits.

1. Except when the entire structure is less than or equal to fifteen (15) feet in height, or when the minimum facade height established in subsection A of this section is fifteen (15) feet, the setback limits shall apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section (and see Exhibit 23.49.332B). When the structure is less than or equal to fifteen (15) feet in height, the setback limits shall apply to the entire street facade. When the minimum facade height is fifteen (15) feet, the setback limits shall apply to the portion of the street facade that is fifteen (15) feet or less in height.

2. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor times the width of the street frontage of the lot along that street (see Exhibit 23.49.332C). The averaging factor shall be thirty (30) on both Class II pedestrian streets and designated green streets. Parking shall not be located between the facade and the street property line.

3. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.332 C.)

4. The maximum setback of the facade from the street property line at intersections shall be ten (10) feet. The minimum distance the facade must conform to this limit shall be twenty (20) feet along each street. (See Exhibit 23.49.332 D.)

5. Any exterior public open space that satisfies the Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.332 B.)

6. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

1. Facade transparency requirements apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except that where the slope along the street frontage of the facade exceeds seven and one-half (7 1/2) percent, the facade transparency requirements apply to the area of the facade between four (4) feet and eight (8) feet above sidewalk grade. Only clear or lightly tinted glass in windows, doors, and display windows is considered to be transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. Facade transparency requirements do not apply to portions of structures in residential use.

3. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code, this subsection shall apply.

4. Transparency requirements are as follows:

   a. Class I pedestrian streets: A minimum of sixty (60) percent of the street-level facade shall be transparent.

   b. Class II pedestrian streets and Designated Green Streets: A minimum of thirty (30) percent of the street-level facade shall be transparent.

   c. When the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent, the required amount of transparency is reduced to fifty (50) percent on Class I pedestrian streets and twenty-five (25) percent on Class II pedestrian streets and designated green streets.

D. Blank Facade Limits.

1. General Provisions.

   a. Blank facade limits apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except where the slope along the street frontage of the facade exceeds seven and one-half (7 1/2) percent, in which case the blank facade limits apply to the area of the facade between four (4) feet and eight (8) feet above sidewalk grade.

   b. Any portion of a facade that is not transparent shall be considered to be a blank facade.

c. Blank facade limits shall not apply to portions of structures in residential use.

2. Blank Facade Limits for Class I Pedestrian Streets.

a. Blank facades are limited to segments fifteen (15) feet wide, except for garage doors which may exceed fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors may not exceed the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated from other blank segments by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage; or fifty (50) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

3. Blank Facade Limits for Class II Pedestrian Streets and Designated Green Streets.

a. Blank facades shall be limited to segments thirty (30) feet wide, except for garage doors which may exceed thirty (30) feet. Blank facade width may be increased to sixty (60) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed seventy (70) percent of the street facade of the structure on each street frontage; or seventy-five (75) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

E. Reserved.

F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to Seattle Department of Transportation Tree Planting Standards.

(Ord. 122054 § 71, 2006; Ord. 121477 § 22, 2004; Ord. 120611 § 12, 2001; Ord. 120443 § 71, 2001; Ord. 118409 § 191, 1996: Ord. 116744 § 23, 1993; Ord. 112519 § 37, 1985; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map 1J is codified at the end of this chapter.

2. Editor's Note: The Energy Code is codified at Subtitle VII of Title 22 of this Code.

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Subchapter X

Pike Place Market Mixed

23.49.336 Pike Market Mixed, permitted uses.

A. Permitted uses within the Pike Place Market Historical District, shown on Map 1K, shall be determined by the Pike Place Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance, Chapter 25.24, Seattle Municipal Code.

B. In areas outside of the Pike Place Market Historical District in the Pike Market Mixed (PMM) zone, as shown on Map 1K, all uses are permitted outright except those specifically prohibited by Section 23.49.338.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 122235, § 12, 2006; Ord. 120443 § 72, 2001; Ord. 118672 § 21, 1997; Ord. 117430 § 73, 1994; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map 1L is codified at the end of this chapter and is up to date through changes made by Ordinance 114863, passed by the Council on December 11, 1989.

23.49.338 Pike Market Mixed, prohibited uses.

A. The following uses are prohibited as both principal and accessory uses in areas outside of the Pike Place Market Historical District, Map 1K:[1]

1. Drive-in businesses, except gas stations located in parking garages;

2. Outdoor storage;

3. Adult motion picture theaters and adult panorams;

4. Transportation facilities, except principal use parking;

5. Major communication utilities;

6. All general manufacturing uses;

7. Solid waste management;

8. Recycling;

9. All industrial uses;

10. Jails; and

11. Work-release centers.

B. Within the Pike Place Market Historical District, Map 1K, uses may be prohibited by the Pike Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance.
(Ord. 122311, § 59, 2006; Ord. 122054 § 72, 2006; Ord. 120928 § 21, 2002; Ord. 120443 § 73, 2001; Ord. 116295 § 19, 1992; Ord. 114623 § 13, 1989; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map 1K is codified at the end of this chapter.
2. Editor's Note: The Pike Place Market Historical District Ordinance is codified in Chapter 25.24 of this Code.

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Chapter 23.50

INDUSTRIAL

Sections:

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 23.84A.

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.[1]

(Ord. 122311, § 60, 2006; 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.

E. Adult Cabarets.

1. Any lot line of property containing any proposed new or expanding adult cabaret must be eight hundred (800) feet or more from any lot line of property containing any community center; child care center; school, elementary or secondary; or public parks and open space use.

2. Any lot line of property containing any proposed new or expanding adult cabaret must be six hundred (600) feet or more from any lot line of property containing any other adult cabaret.

Chart A For Section 23.50.012 Uses in Industrial Zones			
			PERMITTED AND PROHIBITED USES BY ZONE

USES			IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
A. AGRICULTURAL USES							
A.1. Animal Husbandry			X	X	X	X	X
A.2. Aquaculture			P	P	P	P	P
A.3. Horticulture			X	X	X	X	X
B. CEMETERIES			X	X	X	X	X
C. COMMERCIAL USES							
C.1. Animal Shelters and Kennels			X(1)	P	P	P	P
C.2. Eating and drinking establishments			P	P	P	P	P
C.3. Entertainment Uses							
	C.3.a. Cabarets, adult		P(12)	P(12)	X	X	X
	C.3.b. Motion picture theaters, adult		X	X	X	X	X
	C.3.c. Panorams, adult		X	X	X	X	X
	C.3.d. Sports and recreation, indoor		P	P	P	X	P
	C.3.e. Sports and recreation, outdoor		P	P	P	X	P
	C.3.f. Theaters and spectator sports facilities						
		C.3.f.i. Lecture and meeting halls	P	P	P	P	P
		C.3.f.ii. Motion picture theaters	P	P	P	X	X
		C.3.f.iii. Performing arts theaters	P	P	P	X	X
		C.3.f.iv. Spectator sports facilities	P	P	P	X(2)	X(2)
C.4. Food processing and craft work			P	P	P	P	P
C.5. Laboratories, Research and development			P	P	P	P	P
C.6. Lodging uses			CU	CU	CU	X	X
C.7. Medical services (3)			P	P	P	P	P
C.8. Offices			P	P	P	P	P
C.9. Sales and services, automotive			P	P	P	P	P
C.10. Sales and services, general			P	P	P	P	P
C.11. Sales and services, heavy			P	P	P	P	P
C.12. Sales and services, marine			P	P	P	P	P
D. HIGH-IMPACT USES			X	X or CU(4)	X or CU(5)	X or CU(5)	X or CU(5)
E. INSTITUTIONS							
E.1. Adult care centers			X	X	X	X	X
E.2. Child care centers			P	P	P	P	P
E.3. Colleges			EB	EB	EB	X(6)	X(6)
E.4. Community centers and Family support centers			EB	EB	EB	P	P
E.5. Community clubs			EB	EB	EB	X	P
E.6. Hospitals			EB	EB	CU(7)	P	P
E.7. Institutes for advanced study			P	P	P	X	X
E.8. Libraries			X	X	X	X	X
E.9. Major institutions subject to the provisions of Chapter 23.69			EB	EB	EB	EB	EB
E.10. Museums			EB	EB	EB	X(8)	X(8)
E.11. Private Clubs			EB	EB	EB	X	X
E.12. Religious facilities			P	P	P	P	P
E.13. Schools, elementary or secondary			P	P	P	P	P

E.14. Vocational or fine arts schools			P	P	P	P	P
F. LIVE-WORK UNITS			X	X	X	X	X
G. MANUFACTURING USES							
G.1. Manufacturing, light			P	P	P	P	P
G.2. Manufacturing, general			P	P	P	P	P
G.3. Manufacturing, heavy			CU	X or CU(9)	P or CU(10)	P	P
H. PARKS AND OPEN SPACE			P	P	P	P	P
I. PUBLIC FACILITIES							
I.1. Jails			X	X	X	X	X
I.2. Work-release centers			X	X	X	X	X
I.3. Other public facilities			CCU	CCU	CCU	CCU	CCU
J. RESIDENTIAL USES							
J.1. Residential uses not listed below			X	X	X	X	X
J.2. Artist's studio/dwellings			EB/CU	EB/CU	EB/CU	EB/CU	EB/CU
J.3. Caretaker's quarters			P	P	P	P	P
J.4. Residential use, except artist's studio/dwellings and caretaker's quarters, in a landmark structure or landmark district			CU	CU	CU	CU	CU
K. STORAGE USES							
K.1. Mini-warehouses			P	P	P	X	P
K.2. Storage, outdoor			P	P	P	P	P
K.3. Warehouses			P	P	P	P	P
L. TRANSPORTATION FACILITIES							
L.1. Cargo terminals			P	P	P	P	P
L.2. Parking and moorage							
	L.2.a. Boat moorage		P	P	P	P	P
	L.2.b. Dry boat storage		P	P	P	P	P
	L.2.c. Parking, principal use, except as listed below		P	P	P	X(2)	X(2)
		L.2.c.i. Park and Pool Lots	P(11)	P(11)	P(11)	CU	CU
	L.2.c.ii. Park and Ride Lots		CU	CU	CU	CU	CU
L.2.d. Towing services			P	P	P	P	P
L.3. Passenger terminals			P	P	P	P	P
L.4. Rail Transit Facilities			P	P	P	P	P
L.5. Transportation facilities, air							
	L.5.a. Airports (land-based)		X	CCU	CCU	CCU	CCU
	L.5.b. Airports (water-based)		X	CCU	CCU	CCU	CCU
	L.5.c. Heliports		X	CCU	CCU	CCU	CCU
	L.5.d. Helistops		CCU	CCU	CCU	CCU	CCU
L.6. Vehicle storage and maintenance							
	L.6.a. Bus bases		CU	CU	CU	CU	CU
	L.6.b. Railroad switchyards		P	P	P	P	P
	L.6.c. Railroad switchyards with a mechanized hump		X	X	CU	CU	CU
	L.6.d. Transportation services, personal		P	P	P	P	P
M. UTILITY USES							
M.1. Communication Utilities, major			CU	C	CU	CU	CU
M.2. Communication Utilities, minor			P	P	P	P	P
M.3. Power Plants			X	CCU	P	P	P
M.4. Recycling			P	P	P	P	P
M.5. Sewage Treatment Plants			X	X	X	X	X

M.6. Solid waste management						
	M.6.a. Salvage yards	X	X	P	P	P
	M.6.b. Solid waste transfer stations	X	CU	CU	CU	CU
	M.6.c. Solid waste incineration facilities	X	CCU	CCU	CCU	CCU
	M.6.d. Solid waste landfills	X	X	X	X	X
M.7. Utility Services Uses		P	P	P	P	P

KEY

CU = Administrative conditional use

CCU = Council conditional use

EB = Permitted only in a building existing on October 5, 1987

EB/CU = Administrative conditional use permitted only in a building existing on October 5, 1987.

P = Permitted

X = Prohibited

(1) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals are permitted.

(2) 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 non-required parking 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:

(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and

(b) The parking 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.

(3) Medical service uses over ten thousand (10,000) square feet, within two thousand five hundred

(2,500) feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted major institution master plan. See Section 23.50.014.

(4) The high-impact uses listed at subsection B10 of Section 23.50.014 may be permitted as conditional uses.

(5) High-impact uses may be permitted as conditional uses as provided at subsection B5 of Section 23.50.014.

(6) A college or university offering a primarily vocational curriculum within the zone is permitted.

(7) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection 23.50.014 B14.

(8) Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.

(9) 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.

(10) 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.

(11) Park and pool lots are not permitted within three thousand (3,000) feet of the Downtown Urban Center.

(12) Subject to subsection 23.50.012 E.

(Ord. 122411, §§ 6, 7, 2007; Ord. 122311, § 61, 2006; Ord. 121476 § 11, 2004; Ord. 121196§ 18, 2003; 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.)

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 existing 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 park-and-pool lot shall not create conflict with industrial activity by causing significant additional traffic to circulate through the area;

b. The park-and-pool lot has direct vehicular access to a designated arterial improved to City standards;

c. The park-and-pool lot shall be located on an existing parking area unless no reasonable alternative exists;

d. If the proposed park-and-pool 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 park-and-pool 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 uses 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. 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 as of October 5, 1987 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 ensure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.

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 Clean Air Agency (PSCAA). 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. The Director may require a transportation plan. 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

(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. Bus 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.

12. 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.

13. 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.

14. 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 Clean Air Agency (PSCAA), 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 Clean Air Agency (PSCAA), 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; and

(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;

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

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 Clean Air Agency (PSCAA). 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 Clean Air Agency (PSCAA), 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 helistop is not within one thousand two hundred (1,200) feet of a residential zone;

b. The helistop 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 helistop 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 helistop meets all federal requirements, including those for safety, glide angles and approach lanes.

(Ord. 122311, § 62, 2006; Ord. 121477 § 23, 2004; Ord. 121145 § 9, 2003; 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.)

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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 23.84A.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. 122311, § 63, 2006; Ord. 120691 § 15, 2001; Ord. 117598 § 2, 1995.)

23.50.016 Landscaping standards on designated streets.

A. Street Trees. Street trees shall be required along designated street frontages. Street trees shall be provided in the planting strip according to Seattle Department of 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 expansion. The maximum number of street trees shall be controlled by Seattle Department of 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. 121477 § 24, 2004; Ord. 118409 § 192, 1996: Ord. 116744 § 24, 1993; Ord. 115326 § 21, 1990; Ord. 115164 § 3, 1990; Ord. 113658 § 4(part), 1987.)

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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.[1]

B. The required width of the view corridor or corridors shall be not more than one-half (1/2) 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 conditions 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.

5. Within the South Lake Union Hub Urban Village, at the applicant's option, the combined total coverage of all features listed in subsection A4 above may be increased to sixty-five (65) percent of the roof area, provided that all of the following are satisfied:

a. All mechanical equipment is screened; and

b. No rooftop features are located closer than ten (10) feet to the roof edge.

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. 121359 § 4, 2003; 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 that contains commercial uses other than spectator sports facilities and food processing and craft work 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)

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. 122311, § 64, 2006; Ord. 119370 § 14, 1999; Ord. 113658 § 4(part), 1987.)

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23.50.024 Industrial Buffer--Structure height.

A. Except as regulated in the Airport District Regulations at Chapter 23.64, and except that monorail transit facilities may exceed the height limit of the zone according to the provisions of Section 23.80.004 or Section 15.54.020, there shall be no maximum height limit in the Industrial Buffer (IB) zone other than for those specific uses listed in subsection B of this section and for those circumstances outlined in subsections C, D, E and F.

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 that contains commercial uses other than spectator sports facilities and food processing and craft work 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.

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.)

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. 122311, § 65, 2006; Ord. 121278 § 4, 2003; Ord. 113658 § 4(part), 1987.)

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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, and except that monorail transit facilities may exceed the height limit of the zone

according to the provisions of Section 23.80.004 or Section 15.54.020, 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):

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.

D. Within the South Lake Union Hub Urban Village, the maximum structure height in IC zones with sixty-five (65) foot and eighty-five (85) foot height limits may be increased to eighty-five (85) feet and one-hundred and five (105) feet, respectively, provided that:

1. A minimum of two (2) floors in the structure have a floor to floor height of at least fourteen (14) feet; and

2. The additional height is used to accommodate mechanical equipment; and

3. The additional height permitted does not allow more than six (6) floors in IC zones with a sixty-five (65) foot height limit, or more than seven (7) floors in IC zones with an eighty-five (85) foot height limit.

(Ord. 121359 § 5, 2003; Ord. 121278 § 5, 2003; Ord. 120609 § 12, 2001; Ord. 119972 § 7, 2000; Ord. 113658 § 4(part), 1987.)

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23.50.027 Maximum size of nonindustrial use.

A. Applicability.

1. Except as provided in subsections B, C, D and E of this section below, the maximum size of use limits on gross floor area specified in Chart A or, for lots located in the Duwamish Manufacturing/Industrial Center, Chart B of this section shall apply to uses on a lot. The maximum size of use limits apply to both principal and accessory uses on a lot. The limits shall be applied separately to the categories of uses listed in the respective charts of this section. The total gross floor area occupied by uses limited under the respective charts 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 with sixty-five (65) foot or eighty-five (85) foot height limits in the South Lake Union Planning Area, as identified in Exhibit 23.50A.

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	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 and drinking establishments)	25,000 sq. ft.	50,000 sq. ft.
Restaurants	5,000 sq. ft.	5,000 sq. ft.
Drinking establishments*	3,000 sq. ft.	3,000 sq. ft.
Meeting halls	N.M.S.L.	5,000 sq. ft.

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.

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. Subject to the limitations in subsection E of this section, 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. Subject to the limitations in subsection E of this section, 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, provided the structure has not previously been expanded pursuant to subsection E of this section:

(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.

E. Special Exception to Maximum Size Limits for Retail Sales and Service Use.

1. Subject to the procedures set forth in Chapter 23.76, Master Use Permits and Council Land Use Decisions, a retail sales and service use within the Duwamish Manufacturing/Industrial Center that satisfies the criteria in this subsection may obtain a special exception to expand its gross floor area by a maximum of thirty (30) percent above the gross floor area being used for retail sales and service use as of October 1, 2003. The expansion in gross floor area may occur one time only, either by addition to the existing building or by construction of a replacement building, in which case the gross floor area of the portion of the replacement building to be used for retail sales and service use must not exceed the gross floor area of the old building that was used for retail sales and service use as of October 1, 2003, plus thirty (30) percent of that gross floor area.

2. To be eligible for this special exception an applicant must demonstrate to the Director's satisfaction that:

a. The retail sales and service use was established on a lot on or before January 1, 1985, the use has continued as an established retail sales and service use since that date without interruption, and it exceeded the size of use limits in Chart B as of September 1, 1999;

b. At least fifty (50) percent of the gross sales of the retail sales and service use are to businesses or business representatives; and

c. The use has not previously converted any use listed in Chart B to retail sales and service pursuant to subsection B2 of this section or expanded the gross floor area of the retail sales and service use pursuant to subsections B.4.a or B.4.b of this section.

3. The Director shall consider the following and may impose conditions to assure that these criteria are met:

a. That well-defined boundaries, buffers, edge conditions or circulation patterns will separate the use, if the gross floor area of the retail sales and service use is expanded, from surrounding industrial activity;

b. That adverse impacts on nearby industrial uses are minimized; and

c. That the proposed expansion of the gross floor area of the retail sales and service use will increase the capacity of the existing use to support other businesses by providing goods and services that are used by such businesses as well as by individual consumers in the

Duwamish Manufacturing/Industrial Center.

4. To be eligible for expansion onto a contiguous lot that is not separated by a street, alley or other right-of-way, the applicant also must demonstrate that:

a. The established use on the contiguous lot is a use that is permitted in commercial as well as industrial zones, and that use has been established for at least ten (10) years prior to the date of application; and

b. The most recent business establishment on the contiguous lot has ceased operations or moved to another location for reasons unrelated to the proposed expansion of the retail sales and service use that is applying for the special exception.

5. Any retail sales and service use that has expanded its gross floor area pursuant to a special exception granted pursuant to this section may not thereafter convert any use listed in Chart B to retail pursuant to subsection B2 of this section or expanded the gross floor area of the retail sales and service use pursuant to subsections B.4.a or B.4.b of this section.

(Ord. 121281 § 1, 2003; Ord. 121145 § 10, 2003; Ord. 120155 § 2, 2000; Ord. 119972 § 8, 2000: Ord. 119370 § 15, 1999; Ord. 117570 § 17, 1995; Ord. 117430 § 77, 1994.)

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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 23.50.012D;

5. All gross floor area of a monorail station, including all floor area open to the general public during normal hours of station operation (but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve monorail riders); and

6. Within the South Lake Union Hub Urban Village, gross floor area occupied by mechanical equipment, up to a maximum of fifteen (15) percent, is exempt from FAR calculations. The allowance is calculated on the gross floor area of the structure after all exempt space permitted under this subsection is deducted. Mechanical equipment located on the roof of a structure is not calculated as part of the total gross floor area of a structure.

(Ord. 121828 § 7, 2005; Ord. 121359 § 6, 2003; Ord. 121278 § 6, 2003; Ord. 119370 § 16, 1999; Ord. 117430 § 78, 1994; Ord. 113658 § 4(part), 1987.)

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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 23.53.020, Improvement requirements for existing streets in industrial zones, and Section 23.53.030, Alley improvements in all zones. (Ord. 121476 § 12, 2004; 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.

B. No entrance, window or other opening shall be permitted closer than five (5) feet to a residentially zoned lot.

C. A five (5) foot setback shall be required from all street property lines where street trees are required and it is not feasible to plant them in accordance with City standards. The setback shall be landscaped according to Section 23.50.038, Screening and landscaping standards.

D. 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. 121476 § 13, 2004; Ord. 115326 § 24, 1990; Ord. 113658 § 4(part), 1987.)

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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 Department of 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. 121477 § 25, 2004; 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 (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 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 (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 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 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 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 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; 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);

-- Other uses creating similar odor impacts.

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 Clean Air Agency (PSCAA), 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. 121477 § 26, 2004; 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:

   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 Department of Transportation 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. 121477 § 27, 2004; 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.)

23.50.049 Pet daycare centers.

In addition to the development standards of the zone, pet daycare centers are subject to the following:

A. Operating business establishments that have been providing pet daycare services as of July 31, 2006 may continue not withstanding nonconformities to applicable development standards, provided the provisions of this section are met.

B. The pet daycare center must be permitted by Public Health--Seattle & King County, as required by SMC 10.72.020.

C. Facilities for the boarding of animals may occupy no more than thirty (30) percent of the gross floor area of the pet daycare center.

D. Required loading pursuant to 23.54.015 may be provided in a public right of way if the applicant can demonstrate to the Director, in consultation with the Seattle transportation Department, that pedestrian circulation or vehicle traffic will not be significantly impacted.

E. Applicants must submit at the time of permit application, written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures, which are to be followed for the life of the business, must address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking.

F. Violations of this Section.

1. The exemption in SMC 25.08.500A of the Noise Control Ordinance to uses permitted under SMC 10.72, provisions for pet kennels and similar uses, does not apply to pet daycare centers.

2. When a notice of violation is issued for animal noise, the Director may require a report from an acoustical consultant to describe measures to be taken by the applicant to mitigate adverse noise impacts. The Director may require measures, including but not

limited to: development or modification of operating procedures; cessation of the use of outdoor area(s); closure of windows and doors; reduction in hours of operation; use of sound attenuating construction or building materials such as insulation and noise baffles.
(Ord. 122273, § 4, 2006)

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.)

Chapter 23.52

TRANSPORTATION CONCURRENCY PROJECT REVIEW SYSTEM

Sections:

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.)

GRAPHIC UNAVAILABLE: Click here

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	NB	0.88	1.20
		Aurora Ave. N	SB	0.47	
1.12	North City Limit	Meridian Ave. N to	NB	0.76	1.20

		15th Ave. NE	SB	0.31	
1.13	North City Limit	30th Ave. NE to	NB	0.99	1.20
		Lake City Way NE	SB	0.50	
2	Magnolia		EB	0.49	1.00
			WB	0.66	
3.11	Duwamish River	West Seattle Fwy.	EB	0.51	1.20
		and Spokane St.	WB	0.97	
3.12	Duwamish River	1st Ave. S and	NB	0.95	1.20
		16th Ave. S	SB	1.01	
4.11	South City Limit	M.L. King Jr. Way	NB	0.29	1.00
		to Rainier Ave. S	SB	0.53	
4.12	South City Limit	Marine Dr. SW to	NB	0.24	1.00
		Meyers Way S	SB	0.31	
4.13	South City Limit	SR 99 to	NB	0.41	1.00
		Airport Way S	SB	0.54	
5.11	Ship Canal	Ballard Bridge	NB	1.06	1.20
			SB	0.58	
5.12	Ship Canal	Fremont Bridge	NB	0.97	1.20
			SB	0.58	
5.13	Ship Canal	Aurora Ave. N	NB	0.96	1.20
			SB	0.58	
5.16	Ship Canal	University and	NB	0.97	1.20
		Montlake Bridges	SB	0.83	
6.11	South of NW 80th St.	Seaview Ave. NW	NB	0.41	1.00
		to 15th Ave. NW	SB	0.29	
6.12	South of N(W) 80th St.	8th Ave. NW to	NB	0.41	1.00
		Greenwood Ave. N	SB	0.20	
6.13	South of N(E) 80th St.	Linden Ave. N to	NB	0.51	1.00
		1st Ave. NE	SB	0.39	
6.14	South of NE 80th St.	5th Ave. NE to	NB	0.75	1.00
		15th Ave. NE	SB	0.60	
Exhibit 23.52.004 B (Continued) Transportation Level-of-Service (LOS) Standards					

6.15	South of NE 80th St.	20th Ave. NE to	NB	0.49	1.00
		Sand Point Way NE	SB	0.26	
7.11	West of Aurora Ave.	Fremont Pl. N to	EB	0.39	1.00
		N 65th St.	WB	0.56	
7.12	West of Aurora Ave.	N 80th St. to	EB	0.41	1.00
		N 145th St	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	NB	0.37	1.00
		W Marginal Way SW	SB	0.58	
9.12	South of Spokane St.	E Marginal Way S to	NB	0.34	1.00
		Airport Way S	SB	0.71	
9.13	South of Spokane St.	15th Ave. S to	NB	0.34	1.00
		Rainier Ave. S	SB	0.71	
10.11	South of S Jackson St.	Alaskan Way S to	NB	0.62	1.00
		4th Ave. S	SB	0.83	
10.12	South of S Jackson St.	12th Ave. S to	NB	0.37	1.00
		Lakeside Ave. S	SB	0.71	
12.12	East of CBD		EB	0.63	1.20
			WB	0.83	
13.11	East of 1-5	NE Notthgate Way to	EB	0.72	1.00
		NE 145th St	WB	0.53	
13.12	East of 1-5	NE 65th St. to	EB	0.44	1.00
		NE 80th St.	WB	0.47	
13.13	East of 1-5	NE Pacific St. to	EB	0.62	1.00
		NE Ravena Blvd.	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:

23.53.004 Requirements and design criteria.

Where, because of specific site conditions, the requirements of this chapter do not protect public health, safety and welfare, the Director of Transportation and the Director of Planning and Development together may impose different or additional right-of-way improvement requirements consistent with the Right-of-Way Improvements Manual.
(Ord. 122205, § 6, 2006.)

23.53.005 Access to lots.

A. Street or Private Easement Abutment Required.

1. For residential uses, at least ten (10) feet 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 (5) feet 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 and live-work units that 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. 121196 § 19, 2003; 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 Right-of-Way Improvements 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 Right-of-Way Improvements 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 located in an environmentally critical area or buffer, 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. 122205, § 7, 2006; Ord. 122050 § 11, 2006; Ord. 121782 § 26, 2005; Ord. 118409 § 195, 1996: Ord. 118302 § 10, 1996; Ord. 116262 § 14, 1992; Ord. 115326 § 26(part), 1990.)

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 or buffer.

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 Right-of-Way Improvements 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 Right-of-Way Improvements 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 Exhibit 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

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 of 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 Right-of-Way Improvements Manual.

2. If necessary to accommodate the right-of-way and roadway widths specified in the Right-of-Way

Improvements 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 Right-of-Way Improvements 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,[1] 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 Right-of-Way Improvements 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 Right-of-Way Improvements 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, 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 Right-of-Way Improvements 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 Right-of-Way Improvements 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 that 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. 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 that would not prevent the future widening and improvement 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 Right-of-Way Improvements 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 Right-of-Way Improvements 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 that 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: major and minor vehicle repair uses, and multipurpose retail stores;

iii. Nonresidential structures that have less than four thousand (4,000) square feet of gross floor area and that do not contain uses listed in subsection D2b(1)ii that are larger than seven hundred fifty (750) square feet;

iv. Structures containing a mix of residential uses and either nonresidential uses or live-work units, 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 that 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 Right-of-Way Improvements 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 or buffer, 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. 122311, § 66, 2006; Ord. 122205, § 8, 2006; Ord. 122050 § 12, 2006; Ord. 121828 § 8, 2005; Ord. 121782 § 27, 2005; Ord. 121276 § 37, 2003; Ord. 121196 § 20, 2003; Ord. 121145 § 11, 2003; 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.

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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 Right-of-Way Improvements 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 Right-of-Way Improvements 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

Zone Category	Right-of-Way Widths
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 Right-of-Way Improvements 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 Right-of-Way

Improvements 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 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, 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 Right-of-Way Improvements 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 Right-of-Way Improvements Manual.

(2) If necessary to accommodate the right-of-way widths specified in the Right-of-Way Improvements 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 non-arterial 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 Right-of-Way Improvements 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, 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 Right-of-Way Improvements 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 Right-of-Way Improvements 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, 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 Right-of-Way Improvements 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 Right-of-Way Improvements 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: 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 determined that one (1) or more of the following conditions are met:

a. Location in an environmentally critical area or buffer, 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. 122205, § 9, 2006; Ord. 122050 § 13, 2006; Ord. 121477 § 28, 2004; Ord. 121145 § 12, 2003; 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 Right-of-Way Improvements 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 or Live-work Uses.

1. For nonresidential or live-work uses providing fewer than ten (10) parking spaces, the easement shall meet the requirements of subsection C.

2. For nonresidential or live-work 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 or their buffers when it is determined that:

1. Such modification(s) would reduce adverse effects to identified environmentally critical areas or buffers; and

2. Adequate access and provisions for fire protection can be provided for structures served by the

easement.

(Ord. 122205, § 10, 2006; Ord. 122050 § 14, 2006; Ord. 121196 § 21, 2003; Ord. 118414 § 38, 1996; Ord. 117263 § 49, 1994; Ord. 115568 § 8, 1991; Ord. 115326 § 26(part), 1990.)

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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 Right-of-Way Improvements 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

Zone Category	Right-of-Way Width
1. SF, LDT, L1, NC1	12'
2. L2, L3, L4, NC2	16'
3. MR, HR, NC3, C1, C2, SM and all Industrial and Downtown 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.

Chart B
for Section 23.53.030
Right-of-Way Width for Alleys Considered to be Improved

Zone Category	Right-of-Way Width
1. SF, LDT, L1, L2, L3, NC1	10'
2. L4, MR, HR, NC2	12'
3. NC3, C1, C2 and SM	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 23.53.030
Required Minimum Right-of-Way Widths for Existing Alleys

Zone Category	Right-of-Way Width
1. SF and LDT	No minimum width
2. L1, L2, NC1	12'
3. L3, L4, MR, HR, NC2	16'
4. NC3, C1, C2, SM, all downtown 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 That 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 Right-of-Way Improvements 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: major and minor vehicle repair uses, and multipurpose retail sales;

(3) Nonresidential structures or structures with one (1) or more live-work units that: (a) have less than four thousand (4,000) square feet of gross floor area; and (b) do not contain uses listed in subsection E1a(2) that are larger than seven hundred fifty (750) square feet;

(4) Structures containing a mix of residential and either nonresidential uses or live-work units, if the residential use is less than ten (10) units, and the total square footage of nonresidential uses and live-work units is less than specified in subsections E1a(2) and E1a(3);

(5) Remodeling and use changes within existing structures;

(6) Additions to existing structures that 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 Director of the Department of Planning and Development 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 the Department of Planning and Development 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 or buffer, 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. 122311, § 67, 2006; Ord. 122205, § 11, 2006; Ord. 122050 § 15, 2006; Ord. 121828 § 9, 2005; Ord. 121782 § 28, 2005; Ord. 121276 § 37, 2003; Ord. 121196 § 22, 2003; Ord. 121145 § 13, 2003; 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).

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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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   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).

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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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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).

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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).

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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 SDOT 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. 121477 § 29, 2004; Ord. 119618 § 6, 1999.)

Chapter 23.54

QUANTITY AND DESIGN STANDARDS FOR ACCESS AND OFF-STREET PARKING

Sections:

23.54.015 Required parking.

A. Minimum parking requirements. The minimum number of off-street motor vehicle parking spaces required for specific uses is set forth in Chart A for nonresidential uses other than institutional uses, Chart B for residential uses, and Chart C for institutional uses, except as otherwise provided in this Section and Section 23.54.020. The minimum parking requirements are based upon gross floor area of a use within a structure and the square footage of a use when located outside of an enclosed structure, or as otherwise specified. Exceptions to the parking requirements set forth in this section are provided in subsection B and in Section 23.54.020, Parking quantity exceptions, unless otherwise specified.

B. Exceptions to Required Parking.

1. Parking in downtown zones is regulated by Section 23.49.019 and not by this section;

2. No parking for motor vehicles is required for uses in commercial zones in urban centers and in the Station Area Overlay District, except that parking for fleet vehicles is required;

3. Parking for major institution uses is regulated by Section 23.54.016 and not by this Section;

4. Parking for motor vehicles for uses located in the Northgate Overlay District is regulated by Section 23.71.016 and not by this Section; and

5. No parking is required for business establishments permitted in multifamily zones.

C. Maximum parking limits.

1. In the Stadium Transition Area Overlay District certain uses are subject to a maximum parking ratio pursuant to subsection 23.74.010A1b. When there are multiple uses on a lot, the total parking requirement for all uses subject to a maximum ratio cannot exceed the aggregate maximum for those uses under Section 23.74.010.

2. In all commercial zones, except C2 zones outside of urban villages, no more than one hundred forty-five (145) spaces per lot may be provided as surface parking.

3. In all multifamily zones, no more than ten (10) parking spaces may be provided per business establishment.

D. Parking waivers for nonresidential uses.

1. In pedestrian-designated zones, parking is waived for uses listed on Chart D. The parking waivers permitted in Chart D apply to each business establishment on a lot.

a. Additional parking waivers beyond those in Chart D may be permitted as a special exception for the following uses:

(1) Eating and drinking establishments, up to a maximum waiver of five thousand (5,000) square feet; and

(2) Motion picture theaters, up to a maximum waiver of three hundred (300) seats.

b. The following factors will be considered by the Director in determining whether to permit additional parking waivers:

(1) Anticipated parking demand for the proposed use;

(2) The extent to which an additional parking waiver is likely to create or add significantly to spillover parking in adjacent residential areas;

(3) The availability of shared parking within eight hundred (800) feet of the business; and

(4) Whether land is available for parking without demolishing an existing commercial structure, displacing a commercial use, or rezoning property to commercial.

2. In all other commercial zones and in pedestrian designated zones for uses not listed in Chart D, no parking is required for the first one thousand five hundred (1,500) square feet of each business establishment.

3. In all other zones, no parking is required for the first two thousand five hundred (2,500) square feet of gross floor area of nonresidential uses in a structure, except for the following:

a. structures or portions of structures occupied by restaurants with drive-in lanes,

b. motion picture theaters,

c. offices, or

d. institutional uses, including Major Institution uses.

When two or more uses with different parking ratios occupy a structure, the twenty-five thousand (2,500) square foot waiver is prorated based on the area occupied by the nonresidential uses for which the parking waiver is permitted.

E. Fleet vehicles. Notwithstanding any other provisions of this section, off-street parking shall be provided for all fleet vehicles and those parking spaces will not be counted toward the parking requirements of Chart A, Chart B, or Chart C.

F. Use and reuse of schools. For non-school uses permitted to locate in a former or existing public school, parking requirements will be determined by school use pursuant to criteria adopted according to Chapter 23.78, Establishment of Criteria for Joint Use or Reuse of Schools.

G. New nonresidential uses in existing structures. Up to twenty (20) required parking spaces are waived for a new nonresidential use established in an existing structure or the expansion of an existing nonresidential use entirely within an existing structure. For purposes of this section, "existing structure" means a structure that was established under permit, or for which a building permit has been granted and has not expired, at least two (2) years prior to the application to establish the new use or expand the use.

H. Uses not shown on parking charts. In the case of a use not shown on Chart A, Chart B, or Chart C, the requirements for off-street parking will be determined by the Director based on the requirements for the most comparable use. Where, in the judgment of the Director, none of the uses on Chart A, Chart B, and Chart C are comparable to a proposed use, 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 applicant. 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.

I. Uses in multiple parking chart categories. If an entire use or structure, or the same portion of a use or structure, falls under more than one category in Chart A, Chart B or Chart C then, unless otherwise specified, the category requiring the smallest number of parking spaces applies except as expressly set forth on such charts.

J. Existing parking deficits. Existing legal parking deficits of legally established uses are allowed to continue even if a change of use occurs. This subsection will 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.

K. Bicycle parking. The minimum number of off-street parking spaces for bicycles required for specified uses is set forth in Chart E. In the case of a use not shown on Chart E, there is no minimum bicycle parking requirement. The minimum requirements are based upon gross floor area of the use in a structure, or the square footage of the use when located outside of an enclosed structure, or as otherwise specified.

1. After the first fifty (50) spaces for bicycles are provided, additional spaces are required at one half (1/2) the ratio shown in Chart E, except for rail transit facilities; passenger terminals; and park and ride lots. Spaces within dwelling units or on balconies do not count toward the bicycle parking requirement.

2. Required bicycle parking shall be provided in a safe, accessible and convenient location. Bicycle parking hardware shall be installed so that it can perform to its manufacturer's specifications and any design criteria promulgated by the Director of Transportation, allowing adequate clearance for bicycles and their riders. Directional signage shall be installed when bike parking facilities are not clearly visible from the street or sidewalk. When any covered automobile parking is provided, all required long-term bicycle parking shall be covered. When located off-street, bicycle and automobile parking areas must be separated by a barrier or painted lines.

3. Long-term parking for bicycles shall be for bicycles parked four (4) hours or more. Short-term parking for bicycles shall be for bicycles parked less than four (4) hours.

4. Bicycle parking required for residential uses must be located on-site.

5. Bicycle parking facilities shared by more than one use are encouraged.

6. Bicycle parking facilities required for nonresidential uses shall be located on the lot or in a shared bicycle parking facility within one hundred (100) feet of the lot, except as provided in subsection 7 below.

7. Bicycle parking may be located in a facility within one hundred (100) feet of the lot that is not a shared bicycle parking facility, or the applicant may make a payment to the City to fund public bicycle parking in lieu of providing required on-site bicycle parking, if the Director determines that:

a. Safe, accessible and convenient bicycle parking accessory to a nonresidential use cannot be provided on-site or in a shared bicycle parking facility within one-hundred (100) feet of the lot, without extraordinary physical or financial difficulty;

b. The payment is comparable to the cost of providing the equivalent bicycle parking on-site, and takes into consideration the cost of materials, equipment and labor for installation;

c. The bicycle parking funded by the payment is located within sufficient proximity to serve the bicycle parking demand generated by the project; and

d. Construction of the bicycle parking funded by the payment is assured before issuance of a certificate of occupancy for the development.

Chart A for Section 23.54.015			
PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS			
Use			Minimum parking required
A.	AGRICULTURAL USES		1 space for each 2,000 square feet
B.	COMMERCIAL USES		
	B.1.	Animal shelters and kennels	1 space for each 2,000 square feet

	B.2.	Eating and drinking establishments		1 space for each 250 square feet
	B.3.	Entertainment Uses, general, except as noted below (1)		1 space for each 8 fixed seats, or 1 space for each 100 square feet of public assembly area not containing fixed seats
		B.3.a	Adult cabarets	1 space for each 250 square feet
	B.4.	Food processing and craft work		1 space for each 2,000 square feet
	B.5.	Laboratories, research and development		1 space for each 1,500 square feet
	B.6.	Lodging uses		1 space for each 4 rooms; For bed and breakfast facilities in single family and multifamily zones, 1 space for each dwelling unit, plus 1 space for each 2 guest rooms
	B.7.	Medical services		1 space for each 500 square feet
	B.8.	Offices		1 space for each 1,000 square feet
	B.9.	Sales and services, automotive		1 space for each 2,000 square feet
	B.10.	Sales and services, general, except as noted below		1 space for each 500 square feet
		B.10.a.	Pet Daycare Centers (2)	1 space for each 10 animals or 1 space for each staff member, which ever is greater; plus 1 loading and unloading space for each 20 animals.
	B.11.	Sales and services, heavy		1 space for each 2,000 square feet
	B.12.	Sales and services, marine		1 space for each 2,000 square feet
C.	HIGH IMPACT USES			1 space for each 2,000 square feet
D.	LIVE-WORK UNITS			1 space for each unit, plus if the unit exceeds 2,500 square feet, the parking requirement for the use most similar to the nonresidential space
E.	MANUFACTURING USES			1 space for each 2,000 square feet
F.	STORAGE USES			1 space for each 2,000 square feet
G.	TRANSPORTATION FACILITIES			
	G.1.	Cargo terminals		1 space for each 2,000 square feet
	G.2.	Parking and moorage		
		G.2.a.	Principal use parking	None
		G.2.b.	Towing services	None
		G.2.c.	Boat moorage	1 space for each 2 berths
		G.2.d.	Dry storage of boats	1 space for each 2,000 square feet

	G.3.	Passenger terminals	1 space for each 100 square feet of waiting area
	G.4.	Rail transit facilities	None
	G.5.	Transportation facilities, air	1 space for each 100 square feet of waiting area
	G.6.	Vehicle storage and maintenance uses	1 space for each 2,000 square feet
H.	UTILITIES		1 space for each 2,000 square feet

(1) 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.

(2) The amount of required parking is calculated based on the maximum number of staff or animals the center is designed to accommodate.

Chart B for Section 23.54.015 PARKING FOR RESIDENTIAL USES		
Use		Minimum parking required
A. General Residential Uses		
A.	Adult family homes	1 space for each dwelling unit
B.	Artist's studio/dwellings	1 space for each dwelling unit

C.	Assisted living facilities	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
D.	Caretaker's Quarters	1 space for each dwelling unit
E.	Congregate residences	1 space for each 4 residents
F.	Floating homes	1 space for each dwelling unit
G.	Mobile home parks	1 space for each mobile home lot as defined in Chapter 22.904
H.	Multifamily structures, except as provided in Sections B or C of this chart(1)(2)	Lots containing: 2--10 dwelling units: 1.1 spaces for each dwelling unit 11--30 dwelling units: 1.15 spaces for each dwelling unit 31--60 dwelling units: 1.2 spaces for each dwelling unit More than 60 dwelling units: 1.25 spaces for each dwelling unit In addition, for all multifamily structures 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 When at least 50 percent of the dwelling units in a multifamily structure have 3 bedrooms, an additional .25 spaces per bedroom for each unit with 3 bedrooms; and When a multifamily structure contains a dwelling unit with 4 or more bedrooms, an additional .25 spaces per bedroom for each unit with 4 or more bedrooms
I.	Nursing homes(3)	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds
J.	Single-family dwelling units	1 space for each dwelling unit
B. Residential or Multifamily Requirements with Location Criteria		

K.	Residential uses in commercial zones within urban centers and Station Area Overlay District	No minimum requirement
L.	Residential uses in commercial zones (1)	1 space for each dwelling unit
M.	Multifamily structures within the University of Washington parking impact area shown on Map A(1)	For units with less than two bedrooms, as required in row H. 1.5 spaces per unit with 2 or more bedrooms; plus .25 spaces per bedroom for units with 3 or more bedrooms
N.	Multifamily structures within multifamily zones in the University District Northwest Urban Center Village(1)	1 space for each dwelling unit with 2 or fewer bedrooms; 1.5 spaces for each dwelling unit with 3 or more bedrooms, plus .25 spaces for each bedroom in dwelling units with more than 3 bedrooms
O.	Multifamily structures, within the Alki area shown on Map B following this section (1)	1.5 spaces for each dwelling unit
P.	Multifamily structures, on lots that contain a total of 10 or fewer dwelling units, all in ground-related structures, except within the University District Northwest Urban Center Village (1)	1 space for each dwelling unit
Q.	Multifamily structures, within multifamily zones in the Capitol Hill Urban Center Village(1)	1 space for each dwelling unit
R.	Multifamily structures, within multifamily zones in the First Hill or Pike/Pine Urban Center Villages(1)	0.5 spaces for each dwelling unit
C. Multifamily Requirements with Income Criteria or Location Criteria and Income Criteria		
S.	Multifamily structures located in multifamily zones in the Capitol Hill, First Hill, Pike/Pine, South Lake Union, 12th Avenue and Uptown Urban Center Villages: 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 income(4), for the life of the building(1)	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

T.	Multifamily structures located in multifamily zones in the Capitol Hill, South Lake Union, 12th Avenue and Uptown Urban Center Villages: 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 income(4), for the life of the building(1)	0.5 space for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms
U.	Multifamily structures located outside of commercial zones in urban centers: 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 income(4), for the life of the building(1)	0.33 space for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms
V.	Multifamily structures located outside of commercial zones in urban centers: for each dwelling unit with 2 or fewer bedrooms 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 income (4), for the life of the building (1)	0.75 spaces for each dwelling unit
W.	Low-income elderly multifamily structures(1)(4)	1 space for each 6 dwelling units
X.	Low-income disabled multifamily structures(1)(4)	1 space for each 4 dwelling units
Y.	Low-income elderly/low-income disabled multifamily structures(1)(4)	1 space for each 5 dwelling units

(1) The general requirements of line H of Chart B for multifamily structures are superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement under any other multifamily provision. To the extent that a multifamily structure fits within more than one line in Chart B, the least of the applicable parking requirements applies, except that if an applicable parking requirement in section B of Chart B requires more parking than line H, the parking requirement in line H does not apply. The different parking requirements listed for certain categories of multifamily structures shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title.

(2) Parking spaces required for multifamily structures may be provided as "tandem parking" spaces according to subsection B of Section 23.54.020.

(3) For development within single-family zones the Director may waive some or all of the parking requirements according to Section 23.44.015.

(4) 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.

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Chart C for Section 23.54.015 PARKING FOR PUBLIC USES AND INSTITUTIONS		
Use		Minimum parking required
A.	Adult care centers (1), (2)	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)
B.	Child care centers (1), (2), (3)	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
C.	Colleges	A number of spaces equal to 15 percent of the maximum number of students that the facility is designed to accommodate; plus 30 percent of the number of employees the facility is designed to accommodate; plus 1 space for each 100 square feet of spectator assembly area in outdoor spectator sports facilities

D.	Community centers owned and operated by the Seattle Department of Parks and Recreation (DOPAR) (1), (4)	1 space for each 555 square feet; or For family support centers, 1 space for each 100 square feet
E.	Community clubs, and community centers not owned and operated by DOPAR (1), (5)	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; plus 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
F.	Hospitals	1 space for each 2 staff doctors; plus 1 additional space for each 5 employees other than staff doctors; plus 1 space for each 6 beds
G.	Institutes for advanced study, except as provided in line H below	1 space for each 1,000 square feet of 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
H.	Institutes for advanced study in single family zones (existing) (1)	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 conference room space, whichever is greater
I.	Libraries (1) (6)	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
J.	Museums	1 space for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; plus 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

K.	Private clubs	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
L.	Religious facilities (1)	1 space for each 80 square feet of all auditoria and public assembly rooms
M.	Schools, private elementary and secondary (1)	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
N.	Schools, public elementary and secondary (7) (8)	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
O.	Vocational or fine arts schools	1 space for each 2 faculty that the facility is designed to accommodate; plus 1 space for each 2 full-time employees other than faculty that the facility is designed to accommodate; plus 1 space for each 5 students, based on the maximum number of students that the school is designed to accommodate

(1) When this use is permitted in a single-family zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when the use is permitted in a multifamily zone 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 centers locating in existing structures to provide loading and unloading spaces on-street when no other alternative exists.

(2) The amount of required parking is calculated based on the maximum number of staff, children, or clients that the center is designed to accommodate on site at any one time.

(3) 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.

(4) 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.

(5) 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.

(6) When a library is permitted in a single-family zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when a library is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122; and when a library is permitted in a commercial zone, the Director may modify the parking requirements according to Section 23.44.022 L.

(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 standard departures 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.

Chart D for Section 23.54.015 PARKING WAIVERS FOR PEDESTRIAN-DESIGNATED ZONES		
Use		Parking waivers (1)
A.	General sales and service uses; Medical service uses; Lodging uses; and Entertainment uses, except motion picture theaters	NC1 zones -- Parking waived for first 4,000 square feet of each business establishment NC2 and NC3 zones -- Parking waived for first 5,000 square feet of each business establishment
B.	Motion picture theaters	Parking waived for first 150 seats
C.	Eating and drinking establishments	NC1, NC2 and NC3 -- Parking waived for first 2,500 square feet of each business establishment

(1) Additional parking waiver up to the limits in subsection 23.54.015 D1a may be permitted as a special exception according to criteria of subsection 23.54.015 D1b.

Chart E for Section 23.54.015 PARKING FOR BICYCLES (1)			
		Bike Parking Requirements	
Use		Long-term	Short-term
A. COMMERCIAL USES			
1.	Eating and drinking establishments	1 per 12,000 sq ft	1 per 4,000 sq ft; 1 per 2,000 sq ft in UC/SAO (2)
2.	Entertainment Uses	1 per 12,000 sq ft	1 per 40 seats and 1 per 1000 sq ft of non-seat area; 1 per 20 seats and 1 per 1,000 sq ft of non-seat area in UC/SAO(2)
3.	Lodging Uses	1 per 20 rentable rooms	2
4.	Medical services	1 per 12,000 sq ft	1 per 4,000 sq ft; 1 per 2,000 sq ft in UC/SAO (2)
5.	Offices and Laboratories, research and Development	1 per 4,000 sq ft; 1 per 2,000 sq ft in UC/SAO (2)	1 per 40,000 sq ft.
6.	Sales and services, general	1 per 12,000 sq ft	1 per 4,000 sq ft; 1 per 2,000 sq ft in UC/SAO (2)
7.	Sales and services, heavy	1 per 4,000 sq ft	1 per 40,000 sq ft.
B. INSTITUTIONS			
B.1.	Institutions not listed below	1 per 4,000 sq ft; 1 per 2,000 sq ft in UC/SAO (2)	1 per 40,000 sq ft.
B.2.	Child care centers	1 per 4,000 sq ft	1 per 40,000 sq ft.
B.3.	Colleges	A number of spaces equal to ten (10) percent of the maximum students present at peak hour plus five (5) percent of employees.	None
B.4.	Community clubs or centers	1 per 4,000 sq ft.	1 per 4,000 sq ft
B.5.	Hospitals	1 per 4,000 sq ft; 1 per 2,000 sq ft in UC/SAO (2)	1 per 40,000 sq ft.
B.6.	Libraries	1 per 4,000 sq ft	1 per 4,000 sq ft; 1 per 2,000 sq ft in UC/SAO (2)
B.7.	Museums	1 per 4,000 sq ft	1 per 4,000 sq ft
B.8.	Religious facilities	1 per 12,000 sq ft	1 per 40 seats or 1 per 1000 sq ft of non-seat area
B.9.	Schools, elementary	1 per classroom	None
B.10.	Schools, secondary (middle and high)	2 per classroom	None
B.11.	Vocational or fine arts schools	A number of spaces equal to ten (10) percent of the maximum students present at peak hour plus five (5) percent of employees.	None
C. MANUFACTURING USES		1 per 4,000 sq ft	None
D. RESIDENTIAL USES			
D.1.	Congregate residences	1 per 20 residents	None
D.2.	Multi-family structures	1 per 4 units	None
E. TRANSPORTATION FACILITIES			
E.1.	Park and ride lots	At least 20 (3)	None
E.2.	Principal use parking except Park and ride lots	1 per 20 auto spaces	None

E.3.	Rail transit facilities and Passenger terminals	At least 20 (3)	None

(1) If a use is not shown on this Chart E, there is no minimum bicycle parking requirement.

(2) For the purposes of this chart, UC/SAO means urban centers or the Station Area Overlay District.

(3) The Director in consultation with the Director of Transportation may require more bicycle parking spaces based on the following factors: Area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and, other relevant transportation and land use information.

(Ord. 122411, § 8, 2007; Ord. 122311, § 68, 2006; Ord. 122273, § 5, 2006; Ord. 122208, § 3, 2006; Ord. 122054 § 73, 2006; Ord. 121792 § 1, 2005; Ord. No. 121828 §§ 10, 11, 2005; Ord. 121782 §§ 30, 31, 2005; Ord. 121477 § 30, 2004; Ord. 121476 § 14, 2004; Ord. 121359 § 7, 2003; Ord. 121196 §§ 23, 24, 2003; Ord. 121145 § 14, 2003; 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 are 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 students 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 subsections 23.54.015 K2--6 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,[1] 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 Department of 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 Department of 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. 122311, § 69, 2006; Ord. 121477 § 31, 2004; 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 apply in all zones except downtown zones, which are regulated by Section 23.49.019, 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" means those structures that were established under permit, or for which a permit has been granted and has not expired as of the applicable date, 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 that 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 is 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, no parking space is required for the first new or added dwelling unit, provided:

   a. The lot area is not increased and existing parking is screened and landscaped to the

greatest extent practical.

b. Additional parking provided shall meet all development standards for the particular zone.

c. This exception shall not apply in Lowrise Duplex/Triplex zones.

B. Tandem Parking in Multifamily Structures.

1. Off-street parking required for multifamily structures may be provided as tandem parking, as defined in Section 23.54.030. A tandem parking space counts as one and one-half (1 1/2) parking spaces, except as provided in subsection B2 below, and must meet the minimum size requirements of subsection A of Section 23.54.030.

2. When a minimum of at least one (1) parking space per dwelling unit in a multifamily structure is required, the total number of parking spaces provided, counting each tandem parking space as one space, may not be less than the total number of dwelling units.

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 that 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 will 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 probable 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. Such a reduction or waiver may be allowed, for conversion of structures to residential use, only if the Director also determine that there is no feasible way to meet parking requirements on the lot.

D. Expansion of Existing Nonresidential Uses in Commercial Zones. In commercial zones additional parking spaces for nonresidential uses are not 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 exception may be used only once for any individual structure.

E. Reductions to required parking in pedestrian-designated zones are permitted according to the provisions of Section 23.54.015 Chart D.

F. Reductions to Minimum Parking Requirements for Nonresidential Uses.

1. Reductions to minimum parking requirements permitted by this subsection will be calculated from the minimum parking requirements in Section 23.54.015. Total reductions to required parking as provided in this subsection may not exceed forty (40) percent.

2. Transit Reduction.

a. In NC zones and C zones, except pedestrian-designated zones, and in the Seattle Mixed (SM) zone, except on Class 1 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 will 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 will 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 offices or manufacturing uses that 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 will be reduced by one and nine-tenths (1 9/10) spaces, up to a maximum of forty (40) percent of the parking requirement. The Director will 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 will 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 specified 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 is 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 is 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 must be located within eight hundred (800) feet of the parking.

d. No reduction to the parking requirement may be made if the proposed uses have already received a reduction through the provisions for cooperative parking, subsection H.

e. Reductions to parking permitted through shared use of parking will be determined as a percentage of the minimum parking requirement as modified by the reductions permitted in subsections A though F.

f. An agreement providing for the shared use of parking, executed by the parties involved, must be filed with the Director. Shared parking privileges will 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 must 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 of the subsections G2b, G2c or G2d.

b. If an office use shares parking with one of the following uses:

(1) general sales and services.

(2) heavy sales and services uses.

(3) eating and drinking establishments.

(4) lodging uses.

(5) entertainment.

(6) medical services.

(7) animal shelters and kennels.

(8) automotive sales and services, or

(9) maritime sales and services;

the parking requirement for the non-office use may be reduced by twenty (20) percent, provided that the reduction will not exceed the minimum parking requirement for the office use.

c. If a residential use shares parking with one of the following uses:

(1) general sales and services,

(2) heavy sales and services uses,

(3) medical services,

(4) animal shelters and kennels,

(5) automotive sales and services, or

(6) maritime sales and services;

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 nonresidential 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 does 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 will be considered daytime uses:

(1) Commercial uses, except eating and drinking establishments, lodging uses, and entertainment uses;

(2) Storage uses;

(3) Manufacturing uses; and

(4) Other similar primarily daytime uses, when authorized by the Director.

b. For the purposes of this section, the following uses will 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 must 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 is permitted, provided that the park-and-pool lot will 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 is permitted between two (2) or more business establishments that 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 may be made if the proposed business establishments have already received a reduction through the provisions for shared parking, subsection G of this section.

b. Each business establishment for which the application is being made for cooperative parking is located within eight hundred (800) feet of the parking, and the parking is located in a commercial or residential-commercial zone or the Seattle Mixed (SM) zone.

c. The reductions to parking permitted through cooperative parking will 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 must be filed with the Director when the facility or area is established as cooperative parking. Cooperative parking privileges will 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 must be provided as otherwise required by this chapter. New business establishments seeking to meet parking requirements by becoming part of an existing cooperative arrangement must 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 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.

1. For any development, one (1) space or up to five (5) percent of the total number of required spaces, whichever is greater, may be used to provide parking for vehicles operated by a car-sharing program. The number of required parking spaces will be reduced by one (1) space for every parking space leased by a car-sharing program.

2. For any development requiring twenty (20) or more parking spaces under Section 23.54.015 that provides a space for vehicles operated by a car-sharing program, the number of required parking spaces may be reduced by the lesser of three (3) required parking spaces for each car-sharing space or fifteen (15) percent of the total number of required spaces. In order to gain this exception, an agreement between the property owner and a car-sharing program must be

approved by the Director and the agreement, along with a notice that the agreement is the basis for this exception to the parking requirement, must be recorded with the title to the property before a Master Use Permit is issued.

(Ord. 122311, § 70, 2006; Ord. 122054 § 74, 2006; Ord. 121782 § 32, 2005; 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 must 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 (8 1/2) 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 (7 1/2) 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.

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, nonresidential or live-work use. In structures containing both residential and either nonresidential uses or live-work units, parking that 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 and Live-work Units.

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 that is at least six (6) feet nine (9) inches in height for all parking garages accessory to nonresidential uses and live-work units and for all principal use parking garages.

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 in the case of multiple spaces provided for a single-family dwelling or an accessory dwelling unit associated with a single-family dwelling, or in the case of tandem parking authorized under Section 23.54.020 B.

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 after consulting with Seattle Department of Transportation based on a safety analysis.

2. Nonresidential Uses.

a. Driveway Widths.

(1) The minimum width of driveways for one (1) way traffic shall be twelve (12) feet and the maximum width shall be fifteen (15) feet.

(2) The minimum width of driveways for two (2) 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.

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.

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. Curb cuts. Curb cut requirements shall be determined by whether the parking served by the curb cut is for residential or nonresidential use, and by the zone in which the use is located. When a curb cut is used for more than one (1) use or for one (1) or more live-work units, the requirements for the use with the largest curb cut requirements shall apply.

1. Residential uses in single-family and multi-family zones and residential structures in all other zones.

a. For lots not located on a principal arterial as designated on Exhibit 23.53.015 A, curb cuts are permitted according to the following chart:

Street or Easement Frontage of the Lot	Number of Curb Cuts 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 is continued.

b. Curb cuts must not exceed a maximum width of ten (10) feet except that:

(1) One (1) cur bcut greater than ten (10) feet but in no case greater than twenty (20) feet in width may be substituted for each two (2) curb cuts 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 curb cut may be as wide as the required width of the driveway.

c. For lots on principal arterials designated on Exhibit 23.53.015 A, curb cuts of a maximum width of twenty-three (23) feet are permitted according to the following chart.

Street Frontage of the Lot	Number of Curb Cuts 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 is continued.

d. There must be at least thirty (30) feet between any two (2) curb cuts located on a lot.

e. A curb cut 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 will be considered one (1) in determining the maximum number of permitted curb cuts.

2. Nonresidential uses in single-family and multifamily zones, and in all other zones except industrial zones, all uses except residential structures.

a. Number of curb cuts.

(1) In RC, NC1, NC2 and NC3 zones and within Major Institution Overlay Districts, the number of two-way curb cuts are permitted according to the following chart:

Street Frontage of the Lot	Number of Curb Cuts 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 is continued. The Director may allow two (2) one-way curb cuts to be substituted for one (1) two-way curb cut, after determining that there would not be a significant conflict with pedestrian traffic.

(2) In C1 and C2 zones and the SM zone, the Director will review and make a recommendation on the number and location of curb cuts.

(3) In downtown zones, a maximum of two (2) curb cuts for one (1) way traffic at least forty (40) feet apart, or one (1) curb cut for two (2) way traffic, shall be permitted on each street front where access is permitted by Section 23.49.019 H. No curb cut shall be located within forty (40) feet of an intersection. These standards may be modified by the Director as a Type I decision on lots with steep slopes or other special conditions, to the minimum extent necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic.

(4) For public schools, the Director shall permit the minimum number of curb cuts that he or she determines to be necessary.

b. Curb cut widths.

(1) For one (1) way traffic, the minimum width of curb cuts is twelve (12) feet, and the maximum width is fifteen (15) feet.

(2) For two (2) way traffic, the minimum width of curb cuts is twenty-two (22) feet, and the maximum width is 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 curb cuts is twenty-five (25) feet. Development standard departures 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 curb cut of up to thirty (30) feet in width, if it is found that a wider curb cut is necessary for safe access:

i. The abutting street has a single lane on the side that 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 G of Section 23.54.015.

c. The entrances to all garages accessory to nonresidential uses or live-work units 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 curb cuts. The number and location of curb cuts will be determined by the Director.

b. Curb cut width. Curb cut width in industrial zones shall be provided as follows:

(1) When the curb cut provides access to a parking area or structure it must be a minimum of fifteen (15) feet wide and a maximum of thirty (30) feet wide.

(2) When the curb cut 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 curb cuts.

4. Curb cuts for access easements.

a. When a lot is crossed by an access easement serving other lots, the curb cut serving the easement may be as wide as the easement roadway.

b. The curb cut serving an access easement shall not be counted against the number or amount of curb cut permitted to a lot if the lot is not itself served by the easement.

5. Curb cut flare. A flare with a maximum width of two and one-half (2 1/2) feet is permitted on either side of curb cuts in any zone.

6. Replacement of unused curb cuts. When a curb cut is no longer needed to provide access to a lot, the curb and any planting strip must 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.

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 and live-work units 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. 122311, § 71, 2006; Ord. 122054 § 75, 2006; Ord. 121782 § 33, 2005; Ord. 121477 § 32, 2004; Ord.

121476 § 15, 2004; Ord. 121196 § 25, 2003; 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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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.

1. 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 Department of Transportation which finds that the street or alley berth is adequate.

2. Within the South Lake Union Hub Urban Village and when multiple buildings share a central

loading facility, loading berth requirements may be waived or modified if the Director finds, in consultation with the Seattle Department of Transportation, the following:

a. All loading is proposed to occur on-site; or

b. Loading that is proposed to occur in a public right-of-way can take place without disrupting pedestrian circulation or vehicular traffic; and

c. Once located at a central loading facility, goods can be distributed to other buildings on-site without disrupting pedestrian circulation or vehicular traffic.

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. 121477 § 33, 2004; Ord. 121359 § 8, 2003; Ord. 119238 § 10, 1998; Ord. 118409 § 202, 1996: Ord. 117432 § 40, 1994; Ord. 113658 § 10, 1987.)

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Chapter 23.55

SIGNS

Sections:

Part 1 General Standards for All Zones

Part 2 Standards for Specific Zones

Part 1 General Standards for All Zones

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 regulated 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-animated 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 curbline, 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).

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.)

GRAPHIC UNAVAILABLE: Click here

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 DPD 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;

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 23.55.005Al. 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. 121477 § 34, 2004; Ord. 120466 § 2, 2001.)

GRAPHIC UNAVAILABLE: Click here

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 curbline 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 curbline 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 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 curbline 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 curbline 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 Department of 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. 121477 § 35, 2004; 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,[1] 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)

	Least intense
Commercial 1 and 2 (C1 and C2)	l
Downtown Zones (Except	1
DMR/R and DMR/C	l
	V

Industrial Zones (I)	Most intense

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 dimension 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 (1/2) 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 (1/2) 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 (1 1/4) 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. DPD 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.[1] 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.

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. 121477 § 36, 2004; Ord. 120388 § 4, 2001; Ord. 116780 § 1, 1993; Ord. 112830 § 10(part), 1986.)
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 Department of Transportation and are subject to the requirements, conditions and procedures set out in SMC Title 15. Seattle Department of 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 Department of 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.

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 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 Department of 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 (1/2) 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 (8 1/2) 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 (8 1/2) 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[1] 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. 121477 § 37, 2004; 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 tables, and the name of buildings and dates of building erection when cut into a masonry surface or constructed of bronze or other noncombustible materials;

3. Signs for public facilities indicating danger and/or providing service or safety information;

4. Properly displayed national, state and institutional flags;

5. For any permitted nonresidential use in the zone except for public elementary or public secondary schools, one (1) electric or nonilluminated double-faced identifying wall or ground sign not to exceed fifteen (15) square feet of area per sign face on each street frontage;

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;

7. For public elementary or public secondary schools, one (1) electric or nonilluminated double-faced identifying sign, not to exceed thirty (30) square feet of area per sign face on each

street frontage, provided that the signs shall be located and landscaped so that light and glare impacts on surrounding properties are reduced, and so that any illumination is controlled by a timer set to turn off by 10 p.m.

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. 121429 § 2, 2004; 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 multifamily 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 noncombustible 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. For institutions other than public elementary and public secondary schools, one (1) electric or nonilluminated double-faced identifying wall or ground sign on each street frontage, not to exceed twenty-four (24) square feet of area per sign face;

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.

9. For public elementary or public secondary schools, one (1) electric or nonilluminated double-faced identifying sign, not to exceed thirty (30) square feet of area per sign face on each street frontage, provided that the signs shall be located and landscaped so that light and glare impacts on surrounding properties are reduced, and that any illumination is controlled by a timer set to turn off by 10 p.m.

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. 121429 § 3, 2004; 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 noncombustible 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 and Live-work Units. 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. 121196 § 26, 2003; Ord. 120388 § 9, 2001; Ord. 113387 § 5, 1987; Ord. 112830 § 10(part), 1986.)

23.55.030 Signs in NC3, C1, C2 and SM 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, nonilluminated 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 noncombustible 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 SM 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.

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 Mixed (SM) 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. 121782 § 34, 2005; 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 noncombustible 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 sub section 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:

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.)

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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.

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, back-up, 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, 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 additional 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 screening 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 icefall. 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 23.84A.006, is proposed.
(Ord. 122311, § 72, 2006; 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 (1/2) 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 permittd 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 (1/2) 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.[1]

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 subsections C1a and C1b, 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 23.47A.012D4, does not exceed twenty percent (20%) of the total rooftop area, or twenty-five percent (25%) of the rooftop area when mechanical equipment is screened.

d. The following rooftop areas shall not be counted towards residential amenity area requirements:

(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 obsturction 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. 122311, § 73, 2006; 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;

(ii) These utilities and devices located on a rooftop may extend up to fifteen (15) feet above the applicable 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 D2, does not exceed thirty-five (35) percent of the total rooftop area.

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 applicable height limit for the structure. For new buildings this increase in height may be granted through the design review process provided for in Section 23.41.014. For minor 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. 122054 § 79, 2006; 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 fiat 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 facade shall be allowed only if roof, ground-mounted, or secondary facade 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 last 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.)

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Division 3

Overlay Districts

Chapter 23.59

GENERAL PROVISIONS

Sections:

23.59.010 Overlay district generally.

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.

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.)

Chapter 23.60

SHORELINE DISTRICT

Sections:

Subchapter I Purpose and Policies

Subchapter II Administration

Part 1 Compliance

Part 2 Criteria for Application Review

Part 3 Procedures

Subchapter III General Provisions

Part 1 Use Standards

Part 2 Nonconforming Uses and Structures

Part 3 Development Standards

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.

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, 2003; 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;[1] 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 structures 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 conducts 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 DPD as provided in RCW 90.58.180.

(Ord. 121477 § 38, 2004; 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 Land Use Information Bulletin.
(Ord. 121477 § 39, 2004; 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.[1]
(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 Planning and Development 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. 121276 § 37, 2003; 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.[1]
(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,[1] 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, 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 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 components 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. Detrimentally 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 Department of 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. (Note 1)

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[1] 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. 121477 § 40, 2004; 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 modulation 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 nonwater-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 nonwater 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 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 23.60.302 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-trailered 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-trailered 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 water-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 (1/2)

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;

2. 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 CouncilApproval.

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 are permitted outright in the CW Environment:

Pedestrian bridges that provide public access along or across the waterway when they connect parts of a public park.

(Ord. 122072 § 1, 2006; 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:

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.)

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 requirements 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:

    a. Stair and elevator penthouses;

    b. Mechanical equipment;

    c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five (5) feet from the roof edge; and

    d. 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[1];

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 (1/2) 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, mini- warehouse, 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 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 § 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,

2. 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 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 dryland 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 hardsurfaced; 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.)

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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 including moorage floats. One-half (1/2) 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 (1/2) 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,

(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 submergedportion 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 (1/2) 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 (1/2) 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 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. 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. Helistops,

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 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 23.60.840 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 Sections 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 Department of Transportation or the Director of the Department of Planning and Development in consultation with the Director of Seattle Department of Transportation.
(Ord. 121477 § 41, 2004; 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 Planning and Development 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. 121276 § 26, 2003; 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 z"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, flower-bed 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 operations, 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 that 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 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.

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 including Pedestrian-Designated Zones, 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. No. 122043 § 1, 2006; 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, except as provided in 23.61.014, Nonconforming uses;

B. Dry boat storage;

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. Heavy commercial sales;

K. Sales and rental of motorized vehicles, except within an enclosed structure;

L. Solid waste management;

M. Recycling uses;

N. Towing services;

O. Principal use vehicle repair (major or minor);

P. Wholesale showroom; and

Q. Warehouse.

(Ord. 122311, § 74, 2006; Ord. No. 122043 § 2, 2006; Ord. 121245 § 1, 2003; Ord. 120609 § 15, 2001; Ord. 120452 § 5(part), 2001.)

23.61.012 Residential structures.

Residential uses are permitted outright anywhere in a structure in C zones and NC zones, unless located on a lot in a pedestrian-designated zone, where they are limited to 20% of each street-level street-facing facade facing a principal pedestrian street, or in the Pike Pine Overlay district where the provisions of Chapter 23.73 apply.

(Ord. 122311, § 76, 2006; Ord. 120452 § 5(part), 2001.)

23.61.014 Nonconforming uses.

A. Expansion. Uses listed in this subsection 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.

1. The provisions of this subsection apply to the following station areas:

a. Henderson;

b. Othello;

c. Edmunds; and

d. McClellan.

2. The provisions of this subsection apply to the following nonconforming uses:

a. Automotive retail sales and services;

b. General manufacturing;

c. Heavy commercial services; and

d. Mini-warehouse and warehouse.

B. Relocation. In the University District Station Area, banks with a drive-in facility may be moved to another location within the station area provided:

1. The use was in existence on May 5, 2006;

2. This exception may be applied only once to any individual business establishment;

3. The new location is not within a pedestrian-designated zone;

4. The curb cut(s) at the new location will serve both the drive-in lane and access to parking for the use;

5. The use at the new location is limited to one drive-in lane; and

6. The drive-in lane may not be located between the structure containing the bank use and a street right-of-way.

(Ord. 122311, § 77, 2006; Ord. No. 122043 § 3, 2006; Ord. 120452 § 5(part), 2001.)

Chapter 23.64

AIRPORT HEIGHT OVERLAY DISTRICT

Sections:

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.)

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 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.)

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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.

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 Land Use Information Bulletin, 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. 121477 § 42, 2004; 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;

l. 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 Planning and Development.

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 Planning and Development, then the appellant must also file notice of the appeal with the Director of the Department of Planning and Development, 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 cerificate 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 Planning and Development shall be valid for the life of the permit issued by the Department of Planning and Development, including any extension granted by the Department of Planning and Development in writing.
(Ord. 121276 § 37, 2003; 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 A[1] 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[1], 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 be added to the Preservation Board pursuant to the Get Engaged Program, SMC Chapter 3.51. The terms of service related to this young adult position are set forth in SMC Chapter 3.51.

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. 121568 § 9, 2004; 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 shelters and kennels;

Animal health services;

Pet grooming;

Automotive sales and service, except gas stations located in parking garages;

Marine sales and service;

Heavy commercial services;

Heavy commercial sales;

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, rail transit facilities, parking garages, and streetcar maintenance bases;

Outdoor storage;

Jails;

Work-release centers;

General and heavy manufacturing uses;

Solid waste management;

Recycling uses; and

High-impact uses.

B. Commercial uses that are automobile-oriented are prohibited. Such uses include but are not limited to the following:

1. Drive-in businesses, except gas stations accessory to parking garages;

2. 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 if the lot satisfies the provisions of SMC Section 23.49.019, Parking quantity, access and screening/landscaping requirements.

3. Motels.

(Ord. 122330, § 2, 2007; Ord. 122311, § 78, 2006; Ord. 122054 § 76, 2006; 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 must 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. Any of the following uses under 3,000 square feet in size: ((A))art galleries and other general sales and service uses, restaurants and other eating and drinking establishment uses, and lodging uses;

b. Theaters.

2. Accessory parking garages that serve preferred street-level uses on streets or malls, parks or alleys designed for pedestrian uses are also preferred.

C. Discouraged Street-level Uses.

1. The following are discouraged at street level in the area designated on Map B:

a. Any use occupying more than fifty (50) percent of any block front;

b. Any of the following with gross floor area over three thousand (3,000) square feet: general sales and services uses, eating and drinking establishment uses, and lodging uses;

c. All other uses with gross floor area over ten thousand (10,000) square feet;

d. Professional services establishments or offices that occupy more than twenty (20) percent of any block front; and

e. Parking garages that 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[1] 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 are prohibited at street level in the area designated on Map B:

Wholesaling, storage and distribution uses;

Vocational or fine arts schools;

Research and development laboratories;

Radio and television studios;

Taxidermy shops;

Appliance repair shops;

Upholstery establishments; and

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. 122311, § 79, 2006; 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[1] 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[1] 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 standards in the Pioneer Square Preservation District are set forth in Section 23.49.019 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 arking 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. Curbcut 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. 122054 § 77, 2006; 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 are 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;

Solid waste management;

Recycling uses;

Automotive sales and service;

Bowling lanes;

Major communication utilities;

Heavy commercial sales;

Drive-in businesses;

Frozen food lockers;

Heavy commercial services;

Marine 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, rail transit facilities, and parking and moorage uses;

Animal shelters and kennels;

Veterinary offices;

Pet grooming;

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. 122311, § 80, 2006; 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:

Formula 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. 121145 § 15, 2003; 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 businesses 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 barbershops;

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;

Research and development 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,[1] 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 that are not typically visible from the sidewalk may 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. Nonpedestrian-oriented uses include but are not limited to:

Community clubs or centers;

Family associations;

Human service uses;

Nonprofit community service organizations;

Theaters and spectator sports facilities.

(Ord. 122311, § 81, 2006; 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,[1] 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.[1] 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
15	59
16	61
17	62
18	64
19	65
20	66
21	68
22	69
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

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 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 (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 (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 pro-hibited.

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, location, 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-animated 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 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.

3. Adequate screening shall be required along the perimeter of each new surface parking area.

(Ord. 122311, § 82, 2006; Ord. 116744 § 53, 1993; Ord. 113279 § 32, 1987; Ord. 112519 § 45, 1985; Ord. 112134 § 1(part), 1985.)

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Chapter 23.67

SOUTHEAST SEATTLE REINVESTMENT AREA

Sections:

23.67.010 Purpose and intent.

The purpose of this chapter is to implement the Southeast Seattle Reinvestment Area Policy, Resolution 28401 and adopted Land Use Policies by creating a Southeast Seattle Reinvestment Area (SESRA). The intent is to promote community revitalization and investment, and to encourage development which supports business

activity and provides employment opportunities and needed services to the residents of Southeast Seattle. (Ord. 116145 § 3(part), 1992.)

23.67.020 Establishment of Southeast Seattle Reinvestment Area (SESRA).

There is established, pursuant to Chapter 23.59 of the Seattle Municipal Code, an overlay district known as the Southeast Seattle Reinvestment Area (SESRA) as shown on the Official Land Use Map, Chapter 23.32. (Ord. 118414 § 48, 1996: Ord. 116145 § 3(part), 1992.)

23.67.030 Application of regulations.

All property within the SESRA boundaries shall be subject to both the requirements of its zone classification and to the requirements of this chapter. In the event of conflict between this chapter and underlying zone requirements, the requirements of this chapter shall prevail.
(Ord. 116145 § 3(part), 1992.)

23.67.040 Southeast Seattle Reinvestment Area-Rezones for boundary changes.

A. A rezone pursuant to Chapter 23.34 shall be required to change the established boundaries of the SESRA or to rezone property within the SESRA. A rezone shall be subject to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. SESRA Boundaries.

1. Areas to be included within the SESRA boundaries shall demonstrate all of the following characteristics:

   a. An existing concentration of commercial activity or commercial activity and vacant land which abuts Rainier Avenue South or Martin Luther King, Jr. Way South; or has access to these arterials without going through residential zones;

   b. Adequate existing infrastructure or improvements are being planned to accommodate increased development; and

   c. Adequate buffers or transition areas that can reduce impacts to adjacent residential or otherwise less intensively zoned areas.

2. In addition to the above criteria, one (1) or more of the following conditions shall be met:

   a. The area contains vacant land, or vacant or dilapidated structures, parking or open storage uses and is abutting or across the street or alley from an existing concentration of commercial activity; or

   b. The area is identified by the City as a Business Improvement Area; or

   c. The area is targeted for Federal or State economic development funds; or

d. The area can provide opportunities for expansion of existing businesses or location of new business enterprises within an existing commercial node; or

e. The area has the potential to strengthen or reinforce a concentration of retail activity, personal services, employment centers or business incubators.

C. Rezone Criteria for Property Within SESRA. A rezone within the boundaries of the SESRA shall be subject to the general rezone criteria of Chapter 23.34 and the locational criteria for the proposed classifications. In addition, the criteria contained in this section shall also apply. No single location shall be expected to meet all criteria, nor shall the criteria be ranked in order of importance. Specific conditions may be established as part of the rezone process to ensure negative impacts on the area and its surroundings are mitigated.

1. The proposed designation shall strengthen and reinforce existing commercial nodes, and encourage the development and retention of businesses while retaining or providing adequate buffers between commercial and residential areas; or

2. The proposed designation shall enhance the vitality of business activity according to the following:

a. Increase and enhance pedestrian activity, thereby increasing property surveillance and public safety, and

b. Enable an established business to expand rather than relocate outside the Rainier Valley or increase employment and job training opportunities for residents of the surrounding area or

c. Increase retail, entertainment, or personal services for residents of the surrounding area, or

d. Encourage development on land which is vacant or contains abated or dilapidated buildings, or

e. Increase recreational opportunities in Southeast Seattle.

(Ord. 120691 § 20, 2001; Ord. 116145 § 3(part), 1992.)

23.67.050 Use restrictions--Prohibited uses.

A. Whether a use is permitted outright, or as a conditional use, or is prohibited is governed by the applicable provisions of the other chapters of this title; provided that in addition to uses otherwise prohibited, the following principal uses are prohibited throughout the Southeast Seattle Reinvestment Area:

1. Outdoor storage (accessory outdoor storage permitted);

2. Animal shelters and kennels;

3. Helistops;

4. Heliports;

5. Adult motion picture theaters;

6. Adult panorams;

7. Salvage yards;

8. Recycling uses;

9. Work release centers;

10. Construction services;

11. Towing services.

(Ord. 122311, § 83, 2006; Ord. 116145 § 3(part), 1992.)

23.67.060 Public notice requirements for rezone applications.

In addition to the notice requirements for Type IV rezones contained in Chapter 23.76, public notice shall also be provided by publishing the notice of application in at least one (1) community newspaper in the area affected by the proposal.

(Ord. 116145 § 3(part), 1992.)

Chapter 23.69

MAJOR INSTITUTION OVERLAY DISTRICT

Sections:

Subchapter I

Establishment of Overlay District

23.69.002 Purpose and intent.

The purpose of this chapter is to regulate Seattle's major educational and medical institutions in order to:

A. Permit appropriate institutional growth within boundaries while minimizing the adverse impacts associated with development and geographic expansion;

B. Balance a Major Institution's ability to change and the public benefit derived from change with the need to protect the livability and vitality of adjacent neighborhoods;

C. Encourage the concentration of Major Institution development on existing campuses, or alternatively, the decentralization of such uses to locations more than two thousand five hundred (2,500) feet from campus boundaries;

D. Provide for the coordinated growth of major institutions through major institution conceptual master plans and the establishment of major institutions overlay zones;

E. Discourage the expansion of established major institution boundaries;

F. Encourage significant community involvement in the development, monitoring, implementation and amendment of major institution master plans, including the establishment of citizen's advisory committees containing community and major institution representatives;

G. Locate new institutions in areas where such activities are compatible with the surrounding land uses and where the impacts associated with existing and future development can be appropriately mitigated;

H. Accommodate the changing needs of major institutions, provide flexibility for development and

encourage a high quality environment through modifications of use restrictions and parking requirements of the underlying zoning;

I. Make the need for appropriate transition primary considerations in determining setbacks. Also setbacks may be appropriate to achieve proper scale, building modulation, or view corridors;

J. Allow an increase to the number of permitted parking spaces only when it is 1) necessary to reduce parking demand on streets in surrounding areas, and 2) compatible with goals to minimize traffic congestion in the area;

K. Use the TMP to reduce the number of vehicle trips to the major institution, minimize the adverse impacts of traffic on the streets surrounding the institution, minimize demand for parking on nearby streets, especially residential streets, and minimize the adverse impacts of institution-related parking on nearby streets. To meet these objectives, seek to reduce the number of SOVs used by employees and students at peak time and destined for the campus;

L. Through the master plan: 1) give clear guidelines and development standards on which the major institutions can rely for long-term planning and development; 2) provide the neighborhood advance notice of the development plans of the major institution; 3) allow the city to anticipate and plan for public capital or programmatic actions that will be needed to accommodate development; and 4) provide the basis for determining appropriate mitigating actions to avoid or reduce adverse impacts from major institution growth; and

M. Encourage the preservation, restoration and reuse of designated historic buildings.
(Ord. 120691 § 21, 2001: Ord. 117929 § 8, 1995: Ord. 115002 § 23(part), 1990.)

23.69.004 Major Institution Overlay District established.

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Major Institution Overlay District, which shall overlay each Major Institution designated according to the provisions of Section 23.69.024. All land within the Major Institution Overlay (MIO) District shall be designated with one (1) of the following height limits as shown on the Official Land Use Map, Chapter 23.32:

Designation	Height Limit
MIO-37	37 feet
MIO-50	50 feet
MIO-65	65 feet
MIO-70	70 feet
MIO-90	90 feet
MIO-105	105 feet
MIO-160	160 feet
MIO-200	200 feet
MIO-240	240 feet

(Ord. 118414 § 50, 1996: Ord. 115002 § 23(part), 1990.)

23.69.006 Application of regulations.

A. All land located within the Major Institution Overlay District shall be subject to the regulations

and requirements of the underlying zone unless specifically modified by this chapter or an adopted master plan. In the event of irreconcilable differences between the provisions of this chapter and the underlying zoning regulations, the provisions of this chapter shall apply.

B. For the University of Washington, notwithstanding subsection A of this section above, the 1998 agreement between The City of Seattle and the University of Washington, or its successor, shall govern relations between the City and the University of Washington, the master plan process (formulation, approval and amendment), uses on campus, uses outside the campus boundaries, off-campus land acquisition and leasing, membership responsibilities of CUCAC, transportation policies, coordinated traffic planning for special events, permit acquisition and conditioning, relationship of current and future master plans to the agreement, zoning and environmental review authority, resolution of disputes, and amendment or termination of the agreement itself. Within the Major Institution Overlay (MIO) Boundaries for the University of Washington. development standards of the underlying zoning may be modified by an adopted master plan, or by an amendment or replacement of the 1998 agreement between the City of Seattle and University of Washington.
(Ord. 120691 § 22, 2001; Ord. 118981 § 3, 1998: Ord. 115002 § 23(part), 1990.)

23.69.007 Definition of development.

A. "development" is the establishment of any new Major Institution use or the expansion of an existing Major Institution use, the relocation of an existing Major Institution use for a period of at least one (1) year, or the vacation of streets for such uses.
(Ord. 115002 § 23(part), 1990.)

Subchapter II

Use Provisions

23.69.008 Permitted uses.

A. All uses that are functionally integrated with, or substantively related to, the central mission of a Major Institution or that primarily and directly serve the users of an institution shall be defined as Major Institution uses and shall be permitted in the Major Institution Overlay (MIO) District. Major Institution uses shall be permitted either outright or as conditional uses according to the provisions of Section 23.69.012. Permitted Major Institution uses shall not be limited to those uses which are owned or operated by the Major Institution.

B. The following characteristics shall be among those used by the Director to determine whether a use is functionally integrated with, or substantively related to, the central mission of the Major Institution. No one (1) of these characteristics shall be determinative:

1. Functional contractual association;

2. Programmatic integration;

3. Direct physical circulation/access connections;

4. Shared facilities or staff;

5. Degree of interdependence;

6. Similar or common functions, services, or products.

C. Major Institution uses shall be subject to the following:

1. Major Institution uses which are determined to be heavy traffic generators or major noise generators shall be located away from abutting residential zones;

2. Uses which require the presence of a hazardous chemical, extremely hazardous substance or toxic chemical that is required to be reported under Title III of the Superfund Amendments and Reauthorization Act of 1986 or its associated regulations, shall be reviewed by the Director. The Director shall consult with the Seattle-King County Department of Public Health and The City of Seattle Fire Department.Based on this consultation and review, the Director may prohibit the use, or impose conditions regulating the amount and type of such materials allowed on-site, or the procedures to be used in handling hazardous or toxic materials;

3. Where the underlying zone is commercial, uses at street level shall complement uses in the surrounding commercial area and be located in a manner that provides continuity to the commercial street front. Where the underlying zoning is a pedestrian-designated zone, the provisions of Section 23.47A.005 governing street-level uses shall apply.

D. When a use is determined to be a Major Institution use, it shall be located in the same MIO District as the Major Institution with which it is functionally integrated, or to which it is related, or the users of which it primarily and directly serves. To locate outside but within two thousand five hundred (2,500) feet of that MIO District, a Major Institution use shall be subject to the provisions of Section 23.69.022.

E. Major Institution uses, outside of, but within two thousand five hundred (2,500) feet of the boundary of the MIO District, which were legally established as of January 1, 1989 and are located on sites which are not contiguous with the MIO District shall be permitted uses in the zone in which they are located when:

1. The use is located on a lot which was contained within the boundary of an MIO District as it existed on May 2, 1990; or

2. The site was deleted from the MIO District by master plan amendment or renewal according to the provisions of Sections 23.69.035 and 23.69.036.

F. Uses other than those permitted under subsections A and B of this section shall be subject to the use provisions and development standards of the underlying zone.
(Ord. 122311, § 84, 2006; Ord. 118362 § 10, 1996: Ord. 115002 § 23(part), 1990.)

23.69.012 Conditional uses.

A. All conditional uses shall be subject to the following:

1. The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. The benefits to the public of the use shall outweigh the negative impacts of the use.

3. In authorizing a conditional use, adverse impacts may be mitigated by imposing conditions such as landscaping and screening, vehicular access controls and any other measures needed to mitigate adverse impacts on other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.

B. Administrative Conditional Uses.

1. Development otherwise requiring preparation of a master plan may be permitted by the Director as an administrative conditional use according to the standards of Section 23.69.033.

2. In considering an application for a conditional use, the Director's decision shall be based on the following criteria:

a. Parking areas and facilities, trash and refuse storage areas, ventilating mechanisms and other noise-generating or odor-generating equipment, fixtures or facilities shall be located so as to minimize noise and odor impacts on the surrounding area. The Director may require measures such as landscaping, sound barriers, fences, mounding or berming, adjustments to parking location or setback development standards, design modification, limits on hours of operation or other similar measures to mitigate impacts; and

b. Required landscaping shall be compatible with neighboring properties. Landscaping in addition to that required by the Code may be required to reduce the potential for erosion or excessive stormwater runoff, to minimize coverage of the site by impervious surfaces, to screen parking, or to reduce noise or the appearance of bulk and scale; and

c. Traffic and parking impacts shall be minimized; and

d. To reduce the impact of light and glare, exterior lighting shall be shielded or directed away from residentially zoned properties. The Director may require that the area, intensity, location or angle of illumination be limited.

C. Council Conditional Uses. Helistops, when determined to meet the criteria of Section 23.69.008, may be permitted by the Council as a Council Conditional Use when:

1. The helistop is needed to save lives; and

2. Use of the helistop is restricted to life-threatening emergencies; and

3. The helistop is located so as to minimize impacts on the surrounding area.

The Director's report to the Council shall examine alternative locations for the helistop as identified by the major institution, including sites outside the institution's boundaries, which would accomplish the purpose of the helistop with a lesser impact upon the surrounding area.
(Ord. 115043 § 14, 1990; Ord. 115002 § 23(part), 1990.)

Subchapter III

(Reserved)

Subchapter IV

Development Standards

23.69.020 Development standards.

A. Major Institution uses shall be subject to the development standards for institutions of the underlying zone in which they are located, except for the dispersion requirements of the underlying zoning for institutions.

B. Development standards for Major Institution uses within the Major Institution Overlay District, except the provisions of Chapter 23.52, may be modified through adoption of a Major Institution Master Plan according to the provisions established in Subchapter VI, Part 2 of this chapter.

C. Maximum structure heights for structures containing Major Institution uses may be allowed up to the limits established pursuant to Section 23.69.004 through the adoption of a master plan for the Major Institution. A rezone shall be required to increase maximum structure height limits above levels established pursuant to Section 23.69.004.

D. The demolition of structures containing residential uses which are not Major Institution uses shall be prohibited if the demolition is intended to provide a parking lot or structure to accommodate nonrequired parking or to reduce a parking deficit.

E. When a pedestrian designation in a commercial zone occurs along a boundary or within a campus, the blank facade standards of the underlying zoning shall apply.
(Ord. 117383 § 10, 1994; Ord. 115002 § 23(part), 1990.)

23.69.021 Signs in Major Institution Overlay Districts.

A. General Standards.

1. Signs shall be stationary and shall not rotate.

2. No flashing, changing-image, message board signs or signs using video display methods, except as permitted as defined in Section 23.55.005, Video display methods, shall be permitted.

3. Signs may be electric, externally illuminated, or nonilluminated.

B. The following signs shall be permitted in all Major Institution overlay districts, regardless of the facing zone:

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 noncombustible materials;

3. Signs for public facilities indicating danger and/or providing service or safety information;

4. Properly displayed national, state and institutional flags.

C. Signs across a street, alley or easement from a residential zone, and signs which face an abutting lot in a residential zone, shall meet the following standards:

1. Sign area shall be limited to:

a. Thirty-five (35) square feet per sign face for main entrance signs;

b. Such size as is necessary for emergency entrance signs to be clearly visible; and

c. Twenty (20) square feet per sign face for all other signs.

2. The number of signs permitted shall be as follows:

a. One (1) identifying sign for each use per street frontage; plus

b. One (1) sign for each entrance to the institution; plus

c. Emergency entrance and directional signs as necessary.

3. Pole, ground, roof, wall, marquee, under-marquee, projecting or combination signs shall be permitted.

4. The maximum height of any portion of a pole sign shall be twelve (12) feet.

5. No portion of a roof sign shall:

a. Extend beyond the height limit of the overlay district;

b. Exceed a height above the roof in excess of the height of the structure on which the sign is located; or

c. Exceed a height of thirty (30) feet above the roof, measured from a point on the roofline directly below the sign or from the nearest adjacent parapet.

D. Signs across from nonresidential zones shall have no area, type or number limitations.

E. Off-premises signs shall not be permitted, except for sign kiosks.

(Ord. 120466 § 9, 2001; Ord. 120388 § 14, 2001; Ord. 118362 § 13, 1996; Ord. 115165 § 12, 1990.)

Subchapter V

Uses Outside a Major Institution Overlay District

23.69.022 Uses permitted within 2,500 feet of a Major Institution Overlay District.

A. A Major Institution shall be permitted to lease space, or otherwise locate a use outside a Major Institution Overlay (MIO) District, and within two thousand five hundred (2,500) feet of the MIO District boundary, subject to the following limitations:

1. The provisions of this section shall not apply to contractual arrangements with other entities, except for leases or other agreements for occupying space.

2. No such use shall be allowed at street level in a commercial zone, unless the use is determined to be similar to a general sales and service use, eating and drinking establishment, major durables retail sales, entertainment use or child care center and is allowed in the zone. If the use is allowed in the zone but is determined not to be similar to a general sales and service use, eating and drinking establishment, major durables retail sales, entertainment use or child care center, the Director may not allow the use at street level in a commercial zone unless provided otherwise in an adopted master plan or in a Council-approved neighborhood plan;

3. Except as permitted in an adopted master plan, the use shall not result in the demolition of a structure(s) that contains a residential use nor shall it change a residential use to a nonresidential use.

4. The use(s) shall conform to the use and development standards of the applicable zone.

5. The use shall be included in the Major Institution's approved Transportation Management Program if it contains students or employees of the Major Institution.

6. If a Master Use Permit is required for the use, the Director shall notify the Advisory Committee of the pending permit application and the committee shall be given the opportunity to comment on the impacts of the proposed use.

B. A medical service use that is over ten thousand (10,000) square feet shall be permitted to locate within two thousand five hundred (2,500) feet of a medical MIO District only as an administrative conditional use subject to the conditional use requirements of Section 23.47A.006 B4 or Section 23.50.014 B12.

C. A Major Institution that leases space or otherwise locates a use in a Downtown zone shall not be subject to the limitations established in subsections A or B of this section, except that subsection A3 and A4 shall apply.
(Ord. 122311, § 85, 2006; Ord. 118362 § 15, 1996: Ord. 115165 § 3, 1990; Ord. 115043 § 15, 1990; Ord. 115002 § 23(part), 1990.)

23.69.023 Major Institution acquisition, merger or consolidation.

A. Notwithstanding any other provisions of Title 23, one (1) Major Institution may acquire, merge with, or otherwise consolidate with, another Major Institution.

B. Within ten (10) days of the acquisition, merger or consolidation, the new/surviving Major Institution shall notify the Director of the acquisition, merger or consolidation and the name of the new/surviving Major Institution. Upon receiving this notice, the Director shall adjust the Official Land Use Map to reflect a single, combined Major Institution Overlay (MIO) District, with the single name of the new/surviving Major Institution, but only if the two institutions are contiguous. The entire MIO District of each Major Institution shall be included in the single, combined MIO District.

C. When the determination to prepare a master plan is made pursuant to Section 23.69.026 and after acquisition, merger or consolidation, the new/surviving institution shall prepare the master plan according to the following:

1. If the two former institutions were not contiguous, the new/surviving institution has the option of preparing a joint master plan for both contiguous portions of the Major Institution or a separate master plan for the contiguous portion of the Major Institution for which the master plan requirement is triggered.

2. If the two former institutions were contiguous, the new/surviving institution must prepare a master plan for the single, combined Major Institution.
(Ord. 118362 § 16, 1996: Ord. 116744 § 55, 1993; Ord. 115165 § 4, 1990.)

Subchapter VI

Procedures

Part 1 Major Institution Designation

23.69.024 Major Institution designation.

A. Major Institution designation shall apply to all institutions which conform to the definition of Major Institution.

B. New Major Institutions.

1. When a medical or educational institution makes application for new development, or when a

medical or educational institution applies for designation as a Major Institution, the Director will determine whether the institution meets, or would meet upon completion of the proposed development, the definition of a Major Institution in Section 23.84A.025. Measurement of an institution's site or gross floor area in order to determine whether it meets minimum standards for Major Institution designation must be according to the provisions of Section 23.86.036.

2. If the Director determines that Major Institution designation is required, the Director may not issue any permit that would result in an increase in area of Major Institution uses until the institution is designated a Major Institution, a Major Institution Overlay District is established, and a master plan is prepared according to the provisions of Part 2, Major Institution Master Plan.

3. The Director's determination that an application for a Major Institution designation is required will be made in the form of an interpretation and is subject to the procedures of Section 23.88.020.

4. The procedures for designation of a Major Institution are as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The Council will grant or deny the request for Major Institution designation by resolution.

5. When the Council designates a new Major Institution, a Major Institution Overlay District must be established by ordinance according to the procedures for amendments to the Official Land Use Map (rezones) in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

6. A new Major Institution Overlay District may not be established and a Major Institution Overlay District Boundary may not be expanded in Single-family or Industrial zones.

7. Boundaries of a Major Institution Overlay District and maximum height limits must be established or amended in accordance with the rezone criteria contained in Section 23.34.124, and the purpose and intent of this chapter as described in Section 23.69.006, except that acquisition, merger or consolidation involving two (2) Major Institutions is governed by the provisions of Section 23.69.023.

C. The MIO district designation, including height limits and master plan provisions when one has been adopted, shall be revoked for an institution which no longer meets the definition of a Major Institution. The applicable zoning provisions shall be the provisions of the existing underlying zoning classification. When an MIO district designation of an institution is to be revoked, the City may consider rezoning the institution campus. Upon determination that an institution no longer meets the definition of a Major Institution, the Director shall notify the Council. The revocation of a Major Institution designation shall be subject to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for Major Institution designation and revocation.
(Ord. 122311, § 86, 2006; Ord. 120691 § 23, 2001: Ord. 115165 § 6, 1990; Ord. 115002 § 23(part), 1990.)

Part 2 Major Institution Master Plan

23.69.025 Intent of Major Institution master plans.

The intent of the Major Institution Master Plan shall be to balance the needs of the Major Institutions to develop facilities for the provision of health care or educational services with the need to minimize the impact of Major Institution development on surrounding neighborhoods.
(Ord. 115002 § 23(part), 1990.)

23.69.026 Determination to prepare a master plan.

A. Any Major Institution may elect to prepare a master plan.

B. A Major Institution without an adopted master plan or with a master plan that includes an expiration date and that was adopted under Code provisions prior to the 1996 Major Institutions Ordinance shall be required to prepare a master plan in the following circumstances:

1. The establishment of a new Major Institution Overlay (MIO) District is required according to Section 23.69.024; or

2. Expansion of an MIO District boundary or change in a MIO District height designation is proposed; or

3. An application is filed for a structure containing Major Institution use(s) that is located within the MIO District and would exceed the development standards of the underlying zone and is not permitted under an existing master plan, provided other means of modifying development standards that apply to similar uses located in the zone may also be sought; or

4. A Major Institution proposes to demolish or change the use of a residential structure inside the boundaries of an MIO District, provided that a master plan need not be prepared when:

   a. The use is changed to housing for the institution, or

   b. Not more than two (2) structures containing not more than a total of four (4) dwelling units are demolished or changed to a nonresidential use within a two (2) year period and are replaced in the general vicinity by the same number of dwelling units.

C. A Major Institution with an adopted master plan that is not subject to subsection B of this section shall be required to prepare a new master plan in the following circumstances:

1. The Major Institution proposes to increase the total amount of gross floor area allowed or the total number of parking spaces allowed within the MIO District; or

2. A master plan has been in effect for at least ten (10) years and the institution proposes to expand the MIO District boundaries; or

3. A master plan has been in effect for at least ten (10) years and the institution proposes an amendment to the master plan that is determined to be major according to the provisions of

Section 23.69.035, and the Director determines that conditions have changed significantly in the neighborhood surrounding the Major Institution since the master plan was adopted.

D. A master plan shall not be required for replacement of existing structures where the replacement structure:

1. Would be located on the same lot; and

2. Would not contain uses which would require a change of use and which the Director determines would not result in an increase in adverse impacts on the surrounding area; and

3. Would not exceed the height of the existing structure; and

4. Would not represent a significant increase in bulk over the existing structure; and

5. Would not represent a significant increase in gross floor area over the existing structure; and

6. Would not significantly reduce existing open area or landscaping.

E. If an institution proposes a major amendment of unusual complexity or size, the Advisory Committee may recommend, and the Director may require, that the institution develop a new master plan.

F. The Director shall determine whether a master plan is required. The Director's determination shall be final and shall not be subject to an interpretation or appeal.
(Ord. 118362 § 17, 1996: Ord. 115165 § 7, 1990; Ord. 115002 § 23(part), 1990.)

23.69.028 Major Institution master plan-General provisions.

A. A master plan may modify the following:

1. Any development standard of the underlying zone, including structure height up to the limit established by the Major Institution Overlay (MIO) District;

2. Limits on housing demolition or conversion within the boundaries of the MIO District;

3. Limits on Major Institution uses at street level outside, but within two thousand five hundred feet (2,500') of, a MIO District Boundary;

4. Single-occupancy vehicle goals and maximum parking limitations.

B. Except as provided in Section 23.69.033, an application for a permit for development which requires preparation of a master plan shall not be approved prior to adoption of the master plan by the Council.

C. Changes to the boundaries of the MIO District or to a MIO District height limit shall require a rezone in addition to adoption of a master plan or major amendment, except that a boundary adjustment caused by the acquisition, merger or consolidation of two (2) contiguous Major Institutions shall be governed by the

provisions of Section 23.69.023.
(Ord. 118362 § 18, 1996: Ord. 115165 § 8, 1990; Ord. 115002 § 23(part), 1990.)

23.69.030 Contents of a master plan.

A. The master plan is a conceptual plan for a Major Institution consisting of three (3) components: the development standards component, the development program component and the transportation management program component.

B. The development standards component in an adopted master plan shall become the applicable regulations for physical development of Major Institution uses within the MIO District and shall supersede the development standards of the underlying zone. Where standards established in the underlying zone have not been modified by the master plan, the underlying zone standards shall continue to apply. Proposed development standards shall be reviewed according to the criteria contained in Section 23.69.032 E, Draft Report and Recommendation of the Director. The development standards component may be changed only through a master plan amendment.

C. The development standards component of a master plan shall include the following:

1. Existing underlying zoning of the area within the boundaries of the MIO District. If a change to the underlying zoning is proposed, the master plan shall identify the proposed zone(s), and the master plan shall be subject to rezone approval according to the procedures of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions; and

2. If modifications to the underlying zone development standards are proposed, the proposed modifications and reasons for the proposed modifications or for special standards tailored to the specific institution; and

3. Standards in the master plan shall be defined for the following:

   a. Structure setbacks along public rights-of-way and at the boundary of the MIO District,

   b. Height limits as provided for in Section 23.69.004,

   c. Lot coverage for the entire MIO District,

   d. Landscaping,

   e. Percentage of MIO District to remain in open space; and

4. The Major Institution may choose or the Director may require the Major Institution to address the following:

   a. Transition in height and scale between development within the MIO District and development in the surrounding area,

b. Width and depth limits for structures or measures by which a reduction in the apparent bulk of a structure may be achieved,

c. Setbacks between structures which are not located on a public right-of-way or along the boundary of the MIO District,

d. Preservation of historic structures which are designated on federal, state or local registers,

e. View corridors or other specific measures intended to mitigate the impact of Major Institution development on the surrounding area,

f. Pedestrian circulation within and through the MIO District.

D. The development program component shall include the information set forth in subsection E of this section. With regard to future development, the development program component shall describe planned physical development, defined as development which the Major Institution has definite plans to construct. The development program may describe potential physical development or uses for which the Major Institution's plans are less definite. The development program may be amended according to the provisions of Section 23.69.035 without requiring amendment of the development standards component.

E. The development program component shall include the following:

1. A description of alternative proposals for physical development including an explanation of the reasons for considering each alternative, but only if an Environmental Impact Statement is not prepared for the master plan; and

2. Density as defined by total maximum developable gross floor area for the MIO District and an overall floor area ratio (FAR) for the MIO District. Limits on total gross floor area and floor area ratios may also be required for sub-areas within the MIO District but only when an MIO District is over four hundred (400) acres in size or when an MIO District has distinct geographical areas; and

3. The maximum number of parking spaces allowed for the MIO District; and

4. A description of existing and planned future physical development on a site plan which shall contain:

a. The height, description, gross floor area and location of existing and planned physical development, and

b. The location of existing open space landscaping and screening, and areas of the MIO District to be designated open space. Designated open space shall be open space within the MIO District that is significant and serves as a focal point for users of the Major Institution. Changes to the size or location of designated open space will require an amendment pursuant to Section 23.69.035, and

c. Existing public and private street layout, and

d. Existing and planned parking areas and structures; and

5. A site plan showing: property lines and ownership of all properties within the applicable MIO District, or areas proposed to be included in an expanded MIO District, and all structures and properties a Major Institution is leasing or using or owns within two thousand five hundred (2,500) feet of the MIO District; and

6. Three (3) dimensional drawings to illustrate the height, bulk and form of existing and planned physical development. Information on architectural detailing such as window placement and color and finish materials shall not be required; and

7. A site plan showing any planned infrastructure improvements and the timing of those improvements; and

8. A description of planned development phases and plans, including development priorities, the probable sequence for such planned development and estimated dates of construction and occupancy; and

9. A description of any planned street or alley vacations or the abandonment of existing rights-of-way; and

10. At the option of the Major Institution, a description of potential uses, development, parking areas and structures, infrastructure improvements or street or alley vacations. Information about potential projects is for the purpose of starting a dialogue with the City and the community about potential development, and changes to this information will not require an amendment to the master plan; and

11. An analysis of the proposed master plan's consistency with the purpose and intent of this chapter as described in Section 23.69.006; and

12. A discussion of the Major Institution's facility decentralization plans and/or options, including leasing space or otherwise locating uses off-campus; and

13. A description of the following shall be provided for informational purposes only. The Advisory Committee, pursuant to Section 23.69.032 D1, may comment on the following but may not subject these elements to negotiation nor shall such review delay consideration of the master plan or the final recommendation to Council:

a. A description of the ways in which the institution will address goals and applicable policies under Education and Employability and Health in the Human Development Element of the Comprehensive Plan, and

b. A statement explaining the purpose of the development proposed in the master plan, including the public benefits resulting from the proposed new development and the way

in which the proposed development will serve the public purpose mission of the Major Institution.

F. The Transportation Management Program component shall satisfy the requirements of Section 23.54.016. The Transportation Management Program shall include, at a minimum, the following:

1. A description of existing and planned parking, loading and service facilities, and bicycle, pedestrian and traffic circulation systems within the institutional boundaries and the relationship of these facilities and systems to the external street system. This shall include a description of the Major Institution's impact on traffic and parking in the surrounding area; and

2. Specific institutional programs to reduce traffic impacts and to encourage the use of public transit, carpools and other alternatives to single-occupant vehicles. Any specific agreements with the City for the provision of alternative modes of transportation shall also be included.

G. Environmental information and the master plan may be integrated into one (1) document.

H. Where two (2) or more institutions are located in close proximity to one another, the Director may require their combined land use, traffic and parking impacts on the surrounding area to be evaluated in the master plan for each institution.

(Ord. 122173, § 1, 2006; Ord. 120691 § 24, 2001; Ord. 118794 § 42, 1997; Ord. 118362 § 19, 1996: Ord. 115002 § 23(part), 1990.)

23.69.032 Master plan process.

A. Not less than sixty (60) days prior to applying for a master plan, the institution shall file a notice of intent to prepare a master plan with the director.

B. Formation of a Citizens Advisory Committee.

1. Immediately following submittal of a notice of intent to prepare a master plan, the institution shall initiate the establishment of a Citizens Advisory Committee of at least six (6), but no more than twelve (12) members. In addition, all institutions with adopted master plans shall have a standing Advisory Committee.

2. Where there is more than one (1) Major Institution in the same general area, as determined by the Director, a single Advisory Committee serving more than one (1) institution may be permitted.

3. The institution, in consultation with the Director of the Department of Neighborhoods, shall develop a list of potential members to serve on the Advisory Committee. Groups from which members may be selected for appointment to the advisory committee shall include area community groups, residents, property owners, and business persons; consumer groups using the services of the institution; and any other persons or organizations directly affected by the actions of the institution. One member of the Advisory Committee shall be selected from persons in the area participating in neighborhood planning. One member of the Advisory Committee shall be a general community or citywide organization representative. To the extent possible, members of

the Advisory Committee should possess expertise or experience in such areas as neighborhood organization and issues, land use and zoning, architecture or landscape architecture, economic development, building development and educational or medical services. A nonmanagement representative of the institution shall be included.

4. Members of the Advisory Committee shall have no direct economic relationship with the institution except as provided in subsection B3.

5. The Director of the Department of Neighborhoods shall review the list of potential members and recommend to the Council those individuals appropriate to achieve a balanced, independent and representative committee. After the recommendation has been submitted, the Department of Neighborhoods may convene the Advisory Committee. The Council may confirm the Advisory Committee composition, make changes in the size and/or composition of the Advisory Committee, or remand the matter to the Director of the Department of Neighborhoods for further action. The Council shall establish the final composition of the committee through a memorandum of agreement with the institution, prepared by the Department of Neighborhoods, and adopted by resolution.

6. Four (4) nonvoting, ex-officio members of the Advisory Committee shall represent the Major Institution, the Department of Construction and land use, the Department of Neighborhoods and Seattle Department of Transportation.

7. The Committee shall be staffed by the Department of Neighborhoods with the cooperation and assistance of the Major Institution. Technical assistance to the committee shall be provided by the Department of Planning and Development, Seattle Department of Transportation and the Department of Neighborhoods.

8. During the master plan review and adoption process, the Council may, in the interest of ensuring representative community participation on the Advisory Committee, amend the size and/or composition of the Advisory Committee.

9. The City-University Community Advisory Committee (CUCAC) shall serve as the Advisory Committee for the University of Washington.

10. The Director of the Department of Neighborhoods shall promulgate rules applicable to advisory committees, including terms of office, selection of chairpersons, and methods of conflict resolution.

C. Application for a Master Plan.

1. Within one hundred twenty (120) days of filing a notice of intent to prepare a master plan, the institution shall submit an application and applicable fees for a master plan. This application shall include an environmental checklist and a concept plan. The requirement for the environmental checklist may be waived if the Director and the Major Institution agree that an Environmental Impact Statement (EIS) will be prepared. The concept plan shall consist of the following:

a. Proposed institution boundaries; and

b. A proposed site plan including planned development and an estimate of total gross floor area proposed by the Major Institution; and

c. Planned uses; and

d. Any planned street vacations and planned parking location and access; and

e. A description of alternative proposals for physical development and decentralization options, including a detailed explanation of the reasons for considering each alternative; and

f. A description of the uses and character of the neighborhood surrounding the major institution and how the Major Institution relates to the surrounding area. This shall include pedestrian connections, physical and visual access to surrounding amenities and services, and the relationship of the Major Institution to other Major Institution development within two thousand five hundred (2,500) feet of its MIO District boundaries.

2. The Advisory Committee shall review and may submit comments on the concept plan and if there is one, the environmental checklist.

3. After an application for a master plan has been filed, the Director, in consultation with the institution and the Advisory Committee, shall prepare a schedule for the completion of the master plan. The timelines described in this section shall be goals, and shall form the basis for the master plan schedule. The goal of the City Council shall be to make a decision on the master plan within twenty-four (24) months from the date of application.

4. Notice of application for a master plan shall be provided as required by Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

D. Development of Master Plan.

1. The Advisory Committee shall participate directly in the formulation of the master plan from the time of its preliminary concept so that the concerns of the community and the institution are considered. The primary role of the Advisory Committee is to work with the Major Institution and the City to produce a master plan that meets the intent of Section 23.69.025. Advisory Committee comments shall be focused on identifying and mitigating the potential impacts of institutional development on the surrounding community based on the purpose and intent of this chapter as described in Section 23.69.006, and as prescribed in Chapter 25.05, Environmental Policies and Procedures. The Advisory Committee may review and comment on the mission of the institution, the need for the expansion, public benefits resulting from the proposed new development and the way in which the proposed development will serve the public purpose mission of the Major Institution, but these elements are not subject to negotiation nor shall such

review delay consideration of the master plan or the final recommendation to Council.

2. The Advisory Committee shall hold open meetings with the institution and City staff to discuss the master plan and resolve differences. The institution shall provide adequate and timely information to the Advisory Committee for its consideration of the content and level of detail of each of the specific elements of the master plan.

3. The threshold determination of need for preparation of an Environmental Impact Statement (EIS) shall be made as required by Chapter 25.05, SEPA Policies and Procedures.

4. If an EIS is required and an institution is the lead agency, it shall initiate a predraft EIS consultation with the Director. The Advisory Committee shall meet to discuss the scope of the document. The Advisory Committee shall submit its comments on the scope of the draft EIS to the lead agency and the Director before the end of the scoping comment period. The lead agency shall prepare a final scope within one (1) week after the end of the scoping period.

5. The institution shall prepare a preliminary draft master plan within seventy (70) days of completion of the final scope of the EIS.

6. If an EIS is required, the institution or DPD, whichever is lead agency, shall be responsible for the preparation of a preliminary draft EIS within seventy (70) days of the completion of the final scope, or approval of an EIS consultant contract, whichever is later.

7. The Advisory Committee, Seattle Department of Transportation, the Director, and the institution shall submit comments on the preliminary draft master plan and the preliminary draft EIS to the lead agency within three (3) weeks of receipt, or on the environmental checklist and supplemental studies if an EIS is not required. If DPD is the lead agency, a compiled list of the comments shall be submitted to the institution within ten (10) days of receipt of the comments.

8. Within three (3) weeks of receipt of the compiled comments, the institution shall review the comments and revise the preliminary draft master plan, if necessary, discussing and evaluating in writing the comments of all parties. The lead agency shall review the comments and be responsible for the revision of the preliminary draft EIS if necessary. If no EIS is required, the lead agency shall review the comments and be responsible for the annotation of the environmental checklist and revisions to any supplemental studies if necessary. Within three (3) weeks after receipt of the revised drafts, the Director shall review the revised drafts and may require further documentation or analysis on the part of the institution. Three (3) additional weeks may be spent revising the drafts for publication.

9. The Director shall publish the draft master plan. If an EIS is required, the lead agency shall publish the draft EIS.

10. The Director and the lead agency shall hold a public hearing on the draft master plan and if an EIS is required, on the draft EIS.

11. The Advisory Committee, Seattle Department of Transportation and the Director shall submit

comments on the draft master plan and if an EIS is required, on the draft EIS within six (6) weeks after the issuance of the draft master plan and EIS.

12. Within thirteen (13) weeks after receipt of the comments, the institution shall review the comments on the draft master plan and shall prepare the final master plan.

13. If an EIS is required, the lead agency shall be responsible for the preparation of a preliminary final EIS, following the public hearing and within six (6) weeks after receipt of the comments on the draft EIS. Seattle Department of Transportation, the Director, and the institution shall submit comments on the preliminary final EIS.

14. The lead agency shall review the comments on the preliminary final EIS and shall be responsible for the revision of the preliminary final EIS, if necessary. The Director shall review the revised final document and may require further documentation or analysis on the part of the institution.

15. Within seven (7) weeks after preparation of the preliminary final EIS, the Director shall publish the final master plan and, if an EIS is required, the lead agency shall publish the final EIS.

E. Draft Report and Recommendation of the Director.

1. Within five (5) weeks of the publication of the final master plan and EIS, the Director shall prepare a draft report on the application for a master plan as provided in Section 23.76.050, Report of the Director.

2. In the Director's Report, a determination shall be made whether the planned development and changes of the Major Institution are consistent with the purpose and intent of this chapter, and represent a reasonable balance of the public benefits of development and change with the need to maintain livability and vitality of adjacent neighborhoods. Consideration shall be given to:

   a. The reasons for institutional growth and change, the public benefits resulting from the planned new facilities and services, and the way in which the proposed development will serve the public purpose mission of the major institution; and

   b. The extent to which the growth and change will significantly harm the livability and vitality of the surrounding neighborhood.

3. In the Director's Report, an assessment shall be made of the extent to which the Major Institution, with its proposed development and changes, will address the goals and applicable policies under Education and Employability and Health in the Human Development Element of the Comprehensive Plan.

4. The Director's analysis and recommendation on the proposed master plan's development program component shall consider the following:

   a. The extent to which the Major Institution proposes to lease space or otherwise locate a use at street level in a commercial zone outside of, but within two thousand five hundred

(2,500) feet of, the MIO District boundary that is not similar to a personal and household retail sales and service use, eating and drinking establishment, customer service office, entertainment use or child care center but is allowed in the zone. To approve such proposal, the Director shall consider the criteria in Section 23.69.035 D3;

b. The extent to which proposed development is phased in a manner which minimizes adverse impacts on the surrounding area. When public improvements are anticipated in the vicinity of proposed Major Institution development or expansion, coordination between the Major Institution development schedule and timing of public improvements shall be required;

c. The extent to which historic structures which are designated on any federal, state or local historic or landmark register are proposed to be restored or reused. Any changes to designated Seattle Landmarks shall comply with the requirements of the Landmarks Preservation Ordinance.1 The Major Institution's Advisory Committee shall review any application to demolish a designated Seattle Landmark and shall submit comments to the Landmarks Preservation Board before any certificate of approval is issued;

d. The extent to which the proposed density of Major Institution development will affect vehicular and pedestrian circulation, adequacy of public facilities, capacity of public infrastructure, and amount of open space provided;

e. The extent to which the limit on the number of total parking spaces allowed will minimize the impacts of vehicular circulation, traffic volumes and parking in the area surrounding the MIO District.

5. The Director's analysis and recommendation on the proposed master plan's development standards component shall be based on the following:

a. The extent to which buffers such as topographic features, freeways or large open spaces are present or transitional height limits are proposed to mitigate the difference between the height and scale of existing or proposed Major Institution development and that of adjoining areas. Transition may also be achieved through the provision of increased setbacks, articulation of structure facades, limits on structure height or bulk or increased spacing between structures;

b. The extent to which any structure is permitted to achieve the height limit of the MIO District. The Director shall evaluate the specified limits on structure height in relationship to the amount of MIO District area permitted to be covered by structures, the impact of shadows on surrounding properties, the need for transition between the Major Institution and the surrounding area, and the need to protect views;

c. The extent to which setbacks of Major Institution development at ground level or upper levels of a structure from the boundary of the MIO District or along public rights-of-way are provided for and the extent to which these setbacks provide a transition between Major Institution development and development in adjoining areas;

d. The extent to which allowable lot coverage is consistent with permitted density and allows for adequate setbacks along public rights-of-way or boundaries of the MIO District. Coverage limits should insure that view corridors through Major Institution development are enhanced and that area for landscaping and open space is adequate to minimize the impact of Major Institution development within the MIO District and on the surrounding area;

e. The extent to which landscaping standards have been incorporated for required setbacks, for open space, along public rights-of-way, and for surface parking areas. Landscaping shall meet or exceed the amount of landscaping required by the underlying zoning. Trees shall be required along all public rights-of-way where feasible;

f. The extent to which access to planned parking, loading and service areas is provided from an arterial street;

g. The extent to which the provisions for pedestrian circulation maximize connections between public pedestrian rights-of-way within and adjoining the MIO District in a convenient manner. Pedestrian connections between neighborhoods separated by Major Institution development shall be emphasized and enhanced;

h. The extent to which designated open space maintains the patterns and character of the area in which the Major Institution is located and is desirable in location and access for use by patients, students, visitors and staff of the Major Institution;

i. The extent to which designated open space, though not required to be physically accessible to the public, is visually accessible to the public;

j. The extent to which the proposed development standards provide for the protection of scenic views and/or views of landmark structures. Scenic views and/or views of landmark structures along existing public rights-of-way or those proposed for vacation may be preserved. New view corridors shall be considered where potential enhancement of views through the Major Institution or of scenic amenities may be enhanced. To maintain or provide for view corridors the Director may require, but not be limited to, the alternate spacing or placement of planned structures or grade-level openings in planned structures. The institution shall not be required to reduce the combined gross floor area for the MIO District in order to protect views other than those protected under City laws of general applicability.

6. The Director's report shall specify all measures or actions necessary to be taken by the Major Institution to mitigate adverse impacts of Major Institution development that are specified in the proposed master plan.

F. Draft Advisory Committee Report.

1. At the same time the Director is preparing a written report on the master plan application, the

Advisory Committee shall prepare a written report of its findings and recommendations on the final master plan. The Advisory Committee report shall include, in addition to its recommendations, the public comments it received. The document may incorporate minority reports.

2. The Advisory Committee report shall set forth any issues which the committee believes were inadequately addressed in the final master plan and final EIS and clearly state the committee's position on these issues.

3. The Advisory Committee report shall include a record of committee meetings, including the meetings' minutes.

G. Preparation of Final Director's Report and Final Advisory Committee Report.

1. The Director shall submit the draft Director's report to the Advisory Committee and the institution for their review.

2. Within three (3) weeks after receipt of the draft Director's Report, the Advisory Committee and the institution shall review and submit comments to the Director on the draft Director's Report.

3. Within two (2) weeks after receipt of the Advisory Committee's and institution's comments, the Director shall review the comments, and prepare a final Director's report using the criteria in subsection E of this section. The Director shall address each of the issues in the Advisory Committee's comments on the draft Director's Report. In addition, on those issues where the Director's recommendation differs from the Advisory Committee's recommendations, the Director shall include explanation of the difference.

4. The Director shall submit the final Director's Report to the Advisory Committee.

5. Within two (2) weeks after receipt of the final Director's Report, the Advisory Committee shall finalize its report according to subsection F of this section. The Advisory Committee report shall also include comments on the final Director's Report.

H. Hearing Examiner Consideration of the Master Plan.

1. The Hearing Examiner shall review the Director's report and recommendation and the Advisory Committee's report on the Director's report, as provided in Section 23.76.052, Hearing Examiner open record predecision hearing and recommendation.

2. If the Hearing Examiner considers the proposed master plan and all recommendations for changes, alternatives, mitigating measures and conditions, and determines that a significant master plan element or environmental issue was not adequately addressed by the proposed master plan, the Hearing Examiner may request the institution to prepare new proposals on the issues identified, may request the Director to conduct further analysis or provide clarification, and may request the Advisory Committee to reconvene for the limited purpose of commenting on the new proposals. The new proposals shall also be submitted to the Director, Advisory

Committee and parties of record for comment. After the new proposals and comments have been received, the Hearing Examiner may:

a. Remand the new proposals and Advisory Committee comments and recommendation to the Director for further consideration and report; or

b. Hold the hearing record open for evidence on the new proposals, the Advisory Committee comments and recommendation, and/or any comments pertaining to the limited issues which were presented by other parties of record.

3. The Hearing Examiner shall submit a recommendation to the Council on the proposed master plan within thirty (30) days following the hearing. In addition to the Hearing Examiner's recommendation, the Hearing Examiner shall transmit to the Council the proposed master plan, environmental documentation, the Advisory Committee's reports, and the report and recommendation of the Director.

I. Council Consideration of the Hearing Examiner's Recommendation.

1. The Council shall review and consider the Hearing Examiner's recommendation as provided in Section 23.76.054, Council consideration of Hearing Examiner recommendation. The goal of the Council shall be to take final action on the Hearing Examiner's recommendation no later than three (3) months after the date it receives the recommendation.

2. If the Council examines the proposed master plan and all recommendations for changes, alternatives, mitigating measures and conditions, and determines that a significant master plan element or environmental issue was not adequately addressed by the proposed master plan, the Council may request the institution to prepare new proposals on the issue identified, may request the Director to conduct further analysis or provide clarification, and may request the Advisory Committee to convene for the limited purpose of commenting on the new proposals. The new proposals shall also be submitted to the Director, Advisory Committee and parties of record for comment. After the new proposals and comments have been received, the Council may:

a. Remand the new proposals and Advisory Committee comments and recommendations to the Director for further consideration and report; or

b. Direct the Hearing Examiner to conduct another hearing and to reconsider the recommendation based on the new proposals, the Advisory Committee comments and recommendation, and/or any comments pertaining to the limited issues which were presented by other parties of record; or

c. Open the record for a hearing on the new proposals, the Advisory Committee comments and recommendation, and any comments pertaining to the limited issues which were presented by other parties of record.

J. Council Decision.

1. The Council's decision to adopt, adopt with conditions, or deny an application for a Major Institution Master Plan shall comply with the requirements of Section 23.76.056, Council decision on Hearing Examiner recommendation.

2. Adoption of a master plan shall be by ordinance. A master plan shall not become final until the ordinance approving it becomes law pursuant to the City Charter.2

K. Requirement for Compiled Plan. Within thirty (30) days of adoption of a master plan by the Council, the institution shall submit a draft copy of the compiled adopted plan for the Director's review and approval. This compiled plan shall incorporate all changes and conditions imposed during the plan approval process. The Director shall review the compiled plan within thirty (30) days of receipt of the plan, and may request corrections or clarifications if necessary. Upon the Director's approval, the institution shall submit seven (7) written copies of the compiled adopted plan to the Director. The Director shall keep one (1) copy and distribute the other six (6) copies to the City Clerk's Office, the Strategic Planning Office, the Department of Neighborhoods and the Seattle Public Library (one (1) copy for the main downtown library and two (2) copies to go to the two (2) branch libraries nearest the institution). The institution shall also submit one (1) copy of the compiled adopted plan in electronic format for the City to post on the Public Access Network (PAN). No Master Use Permit for development first permitted in the adopted plan shall be issued until the compiled plan has been reviewed and approved by the Director except as provided in Section 23.69.033.
(Ord. 121477 § 43, 2004; Ord. 120691 § 25, 2001; Ord. 118981 § 4, 1998; Ord. 118912 § 37, 1998; Ord. 118794 § 43, 1997; Ord. 118409 § 209, 1996: Ord. 118362 § 20, 1996: Ord. 116744 § 56, 1993; Ord. 115906 § 1, 1991; Ord. 115002 § 23(part), 1990.)
1. Editor's Note: The Landmarks Preservation Ordinance is set out at Chapter 25.12 of this Code.
2. Editor's Note: The City Charter is set out at the front of this Code.

23.69.033 Approval of master use permits prior to master plan adoption.

An institution may submit an application for development requiring a master plan prior to the master plan's adoption at any time following application for a master plan. The application may be approved if the following conditions are met:

A. Development proposed in the Master Plan:

1. The Draft Environmental Impact Statement (DEIS) and the draft master plan have been published; and

2. The development standards shall be established through the conditional use process; and either

3. a. The end of the schedule for submittal to Council of the master plan has been reached, and

b. Review of the application has been completed by the advisory committee and it has made a recommendation to the Director, and

c. The Council has approved the development as a Council Conditional Use according to the criteria of Section 23.69.012 A; or

4. a. The advisory committee has reviewed the application and has recommended by a

three-fourths (3/4) vote of all advisory committee members, with at least six (6) affirmative votes, approval of the application, and

b. The Director has approved the development as an Administrative Conditional Use according to the criteria of Section 23.69.012;

B. Development not proposed in the Master Plan:

1. The conditions of subsection A of this section have been met; and

2. The institution shall provide a statement describing the unforeseen conditions or circumstances which warrant the need to include the proposed development; and

3. An analysis of the environmental impacts of the new proposal shall be incorporated into the environmental analysis of the proposed master plan and shall be reviewed by the advisory committee; and

4. The published final master plan and final EIS shall be amended to include the proposed development.

(Ord. 118362 § 21, 1996; Ord. 115002 § 23(part), 1990.)

23.69.034 Effect of master plan adoption.

A. After a master plan has been adopted, the institution may develop in accordance with the adopted master plan.

B. The Director may approve applications requiring a master plan prior to final adoption of the master plan subject to the provisions of Section 23.04.040 F, Section 23.04.040 G, or Section 23.69.033.

C. The Director shall not issue any permit for any development which has not been included within the master plan unless the institution has met the requirements of Section 23.69.035, Master plan amendment.

D. Applications for master use permits for development contained in the adopted master plan shall be subject to the requirements of Chapter 25.05, Environmental Policies and Procedures.

E. The adopted master plan shall be referenced on the Official Land Use Map and placed on file in the Department.

F. Following adoption of a master plan, the citizens advisory committee shall continue to advise the institution and the City regarding implementation or renewal of the master plan or amendments to the master plan. If more than one (1) major institution is designated within the same general area, individual advisory committees may be consolidated into one (1) committee. The committee shall meet as necessary but no less than once annually to review the status of the master plan.

G. When a master plan has been adopted prior to the effective date of these provisions1 and there is no standing advisory committee, an advisory committee shall be established in accordance with the provisions

of subsection B of Section 23.69.032 at the time an application for an amendment to the master plan, requiring Council approval, is made.

H. The Advisory Committee and the neighborhood planning group from the surrounding area, if applicable, will be notified of master use permit (MUP) applications for Major Institution uses within the Major Institution Overlay (MIO) District and for Major Institution structures outside of but within two thousand five hundred feet (2,500') of the MIO District boundaries, and shall have an opportunity to review and comment on the applications if there is a discretionary decision and formal comment period as part of the MUP.

I. The institution shall provide an annual status report to the Director and the Advisory Committee which shall detail the progress the institution has made in achieving the goals and objectives of the master plan. The annual report shall contain the following information:

1. The status of projects which were initiated or under construction during the previous year;

2. The institution's land and structure acquisition, ownership and leasing activity outside of but within two thousand five hundred feet (2,500') of the MIO District boundary;

3. Progress made in achieving the goals and objectives contained in the transportation management program towards the reduction of single-occupant vehicle use by institution employees, staff and/or students; and

4. Progress made in meeting conditions of master plan approval.

(Ord. 118362 § 22, 1996; Ord. 116744 § 57, 1993; Ord. 115165 § 9, 1990; Ord. 115002 § 23(part), 1990.)

1. Editor's Note: Ordinance 115002 was passed by the Council on March 26, 1990.

23.69.035 Changes to master plan.

A. A proposed change to an adopted master plan shall be reviewed by the Director and determined to be an exempt change, a minor amendment, or a major amendment.

B. Exempt Changes. An exempt change shall be a change to the design and/or location of a planned structure or other improvement from that shown in the master plan, which the Director shall approve without publishing an interpretation. Any new gross floor area or parking space(s) must be accompanied by a decrease in gross floor area or parking space(s) elsewhere if the total gross floor area or parking spaces permitted for the entire MIO District or, if applicable, the subarea would be exceeded. Each exempt change must meet the development standards for the MIO District. Exempt changes shall be:

1. Any new structure or addition to an existing structure not approved in the master plan that is twelve thousand (12,000) square feet of gross floor area or less; or

2. Twenty (20) or fewer parking spaces not approved in the master plan; or

3. An addition to a structure not yet constructed but approved in the master plan that is no greater than twenty percent (20%) of the approved gross floor area of that structure or twenty thousand (20,000) square feet, whichever is less; or

4. Any change in the phasing of construction, if not tied to a master plan condition imposed under approval by the Council; or

5. Any increase in gross floor area below grade.

C. Amendments. The Advisory Committee shall be given the opportunity to review a proposed minor or major amendment and submit comments on whether it should be considered minor or major, and what conditions (if any) should be imposed if it is minor. The Director shall determine whether the amendment is minor or major according to subsections D and E of this section. The Director's decision that a proposed amendment is minor or major shall be made in the form of an interpretation subject to the procedures of Chapter 23.88, Rules; Interpretation. If the Director and the Major Institution agree that a major amendment is required based on subsection E of this section, the interpretation process may be waived, and the amendment and environmental review process shall be subject to the provisions of subsection G of this section. After the Director makes a decision on whether an amendment is minor or major, the Advisory Committee shall be notified.

D. Minor Amendments. A proposed change to an adopted master plan shall be considered and approved as a minor amendment when it is not an exempt change according to subsection B of this section, when it is consistent with the original intent of the adopted master plan, and when it meets at least one of the following criteria:

1. The amendment will not result in significantly greater impacts than those contemplated in the adopted master plan; or

2. The amendment is a waiver from a development standard or master plan condition, or a change in the location or decrease in size of designated open space, and the proposal does not go beyond the minimum necessary to afford relief and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the Major Institution is located; or

3. The amendment is a proposal by the Major Institution to lease space or otherwise locate a use at street level in a commercial zone outside an MIO District, and within two thousand five hundred feet (2,500') of the MIO District boundary, and the use is allowed in the zone for but not permitted pursuant to Section 23.69.022. In making the determination whether the amendment is minor, the Director shall consider the following factors:

   a. Whether an adequate supply of commercially zoned land for business serving neighborhood residents will continue to exist, and

   b. Whether the use will maintain or enhance the viability or long term potential of the neighborhood-serving character of the area, and

   c. Whether the use will displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of personal and household retail sales and service uses, and

d. Whether the use supports neighborhood planning goals and objectives as provided in a Council-approved neighborhood plan.

E. Major Amendments. A proposed change to an adopted master plan shall be considered a major amendment when it is not an exempt change according to subsection B of this section or a minor amendment according to subsection D of this section. In addition, any of the following shall be considered a major amendment:

1. An increase in a height designation or the expansion of the boundary of the MIO District; or

2. Any change to a development standard that is less restrictive; or

3. A reduction in housing stock outside the boundary but within two thousand five hundred feet (2,500') of the MIO District, other than within a Downtown zone, that exceeds the level approved in an adopted master plan; or

4. A change to the single-occupancy vehicle goal of an approved transportation management program that increases the percentage of people traveling by single-occupancy vehicle; or

5. A use that requires Council Conditional Use approval, including but not limited to a helistop or a major communication utility, that was not described in an adopted master plan; or

6. The update of an entire development program component of a master plan that was adopted under Code provisions prior to the 1996 Major Institutions Ordinance where the institution proposes an increase to the total amount of gross floor area allowed or the total number of parking spaces allowed under the institution's existing development program component within the MIO District.

F. If the Director, after reviewing any Advisory Committee recommendation, determines that a proposed major amendment is of unusual complexity or size, the Director may require that the institution prepare a new master plan subject to Section 23.69.032.

G. If an amendment is determined to be major, the amendment and environmental review process shall be subject to the provisions of Section 23.69.032, Master plan process. However, a concept plan and preliminary draft plan shall not be required. Instead, the Major Institution shall submit a major amendment draft report as part of the application stating which parts of the master plan are proposed to be amended. If an EIS is required for the major amendment, the draft EIS shall be prepared after submittal of the major amendment draft report. After comments are received on the major amendment draft report, the institution shall prepare the major amendment final report and if required, the final EIS. If an EIS is not required for the major amendment, the Director is not required to hold a public hearing on the major amendment draft report.

H. Noncontiguous areas that are included in a MIO District as a result of a previously adopted master plan shall be deleted from the MIO District at the time a major amendment is approved unless the noncontiguous area was a former and separate MIO District. The change to the MIO District boundaries shall be in accordance with the procedures for City-initiated amendments to the Official Land Use Map as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and shall not be subject to

the rezone criteria contained in Section 23.34.124.
(Ord. 120691 § 26, 2001; Ord. 118362 § 23, 1996: Ord. 115165 § 10, 1990; Ord. 115002 § 23(part), 1990.)

23.69.036 Master plan renewal.

A. The process for renewal of a master plan's development program component shall follow the procedures provided in Section 23.69.032, Master plan process.

B. Noncontiguous areas which are included in a MIO District as a result of a previously adopted master plan shall be deleted from the MIO District at the time a new master plan development program component is adopted, unless the noncontiguous area was a former and separate MIO District. The change to the MIO District boundaries shall be in accordance with the procedures for City-initiated amendments to the Official Land Use Map as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and shall not be subject to the rezone criteria contained in Section 23.34.124.
(Ord. 120691 § 27, 2001; Ord. 118362 §§ 24, 25, 1996; Ord. 115002 § 23(part), 1990.)

Chapter 23.71

NORTHGATE OVERLAY DISTRICT

Sections:

Subchapter I

Establishment of Overlay District

23.71.002 Purpose and intent.

The purpose of this chapter is to implement the Northgate Area Comprehensive Plan by regulating land use and development within the Northgate Overlay District in order to:

A. Create an environment in the Northgate Area that is more amenable to pedestrians and supportive of commercial development; and

B. To protect the residential character of residential neighborhoods; and

C. Support the use of Northgate as a regional high-capacity transportation center.
(Ord. 116795 § 2(part), 1993.)

23.71.004 Northgate Overlay District established.

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Northgate Overlay District, as shown on the City's Official Land Use Map, Chapter 23.32 and Map A.
(Ord. 121362 § 1, 2003; Ord. 120117 § 51, 2000: Ord. 118414 § 52, 1996: Ord. 116795 § 2(part), 1993.)

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23.71.006 Application of regulations.

All land located within the Northgate Overlay District is subject to regulations of the underlying zone unless specifically modified by the provisions of this chapter. Where the boundaries of the Northgate Overlay District overlap with the boundaries of the Major Institution Overlay District, the zoning underlying a major institution shall be as modified by the Northgate Overlay District. In the event of irreconcilable differences between the provisions of the Northgate Overlay District and the underlying zone, the provisions of this chapter apply, except that where a conflict exists between the provisions of this chapter and Chapter 23.69, Major Institution Overlay District, the provisions of Chapter 23.69 take precedence, provided that the major institution may be granted an exception pursuant to SMC Section 23.71.026.
(Ord. 116795 § 2(part), 1993.)

Subchapter II

Development Standards

Part 1 Northgate Overlay District Development Standards

23.71.007 Substantial development.

For the purposes of this chapter, "substantial development" means any new development, or expansion or addition to existing development, when the new development, expansion or addition exceeds four thousand (4,000) square feet in gross floor area, excluding accessory parking area.
(Ord. 116795 § 2(part), 1993.)

23.71.008 Development along major pedestrian streets.

A. Northeast Northgate Way (from Third Avenue Northeast to 11th Avenue Northeast) and Fifth Avenue Northeast (from Northeast 113th Street to Northeast 105th Street) are designated as Major Pedestrian Streets as shown on Map A. Proposed use and development of property zoned commercial and abutting these streets shall meet the standards of this section.

B. Standards for Required Street-level Uses.

1. A minimum of sixty (60) percent of a commercially zoned lot's frontage on a major pedestrian street shall be occupied by one or more of the following uses, referred to in this section as "required street-level uses," provided that drive-in businesses and outdoor storage are prohibited:

a. General sales and services;

b. Major durables retail sales;

c. Eating and drinking establishments;

d. Entertainment uses;

e. Lodging uses;

f. Public libraries;

g. Parks and open spaces.

If a portion of the major pedestrian street frontage is required for access to on-site parking due to limited lot dimension, the Director may permit less than sixty (60) percent of the frontage to be occupied by such uses.

2. A minimum of eighty (80) percent of each structure fronting on a major pedestrian street must be occupied at street level by required street-level uses or a building lobby permitting access to uses above or behind street-front uses. In no case may pedestrian access to uses above or behind required street-front uses exceed twenty (20) percent of the structure's major pedestrian street front. The remaining twenty (20) percent of the structure's street frontage may contain other permitted uses or pedestrian entrances (Exhibit 23.71.008 A).

3. Street-level uses must occupy a minimum of the first ten (10) feet above sidewalk grade.

4. All required street-level uses along major pedestrian streets may be set back no more than ten (10) feet from the street lot line, except as necessary to provide open space as defined in Section 23.71.014 C or for bedrooms in a lodging structure, which may be set back a maximum of fifteen (15) feet. The owner shall design the area subject to this setback to include special pavers, as an extension of the sidewalk or with landscaping.

5. The principal entrances to required street-level uses on major pedestrian streets shall have direct access to the sidewalk and be within three (3) feet of the sidewalk grade elevation.

6. General sales and service uses or major durables retail sales uses, in each case greater than thirty thousand (30,000) square feet may locate a principal pedestrian entrance on a facade oriented to a parking area or the major pedestrian street. Where a principal pedestrian entrance is oriented to a parking area, an additional pedestrian entrance shall be located along the major pedestrian street. In lieu of the additional entrance, the owner may provide a ten (10) foot wide, landscaped pedestrian walkway from the major pedestrian street to the principal pedestrian entrance, provided that the walkway does not go through other businesses or parking areas.

C. Parking Location and Screening. The following standards apply along major pedestrian streets:

1. Parking, or access to parking, shall not exceed forty (40) percent of a lot's frontage on a major pedestrian street.

2. Parking shall be located to the rear or side of a structure, within or under the structure, or within eight hundred (800) feet of the lot to which it is accessory.

3. Where parking within a structure occupies any portion of the major pedestrian street level of the structure, the parking shall be screened from public view from the major pedestrian street(s) by a street-level facade. The street-level facade shall be enhanced by architectural detailing, artwork, landscaping, or similar treatment that will add visual interest to the facade.

4. The perimeter of each floor of parking which is eight (8) feet or more above sidewalk grade shall have an opaque screen at least three and one-half (3 1/2) feet high at its perimeter.

5. Surface parking areas shall be set back a minimum of fifteen (15) feet from the major pedestrian street lot line. The setback area, excluding driveways, shall be provided as landscaped or usable open space, as defined in Section 23.71.014.

6. Any nonconformity with respect to location, screening and landscaping of an existing parking area shall be eliminated at the time of a substantial development, if the area of the nonconformity is between the substantial development and the major pedestrian street. This requirement shall apply regardless of whether the substantial development increases lot coverage.

D. Parking Access and Curb Cuts.

1. When a lot abuts an alley which meets the standards of Section 23.53.030 C, access to parking shall be from the alley.

2. When a lot does not abut an improved alley, and the lot fronts on more than one (1) street, at least one of which is not a major pedestrian street, access to parking shall be from a street which is not a major pedestrian street.

3. If the lot does not abut an improved alley, and only abuts a major pedestrian street(s), access

from the major pedestrian streets shall be limited to one (1), two (2) way curb cut within any three hundred (300) foot segment of that lot. For purposes of this subsection, a segment of a lot shall be measured as a lot's continuous streetside lot line unbroken by streets, alleys or property owned by another. A segment may front on two or more streets around corners.

E. Sidewalks.

1. The owner shall construct a sidewalk no less than twelve (12) feet in width.

2. The owner shall plant street trees adjacent to the major pedestrian street. The trees shall meet criteria prescribed by the Director of Transportation.

3. Planting strips are prohibited along major pedestrian streets.

4. The owner shall install street furniture and planting boxes adjacent to the major pedestrian street. The installation shall conform to the Right-of-Way Improvements Manual.

F. Street Facade Standards.

1. Transparency Requirements. Sixty (60) percent of the width of the facade of a structure along the major pedestrian street shall be transparent. Clear or lightly tinted glass, with comparable visibility into the structure as clear glass, in windows, doors and display windows, which must be a minimum of four (4) feet deep, shall be considered transparent. Transparent areas shall allow unobstructed views into the structure or into display windows, which must be a minimum of four (4) feet deep, from the outside.

2. Blank Facades.

   a. Any portion of a facade which is not transparent shall be considered to be a blank facade.

   b. Blank facade segments shall not exceed thirty (30) feet along the major pedestrian street front.

   c. Blank facade segments which are separated by transparent areas of at least two (2) feet in width shall be considered separate facade segments for the purposes of this section.

3. Transparent and blank facade standards apply to the area of a facade between two (2) feet and eight (8) feet above the sidewalk.

G. Overhead Weather Protection.

1. Continuous overhead weather protection (i.e., canopies, awnings, marquees, and arcades) is required along at least sixty (60) percent of the street frontage of a commercial structure on a major pedestrian street.

2. The overhead weather protection must be provided over the sidewalk, or over a walking area

within ten (10) feet immediately adjacent to the sidewalk. When provided adjacent to the sidewalk, the covered walking area must be at the same grade or within eighteen (18) inches of sidewalk grade and meet Washington state requirements for barrier-free access.

3. The covered area shall have a minimum width of six (6) feet, unless there is a conflict with street trees or utility poles, in which case the width may be adjusted to accommodate such features.

4. The lower edge of the overhead weather protection shall be a minimum of eight (8) feet and a maximum of twelve (12) feet above the sidewalk for projections extending a maximum of six (6) feet. For projections extending more than six (6) feet from the structure, the lower edge of the weather protection shall be a minimum of ten (10) feet and a maximum of fifteen (15) feet above the sidewalk.

(Ord. 122311, § 87, 2006; Ord. 122205, § 12, 2006; Ord. 121362 § 2, 2003; Ord. 121244 § 1, 2003; Ord. 118414 § 53, 1996; Ord. 118409 § 210, 1996: Ord. 116795 § 2(part), 1993.)

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23.71.010 Green streets.

A. Green streets are identified on Map A.

B. Where an owner proposes substantial development adjacent to a street classified as a green street, the owner shall construct street and pedestrian improvements which meet standards promulgated by the Director and the Director of Transportation.

(Ord. 118409 § 211, 1996: Ord. 116795 § 2(part), 1993.)

23.71.012 Special landscaped arterials.

A. Special landscaped arterials are those arterials identified on Map A.

B. When an owner proposes substantial development on lots abutting special landscaped arterials, the owner shall provide the following:

1. Street trees meeting standards established by the Director of Seattle Department of Transportation;

2. A six (6) foot planting strip and six (6) foot sidewalk if the lot is zoned SF, LDT, L1, or L2;

3. A six (6) foot planting strip and a six (6) foot sidewalk, or, at the owner's option, a twelve (12) foot sidewalk without a planting strip, if the lot is zoned NC2, NC3, RC, L4 or MR;

4. Pedestrian improvements, as determined by the Director, such as, but not limited to special pavers, lighting, benches and planting boxes.

(Ord. 121477 § 44, 2004; Ord. 118409 § 212, 1996: Ord. 116795 § 2(part), 1993.)

23.71.014 Open space.

A. Quantity of Open Space.

1. In all Commercial zones with a permitted height limit of forty (40) feet or less, a minimum of ten (10) percent of lot area or, at the applicant's option, proposed gross floor area, shall be provided as landscaped or usable open space for all commercial and mixed use substantial development. A minimum of one-half (1/2) of the required open space shall be landscaped open space and a minimum of one-third (1/3) of the required open space shall be usable open space. The remainder shall be either landscaped or usable open space or may be provided in accordance with subsection A8 of this section.

2. In all Commercial zones with a permitted height limit greater than forty (40) feet, a minimum of fifteen (15) percent of lot area or, at the applicant's option, proposed gross floor area, shall be provided as landscaped or usable open space for all commercial and mixed use substantial development. A minimum of one-third (1/3) of the required open space shall be landscaped open space and a minimum of one-fifty (1/5) of the required open space shall be usable open space. The remainder shall be either landscaped or usable open space or may be provided in accordance with subsection A8 of this section.

3. Open space may be provided as interior or exterior open space according to the standards provided in subsections 23.71.014 B and C. Interior open space may be used to satisfy up to twenty (20) percent of the open space requirement.

4. Reductions to Required Open Space. Required open space may be reduced if any of the following open space alternatives are provided:

   a. Interior public meeting space or space accommodating a public library, either of which shall be free to the public and credited at two (2) times their actual area;

   b. An on-site town square, urban plaza, active park, or passive park which meets the minimum size requirements prescribed in Table 23.71.014 A and which is consistent with the standards for such features contained in subsection 23.71.014 C. Such space shall be credited towards the open space requirement at 1.5 times the actual lot area occupied by such space.

5. Above-ground open space in the form of a publicly accessible terrace may satisfy up to thirty (30) percent of total required open space. Due to the more limited public access to such areas, such above-ground open space shall be credited at seventy-five (75) percent of actual area provided. Above-ground open space in combination with interior open space shall not exceed fifty (50) percent of the total area required for open space.

6. In no case shall required landscaped open space be reduced to less than the minimum percentages for landscaped open space required in (A)(1) and (A)(2) of this section. Required landscaping of surface parking areas, which may include perimeter screening, may count towards

the landscaped open space requirement up to the minimum percentages required in (A)(1) and (A)(2) of this section.

7. When an owner proposes substantial development on lots forty thousand (40,000) square feet or less and adjacent to a major pedestrian street as designated in Section 23.71.008, the Director may reduce the total amount of required open space if the owner provides open space on the portion of the site abutting the major pedestrian street. The reduction does not apply to open space consisting of landscaping required for surface parking areas, screening, or to improvements provided within the street right-of-way.

8. Northgate Open Space Fund.

a. In lieu of providing the remainder of open space, as defined in subsections A1 and A2 of this section, an owner may make a payment to the Northgate Area Open Space fund, if such a fund is established by the City Council.

b. An in-lieu of payment shall equal the assessed value of the land and improvements which would otherwise have been provided as open space.

c. Funds received from properties within the Northgate Core sub-area as shown on Map A, shall be applied to open space acquisition or improvements in the Northgate Core sub-area. Funds received from properties outside of the Northgate Core sub-area shall be applied to open space acquisition or improvements within one-half (1/2) mile of contributing sites.

B. Open Space Development Standards.

1. Landscaped Open Space.

a. Landscaped open space shall be provided outdoors in the ground or in permanently installed beds, planters, or in large containers which cannot be readily removed.

b. Landscaped open space shall have a minimum horizontal dimension of six feet (6'), except on lots which are ten thousand (10,000) square feet or less in area, where a minimum horizontal dimension of five feet (5') is allowed. Where screening and landscaping of a surface parking area is counted towards meeting the landscaped open space requirement it shall meet the minimum dimensions as required by the underlying zone.

2. Usable Open Space-General.

a. Usable open space shall be open to the public. The minimum size of usable open space is prescribed in Table 23.71.014 A. The Director may modify the requirements of Section 23.71.014 C, if the owner demonstrates that meeting the requirements is infeasible or the Director determines that the owner's proposal will better achieve the purpose of usable open space than the requirements prescribed herein.

b. Usable open space shall be located within three feet (3') of the elevation of abutting sidewalks, provide access of at least ten feet (10') in width and provide barrier-free access according to the Washington State Rules and Regulations for Barrier-Free Design.

c. Where proposed, skybridges shall provide a direct connection to the nearest usable open space at ground level. This connection shall be visible from the skybridge and shall be identified by signage at both entrances to the skybridge.

3. Usable Open Space-Exterior.

a. Usable open space may be provided as on-site exterior open space consisting of an active or passive park, courtyard, public meeting space, terrace, town square, urban garden, urban plaza, landscaped interior block pedestrian connection or urban trail.

b. Exterior usable open space shall meet the minimum standards contained in subsection 23.71.014 C.

c. Exterior usable open space shall be screened from streets and parking areas by landscaping, a fence or a wall, except along a major pedestrian street, in which case usable open space shall be accessible to or integrated into the adjoining sidewalk for at least fifty percent (50%) of its frontage.

4. Usable Open Space-Interior.

a. Usable open space may be provided as on-site interior open space consisting of an atrium/greenhouse, galleria, or public meeting space.

b. Interior usable open space shall provide direct pedestrian connections, with a clear path at least ten feet (10') wide, to exterior usable open space or public right-of-way. Such pedestrian connections shall not count toward interior usable open space requirements.

c. Interior usable open space shall meet the applicable standards contained in subsection 23.71.014 C.

C. Minimum Standards for Usable Open Space.

Table 23.71.014 A
Minimum Square Footage Requirements
For Usable Open Space

	Minimum Width	Minimum Area
Active park	80'	11,000 square feet
Atrium/greenhouse	40'	2,000 square feet
Courtyard	30'	2,000 square feet
Galleria	20'	2,000 square feet

Landscaped interior--block pedestrian connections	10'	no minimum area
Passive park	100'	22,000 square feet
Public meeting space	30'	1,500 square feet
Terrace	10'	800 square feet
Town square	80'	11,000 square feet
Urban garden	10'	no minimum area
Urban plaza	50'	3,500 square feet

1. Active Park. An active park shall be essentially level, accessible from a public right-of-way and shall include areas for active recreation such as, but not limited to, ball fields, courts and children's play area(s). Public seating shall be provided.

2. Atrium/Greenhouse, Galleria. An atrium/greenhouse or galleria shall provide a large, enclosed, weather-protected space, generally covered by transparent and/or translucent material and meeting the following minimum standards and guidelines:

   a. Location and Access. The location of an atrium/greenhouse or galleria shall be highly visible from the street and easily accessible to pedestrians. Pedestrian access should be designed to improve overall pedestrian circulation on the block.

   b. Minimum Standards.

      i. The minimum height shall be thirty feet (30').

      ii. A minimum of fifteen percent (15%) of an atrium/greenhouse or galleria shall be landscaped.

      iii. A minimum of fifteen percent (15%) of an atrium/greenhouse or galleria shall be reserved for public seating at a rate of one lineal foot for every thirty (30) square feet of floor area or one lineal foot of public seating area for every thirty (30) square feet of floor area.

      iv. A minimum of thirty-five percent (35%) of the perimeter of an atrium/greenhouse or galleria shall be occupied by retail sales and service uses and sixty percent (60%) of every retail frontage on the atrium/greenhouse or galleria shall be transparent.

      v. Perimeter walls of an atrium/greenhouse or galleria, excluding the wall of the structure, shall be no more than fifteen percent (15%) blank. All nontransparent perimeter walls shall include measures to reduce the effect of the blank wall including, but not limited to, architectural detailing, landscaping, modulation or art.

3. Courtyard. A courtyard shall meet the following minimum standards and guidelines:

   a. Location and Access. A courtyard shall be adjacent to or attached to a structure or public

sidewalk and shall be highly visible from adjacent sidewalks and public areas and have direct access to the streets on which it fronts. A courtyard shall be easily accessible and inviting to pedestrians and provide enclosure through use of design elements such as pedestrian walkways, structures containing retail uses, low planters or benches, and seating.

b. Fifty percent (50%) of the courtyard area, outside of areas of major pedestrian traffic, shall be level.

c. Courtyards shall include unit paving; landscaping, which encourages privacy and quiet; and pedestrian-scaled lighting and seating. Public seating shall be provided at a rate of one lineal foot of seating for every fifty (50) square feet of courtyard area

4. Passive Park. Passive parks shall provide landscaped space for unstructured recreational activity such as walking or picnicking.

5. Public Meeting Space. Public meeting spaces shall be enclosed rooms available for use by the public free of charge, designed for the purposes of accommodating meetings, gatherings, or performances with seating capacity for at least fifty (50) people. Public meeting spaces shall be available to the public between the hours of ten a.m. (10:00 a.m.) and ten p.m. (10:00 p.m.) Monday through Friday and shall not count towards minimum parking requirements.

6. Terrace. A terrace is intended to provide additional opportunity for open space in areas of concentrated development.

a. Location and Access.

i. A terrace is a wind-sheltered area above street-level uses in a structure.

ii. A terrace should be easily accessible from the street and access should be plainly identified.

iii. Direct access by stairs, ramps or mechanical assist shall be provided from a public right-of-way or public open space to the terrace.

iv. The path of access must have a minimum width of ten feet (10').

b. A minimum of eighty percent (80%) of the terrace shall receive solar exposure from eleven a.m. (11:00 a.m.) until two p.m. (2:00 p.m.) PDT between the spring and autumn equinox.

c. Public seating shall be provided in an amount equal to one (1) seat for each thirty (30) square feet of terrace area or one lineal foot of public seating for each thirty (30) square feet of terrace area.

d. Terraces shall be landscaped in a manner which provides for the comfort and enjoyment

of people in the space as well as creates a visual amenity for pedestrians and occupants of surrounding buildings.

e. A terrace shall be open to the public from at least seven a.m. (7:00 a.m.) until one (1) hour after sunset seven (7) days a week.

7. Town Square. A town square shall meet the criteria for an urban plaza and in addition, shall meet the following:

a. Location and Access. A town square shall be located adjacent to a major pedestrian street.

b. A large, essentially level, unobstructed area should characterize the center of a town square and be available for public events.

8. Urban Garden. Urban gardens are intended to provide color and visual interest to pedestrians and motorists and are characterized by such amenities as specialized landscaping, paving materials and public seating.

a. Location and Access. Urban gardens shall be located at or near sidewalk grade and adjacent to a public right-of-way or building lobby.

b. One (1) public seating space for each twenty (20) square feet of garden area or one (1) lineal foot of public seating for every twenty (20) square feet of garden area shall be provided.

c. Urban gardens shall be developed with unit paving and plant materials in a garden-like setting. Landscaping shall include a mix of seasonal and permanent plantings, including trees and shrubs. A water feature is encouraged.

d. A minimum of seventy-five percent (75%) of the garden area shall receive solar exposure from eleven a.m. (11:00 a.m.) until two p.m. (2:00 p.m.) PDT, between the spring and autumn equinox.

e. The garden shall be open to the public at least five (5) days a week from eight a.m. (8:00 a.m.) until seven p.m. (7:00 p.m.).

9. Urban Plaza. An urban plaza shall serve as a link between a building and the pedestrian network and/or as a focal point between two (2) or more buildings.

a. Location and Access.

i. An urban plaza shall be one (1) contiguous space, with at least one (1) edge abutting a street at a transit stop or anywhere along a major pedestrian street.

ii. The area within ten feet (10') of the sidewalk, along a minimum of fifty percent

(50%) of each street frontage shall be within three feet (3') elevation of the adjoining public sidewalk.

b. There shall be no physical obstruction between an urban plaza and the sidewalk. The plaza should be distinguished from the public right-of-way by landscaping and/or a change in paving materials.

c. The aggregate area of retail kiosks and carts in an urban plaza should not exceed one hundred fifty (150) square feet or one percent (1%) of the total area of the plaza, whichever is greater.

d. Urban plazas shall have retail sales and service uses on frontage equivalent to at least fifty percent (50%) of the perimeter of the plaza. The retail sales and service uses shall have direct access onto the plaza.

e. Urban plazas shall be landscaped and paved in such a way as to provide continuous access to the public right-of-way. A minimum of twenty percent (20%) and a maximum of thirty percent (30%) of the plaza shall be landscaped.

f. A minimum ratio of one (1) tree per seven hundred (700) square feet of plaza area is required. Trees should be arranged in such a manner as to define the perimeter of the space and to maximize solar exposure to the principal space.

g. A minimum of eighty-five percent (85%) of the plaza shall be uncovered and open to the sky, excluding deciduous tree canopies.

h. There shall be one (1) lineal foot of public seating area or one (1) public seat for every thirty-five (35) square feet of plaza area. Up to fifty percent (50%) of the seating may be moveable.

i. An urban plaza shall be open to the public during normal business hours, seven (7) days a week.

(Ord. 121362 § 3, 2003; Ord. 116795 § 2(part), 1993.)

23.71.016 Parking and access.

A. Required Parking.

1. Off-street parking requirements are prescribed in Chapter 23.54, except as modified by this chapter. Minimum and maximum parking requirements for specified uses in the Northgate Overlay District are identified in Table 23.71.016 A.

Table 23.71.016 A
Minimum and Maximum Parking Requirements

	LONG TERM		SHORT TERM
	Minimum	Maximum	Minimum
Office	0.9/1000	2.6/1000	0.2/1000
General sales and service (Customer service office)	1.0/1000	2.4/1000	1.6/1000
General sales and service (other and Major durables retail sales	0.93/1000	2.4/1000	2.0/1000
Motion picture theaters	N/A	N/A	Min: 1/8 seats
			Max: 1/4 seats

2. Parking waivers as provided under Section 23.54.015 D apply in the Northgate Overlay District, except that no waiver of parking may be granted to medical service uses.

3. Parking may exceed the maximums when provided in a structure, pursuant to a joint use parking agreement with the Metro Transit Center, if the spaces are needed only to meet evening and weekend demand or as overflow on less than ten percent (10%) of the weekdays in a year, and will otherwise be available for daytime use by the general public.

4. Short-term parking for motion picture theaters may be increased by ten percent (10%) beyond the maximum requirement, if these additional spaces are not provided as surface parking, will not adversely impact pedestrian circulation and will reduce the potential for overflow parking impacts on surrounding streets.

B. Additional Parking Waivers on Major Pedestrian Streets.

1. When the amount of required parking has been determined pursuant to subsection A of this section, waivers are permitted, as follows:

   a. Parking shall not be required for the first one hundred fifty (150) seats of all motion picture theatre uses and the first seven hundred fifty (750) square feet for all eating and drinking establishments.

   b. Parking shall not be required for an additional two thousand five hundred (2,500) square feet to a maximum of five thousand (5,000) square feet for all other required street-level personal and household retail sales and service uses.

2. The Director may permit an additional parking waiver up to a maximum of four thousand (4,000) square feet for eating and drinking establishments as a special exception subject to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The following factors shall be considered by the Director in making a determination whether to allow additional parking waivers for eating and drinking establishments:

   a. Anticipated parking demand for the proposed use;

   b. The extent to which an additional parking waiver is likely to create or add significantly to spillover parking in adjacent residential neighborhoods;

c. Whether land is available for parking without demolishing an existing commercial structure, displacing a commercial use, or rezoning land to a commercial designation;

d. The availability of shared or joint use parking within eight hundred feet (800') of the business establishment;

e. The Director may require that a transportation study be submitted for review by the Director;

f. The Director shall determine the content of the transportation study based on the following factors:

i. The size and type of the proposed use;

ii. The size of the requested parking waiver;

iii. Any anticipated impacts of an additional parking waiver.

3. Parking waivers permitted by this subsection shall apply to each street-level business establishment in a structure.

C. Shared Parking. Shared parking, as provided in Section 23.54.020 G, is permitted for two (2) or more uses to satisfy all or a portion of minimum off-street parking requirements in the Northgate Overlay District.

D. Owners shall provide parking for bicycles which is protected from the weather. Owners shall provide bicycle lockers for storage of commuter bicycles.

E. Payment in Lieu of On-site Long-term Parking.

1. In lieu of providing up to twenty percent (20%) of the long-term parking which is otherwise required, the Director may permit an owner to make a payment to a Northgate Parking Commission, if a commission is established by the City Council. The payment shall be used to build a public parking structure for long-term parking within the Northgate Core area. The payment and use thereof shall be consistent with RCW 82.02.020.

2. The amount of the payment shall be based on the construction cost of a parking space in a structured garage in the Northgate Core area, as determined by the Northgate Parking Commission.

3. The Director shall apply the following criteria in determining whether to approve a payment in lieu:

a. Spillover parking would not occur which would significantly impact nearby residential neighborhoods;

b. The parking demand proposed to be met by in-lieu payment will not exceed the capacity provided by the long-term parking structure.

4. If a public parking structure is not constructed within six (6) years of the date of issuance of a certificate of occupancy for a development which made a payment in lieu, the City may use the payments to help reduce vehicle trips in the area. If the owner can show that the long-term parking demand of the site has been reduced enough to eliminate the need for the waived spaces, the amount of payments shall be returned to the property owner.

F. Parking Location and Access.

1. Parking location and access are subject to the provisions of the underlying zone, except as modified by this subsection and Section 23.71.008.

2. The following provisions shall apply to all new parking provided, the reconfiguration of more than two hundred fifty (250) parking spaces, or the replacement of existing surface parking with structured parking. Existing nonconforming parking used to meet the parking requirement for newly developed space or new uses shall not be required to meet these standards.

a. The first two hundred (200) proposed parking spaces located on-site may be located in either a surface parking area, or within or under a structure. In addition, seventy-five percent (75%) of the spaces in excess of two hundred (200) shall be accommodated either below grade or above grade in structures. All parking in excess of two hundred (200) spaces may be located off-site within eight hundred feet (800') of the site except as provided in subsection E1 of this section. The Director may waive or modify this requirement if site size, shape, or topography makes it infeasible to construct an accessory parking structure.

b. The first two hundred (200) proposed surface parking spaces may be increased to three hundred fifty (350) spaces if 1) the surface parking area does not cover more than thirty-five percent (35%) of the total lot area, and 2) the on-site open space requirement, in excess of the minimum required landscaped open space provided for in Section 23.71.014, is provided as usable open space which is contiguous to other usable open space on the site.

c. For surface parking areas exceeding two hundred fifty (250) parking spaces, a ten foot (10') wide landscaped pedestrian walkway separating each of these parking areas and connecting to the building is required, or separation of parking areas exceeding two hundred fifty (250) spaces shall be provided by structures on-site. These landscaped pedestrian walkways may be counted towards open space requirements as provided in Section 23.71.014.

3. Surface parking areas shall be screened and landscaped according to the provisions of the underlying zone.

(Ord. 122311, § 88, 2006; Ord. 122244, §§ 1, 2, 2006; Ord. 117432 § 41, 1994; Ord. 116795 § 2(part), 1993.)

23.71.018 Transportation management program.

A. When substantial development is proposed which is expected to generate twenty-five (25) or more employee or student vehicle trips in any one (1) p.m. hour, the owner of the site upon which the substantial development is proposed shall prepare and implement a Transportation Management Program (TMP) consistent with requirements for TMPs in Director's Rule 14-2002.

1. For purposes of measuring attainment of single-occupant vehicle (SOV) goals contained in the TMP, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees and students at the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of employees and students using an SOV to make a trip during the expected peak hour by the total number of employee and student person trips during the expected peak hour.

2. Compliance with this section does not supplant the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.

B. The owner of any site who proposes multifamily substantial development which is expected to generate fifty (50) or more vehicle trips in any one (1) p.m. hour shall prepare and implement a TMP. The TMP shall include measures likely to achieve goals for the proportion of SOV trips. These goals are a ten percent (10%) reduction in the proportion of SOV trips by 1995, fifteen percent (15%) by 1997 and twenty percent (20%) by 1999, from the 1990 SOV baseline rate (sixty-nine percent (69%) SOV) for commute trips by all residents living in the Northgate area (see Table 23.71.018 A) [Table 23.71.018 A is no longer in the Code]. For purposes of measuring attainment of the SOV goal, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by residents of the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of residential trips made by SOV during the expected peak hour by the total number of residential person trips.

C. Each owner subject to the requirements of this section shall prepare a TMP as described in rules promulgated by the Director, as part of the requirements for obtaining a master use permit.

D. The TMP shall be approved by the Director if, after consulting with Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the SOV goals.

E. The owner of each property subject to this implementation guideline shall submit an annual progress report to the Director of Transportation, who will advise the Director of DPD on compliance. The progress report shall contain:

1. The number of full and part-time employees, students and/or residents at a site during the peak hour;

2. A summary of the total p.m. peak hour vehicle trips generated by the site, including employees, students and residents;

3. A description of any programs, incentives, or activities or other measures targeted to reduce

vehicle trips, in which employees, students or residents at the site participate;

4. The number of people participating in the TMP measures;

5. The peak hour proportion of SOV trips of the employees, students, and/or residents.

F. Seattle Department of Transportation shall monitor compliance with the requirements of this section. If monitoring shows that the owner has not implemented the TMP measures or has not made sufficient progress toward achieving the TMP goals, the Director of Transportation may recommend that the Director:

1. Require modifications to the TMP program measures; and/or

2. Pursue enforcement action pursuant to the Land Use Code.

G. After approval of a TMP and issuance of a master use permit as prescribed in subsections C and D of this section, if the owner applies for a master use permit for additional development, before approving the new master use permit, the Director, after consulting with the Director of Transportation, shall review the implementation of the TMP. If substantial progress has not been made in achieving the goal for the proportion of SOV trips, the Director may:

1. Require the applicant to revise the TMP to include additional measures in order to achieve compliance with the TMP goal before the issuance of a permit; and/or

2. Require measures in addition to those in the TMP that encourage alternative means of transportation for the proposed new development; and/or

3. Deny the permit if the Director determines that the owner has failed to make a good-faith effort to implement the TMP; or

4. Determine that a revised or new program is not needed, and that the permit can be issued without changes to the existing TMP.

H. Compliance. To comply with this section, the owner of a site subject to the requirement for a TMP, must demonstrate that he or she has an approved TMP, has submitted the required annual reports, and has succeeded in accomplishing one (1) of the two (2) following objectives:

1. That the owner has implemented the measures contained in the TMP for the development project; and/or

2. That the owner has met the goal for SOV trips specified in subsection A of this section.Failure to comply with the provisions of this section is a violation of the Land Use Code. The penalty for each violation is Two Hundred Fifty Dollars ($250.00) per day.

I. A fund shall be established in the City's General Fund to receive revenue from fines for violations of this section. Revenue from fines shall be allocated to activities or incentives to reduce vehicle trips in the Northgate area. The Director of Transportation shall recommend to the Mayor and City Council how

these funds should be allocated.

J. Seattle Department of Transportation and DPD shall prepare a Director's Rule explaining how each department shall implement this section.
(Ord. 122244, § 3, 2006; Ord. 121477 § 45, 2004; Ord. 121276 § 37, 2003; Ord. 118409 § 213, 1996: Ord. 117432 § 42, 1994; Ord. 116795 § 2(part), 1993.)

23.71.020 Development Agreements.

Development Agreements may be proposed for development within the Northgate Overlay District pursuant to RCW 36.70B. In determining whether to approve a Development Agreement, the City Council shall consider the extent to which the proposed development or redevelopment:

a. Contributes toward meeting the Northgate Urban Center housing targets;

b. Coordinates approaches to transportation planning and traffic analysis with surrounding properties and the City, with the goal of reducing use of single-occupant vehicles and reducing or minimizing pedestrian and vehicular conflicts and other potential negative traffic impacts on neighborhoods;

c. Proposes improvements to the street level environment and circulation for pedestrians, including coordination with area-wide pedestrian circulation and open space plans such as the 5th Avenue Streetscape Design Plan;

d. Includes natural drainage strategies such as those described in the Thornton Creek Five-Year Action Agenda and "Refining Our Choices" for Northgate; and

e. Incorporates sustainable design and green building practices in the proposed development.
(Ord. 121362 § 4, 2003; Ord. 116795 § 2(part), 1993.)

23.71.030 Development standards for transition areas within the Northgate Overlay District.

A. To promote compatibility between different types and intensities of development located within and along the boundary of the Northgate Overlay District, a transition shall be provided between zones where different intensities of development may occur.

B. The requirements of this section apply to development on lots in the more intensive zones under the following conditions:

1. Where a lot zoned Lowrise 4 (L4), Midrise (MR), Midrise/85 (MR/85) or Highrise (HR) abuts or is across a street or alley from a lot zoned Single Family (SF), Lowrise Duplex-Triplex (LDT), Lowrise 1 (L1), or Lowrise 2 (L2); and

2. Where a lot zoned Neighborhood Commercial 2 or 3 (NC2, NC3) with a height limit of forty (40) feet or greater abuts or is across a street or alley from a lot zoned Single Family (SF), Lowrise Duplex-Triplex (LDT), Lowrise 1 (L1), or Lowrise 2 (L2).

C. Side Setbacks Abutting or Across an Alley.

1. For multifamily structures an additional side setback of one (1) foot for each two (2) feet of a structure height above twenty (20) feet is required (Exhibit 23.71.032 A).

2. A side setback of ten (10) feet is required for all portions of a commercial or mixed use structure twenty (20) feet or less in height (Exhibit 23.71.032 B).

3. An additional side setback of ten (10) feet is required for all portions of a commercial or mixed use structure exceeding twenty (20) feet (Exhibit 23.71.032 B).

4. Side setbacks shall be landscaped within five (5) feet of the abutting property line, unless the setback is used for parking, in which case the parking area shall be screened as otherwise required by this code.

D. Rear Setbacks Abutting or Across an Alley.

1. For multifamily structures, a rear setback of twenty (20) feet is required or the minimum required by the standards of the underlying zone for multifamily structures, whichever is greater.

2. A rear setback of ten (10) feet is required for all portions of a commercial or mixed use structure twenty (20) feet or less in height (Exhibit 23.71.032 C).

3. An additional rear setback of ten (10) feet is required for all portions of a commercial or mixed use structure exceeding twenty (20) feet (Exhibit 23.71.032 C).

4. Rear setbacks shall be landscaped unless used for parking, in which case the parking area shall be screened and landscaped as otherwise required by this code.

E. Side or Rear Setbacks for Multifamily Structures Abutting a Street. A side or rear setback of eight (8) feet, or the minimum required for multifamily structures by the underlying zone, whichever is greater, is required for portions of a multifamily structure thirty (30) feet or less in height along all street rights-of-way less than eighty (80) feet wide across from the less intensive zone. Portions of a multifamily structure in excess of thirty (30) feet in height shall be set back an additional one (1) foot for each two (2) feet of structure height above thirty (30) feet (Exhibit 23.71.032D).

F. Front Setbacks for Multifamily Structures Abutting a Street. Where the front lot line of the more intensively zoned lot is across a street right-of-way which is less than eighty (80) feet wide from the less intensively zoned lot, the minimum front setback shall be ten (10) feet for all portions of a multifamily structure thirty (30) feet or less in height. For portions of a structure exceeding thirty (30) feet in height, an additional front setback of one (1) foot for every two (2) feet of structure height in excess of thirty (30) feet shall be required (Exhibit 23.71.032E).

G. Setbacks for Commercial or Mixed Use Structures Abutting a Street. No side or rear setback abutting a street is required for the portion of commercial or mixed use structures containing street level retail

sales and service uses oriented towards the street. Where blank walls, parking or other nonretail sales and service uses occupy portions of the structure facing the street a five (5) foot setback shall be required and screened and landscaped as required by the underlying zone.
(Ord. 116795 § 2(part), 1993.)

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23.71.036 Maximum width and depth of structures.

The maximum width and depth requirements of this section shall apply only to portions of a structure within fifty (50) feet of a lot line abutting, or directly across a street right-of-way which is less than eighty (80) feet in width, from a less intensive residential zone as provided in Table 23.71.036 A.
(Ord. 116795 § 2(part), 1993.)

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23.71.038 Definition of mixed-use development within the Northgate Overlay District.

"Mixed use development," for the purposes of this chapter, means development in a commercial zone containing both residential and nonresidential uses and that meets the requirements of Section 23.47A.008 B.
(Ord. 122311, § 89, 2006; Ord. 121828 § 12, 2005; Ord. 121362 § 9, 2003; Ord. 121196 § 27, 2003: Ord. 118414 § 54, 1996: Ord. 116795 § 2(part), 1993.)

23.71.040 Density limits for residential uses in commercial zones within the Northgate Overlay District.

A. Residential uses in commercial zones with a thirty (30) foot height limit may not exceed a density of one (1) dwelling unit for every eight hundred (800) square feet of lot area.

B. Residential uses in commercial zones with a forty (40) foot height limit may not exceed a density of one (1) dwelling unit for every six hundred (600) square feet of lot area.

C. There is no density limit for residential use in commercial zones with height limits of sixty-five (65) feet or greater.

D. Development meeting the requirements for mixed use as provided in Section 23.71.038 is allowed a twenty (20) percent increase in permitted density over the density permitted by subsections A and B of this section.
(Ord. 116795 § 2(part), 1993.)

23.71.042 Standards for commercial-only structures in Residential/Commercial zones within the Northgate Overlay District.

A. Commercial uses permitted in a mixed use structure in Residential/Commercial (RC) zones as provided in Section 23.46.012 are permitted outright in single-purpose commercial structures within the Northgate Overlay District.

B. Single-purpose commercial structures shall not exceed a size limit of .75 FAR or five thousand (5,000) square feet, whichever is less.

C. Single-purpose commercial structures in Residential/Commercial (RC) zones are subject to the development standards of Section 23.71.008 B4 and 23.71.008 F.
(Ord. 116795 § 2(part), 1993.)

23.71.044 Standards for residential uses in commercial zones within the Northgate Overlay District.

A. In C and NC zones with height limits less than eight-five (85) feet, residential uses, in aggregate, may exceed 20% of the street-level street-facing facade only as a special exception under the following conditions or criteria:

1. Either:

   a. Due to location or parcel size, the proposed site is not suited for commercial development; or

   b. There is substantial excess supply of land available for commercial use near the lot, as evidenced by conditions such as lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, or vacant or underused commercially zoned land; and

2. The residential structure would not interrupt an established commercial street front. As used in this subsection, the phrase "established commercial street front" may include a street front intersected by streets or alleys, and some lots with no current commercial use.

B. When permitted, structures with residential uses exceeding 20% of the street-level street-facing facade are subject to the following development standards:

1. In all C and NC zones with a height limit of thirty (30) feet, the development standards for residential structures in Lowrise 3 zones, except that no front setback is required.

2. In all C and NC zones with a height limit of forty (40) feet, the development standards for residential structures in Lowrise 4 zones, except that no front setback is required.

3. In all C and NC zones with a height limit of sixty-five (65) feet, the development standards for residential structures in Midrise zones, except that no front setback is required.

C. In C and NC zones with a height limit of eighty-five (85) feet or greater, residential uses may occupy, in aggregate, more than 20% of the street-level street-facing facade.
(Ord. 122311, § 90, 2006; Ord. 121362 § 10, 2003; Ord. 116795 § 2(part), 1993.)

Chapter 23.72

SAND POINT OVERLAY DISTRICT

Sections:

Subchapter I

Establishment of Overlay District

23.72.002 Purpose and intent.

The purpose of this chapter is to implement the Sand Point amendments to the Comprehensive Plan by regulating land use and development within the Sand Point Overlay District in order to integrate the property into the city of Seattle as a multi-purpose regional center that provides:

A. Expanded opportunity for recreation, education, arts, cultural and community activities;

B. Increased public access to the shoreline and enhanced open space and natural areas;

C. Opportunities for affordable housing and community and social services with a special priority for addressing the needs of homeless families;

D. Expanded opportunity for low-impact economic development uses which could provide employment and services for residents of the property and for the broader community.
(Ord. 118624 § 3(part), 1997.)

23.72.004 Sand Point Overlay District established.

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Sand Point Overlay District, comprised of two subareas A and B, as shown on the City's Official Land Use Map, Chapter 23.32, and Map A.
(Ord. 118794 § 44, 1997: Ord. 118624 § 3(part), 1997.)

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23.72.006 Application of regulations.

All land located within the Sand Point Overlay District is subject to the regulations of the underlying zone unless specifically modified by the provisions of this chapter. In the event of irreconcilable differences between the provisions of the Sand Point Overlay District and the underlying zone, the provisions of this chapter shall apply. Portions of the Sand Point Overlay District that lie within the Shoreline District, regulated by the Seattle Shoreline Master Program (SSMP), Chapter 23.60, shall be governed by the provisions of the SSMP in addition to this chapter. In the event of a conflict the provisions of the SSMP shall prevail. (Ord. 118624 § 3(part), 1997.)

Subchapter II

Use and Development Standards

23.72.008 Uses permitted in specified areas within the Sand Point Overlay District.

A. Uses Permitted Within Portions of Subarea B Zoned Single-family as Depicted on Map A.

1. Principal Uses Permitted Outright. In addition to the uses permitted by the provisions of Section 23.44.006, the following principal uses are permitted outright in structures existing as of July 18, 1997, in all portions of Subarea B that are in single-family zones.

    a. Custom and craft work and accessory retail sales and services;

    b. Institutions, except hospitals;

    c. Lecture and meeting halls;

    d. Motion picture studios;

    e. Indoor and outdoor sports and recreation;

    f. Police training facilities;

    g. Research and development laboratories;

    h. Storage of fleet vehicles and accessory service and repair; and

    i. Warehouses.

2. When not in use as a motion picture studio, a structure may be used for indoor and outdoor sports and recreation.

3. Within Subarea A, Park Area depicted on Map A, area not occupied by existing structures, existing paved parking areas or rights-of-way is limited to open space uses, such as parks and playgrounds.

B. Uses Permitted Within Portions of Subarea B Zoned Lowrise 3 as Depicted on Map A. In addition to the uses permitted outright in accordance with Section 23.45.006, the following principal uses are permitted outright within structures existing as of July 18, 1997, in the portions of Subarea B zoned L3:

1. Food processing;

2. Horticulture;

3. Institutions, except hospitals;

4. Lecture and meeting halls;

5. Medical service uses;

6. Offices; and

7. Restaurants.

(Ord. 122311, § 90, 2006; Ord. 121145 § 16, 2003; Ord. 118794 § 45, 1997: Ord. 118624 § 3(part), 1997.)

23.72.010 Development standards.

A. Within areas zoned single-family, new structures shall conform to the development standards for single-family development in Chapter 23.44, Residential, Single-family.

B. Within areas zoned Lowrise 3, new structures shall conform to the development standards of Chapter 23.45 applicable to Lowrise 3 development.

C. Density. A maximum of two hundred (200) dwelling units may be established within the boundaries of the Sand Point Overlay District. Residential uses provided by the University of Washington shall not count toward the maximum site density established in this subsection.

(Ord. 118794 § 46, 1997; Ord. 118624 § 3(part), 1997.)

23.72.012 Parking location.

Required parking may be provided anywhere within the Sand Point Overlay District, including public rights-of-way.

(Ord. 118624 § 3(part), 1997.)

23.72.014 Nonconformity.

The provisions of Chapter 23.42 pertaining to nonconformity apply except that further subdivision of property may be permitted by the Director even if nonconformity would be created with respect to a structure's

relationship to lot lines or lot area. This provision shall only apply to structures in existence on the effective date of this chapter.
(Ord. 120293 § 10, 2001: Ord. 118624 § 3(part), 1997.)PINE OVERLAY DISTRICT>

Chapter 23.73

PIKE/PINE OVERLAY DISTRICT

Sections:

Subchapter I

Establishment of Overlay District

23.73.002 Purpose and intent.

The purpose of this chapter is to implement Resolution 28657, calling for development of the Pike/Pine Overlay District in order to preserve and enhance the balance of residential and commercial uses, by encouraging residential development and discouraging large, single-purpose commercial development.
(Ord. 117514 § 3 (part), 1995.)

23.73.004 Pike/Pine Overlay District established.

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Pike/Pine Overlay District as shown on the Official Land Use Map, Chapter 23.32, and Exhibit 23.73.004 A.
(Ord. 120004 § 5, 2000: Ord. 118414 § 55, 1996: Ord. 117514 § 3 (part), 1995.)

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23.73.006 Application of regulations.

Land which is located within the Pike/Pine Overlay District, as shown on Exhibit 23.73.004 A, is subject to the regulations of the underlying zones unless specifically modified by the provisions of this chapter. In the event of a conflict between the provisions of this chapter and the underlying zone, the provisions of this chapter apply. In the event of a conflict between the provisions of this chapter and Chapter 23.69, Major Institution Overlay District, the provisions of Chapter 23.69 apply.
(Ord. 117514 § 3 (part), 1995.)

Subchapter II

23.73.008 Uses.

A. Drive-in businesses are prohibited in the Pike/Pine Overlay District.

B. Uses at Street Level.

1. Residential uses may not exceed, in the aggregate, 20% of the street-level street-facing facade along the following streets:

East Pike Street;

East Pine Street; and

East Union Street, east of Broadway.

2. Residential uses may not exceed, in the aggregate, twenty (20) percent of the street-level street-facing facade along streets not listed in subsection B1 above, except that there is no limit on the location of residential uses in structures meeting the following conditions:

a. The structure is located in an NC zone with a height limit of sixty-five (65) feet or more;

b. At least forty (40) percent of all units are rented to households at rents not exceeding thirty (30) percent of sixty (60) percent of the median income; and

c. Applicants demonstrate compliance with the condition in subsection B2b for the life of the building.

C. Nonresidential Use Limit. In all structures greater than thirty (30) feet in height, gross floor area in nonresidential use is limited to the lesser of fifty (50) percent of the structure's gross floor area, or the total gross floor area of the first two (2) stories of the structure.
(Ord. 122311, § 92, 2006; Ord. 121476 § 16, 2004; Ord. 120004 § 6, 2000; Ord. 118414 § 56, 1996; Ord. 117514 § 3 (part), 1995.)

23.73.010 Development standards.

A. Height Exception for Mixed Use Structures.

1. In zones with a sixty-five (65) foot height limit, the Director may permit the height of the structure to exceed the height limit of the zone by up to four (4) feet, only if the residential use and either the nonresidential use or the live-work units are located in the same structure and subject to the following:

a. The nonresidential use or live-work unit at street level requires a floor to ceiling height

that exceeds thirteen (13) feet floor to ceiling to support business operations; and

b. The additional height will not permit an additional story to be built beyond what could be built under a sixty-five (65) foot height limit if a floor to ceiling height of more than thirteen (13) feet were not needed to support street-level nonresidential uses.

B. Residential Amenity Space.

1. Residential Amenity space is not required for structures existing as of April 1, 2000, that are repaired, renovated or structurally altered to the extent permitted by the development standards of the Land Use Code, provided that street facing facades are retained and fifty (50) percent or more of the gross floor area is retained.

2. Residential Amenity space is not required for new construction, when affordable housing that meets the following criteria is provided by a nonprofit organization:

a. At least forty (40) percent of the units are rented to households at annual rents not exceeding thirty (30) percent of sixty (60) percent of the median income; and

b. Applicants demonstrate compliance with these income criteria for the life of the building.

3. Existing residential uses that meet the residential amenity requirements of Section 23.47A.024, Residential amenity standards, may eliminate residential amenity space, provided they comply with the requirements of Section 23.73.010 B2.

C. Parking.

1. Required Parking. The minimum number of off-street parking spaces required for multifamily structures and live-work units is specified in Section 23.54.015, Required parking.

2. Location of Parking. Parking for residential uses shall be provided on the same lot as the principal use. Parking for nonresidential uses and live-work units may be located on the lot or built into or under the structure or within eight hundred (800) feet of the lot on which the use is located. When parking is provided on a lot other than the lot of the use to which it is accessory, the provisions of Section 23.54.025, Parking covenants, shall apply.

(Ord. 122311, § 93, 2006; Ord. 121196 § 28, 2003; Ord. 120004 § 7, 2000.)

Chapter 23.74

STADIUM TRANSITION AREA OVERLAY DISTRICT

Sections:

Subchapter I

Establishment of Overlay District

23.74.002 Purpose, intent and description of the overlay district--Rezone requirement--Rezone criteria.

A. Purpose and Intent. The purpose of this chapter is to implement the City's Comprehensive Plan, including the neighborhood plan for the Greater Duwamish Manufacturing/Industrial Center, by establishing a Stadium Transition Area Overlay District for the area shown on Exhibit 23.74.004 A. The Stadium Transition Area centers on large sports facilities and allows uses complementary to them. It is intended to contribute to a safer pedestrian environment for those attending events and permits a mix of uses, supporting the pedestrian-oriented character of the area as well as the surrounding industrial zone, while minimizing conflicts with industrial uses. Within the overlay district, use provisions and development standards are designed to create a pedestrian connection with downtown; discourage encroachment on nearby industrial uses to the south; and create a pedestrian-friendly streetscape. Allowing a mix of uses, including office development, is intended to encourage redevelopment and to maintain the health and vibrancy of the area during times when the sports facilities are not in operation.

B. Relationship to Surrounding Activity of Areas Located Within the District. The District is an area where stadiums and similar major, regional attractions are located, in which transportation and other infrastructure can support additional development. It is an area surrounded by land with widely varying development patterns and land use characteristics including the mixed use urban development of south Downtown, Pioneer Square, the working waterfront, and the industrial area.The desired relationship of the Stadium Transition Area is with Pioneer Square and First Avenue, permitting strong pedestrian and transit links to the north. There should be well-defined edges between the pedestrian activity of the Stadium Transition Area and industrial activity surrounding it. The portion of Fourth Avenue South that is north of Royal Brougham and the main line railroad tracks create a strong edge to the east and should be the eastern boundary. South Holgate Street, the first major cross street to the south of Safeco Field, should be the southern boundary. Boundaries should not be shifted farther into the industrial area.

C. Rezones resulting in Boundary Changes to the Stadium Transition Overlay Area District. A rezone pursuant to Chapter 23.34 shall be required to change the established boundaries of the Stadium Transition Area Overlay District. A rezone shall be subject to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Areas to be included within the District boundaries shall be compatible with the purpose and intent as stated in this section, and shall either be areas developed as major spectator sports facilities, or areas that meet the criteria for Industrial Commercial zoning and are along preferred pedestrian routes that can provide safe and attractive passage for pedestrians between the stadiums and retail areas and transit service.
(Ord. 119972 § 10 (part), 2000.)

23.74.004 Stadium Transition Area Overlay District established.

There is established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Stadium Transition Area Overlay District, and the Official Land Use Map, Chapter 23.32, is hereby amended to show such District, as depicted on Exhibit 23.74.004 A.

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23.74.006 Application of Regulations.

Land located within the Stadium Transition Area Overlay District, as shown on Exhibit 23.74.004 A, is subject to the regulations of the underlying zone except as otherwise expressly provided in this chapter. In the event of a conflict between the provisions of this chapter and the underlying zone, the provisions of this chapter apply. Where the provisions of the underlying zone are more restrictive, that is not considered a conflict and compliance with the provisions of the underlying zone is required, except as specifically provided in this chapter. Where the provisions of this chapter are more restrictive, compliance with those provisions is required, subject to any departures that may be authorized pursuant to design review under Section 23.41.012 and to provisions for nonconforming uses and structures in Sections 23.50.008 and 23.50.010.
(Ord. 119972 § 10 (part), 2000.)

Subchapter II

Uses and Development Standards

23.74.008 Uses.

Notwithstanding the use provisions of the underlying zone, the following use provisions apply:

A. The following uses are permitted outright:

1. Medical services;

2. Museums;

3. Community clubs or centers;

4. Private clubs; and

5. Religious facilities.

B. The following uses are permitted in buildings existing on September 1, 1999:

1. Artist's studio/dwellings;

2. Major institutions.

C. The following uses are prohibited:

1. Heavy manufacturing uses;

2. High-impact uses;

3. Solid waste management;

4. Recycling uses;

5. Animal shelters and kennels;

6. Veterinary offices;

7. Pet grooming;

8. Airports, land and water based;

9. Hospitals;

10. Elementary and secondary schools;

11. Drive-in businesses, except gas stations;

12. Bus bases;

13. Principal use parking[1];

14. Lodging uses; and

15. Colleges[2].

1. 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 nonrequired parking only outside the overlay district and only if:
(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall; and
(b) The parking is reserved for events in the spectator sports facility or exhibition hall; and
(c) The reserved parking is south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street.
Parking that is provided to meet required parking will not be considered reserved parking.
2. Training facilities for industrial trades operated by colleges and universities are permitted.
(Ord. 122311, § 94, 2006; Ord. 119972 § 10 (part), 2000.)

23.74.009 Height.

A. Within the Stadium Transition Area Overlay District, maximum height limits of the underlying zone are not applicable to spectator sports facilities.

B. Parking garages accessory to spectator sports facilities north of South Royal Brougham Way

may exceed the height limit if all the conditions in this subsection B are satisfied.

1. A Master Use Permit ("MUP") decision to permit the parking garage was issued before June 12, 2000.

2. Any height above the maximum height permitted by such MUP decision is allowed by the Director pursuant to applicable provisions of this title for modification of such decision.

3. The total height of the parking garage does not exceed 130 feet. If additional height is granted as described in subsection B2 above, exemptions for rooftop features from height limits of the underlying zone shall apply only to the extent the Director determines such features and exemptions are necessary to the operation of the structure.

4. All floor area above the maximum height allowed by such MUP decision is used as parking required for the spectator sports facility, or for storage or meeting space accessory to the spectator sports facility or exhibition hall.

(Ord. 119972 § 10 (part), 2000.)

23.74.010 Development standards.

A. Within the Stadium Transition Area Overlay District, the following development standards apply to all uses and structures except for spectator sports facilities:

1. Accessory Parking and Outdoor Storage.

   a. Accessory parking or outdoor storage on any lot to the side of a structure on that lot shall not exceed sixty (60) feet of street frontage along 1st Avenue South or along Occidental Avenue South, and may not be located within the first forty (40) feet from any intersection described in Section 23.74.010 C. Parking shall be screened in accordance with screening standards for Class II Pedestrian Streets in downtown zones.

   b. The maximum parking ratio is one (1) space per six hundred fifty (650) square feet of gross floor area of all uses for which required parking is expressed in terms of square footage, except for institutions for which minimum parking requirements apply, and except for parking accessory to a spectator sports facility or exhibition hall. Nonrequired parking accessory to a spectator sports facility or exhibition hall is not permitted in the overlay district.

2. Curb cuts. Curb cuts are limited to three (3) per block from along north-south streets and Railroad Way South within the area described in subsection C of this section. No curb cuts are allowed within the first forty (40) feet from any intersection described in subsection C of this section. On east-west streets outside the area described in subsection C of this section, curb cuts are limited to two (2) per block front. On east-west streets, additional curb cuts may be allowed if no other access is possible, including in the forty (40) feet from intersections described in subsection C of this section.

B. For the areas marked on Exhibit 23.74.010 A, the following development standards and provisions apply to all uses and structures except for spectator sports facilities:

1. Floor Area Ratio (FAR). The maximum FAR for all uses is 3.0. FAR limits of the underlying zone do not apply, but limits in Section 27.50.027 A1 on gross floor area of certain uses, including limits based on lot area, do apply.

2. Exemptions. The first seventy-five thousand (75,000) square feet of street-level general sales and service, medical services, animal shelters or kennels, automotive sales and services, marine sales and services, eating and drinking establishments, or lodging uses on any lot are exempt from the maximum FAR limit. Exemptions in Section 23.50.028 E also apply.

C. The following development standards apply to each use and structure, except spectator sports facilities, to the extent that the use or structure either is on a lot fronting on Railroad Way South, 1st Avenue South, South Holgate between 1st Avenue South and Occidental Avenue South, or Occidental Avenue South, or is within a forty (40) foot radius measured from any of the block corners of 1st Avenue South or Occidental Avenue South intersecting with the following streets: Railroad Way South, South Royal Brougham, South Atlantic, South Massachusetts, South Holgate and any other streets intersecting with 1st Avenue or Occidental Avenue South that may be established between South Holgate Street and Railroad Way South, as depicted in Exhibit 23.74.010 A. Railroad Way South, First Avenue South, South Holgate Street and Occidental Avenue South within the Stadium Transition Overlay District, and all street areas within a forty (40) foot radius of any of those block corners described above, are referred to in this section as the "pedestrian environment," except that in applying this section to a through lot abutting on Occidental Avenue South and on 1st Avenue South, Occidental Avenue South is not considered part of the pedestrian environment.

1. Street Facade Requirements. The following requirements apply to facades or portions thereof facing streets or portions of streets in the pedestrian environment:

a. Minimum Facade Height. Minimum facade height shall be twenty-five (25) feet, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height.

b. Facade Setback Limits.

(i) Within the first twenty-five (25) feet of height measured from sidewalk grade, all building facades must be built to within two (2) feet of the street property line for the entire facade length. For purposes of this subsection (C)(1)(b), balcony railings and other nonstructural features or nonstructural walls are not considered parts of the facade of the structure.

(ii) Above twenty-five (25) feet measured from sidewalk grade, the maximum setback is ten (10) feet, and no single setback area that is deeper than two (2) feet shall be wider than twenty (20) feet, measured parallel to the street property line.

(iii) The facade shall return to within two (2) feet of the street property line for a minimum of ten (10) feet, measured parallel to the street property line, between

any two setback areas that are deeper than two feet.

2. Outdoor Service Areas. Gas station pumps, service islands, queuing lanes, and other service areas related to fueling are not allowed between any structure and the pedestrian environment area described in this section. Gas station pumps, service islands, queuing lanes, and other service areas related to fueling must be located behind or to the side of a gas station, as viewed from any street in such pedestrian environment and are not allowed between any structure on the same lot and the pedestrian environment area described in this section.

3. Screening and Landscaping. The requirements of Sections 23.50.016, 23.50.034, and 23.50.038, including requirements contingent on location near a commercial zone, apply to all new uses and structures. Requirements in Section 23.50.038 contingent on location near a residential lot do not apply. In addition, the screening and landscaping requirements for outdoor storage in subsections l, m and n of subsection 23.47A.016 D2 apply, with respect to street lot lines abutting the pedestrian environment, to the following uses, where a principal or accessory use is located outdoors: outdoor storage (except for outdoor storage associated with florists and horticultural uses), sales and rental of motorized vehicles, towing services, sales and rental of large boats, dry boat storage, heavy commercial sales except fuel sales, heavy commercial services, outdoor sports and recreation, wholesale showrooms, mini-warehouse, warehouse, transportation facilities except rail transit facilities, utilities (except for utility service uses), and light and general manufacturing.

4. Blank Facades and Transparency Requirements. In addition to the blank facade requirements of Section 23.50.038 A2, the blank facade limits and transparency and street tree requirements of Section 23.49.056 C, D, and E, and the screening of parking requirements of Section 23.49.019B apply to facades or portions thereof facing streets in the pedestrian environment, except that requirements for Class I Pedestrian Streets and designated green streets do not apply.

5. Principal Pedestrian Entrances. A principal pedestrian entrance to a structure having a facade along Railroad Way South, 1st Avenue South, or Occidental Avenue South shall be located on Railroad Way South, 1st Avenue South, or Occidental Avenue South, respectively. If the structure has facades along both 1st Avenue South and Occidental Avenue South a principal pedestrian entrance is required only on 1st Avenue South.

(Ord. 122311, § 95, 2006; Ord. 122054 § 78, 2006; Ord. 119972 § 10 (part), 2000.)

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Subtitle IV

Administration

Division 1

Land Use Approval Procedures

Chapter 23.76

PROCEDURES FOR MASTER USE PERMITS AND COUNCIL LAND USE DECISIONS

Sections:

Subchapter I

General Provisions

23.76.002 Purpose.

The purpose of this chapter is to establish standard procedures for land use decisions made by The City of Seattle. The procedures are designed to promote informed public participation in discretionary land use decisions, eliminate redundancy in the application submittal process, and minimize delays and expense in appeals of land use decisions. As required by RCW 36.70B.060, these procedures provide for an integrated and consolidated land use permit process, integrate the environmental review process with the procedures for review of land use decisions, and provide for the consolidation of appeals for all land use decisions.
(Ord. 118012 § 22, 1996: Ord. 112522 § 2(part), 1985.)

23.76.004 Land use decision framework.

A. Land use decisions are classified into five (5) categories based on the amount of discretion and level of impact associated with each decision. Procedures for the five (5) different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are categorized by type in Exhibit 23.76.004 A.

B. Type I and II decisions are made by the Director and are consolidated in Master Use Permits. Type I decisions are nonappealable decisions made by the Director which require the exercise of little or no discretion. **Type II** decisions are discretionary decisions made by the Director which are subject to an administrative open record appeal hearing to the Hearing Examiner; provided that **Type II** decisions enumerated in Section 23.76.006 C2 shall be made by the Council when associated with a Council land use decision and are not subject to administrative appeal. **Type III decisions are made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal.**

C. Type IV and V decisions are Council land use decisions. Type IV decisions are quasi-judicial decisions made by the Council pursuant to existing legislative standards and based upon the Hearing Examiner's record and recommendation. **Type V decisions are legislative decisions made by the Council in its capacity to establish policy and manage public lands.**

D. For projects requiring both a Master Use Permit and a Council land use decision as described in this chapter, the Council decision must be made prior to issuance of the Master Use Permit. All conditions established by the Council in its decision shall be incorporated in any subsequently issued Master Use Permit for the project.

E. Certain land use decisions are subject to additional procedural requirements beyond the standard procedures established in this chapter. Code references for such additional requirements, where applicable, are provided in Seattle Municipal Code (SMC) Sections 23.76.006 and 23.76.036.

F. Shoreline appeals and appeals of related SEPA determinations shall be filed with the State Shoreline Hearings Board within twenty-one (21) days of the receipt of the decision by the Department of Ecology as set forth in RCW 90.58.180.

G. An applicant for a permit or permits requiring more than one (1) decision contained in the land use decision framework listed in Section 23.76.004 may either:

1. Use the integrated and consolidated process established in this chapter;

2. If the applicant includes a variance, lot boundary adjustment, or short subdivision approval and no environmental review is required for the proposed project pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, file a separate Master Use Permit application for the variance, lot boundary adjustment, or short subdivision sought and use the integrated and consolidated process established in this chapter for all other required decisions; or

3. Proceed with separate applications for each permit decision sought.

(Ord. 121828 § 13, 2005; Ord. 121362 § 11, 2003; Ord. 121278 § 7, 2003; Ord. 121277 § 1, 2003; Ord. 119974 § 1, 2000; Ord. 119618 § 7, 1999; Ord. 119096 § 4, 1998; Ord. 118672 § 23, 1997; Ord. 118012 § 23, 1996; Ord. 117598, § 3, 1995; Ord. 117263 § 53, 1994; Ord. 117202 § 11, 1994; Ord. 116909 § 5, 1993; Ord. 113079 § 3, 1986; Ord. 112840 § 2, 1986; Ord. 112522 § 2(part), 1985.)

Exhibit 23.76.004 A
LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I Director's Decision (No Administrative Appeal	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
• Compliance with development standards	• Temporary uses, more than four weeks	• Subdivisions (preliminary plats)
• Uses permitted outright	• Variances	
• Temporary uses, four weeks or less	• Administrative conditional uses	
• Intermittent uses • Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals)		
• Certain street uses		

• Lot boundary adjustments	• Short subdivisions	
• Modifications of features bonused under Title 24	• Special Exceptions	
• Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation	• Design review	
• Temporary uses, twelve months or less, for relocation of police and fire protection	• Temporary uses, twelve months or less, for relocation of police and fire protection	• Light rail transit facilities
• Monorail transit facilities		
• Exemptions from right-of-way improvement requirements	• The following environmental determinations:	
• Special accommodation	1. Determination of nonsignificance (EIS not required)	
• Reasonable accommodation	2. Determination of final EIS adequacy	
• Minor amendment to a Major Phased Development Permit	3. Determinations of significance based solely on historic and cultural preservation	
• Determination of public benefit for combined lot FAR.	4. A decision by the Director to approve, condition or deny a project based on SEPA Policies	
• Other Type I decisions that are identified as such in the Land Use Code.	5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required)	
	• Major Phased Development	
	• Downtown Planned Community Developments	

COUNCIL LAND USE DECISIONS

TYPE IV (Quasi-Judicial)	TYPE V (Legislative)
• Land use map amendments (rezones)	• Land Use Code text amendments
• Public project approvals	• Rezones to implement new City Policies
• Major Institution master plans	• Concept approval for City facilities
• Council conditional uses	• Major Institution designations
	• Waive or modify development standards for City facilities
	• Planned Action Ordinance

23.76.005 Time for decisions.

A. Except as otherwise provided in this section or otherwise agreed to by the applicant, land use decisions on applications shall be made within one hundred twenty (120) days after the applicant has been notified that the application is complete. In determining the number of days that have elapsed after the notification that the application is complete, the following periods shall be excluded:

1. All periods of time during which the applicant has been requested by the Director to correct plans, perform required studies, or provide additional required information, until the determination that the request has been satisfied;

2. Any extension of time mutually agreed upon by the Director and the applicant;

3. For projects which an environmental impact statement (EIS) has been required, the EIS process time period; and

4. Any time period for filing an appeal of the land use decision to the Hearing Examiner, and the time period to consider and decide the appeal.

B. The time limits established by subsection A of this section do not apply if a permit application:

1. Requires an amendment to the comprehensive plan or the Land Use Code; or

2. Requires the siting of an essential public facility; or

3. Is substantially revised by the applicant, in which case the time period shall start from the date at

which the revised project application is determined to be complete.

C. Exclusions Pursuant to RCW 36.70B.140(1).

1. Type II decisions. There shall be no time limit for an application for an exception from the regulations for Environmentally Critical Areas, SMC Chapter 25.09.

2. Type III decisions.

a. The Director shall issue his or her recommendation within one hundred twenty (120) days as that time is calculated pursuant to subsection A of this section; and

b. The Hearing Examiner shall issue his or her decision within ninety (90) days of issuance of the Director's recommendation.

3. Type IV decisions.

a. There shall be no time limit for decisions on Major Institution master plans.

b. All other Type IV Council land use decisions and any associated Type II decisions listed in Section 23.76.006 C2, except for the exclusion listed in subsection C1 of this section, shall be made within the following time periods:

(1) The Director shall issue his or her recommendation within one hundred twenty (120) days as that time period is calculated pursuant to subsection A of this section;

(2) The Hearing Examiner shall issue his or her decision within ninety (90) days of issuance of the Director's recommendation; and

(3) The Council shall issue its decision within ninety (90) days of the Hearing Examiner recommendation.

4. Any application for a land use decision that the Hearing Examiner or Council remands for further information or analysis shall be excluded from the time periods of subsection A of this section for the period of the remand. The Hearing Examiner or the Council shall set a reasonable period for the remand after consideration of the nature and complexity of the issues, and, when practicable, after consultation with the parties about the reasonableness of the remand period.

D. Type V Council land use decisions are legislative decisions to which subsection A of this section does not apply.

(Ord. 120857 § 1, 2002; Ord. 120157 § 5, 2000: Ord. 118012 § 24, 1996.)

Subchapter II

Master Use Permits

23.76.006 Master Use Permits required.

A. Type I, II and III decisions are components of Master Use Permits. Master Use Permits shall be required for all projects requiring one (1) or more of these decisions.

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;

2. Establishment or change of use for uses permitted outright, temporary uses for four (4) weeks or less not otherwise permitted in the zone, and temporary relocation of police and fire stations for twelve (12) months or less;

3. The following street use approvals associated with a development proposal:

a. Curb cut for access to parking,

b. Concept approval of street improvements, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving,

c. Sidewalk cafes provided that Type II notice of application procedures shall be followed,

d. Structural building overhangs,

e. Areaways;

4. Lot boundary adjustments;

5. Modification of the following features bonused under Title 24:

a. Plazas,

b. Shopping plazas,

c. Arcades,

d. Shopping arcades,

e. Voluntary building setbacks;

6. Determinations of Significance (determination that an environmental impact statement is required) for Master Use Permits and for building, demolition, grading and other construction permits (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by Section 23.55.042D;

8. Waiver or modification of required right-of-way improvements;

9. Special accommodation pursuant to Section 23.44.015;

10. Reasonable accommodation;

11. Minor amendment to Major Phased Development Permit;

12. Determination of public benefit for combined lot development; and

13. Other Type I decisions that are identified as such in the Land Use Code.

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in SMC Chapter 25.05, Environmental Policies and Procedures):

   a. Determinations of Nonsignificance (DNSs), including mitigated DNSs;

   b. Determination that a final environmental impact statement (EIS) is adequate; and

   c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions, including any integrated decisions to approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations which are appealable to the Shorelines Hearings Board):

   a. Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in Section 23.42.040E, and excepting temporary relocation of police and fire stations for twelve (12) months or less;

   b. Short subdivisions;

   c. Variances; provided that, variances sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

   d. Special exceptions; provided that, special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

e. Design review;

f. Administrative conditional uses; provided that, administrative conditional uses sought as part of a Type IV decision may be approved by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

(1) Shoreline substantial development permits,

(2) Shoreline variances,

(3) Shoreline conditional uses;

h. Major Phased Development;

i. Determination of project consistency with a planned action ordinance and EIS;

j. Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;

k. Establishment of monorail transit facilities necessary to operate and maintain a monorail transit system, in accordance with the provisions of Section 23.80.004 and Section 15.54.020; and

l. Downtown planned community developments.

D. The following decision, including any integrated decision to approve, condition or deny based on SEPA policies, is a Type III decision made by the Hearing Examiner: subdivisions (preliminary plats). (Ord. 122054 § 81, 2006; Ord. 121828 § 14, 2005; Ord. 121476 § 17, 2004; Ord. 121362 § 12, 2003; Ord. 121278 § 8, 2003; Ord. 120611 § 18, 2001; Ord. 119974 § 2, 2000; Ord. 119904 § 2, 2000; Ord. 119618 § 8, 1999; Ord. 119096 § 5, 1998; Ord. 118012 § 25, 1996; Ord. 117598 § 4, 1995; Ord. 117263 § 54, 1994; Ord. 117202 § 12, 1994; Ord. 116909 § 6, 1993; Ord. 115326 § 29, 1990; Ord. 113079 § 4, 1986; Ord. 112840 § 3, 1986; Ord. 112830 § 53, 1986; Ord. 112522 § 2(part), 1985.)

23.76.008 Preapplication conferences.

A. Prior to official filing with the Director of an application for a Master Use Permit requiring a Type II or III decision, the applicant may request or the Director may require a preapplication conference. The conference shall be held in a timely manner between a Department representative(s) and the applicant to determine the appropriate procedures and review criteria for the proposed project. Preapplication conferences may be subject to fees as established in Chapters 22.901A-22.901T, Permit Fee Subtitle.

B. Design Review. A preapplication conference between Department representative(s) and an

applicant for a structure subject to design review, as provided in Chapter 23.41, shall be required. The Director may waive this preapplication conference requirement if an applicant demonstrates, to the Director's satisfaction, experience with Seattle's design review process which would render a preapplication conference unnecessary.
(Ord. 118012 § 26, 1996; Ord. 116909 § 7, 1993: Ord. 112522 § 2(part), 1985.)

23.76.010 Applications for Master Use Permits.

A. Applications for Master Use Permits shall be made by the property owner, lessee, contract purchaser, a City agency, or other public agency proposing a project the location of which has been approved by the City Council by ordinance or resolution, or by an authorized agent thereof. A Master Use Permit applicant shall designate a single person or entity to receive determinations and notices from the Director.

B. All applications for Master Use Permits shall be made to the Director on a form provided by the Department.

C. Applications shall be accompanied by payment of the applicable filing fees, if any, as established in Chapters 22.901A-22.901T, Permit Fee Subtitle.

D. All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures; SMC Chapter 25.09, Regulations for Environmentally Critical Areas; SMC Chapter 25.12, Landmarks Preservation; SMC Chapter 25.16, Ballard Avenue Landmark District; SMC Chapter 25.20, Columbia City Landmark District; SMC Chapter 25.22, Harvard-Belmont Landmark District; SMC Chapter 25.24, Pike Place Market Historical District; and other codes as determined applicable by the Director. All shoreline substantial development, conditional use or variance applications shall also include applicable submittal information as specified in WAC 173-27-180. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines, unless the Director indicates in writing that specific information is not necessary for a particular application:

1. Property information including, but not limited to, address, legal description, Assessor's Parcel number, and project description;

2. A signed statement of financial responsibility from the applicant acknowledging financial responsibility for all applicable permit fees. If the application is made, in whole or in part, on behalf of the property's owner, lessee, and/or contract purchaser, then the statement of financial responsibility must also include a signed statement of the owner, lessee, and/or contract purchaser acknowledging financial responsibility for all applicable permit fees;

3. Scale drawings with all dimensions shown that include, but are not limited to, the following information:

    a. Existing site conditions showing adjacent streets (by name), alleys or other adjacent public property, existing street uses, such as street trees and sidewalk displays, buildings and structures, open space and landscape, access driveways and parking areas,

b. Elevations and sections of the proposed new features,

c. Floor plans showing the proposed new features,

d. Drainage plan,

e. Landscape plan,

f. Right-of-way information showing any work proposed in the public right-of-way,

g. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable,

h. Parking layout and vehicular access,

i. Vicinity map,

j. Topographic map, and

k. Open space plan;

4. A statement whether the site includes or is adjacent to a nominated or designated City of Seattle landmark, or has been listed as eligible for landmark status by the state or federal governments, or is within a City of Seattle landmark or special review district. If the site includes a nominated or designated City of Seattle landmark, or is within a City of Seattle landmark or special review district, then the applicant must provide a copy of any application for any required certificate of approval that has been filed with the Department of Neighborhoods. If the site does not include a landmark and is not within a landmark or special review district, then the applicant must provide the following information:

   a. Date the buildings on the site were constructed,

   b. Name of the architect(s) or builder(s), and

   c. For any building fifty (50) or more years old, clear exterior photos of all elevations of the building;

5. For all transmitting antennas, the applicant shall submit a signed copy of the Applicant's Statement of Federal Communications Commission (FCC) Compliance. If the transmitting antenna requires Seattle-King County Public Health Department review, the applicant must also submit a letter from the Public Health Department certifying that the facility does not exceed radio frequency radiation levels allowed by the FCC;

6. Information including technical reports, drawings, models or text, necessary to evaluate the development proposal, project site and potential environmental effects related to the following:

a. Soils and geology,

b. Grading,

c. Drainage,

d. Construction impacts,

e. Air quality,

f. Water quality,

g. Water discharge,

h. View impairment,

i. Energy consumption,

j. Animal habitat impacts,

k. Plant ecology, botany and vegetation,

l. Noise,

m. Release and disposal of toxic and hazardous materials,

n. Soil contamination,

o. Dredging,

p. Land use,

q. Housing,

r. Light and glare,

s. Shadow,

t. Aesthetics,

u. Use and demand on recreation facilities,

v. Vehicular traffic and circulation,

w. Parking,

x. Pedestrian circulation,

y. Circulation and movement of goods,

z. Traffic hazard,

aa. Demand on public service and utilities, and

bb. Identification of all development departures requested through the design review process.

E. Notice of Complete Application.

1. The Director 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 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 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.

2. A Master Use Permit application is complete for purposes of this section when it meets the submittal requirements established by the Director in subsection D of this section and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time the application is determined complete or subsequently, if additional information is required to complete review of the application or substantial changes in the permit application are proposed. A determination under this section that an application is complete for purposes of continued processing is not a determination that the application is vested. A vesting determination shall be made only when needed because of a change in applicable laws and shall entail review of the application for compliance with RCW 19.27.095, RCW 58.17.033, and SMC Section 23.76.026.

F. Failure to supply all required information or data within sixty (60) days of a written request may result in a notice of intent to cancel. When a Master Use Permit application and a building permit application for a project are being reviewed concurrently, and the applications are for a project vested to prior Land Use Code provisions, and the project does not conform with the codes in effect while it is being reviewed, cancellation of the Master Use Permit application under the provisions of this subsection shall cause the concurrent cancellation of the building permit application.
(Ord. 121476 § 18, 2004; Ord. 120857 § 2, 2002; Ord. 119904 § 3, 2000; Ord. 118794 § 47, 1997; Ord. 118012 § 27, 1996; Ord. 117570 § 20, 1995; Ord. 117430 § 80, 1994; Ord. 117263 § 55, 1994; Ord. 115751 § 1, 1991; Ord. 114473 § 2, 1989; Ord. 112522 § 2(part), 1985.)

23.76.011 Notice of early design guidance and planned community development process.

A. The Director shall provide the following notice for the required early design guidance process for design review projects and the preparation of priorities for planned community developments:

1. Publication of notice in the Land Use Information Bulletin; and

2. Mailed notice; and

B. The applicant shall post one (1) land use sign visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director shall require either more than one (1) sign and/or an alternative posting location so that notice is clearly visible to the public.

C. For the required meeting for the preparation of priorities for a planned community development, and for a public meeting required for early design guidance, the time, date, location and purpose of the meeting shall be included with the mailed notice.

D. The land use sign may be removed by the applicant the day after the public meeting.
(Ord. 122054 § 82, 2006; Ord. 121476 § 19, 2004; Ord. 118980 § 6, 1998: Ord. 118672 § 24, 1997: Ord. 116909 § 8, 1993.)

23.76.012 Notice of application.

A. Notice.

1. Type I Notification. No notice shall be required for Type I decisions.

2. Type II and III Notification. When a Master Use Permit application requiring a Type II or III decision is submitted, the Director shall provide notice of application and an opportunity for public comment as described in this section. Notice of application for Type II and III decisions shall be provided within fourteen (14) days after a determination of completeness.

a. Other Agencies with Jurisdiction. To the extent known by the Director, other agencies of local, state or federal governments that may have jurisdiction over some aspect of the project shall be sent notice.

b. Early Review Determination of Nonsignificance (DNS). In addition to the requirement under subsection A2a above, a copy of the early review DNS notice of application and environmental checklist shall also be sent to the following:

(1) State Department of Ecology;

(2) Affected Tribes;

(3) Each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and

(4) Anyone requesting a copy of this information.

B. Types of Notice Required.

1. For projects subject to environmental review, or design review, except administrative design review, the department shall direct the installation of an environmental review sign on the site, unless an exemption or alternative posting as set forth in this subsection is applicable. The environmental review sign shall be located so as to be clearly visible from the adjacent street or sidewalk, and shall be removed at the direction of the department after final City action on the application has been completed.

a. In the case of submerged land, the environmental review sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land owned or controlled by the applicant, notice shall be provided according to subsection B1c.

b. Projects limited to interior remodeling, or which are subject to environmental review only because of location over water or location in an environmentally critical area, are exempt from the environmental review sign requirement.

c. When use of an environmental review sign is neither feasible nor practicable to assure that notice is clearly visible to the public, the Director shall post ten (10) placards within three hundred (300) feet of the site and at the closest street intersections when one (1) or more of the following conditions exist:

(1) The project site is over five (5) acres;

(2) The applicant is not the property owner, and the property owner does not consent to the proposal;

(3) The site is subject to physical characteristics such as steep slopes or is located such that the environmental review sign would not be highly visible to neighboring residents and property owners or interested citizens.

d. The Director may require both an environmental review sign and the alternative posting measures described in subsection B1c, or may require that more than one (1) environmental review sign be posted, when necessary to assure that notice is clearly visible to the public.

2. For projects that are categorically exempt from environmental review, the department shall post one (1) land use sign visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director may post more than one (1) sign and/or an alternative posting location so that notice is clearly visible to the public. The land use sign may be removed by the applicant within fourteen (14) days after final action on the application has been completed.

3. For all projects requiring notice of application, the Director shall provide notice in the Land Use

Information Bulletin. For projects subject to the environmental review, notice in the Land Use Information Bulletin shall be published after installation of the environmental review sign.

4. In addition, for variances, administrative conditional uses, temporary uses for more than four (4) weeks, shoreline variances, shoreline conditional uses, short plats, early design guidance process, School Use Advisory Committee (SUAC) formation and school development standard departure, the Director shall provide mailed notice.

5. Mailed notice of application for a project subject to design review or administrative design review shall be provided to all persons establishing themselves as parties of record by attending an early design guidance public meeting for the project or by corresponding with the Department about the proposed project before the date of publication.

6. Additional notice for subdivisions shall include mailed notice and publication in at least one (1) community newspaper in the area affected by the subdivision.

C. Contents of Notice.

1. The City's official notice of application shall be the notice placed in the Land Use Information Bulletin, which shall include the following required elements as specified in RCW 36.70B.110;

a. Date of application, date of notice of completion for the application, and the date of the notice of application;

b. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested by the Director;

c. The identification of other permits not included in the application to the extent known by the Director;

d. The identification of existing environmental documents that evaluate the proposed project, and the location where the application and any studies can be reviewed;

e. A statement of the public comment period and the right of any person to comment on the application, request an extension of the comment period, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any administrative appeal rights;

f. The date, time, place and type of hearing, if applicable and if scheduled at the date of notice of the application;

g. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and the proposed project's consistency with development regulations;

h. Any other information determined appropriate by the Director; and

i. The following additional information when the early review DNS process is used;

(1) A statement that the early review DNS process is being used and the Director expects to issue a DNS for the proposal,

(2) A statement that this is the only opportunity to comment on the environment impacts of the proposal,

(3) A statement that the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared, and

(4) A statement that a copy of the subsequent threshold determination for the proposal may be obtained upon request.

2. All other additional forms of notice, including, but not limited to environmental review and land use signs, placards and mailed notice, shall include the following information: the project description, location of the project, date of application, location where the complete application file may be reviewed, and a statement that persons who desire to submit comments on the application or who request notification of the decision may so inform the Director in writing within the comment period specified in subsection D of this section. The Director may, but need not, include other information to the extent known at the time of notice of application. Except for the environmental review sign requirement, each notice shall also include a list of the land use decisions sought. The Director shall specify detailed requirements for environmental review and land use signs.

D. Comment Period. The Director shall provide a fourteen (14) day public comment period prior to making a threshold determination of nonsignificance (DNS) or issuing a decision on the project; provided, that the comment period shall be extended by fourteen (14) days if a written request for extension is submitted within the initial fourteen (14) day comment period; provided further that the comment period shall be thirty (30) days for applications requiring shoreline decisions except, that for limited utility extensions and bulkheads subject to Section 23.60.065 of Title 23, the comment period shall be twenty (20) days as specified in that section. The comment period shall begin on the date notice is published in the Land Use Information Bulletin. Comments shall be filed with the Director by five (5:00) p.m. of the last day of the comment period. When the last day of the comment period is a Saturday, Sunday or federal or City holiday, the comment period shall run until five (5:00) p.m. the next business day. Any comments received after the end of the official comment period may be considered if material to review yet to be conducted.

E. When a Master Use Permit application includes more than one (1) decision component, notice requirements shall be consolidated and the broadest applicable notice requirements imposed.
(Ord. 121477 § 46, 2004; Ord. 121476 § 20, 2004; Ord. 119096 § 6, 1998; Ord. 118980 § 7, 1998; Ord. 118794 § 48, 1997; Ord. 118672 § 25, 1997; Ord. 118181 § 4, 1996; Ord. 118012 § 28, 1996; Ord. 117789 § 9, 1995; Ord. 116909 § 9, 1993; Ord. 115244 § 1, 1990; Ord. 112522 § 2(part), 1985.)

23.76.014 Notice of scoping and draft EIS.

When a Determination of Significance (DS) is issued on a Master Use Permit application, the following notice and comment procedures shall apply:

A. Scoping.

1. The Director shall determine the range of proposed actions, alternatives and impacts to be discussed in an EIS, as provided by SMC Section 25.05.408, Scoping, and/or Section 25.05.410, Expanded scoping. A comment period at least twenty-one (21) days from the date of DS issuance shall be provided.

2. Notice of scoping and of the period during which the Director will accept written comments shall be provided by the Director in the following manner:

a. Land Use Information Bulletin;

b. Publication in the City official newspaper;

c. Submission of the Land Use Information Bulletin to at least one (1) community newspaper in the area affected by the proposal;

d. Mailed notice to those organizations and individuals who have submitted a written request for it;

e. Posting in the Department; and

f. Filing with the SEPA Public Information Center.

3. The Director shall also circulate copies of the DS as required by SMC Section 25.05.360.

B. Draft EISs.

1. Notice of the availability of a draft EIS, of the thirty (30) day period during which the Department will accept comments, of the public hearing on the draft EIS and any other Department public hearing as provided in SMC Section 23.76.016 shall be provided by the Director in the following manner:

a. Land Use Information Bulletin;

b. Publication in the City official newspaper;

c. Submission of the Land Use Information Bulletin to at least one (1) community newspaper in the area affected by the proposal;

d. Mailed notice, including notice to those organizations and individuals who have submitted a written request for it;

e. Posting notice in the Department; and

f. Filing with the SEPA Public Information Center.

2. Notice of the public hearing shall be given by the Director at least twenty-one (21) days prior to the hearing date.

3. The Director shall also distribute copies of the draft EIS as required by SMC Section 25.05.455.
(Ord. 121477 § 47, 2004; Ord. 118012 § 29, 1996: Ord. 112522 § 2(part), 1985.)

23.76.015 Public meetings.

A. Type II and III Decisions. The Director may hold a public meeting on Master Use Permit applications requiring Type II or III decisions when:

1. The meeting is otherwise provided for in this title;

2. The proposed development is of broad public significance;

3. Fifty (50) or more persons file a written request for a meeting not later than the fourteenth day after notice of the application is provided; or

4. The proposed development will require a shoreline conditional use or a shoreline variance.

B. The Director may combine a public meeting on a project application with any other public meetings that may be held on the project by another local, state, regional, federal or other agency provided that the meeting is held within The City of Seattle. If requested by an applicant, a joint meeting shall be held, provided that the joint meeting can be held within the time periods specified in SMC Section 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the meeting.
(Ord. 120157 § 6, 2000; Ord. 118012 § 30, 1996.)

23.76.016 Public hearings.

A. Draft EIS. As required by Chapter 25.05, SEPA Policies and Procedures, a public hearing shall be held by the Director on all draft EISs for which the Department is the Lead Agency. The hearing shall occur no earlier than twenty-one (21) days from the date the draft EIS is issued nor later than fifty (50) days from its issuance. The Director may hold the hearing near the site of the proposed project.

B. The Director may combine a public hearing on a project application with any other public hearings that may be held on the project by another local, state, regional, federal or other agency provided that the hearing is held within The City of Seattle. If requested by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within the time periods specified in SMC Section 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the hearing.
(Ord. 120157 § 7, 2000; Ord. 118012 § 31, 1996: Ord. 117570 § 21, 1995; Ord. 112522 § 2(part), 1985.)

23.76.018 Notice of final EIS.

A. Notice of the availability of any final EIS on a proposed project shall be provided by the Director in the following manner:

1. General Mailed Release;

2. Publication in the City official newspaper;

3. Submission of the General Mailed Release to at least one (1) community newspaper in the area affected by the proposal;

4. Mailed notice to those organizations and individuals who have made a written request for it, and to anyone who received or commented on the draft EIS;

5. Posting in the Department; and

6. Filing with the SEPA Public Information Center.

B. The Director shall also distribute copies of the final EIS as required by SMC Section 25.05.460.
(Ord. 112522 § 2(part), 1985.)

23.76.019 Time required for preparation of an EIS.

The time required to prepare an environmental impact statement associated with a Master Use Permit application shall be agreed to by the Director and applicant in writing. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the Director within one (1) year following the issuance of a Determination of Significance for the proposal, unless the EIS consultant advises that a longer time period is necessary. In that case, the additional time shall be that recommended by the consultant, not to exceed an additional year.
(Ord. 118012 § 32, 1996: Ord. 117430 § 81, 1994.)

23.76.020 Director's decisions.

A. Master Use Permit Review Criteria. The Director shall grant, deny, or conditionally grant approval of a Type II decision based on the applicant's compliance with the City's SEPA Policies pursuant to SMC Section 25.05.660, and with the applicable substantive requirements of the Seattle Municipal Code which are in effect at the time the Director issues a decision. If an EIS is required, the application shall be subject to only those SEPA Policies in effect when the Draft EIS is issued. The Director may also impose conditions in order to mitigate adverse environmental impacts associated with the construction process.

B. Timing of Decisions Subject to Environmental Review.

1. If an EIS has been required, the Director's decision shall not be issued until at least seven (7) days after publication of the final EIS, as provided by Chapter 25.05, SEPA Policies and Procedures.

2. If no EIS is required, the Director's decision shall include issuance of a DNS for the project if not previously issued pursuant to Section 25.05.310 C2.

C. Notice of Decisions.

1. Type I. No notice of decision is required for Type I decisions.

2. Type II. The Director shall provide notice of all Type II decisions as follows:

a. A list of all Type II decisions shall be compiled and published in the City official newspaper within seven (7) days of the date the decision is made. This list and the date of its publication shall also be posted in a conspicuous place in the Department and shall be included in the Land Use Information Bulletin. Notice shall also be mailed to the applicant and to interested persons who have requested specific notice in a timely manner or who have submitted substantive comments on the proposal, and shall be submitted in a timely manner to at least one (1) community newspaper in the area affected by the proposal.

b. DNSs shall also be filed with the SEPA Public Information Center.

c. If the Director's decision includes a mitigated DNS or other DNS requiring a fourteen (14) day comment period pursuant to SMC Chapter 25.05, Environmental Policies and Procedures, the notice of decision shall include notice of the comment period. The Director shall distribute copies of the DNS as required by SMC Section 25.05.340.

d. Any shoreline decision in a Master Use Permit shall be filed with the Department of Ecology according to the requirements contained in WAC 173-27-130. A shoreline decision on limited utility extensions and bulkheads subject to Section 23.60.065 shall be issued within twenty-one (21) days of the last day of the comment period as specified in that section.

e. The notice of the Director's decision shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decision is subject to appeal and shall describe the appropriate appeal procedure.

(Ord. 121477 § 48, 2004; Ord. 119096 § 7, 1998; Ord. 118794 § 49, 1997; Ord. 118012 § 33, 1996; Ord. 112522 § 2(part), 1985.)

23.76.022 Administrative appeals.

A. Appealable Decisions.

1. Type I decisions as listed in SMC Section 23.76.006 B are not subject to appeal.

2. All Type II decisions as listed in SMC Section 23.76.006 C shall be subject to an administrative

open record appeal as described in this section.

B. Shoreline Appeal Procedures. Appeal of the Director's decision to issue, condition, or deny a shoreline substantial development permit, shoreline variance, or shoreline conditional use as a part of a Master Use Permit must be filed by the appellant with the Shorelines Hearings Board in accordance with the provisions of the Shoreline Management Act of 1971, RCW Chapter 90.58, and the rules established under its authority, WAC 173-27. Appeals of related environmental actions, including DNS's, determination that an EIS is adequate, and the decision to grant, condition or deny the shoreline proposal based on the City's SEPA Policies pursuant to SMC Section 25.05.660, shall be consolidated in the appeal to the Shorelines Hearing Board. Appeal of a decision for limited utility extensions and bulkheads subject to Section 23.60.065 of Title 23 shall be finally determined within thirty (30) days as specified in that section.

C. Hearing Examiner Appeal Procedures.

1. Consolidated Appeals. All appeals of Type II Master Use Permit decisions other than shoreline decisions shall be considered together in a consolidated hearing before the Hearing Examiner.

2. Standing. Appeals may be initiated by any person significantly affected by or interested in the permit.

3. Filing of Appeals.

a. Appeals shall be filed with the Hearing Examiner by five (5:00) p.m. of the fourteenth calendar day following publication of notice of the decision; provided, that when a fourteen (14) day DNS comment period is required pursuant to SMC Chapter 25.05, appeals may be filed until five (5:00) p.m. of the twenty-first calendar day following publication of notice of the decision. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five (5:00) p.m. on the next business day. The appeal shall be in writing and shall clearly identify each component of a Type II Master Use Permit being appealed. The appeal shall be accompanied by payment of the filing fee as set forth in SMC Section 3.02.125, Hearing Examiner filing fees. Specific objections to the Director's decision and the relief sought shall be stated in the written appeal.

b. In form and content, the appeal shall conform with the rules of the Hearing Examiner.

c. The Hearing Examiner shall not accept any request for an interpretation included in the appeal unless it complies with the requirements of Section 23.88.020 C3c.

4. Pre-hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may have a conference prior to the hearing in order to entertain pre-hearing motions, clarify issues, or consider other relevant matters.

5. Notice of Hearing. Notice of the hearing on the appeal shall be mailed by the Director at least twenty (20) days prior to the scheduled hearing date to parties of record and those requesting notice. Notice shall also be included in the next Land Use Information Bulletin.

6. Scope of Review. Appeals shall be considered de novo, The Hearing Examiner shall entertain issues cited in the appeal which relate to compliance with the procedures for Type II decisions as required in this chapter, compliance with substantive criteria, determinations of nonsignificance (DNSs), adequacy of an EIS upon which the decision was made, or failure to properly approve, condition or deny a permit based on disclosed adverse environmental impacts and any requests for an interpretation included in the appeal or consolidated appeal pursuant to Section 23.88.020 C3.

7. Standard of Review. The Director's decisions made on a Type II Master Use Permit shall be given substantial weight, except for determinations on variances, conditional uses, and special exceptions, which shall be given no deference.

8. The Record. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument or exhibits.

9. Postponement or Continuance of Hearing. The Hearing Examiner shall not grant requests for postponement or continuance of an appeal hearing to allow an applicant to proceed with an alternative development proposal under separate application, unless all parties to the appeal agree in writing to such postponement or continuance.

10. Hearing Examiner's Decision. The Hearing Examiner shall issue a written decision within fifteen (15) days after closing the record. The Hearing Examiner may affirm, reverse, remand or modify the Director's decision. Written findings and conclusions supporting the Hearing Examiner's decision shall be made. The Director and all parties of record shall be bound by the terms and conditions of the Hearing Examiner's decision.

11. Notice of Hearing Examiner Decision. The Hearing Examiner's decision shall be mailed by the Hearing Examiner on the day the decision is issued to the parties of record and to all those requesting notice. If environmental issues were raised in the appeal, the decision shall also be filed with the SEPA Public Information Center. The decision shall contain information regarding judicial review. To the extent such information is available to the Hearing Examiner's the decision shall contain the name and address of the owner of the property at issue, of the applicant, and of each person who filed an appeal with the Hearing Examiner, unless such person abandoned the appeal or such person's claims were dismissed before the hearing.

12. Appeal of Hearing Examiner's Decision. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on judicial appeal. 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, or if the appeal concerns a decision on personal wireless service, the appeal shall be filed within thirty (30) days of the Hearing Examiner's or Council's final decision.

(Ord. 121477 § 49, 2004; Ord. 120928 § 42, 2002; Ord. 119096 § 8, 1998; Ord. 118794 § 50, 1997; Ord. 118012 § 34, 1996; Ord. 117789 § 10, 1995; Ord. 117263 § 56, 1994; Ord. 112522 § 2(part), 1985.)

23.76.023 Report and recommendation of the Director on subdivisions.

A. The Director shall prepare a written report on subdivision applications. The report shall include:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

2. Responses to written comments submitted by interested citizens;

3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter 23.22;

4. All environmental documentation, including any checklist, EIS or DNS; and

5. The Director's recommendation to approve, approve with conditions, or deny the application.

B. A DNS or the Director's determination that an EIS is adequate shall be subject to appeal pursuant to the procedures in subsection C of Section 23.76.022.

C. The Director's report shall be submitted to the Hearing Examiner and made available for public inspection at least thirty (30) days prior to the Hearing Examiner's public hearing described in Section 23.76.024.
(Ord. 120691 § 28, 2001; Ord. 118012 § 35, 1996.)

23.76.024 Hearing Examiner open record hearing and decision for subdivisions.

A. Consolidation with Environmental Appeal. The Hearing Examiner shall conduct a public hearing, which shall constitute a hearing by the Council on the application for preliminary approval of the subdivision. At the same hearing the Hearing Examiner shall also hear any appeals of the Director's procedural environmental determination (determination of nonsignificance or determination of adequacy of a final environmental impact statement) and other Type II decisions.

B. The Hearing Examiner may combine a public hearing on a project application with any other public hearings that may be held on the project by another local, state, regional, federal or other agency provided that the hearing is held within The City of Seattle. If requested by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within the time periods specified in SMC Section 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

C. Notice. The Director shall give notice of the Hearing Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least thirty (30) days prior to the hearing by:

1. Land Use Information Bulletin;

2. Publication in the City official newspaper and in at least one (1) community newspaper in the area affected by the proposal;

3. Mailed notice and written notice mailed to:

a. The applicant and each of the recipients of the preliminary plat listed in Section 23.22.024, and

b. All owners of real property located within three hundred (300) feet of any portion of the boundaries of another parcel or other parcels of real property lying adjacent to the property to be subdivided, if the owner of the property to be subdivided owns such adjacent parcel or parcels;

4. Posting in the Department.

D. Request for Further Consideration and Appeal. Any person significantly interested in or affected by the proposed subdivision may request further consideration of the Director's recommendation and may appeal the Director's procedural environmental determination and other Type II decisions. Such request for further consideration or appeal:

1. Shall be in writing, shall clearly state specific objections to the recommendation or environmental determination, and shall state the relief sought;

2. Shall be submitted to the Hearing Examiner by five (5:00) p.m. of the fourteenth calendar day following publication of notice of the Director's report, provided that when a fifteen (15) day DNS comment period is required pursuant to SMC 25.05, appeals may be filed until five (5:00) p.m. of the twenty-first calendar day following publication of notice of the decision. When the last day of the appeal period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until five (5:00) p.m. the next business day. The request or appeal shall be accompanied by payment of any filing fee set forth in SMC Section 3.02.125, Hearing Examiner filing fees, and in form and content shall conform with the rules of the Hearing Examiner.

E. Notice of Appeals and Requests for Further Consideration. The Hearing Examiner promptly shall mail notice of the filing of all requests for further consideration and appeals to all parties of record and to those requesting notice.

F. Pre-hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may conduct a conference prior to the hearing in order to entertain and act on motions, clarify issues, or consider other relevant matters.

G. Written Comments. Written comments on the proposed subdivision and the Director's report and recommendation may be sent to the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.

H. Hearing.

1. The Hearing Examiner shall limit the evidence, comments, and argument at the combined hearing to those issues that are fairly raised in any written request for further consideration or

appeal, as clarified at any pre-hearing conference, and that are relevant to:

a. The compliance of the proposed subdivision with the procedures and standards of this chapter and SMC Chapter 23.22;

b. The appropriateness of any mitigation or denial pursuant to the City's SEPA policies; and

c. The correctness of the Director's procedural environmental determination and other Type II decisions. Appeals of the Director's decisions shall be considered do novo, but the Director's determination shall be given substantial weight.

2. The Hearing Examiner shall establish the record at the hearing. The Hearing Examiner may either close the record after the hearing or leave it open to a specified date to receive additional testimony, exhibits, or written argument.

I. Decision. From the information gained at the hearing, from timely written comments submitted to the Department or the Hearing Examiner, and from the report and recommendation of the Director, all of which shall be made part of the record, the Hearing Examiner shall issue a decision to approve, approve with conditions, remand, or deny the proposed subdivision. On any appeal, the Hearing Examiner may affirm, reverse, remand or modify the Director's decision. These decisions shall be in writing, include findings and conclusions, and be issued within ten (10) working days of the close of the record, unless a longer period is agreed to among the parties.

J. Effect of the Hearing Examiner Decision. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on appeal or appealed to the Shorelines Hearings Board. Any judicial review of decisions not appealable to the Shorelines Hearings Board must be commenced within twenty-one (21) days of issuance of the decision, as provided by RCW 36.70C.040. Pursuant to RCW 58.17.330, the Hearing Examiner's decision on an application for a subdivision shall have the effect of a final decision of the City Council.

K. Distribution of Decision. On the same date that the Hearing Examiner files its decision with the City Clerk, copies of the decision shall be provided by the Hearing Examiner to the applicant, to the Director, to the Director of Transportation, to all persons testifying or submitting information at the hearing, to all persons who submitted substantive comments on the application to either the Director or the Hearing Examiner, and to all those who request a copy.
(Ord. 121477 § 50, 2004; Ord. 120157 § 8, 2000; Ord. 119239 § 35, 1998; Ord. 118409 § 214, 1996: Ord. 118181 § 5, 1996; Ord. 118012 § 36, 1996: Ord. 117789 § 11, 1995; Ord. 116909 § 10, 1993; Ord. 114041 § 1, 1988: Ord. 112522 § 2(part), 1985.)

23.76.026 Vesting of development rights.

A. Master Use Permit Components Other Than Subdivisions and Short Subdivisions. Applications for all Master Use Permit components except subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date:

1. Notice of the Director's decision on the application is published, if the decision can be appealed

to the Hearing Examiner, or the Director's decision if no Hearing Examiner appeal is available; or

2. A fully complete building permit application, meeting the requirements of Section 106 of the Seattle Building Code, is filed.

B. Subdivision and Short Subdivision Components of Master Use Permits. An application for approval of a subdivision or short subdivision of land shall be considered under the Land Use Code and other land use control ordinances in effect when a fully complete Master Use Permit application for such approval that satisfies the requirements of Section 23.22.020 (subdivision) or Sections 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

C. Design Review Component of Master Use Permits.

1. If a complete application for a Master Use Permit is filed prior to the date design review becomes required for that type of project, no design review component shall be required.

2. A complete application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect on the date a complete application for the design review early design guidance process is submitted to the Director, provided that such Master Use Permit application is filed within ninety (90) days of the date of the early design guidance public meeting.

D. Notwithstanding any other provision of this section or this chapter, no application for a permit for development that is subject to Chapter 25.09 and that is proposed for a landslide-prone area as described in Section 25.09.020 B1a, shall vest during the term of the ordinance codified in this section unless the Director permits the work pursuant to subsections A, B, C, D, or E of Section 25.09.010.

E. Notwithstanding any other provision of this section or this chapter, all development that is subject to Chapter 25.09 and that is proposed for a landslide-prone area as described in Section 25.09.020 B1a, shall have its vested rights suspended as follows during the term of the ordinance codified in this section:

1. No notice of the Director's decision on an application for a Master Use Permit shall be published unless the Director is satisfied that no significant changes in conditions at the site or surrounding area have occurred that render invalid or out-of-date the analysis and recommendations contained in the technical reports and other application materials previously submitted to DPD as part of the application for the Master Use Permit;

2. No building permit shall issue; and

3. No approval of the foundation and site of a building or structure, as required by Section 108.5.2 of the Seattle Building Code[1], shall be granted. This suspension of vested rights shall not apply to the extent that development is permitted by the Director pursuant to subsections A, B, C, D, or E of Section 25.09.010.

(Ord. 122311, § 96, 2006; Ord. 122235, § 14, 2006; Ord. 121477 § 51, 2004; Ord. 121112 § 1, 2003; Ord. 119728 § 12, 1999; Ord. 118980 § 8, 1998; Ord. 118539 § 7, 1997; Ord. 118466 § 3, 1997; Ord. 118012 § 37,

1996: Ord. 117598 § 5, 1995; Ord. 115751 § 2, 1991; Ord. 113977 § 1, 1988: Ord. 112522 § 2(part), 1985.)

1. Editor's Note: The Seattle Building Code, adopted by Section 22.100.010, is on file in the City Clerk's office.

23.76.028 Type I and II Master Use Permit issuance.

A. When a Type I or II Master Use Permit is approved for issuance, the applicant shall be so notified.

1. Type I Master Use Permits. Type I Master Use Permits shall be approved for issuance at the time of the Director's decision that the application conforms to all applicable laws (Section 23.76.020).

2. Type II Master Use Permits. Except for Type II permits containing a shoreline component as defined in SMC Section 23.76.006 C2h, a Type II Master Use Permit may be approved for issuance on the day following expiration of the applicable City of Seattle administrative appeal period or, if appealed, on the fourth day following a final City of Seattle administrative appeal decision to grant or conditionally grant the permit. Type II Master Use Permits containing a shoreline component may be issued pursuant to SMC Section 23.60.072. Master Use Permits shall not be issued to the applicant until all outstanding fees are paid.

B. When a Master Use Permit is approved for issuance according to subsection A, and a condition of approval requires revisions of the Master Use Permit plans, the revised documents shall be submitted within sixty (60) days of the date the permit is approved for issuance. The Director may extend the period for submittal of the revised documents if it is determined that there are good reasons for the delay which are satisfactory to the Director, or if a different schedule is agreed upon.

C. Once a Master Use Permit is approved for issuance according to subsection A, and any required revisions have been submitted and approved according to subsection B, the applicant shall pay any required fees and pick up the Master Use Permit within sixty (60) days of notice that the permit is ready to be issued. Failure to pick up the permit within sixty (60) days may result in a written notice of intent to cancel. If the Master Use Permit is not picked up within thirty (30) days from the date of written notice of intent to cancel, the approval shall be revoked and the Master Use Permit application shall be canceled. When a Master Use Permit is for a project vested to prior Land Use Code provisions because of an associated building permit application, and the project does not conform with the codes in effect at the time it is ready to issue, then no notice that the Master Use Permit is ready to issue shall be given until the building permit associated with the project is also ready to issue.

D. In no case may a Master Use Permit be issued beyond eighteen (18) months from the date the project is approved for issuance.

(Ord. 121112 § 2, 2003; Ord. 119239 § 36, 1998; Ord. 118012 § 38, 1996: Ord. 117570 § 22, 1995; Ord. 115751 § 3, 1991: Ord. 112522 § 2(part), 1985.)

Cases: Under an earlier ordinance, no rights may vest where either the application submitted or the permit issued fails to conform to the zoning or building code. Eastlake Community Council v. Roanoke Associates, Inc., 82 Wn.2d 475, 513 P.2d 36 (1973).

A hotel is distinguished from a home for the retired in that the latter provides domiciliary care for persons who are unable or do not desire to provide such care for themselves. State ex rel. Meany Hotel, Inc. v. Seattle, 66 Wn.2d 329, 402 P.2d 486 (1965).

A building permit issued in violation of law or under a mistake of fact confers no rights. Steele v. Queen City Broadcasting Co., 54 Wn.2d 402, 341 P.2d 499 (1950), **Nolan v. Blackwell, 123 Wash. 504, 212 P. 1048 (1923).**

23.76.032 Expiration and renewal of Type I and II Master Use Permits.

A. Expiration.

1. An issued Type I or II Master Use Permit shall expire three (3) years from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. Expiration of a Master Use Permit with a shoreline component shall be governed by WAC 173-27-090.

b. Expiration of a variance component of a Master Use Permit shall be governed by the following:

(1) Variances for access, yards, setback, open space, or lot area minimums granted as part of short plat or lot boundary adjustment shall run with the land in perpetuity as recorded with the Director of the King County Department of Records and Elections.

(2) Variances granted as separate Master Use Permits pursuant to Section 23.76.004 G shall expire three (3) years from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is granted within this period, the variance's expiration date shall be extended until the expiration date established for the use approval.

c. The time during which pendency of litigation related to the Master Use Permit or the property subject to the permit made it reasonable not to submit an application for a building permit, or to establish a use where a building permit is not required, shall not be included in the three (3) year term of the Master Use Permit.

d. Master Use Permits with a Major Phased Development or Planned Community Development component established under Section 23.47A.007, 23.50.015 or 23.49.036 shall expire as follows:

(1) For the first phase, three (3) years from the date the permit is approved for issuance;

(2) For subsequent phases, expiration shall be determined at the time of permit issuance.

2. At the end of the three (3) year term, Master Use Permits shall expire unless one (1) of the conditions in subsections a through d of this subsection 2 prevails:

a. A building permit is issued before the end of the three (3) year term, or an application for a building permit is: (1) submitted at least sixty (60) days before the end of the three (3)

year term; (2) made sufficiently complete to constitute a fully complete building permit application as defined in the Seattle Building Code, or for a highrise structure regulated under Section 403 of the Seattle Building Code, made to include the complete structural frame of the building and schematic plans for the exterior shall of the building, in either case before the end of the three (3) year term; and (3) subsequently issued. In such cases, the Master Use Permit shall be extended for the same term as the building permit is issued. For highrise structures regulated under Section 403 of the Seattle Building Code, the building permit application may be a partial one, provided that it includes the complete structural frame of the building, and schematic plans for the exterior shall of the building.

b. For projects that do not require a building permit, the use has been established prior to the expiration date of the Master Use Permit and is not terminated by abandonment or otherwise. In such cases the Master Use Permit shall not expire.

c. The Master Use Permit is renewed pursuant to subsection B.

d. A Major Phased Development or Planned Community Development component is part of the Master Use Permit, in which case subsection A1d shall apply.

B. Renewal.

1. The Director shall renew issued Master Use Permits for projects that are in conformance with applicable regulations, including land use and environmentally critical areas regulations, and SEPA policies in effect at the time renewal is sought. Master Use Permit renewal is for a period of two (2) years. A Master Use Permit shall not be renewed beyond a period of five (5) years from the original date the permit is approved for issuance, except for second and subsequent phases of a Master Use Permit with a major phased development (MPD) component, for which this subsection B does not apply. The Director shall not renew issued Master Use Permits for projects that are not in conformance with applicable regulations, including land use and environmentally critical areas regulations, or SEPA policies in effect at the time renewal is sought, except for second and subsequent phases of an approved Master Use Permit with a Major Phased Development component for which this subsection B does not apply.

2. If an application for a building permit is (1) submitted at least sixty (60) days before the end of the two (2) year term of renewal; (2) made sufficiently complete to meet the requirements of Section 106 of the Seattle Building Code; and (3) subsequently issued, the Master Use Permit shall be extended for the life of the building permit. For highrise structures regulated under Section 403 of the Seattle Building Code, the building permit application may be a partial one, provided that it includes the complete structural frame of the building, and schematic plans for the exterior shell of the building.

(Ord. 122311, § 97, 2006; Ord. 122054 § 83, 2006; Ord. 121112 § 4, 2003.)

1. Editor's Note: The Seattle Building Code, adopted by Section 22.100.010, is on file in the City Clerk's office.

23.76.034 Suspension and revocation of Master Use Permits.

A. A Master Use Permit may be revoked or suspended by the Director if any of the following

conditions are found:

1. The permittee has developed the site in a manner not authorized by the permit; or

2. The permittee has not complied with the conditions of the permit; or

3. The permittee has secured the permit with false or misleading information; or

4. The permit was issued in error.

B. Whenever the Director determines upon inspection of the site that there are grounds for suspending or revoking a permit, the Director may order the work stopped; provided that any shoreline component of a Master Use Permit shall not be revoked until a public hearing has been held pursuant to the procedures set forth in SMC Section 23.60.078. A written stop work order shall be served on the person(s) doing or causing the work to be done. All work shall then be stopped until the Director finds that the violations and deficiencies have been rectified. Written notice of the stop work order shall be mailed to all persons who have expressed a complaint leading to the stop work order.

C. The procedures for appealing a stop work order for all Master Use Permit components other than shoreline components shall be as follows:

1. Persons who receive a stop work order issued under subsection B above may appeal the order to the Hearing Examiner. Appeals shall be filed with the Hearing Examiner by five (5:00) p.m. of the fifteenth calendar day following service of the stop work order. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the appeal period shall run until five (5:00) p.m. on the next business day.

2. The Hearing Examiner shall hold a public hearing on the appeal of the Director's decision in order to review the facts and determine whether grounds for revocation or suspension exist.

3. Notice of hearing shall be provided at least twenty (20) days prior to hearing by written notice to the permittee and to any persons who have expressed a complaint leading to the stop work order.

4. The Hearing Examiner's decision shall be issued within fifteen (15) days following the hearing.

5. The Hearing Examiner shall give notice of the decision in writing to the permittee, the Director and to persons who have made a request in a timely manner.

(Ord. 117263 § 57, 1994; Ord. 112522 § 2(part), 1985.)

Subchapter III

Council Land Use Decisions

Part 1 Application and DPD Review

23.76.036 Council decisions required.

A. The Council shall make the following Type IV Council land use decisions, including any integrated decisions to approve, condition or deny based on SEPA Policies, and any associated Type II decisions listed in Section 23.76.006 C2:

1. Amendments to the Official Land Use Map, including changes in overlay districts and shoreline environment redesignations, except those initiated by the City and except boundary adjustments caused by the acquisition, merger or consolidation of two (2) Major Institutions pursuant to Section 23.69.023;

2. Public projects proposed by applicants other than The City of Seattle that require Council approval;

3. Major Institution master plans (supplemental procedures for master plans are established in SMC Chapter 23.69); and

4. Council conditional uses.

B. Council action shall be required for the following Type V land use decisions:

1. City-initiated amendments to the Official Land Use Map;

2. Amendments to the text of SMC Title 23, Land Use Code;

3. Concept approval for the location or expansion of City facilities requiring Council land use approval by SMC Title 23, Land Use Code;

4. Major Institution designations and revocations of Major Institution designations;

5. Waive or modify development standards for City facilities;

6. Planned action ordinances; and

7. Corrections of errors on the official Land Use Map due to cartographic and clerical mistakes.

(Ord. 122054 § 84, 2006; Ord. 121477 § 52, 2004; Ord. 120691 § 29, 2001; Ord. 120609 § 16, 2001: Ord. 119096 § 9, 1998; Ord. 18672 § 26, 1997; Ord. 118012 § 41, 1996; Ord. 117570 § 23, 1995: Ord. 115165 § 11, 1990; Ord. 115002 § 15, 1990; Ord. 112522 § 2(part), 1985.)

23.76.038 Pre-application conferences.

Prior to official filing with the Director of an application for a Type IV decision, the applicant may request or the Director may require a pre-application conference. The conference shall be held in a timely manner between a Department representative(s) and the applicant to determine the appropriate procedures and review criteria for the proposed project. Pre-application conferences may be subject to fees as established in SMC Chapters 22.901A-22.901T, Permit Fee Subtitle.

(Ord. 118012 § 42, 1996: Ord. 112522 § 2(part), 1985.)

23.76.040 Applications for Council land use decisions.

A. Applications for Type IV and V decisions shall be made by the property owner, lessee, contract purchaser, City agency, or an authorized agent thereof; provided that any interested person may make application for an amendment to the Official Land Use Map or an amendment to the text of Title 23, Land Use Code.

B. All applications for Council land use decisions shall be made to the Director on a form provided by the Department. The Director shall promptly transmit applications for Council land use decisions to the City Clerk for filing with the Council.

C. Applications shall be accompanied by payment of the applicable filing fees, if any, as established in SMC Chapters 22.901A-22.901T, Permit Fee Subtitle.

D. All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures; SMC Chapter 25.09, Regulations for Environmentally Critical Areas; SMC Chapter 25.12, Landmark Preservation; SMC Chapter 25.16, Ballard Avenue Landmark District; SMC Chapter 25.20, Columbia City Landmark District; SMC Chapter 25.22, Harvard-Belmont Landmark District; SMC Chapter 25.24, Pike Place Market Historical District; and other codes as determined applicable by the Director. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines, unless the Director indicates in writing that specific information is not necessary for a particular application:

1. Property information including, but not limited to, address, legal description, Assessor's Parcel number, and project description;

2. Evidence of ownership or authorization from the property owner for Council Conditional Uses;

3. A signed statement of financial responsibility from the applicant acknowledging financial responsibility for all applicable permit fees. If the application is made, in whole or in part, on behalf of the property's owner, lessee, and/or contract purchaser, then the statement of financial responsibility must also include a signed statement of the owner, lessee, and/or contract purchaser acknowledging financial responsibility for all applicable permit fees;

4. Scale drawings with all dimensions shown that include, but are not limited to, the following information:

    a. Existing site conditions showing adjacent streets (by name), alleys or other adjacent public property, existing street uses, such as street trees and sidewalk displays, buildings and structures, open space and landscape, access driveways and parking areas,

    b. Elevations and sections of the proposed new features,

    c. Floor plans showing the proposed new features,

d. Drainage plan,

e. Landscape plan,

f. Right-of-way information showing any work proposed in the public right-of-way,

g. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable,

h. Parking layout and vehicular access,

i. Vicinity map,

j. Topographic map, and

k. Open space plan;

5. A statement whether the site includes or is adjacent to a nominated or designated City of Seattle landmark, or has been listed as eligible for landmark status by the state or federal governments, or is within a City of Seattle landmark or special review district. If the site includes a nominated or designated City of Seattle landmark, or is within a City of Seattle landmark or special review district, then the applicant must provide a copy of any application for any required certificate of approval that has been filed with the Department of Neighborhoods. If the site does not include a landmark and is not within a landmark or special review district, then the applicant must provide the following information:

   a. Date the buildings on the site were constructed,

   b. Name of the architect(s) or builder(s), and

   c. For any building fifty (50) or more years old, clear exterior photos of all elevations of the building;

6. Information, including technical reports, drawings, models or text, necessary to evaluate the development proposal, project site and potential environmental effects related to the following:

   a. Soils and geology,

   b. Grading,

   c. Drainage,

   d. Construction impacts,

   e. Air quality,

f. Water quality,

g. Water discharge,

h. View impairment,

i. Energy consumption,

j. Animal habitat impacts,

k. Plant ecology, botany and vegetation,

l. Noise,

m. Release and disposal of toxic and hazardous materials,

n. Soil contamination,

o. Dredging,

p. Land use,

q. Housing,

r. Light and glare,

s. Shadow,

t. Aesthetics,

u. Use and demand on recreation facilities,

v. Vehicular traffic and circulation,

w. Parking,

x. Pedestrian circulation,

y. Circulation and movement of goods,

z. Traffic hazard, and

aa. Demand on public service and utilities.

E. Notice of Complete Application.

1. The Director 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 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 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.

2. An application for a Council land use decision is complete for purposes of this section when it meets the submittal requirements established by the Director in subsection D of this section and is sufficient for continued processing even though additional information may be required or project modifications are undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time of the notice of completeness or subsequently, if additional information is required to complete review of the application or if substantial changes in the permit application are proposed. A determination under this section that an application is complete for purposes of continued processing is not a determination that the application is vested. A vesting determination shall be made only when needed because of a change in applicable laws and shall entail review of the application for compliance with RCW 19.27.095 and SMC Section 23.76.026.

F. Failure to supply all required information or data within sixty (60) days of a written request may result in a notice of intent to cancel. When a Council land use application and a building permit application for a project are being reviewed concurrently, and the applications are for a project vested to prior Land Use Code provisions, and the project does not conform with the codes in effect while it is being reviewed, cancellation of the Council land use application under the provision of this subsection shall cause the concurrent cancellation of the building permit application.
(Ord. 122054 § 85, 2006; Ord. 121476 § 21, 2004; Ord. 118012 § 43, 1996; Ord. 117570 § 24, 1995: Ord. 117430 § 82, 1994; Ord. 112522 § 2(part), 1985.)

23.76.042 Notice of application.

A. Notice Required. For all Type IV decisions, for Major Institution designations, and for City facilities requiring Council approval, notice of application shall be provided in the manner prescribed by Section 23.76.012 for Master Use Permits.

B. Additional Notice for Major Institutions. The Director shall provide the following additional notice for Major Institution master plans and designation.

1. For Major Institution master plans, notice of intent to file a master plan application shall be published in the Land Use Information Bulletin and the City official newspaper and mailed notice shall also be provided. The notice of intent to file a master plan application shall indicate that an advisory committee is to be formed as provided in Section 23.69.032.

2. Mailed notice shall be provided for Major Institution designations and for revocation of Major Institution designations, and notice shall also be published in the City official newspaper once a week for two (2) consecutive weeks.

C. Additional Notice in the Southeast Seattle Reinvestment Area. The Director shall provide additional notice for Type IV decisions in the Southeast Seattle Reinvestment Area overlay district, by publishing the notice of application in at least one (1) community newspaper in the area affected by the proposal.

D. Additional Notice for Modification of Overlay Districts Established Pursuant to Neighborhood Plans. When considering modifications to an overlay district established pursuant to an adopted neighborhood plan that specifically addresses the overlay district, the Director must directly solicit comment by mail, or e-mail, from any City-recognized stewardship group for that neighborhood plan as well as established community groups and chambers of commerce for the area of the overlay.
(Ord. 122311, § 98, 2006; Ord. 121477 § 53, 2004; Ord. 116145 § 4, 1992; Ord. 115002 § 16, 1990; Ord. 112522 § 2(part), 1985.)

23.76.044 Notice of scoping and draft EIS.

Notice of Scoping and of Draft EISs for Type IV decisions shall be as provided for Master Use Permits in Section 23.76.014.
(Ord. 112522 § 2(part), 1985.)

23.76.046 Public meetings and hearings.

A. Preliminary Council Meeting on City Facilities Requiring Council Approval. When a City agency proposing a new City facility or expansion of an existing City facility determines that an EIS is required for the project, the Council shall hold an early public meeting to determine the need for and functions of the proposed facility, identify the source of funding, and establish site selection criteria. The meeting shall be held as part of the scoping process as required by SMC Chapter 25.05, SEPA Policies and Procedures.

B. Draft EISs on Type IV and V Decisions. A public hearing shall be held by the Director on all draft EIS's for which the Department is the lead agency, pursuant to SMC Chapter 25.05. The hearing shall occur no earlier than twenty-one (21) days from the date the draft EIS is issued nor later than fifty (50) days from its issuance. The Director may hold the hearing near the site of the proposed project. For Major Institution master plans, the draft EIS hearing shall be combined with a hearing on the draft master plan as required by Section 23.69.032.
(Ord. 118012 § 44, 1996; Ord. 115002 § 17, 1990; Ord. 112522 § 2(part), 1985.)

23.76.048 Notice of final EISs.

Notice of the availability of a final EIS for a Type IV or V decision shall be as provided for Master Use Permits in Section 23.76.018.
(Ord. 112522 § 2(part), 1985.)

23.76.049 Time required for preparation of an EIS.

The time required to prepare an environmental impact statement associated with a Council land use decision shall be agreed to by the Director and applicant in writing. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the Director within one (1) year following the issuance of a Determination of Significance for the proposal, unless the EIS consultant advises that a longer time period is necessary. In that case, the additional time shall be that recommended by the consultant, not to exceed an additional year.
(Ord. 118012 § 45, 1996: Ord. 117430 § 83, 1994.)

23.76.050 Report of the Director.

A. The Director shall prepare a written report on applications for Type IV and V decisions, except Land Use Code text amendments, and any associated Type II decision listed in Section 23.76.006 C2. The report shall include:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

2. Responses to written comments submitted by interested citizens;

3. An evaluation of the proposal based on the standards and criteria for the approval sought and consistency with applicable City policies;

4. All environmental documentation, including any checklist, EIS or DNS;

5. The Director's recommendation to approve, approve with conditions, or deny a proposal.

B. The Director shall prepare a written report for Land Use Code text amendments sponsored by the City Council only if such a report is requested by a member of the City Council, and shall include:

1. An evaluation of the proposal based on the standards and criteria for the approval sought and consistency with applicable City policies, and

2. The Director's recommendation to approve, approve with conditions, or deny a proposal.

C. A DNS or the Director's determination that an EIS is adequate shall be subject to appeal pursuant to the procedures in subsection C of Section 23.76.022.

D. For Type IV Decisions, the Director's report shall be submitted to the Hearing Examiner and made available for public inspection at least twenty-one (21) days prior to the Hearing Examiner's open record predecision public hearing described in Section 23.76.052.

E. For Type V decisions, the Director's report shall be submitted to the Council and shall be available to the public at least fifteen (15) days before the Council hearing described in Section 23.76.062.
(Ord. 121476 § 22, 2004; Ord. 120691 § 30, 2001; Ord. 118012 § 46, 1996; Ord. 117929 § 9, 1995; Ord. 112522 § 2(part), 1985.)

Part 2 Quasi-judicial Decisions (Type IV)

23.76.052 Hearing Examiner open record predecision hearing and recommendation.

A. General--Consolidation With Environmental Appeal. The Hearing Examiner shall conduct a public hearing, which shall constitute a hearing by the Council, on all applications for Type IV (quasi-judicial) Council land use decisions and any associated variances, special exceptions and administrative conditional uses. At the same hearing, the Hearing Examiner shall also hear any appeals of the Director's Type II decisions and any interpretations.

B. The Hearing Examiner may combine a public hearing on a project application with any other public hearings that may be held on the project by another local, state, regional, federal or other agency provided that the hearing is held within The City of Seattle. If requested by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within the time periods specified in SMC Section 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

C. Notice.

1. The Director shall give notice of the Hearing Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least fifteen (15) days prior to the hearing by:

   a. Land Use Information Bulletin;

   b. Publication in the City official newspaper;

   c. Submission of the Land Use Information Bulletin to at least one (1) community newspaper in the area affected by the proposal;

   d. One (1) land use sign visible to the public posted at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director shall either post more than one (1) sign and/or select an alternative posting location so that notice is clearly visible to the public. For hearings on Major Institution Master Plans, one (1) land use sign posted at each street frontage abutting the site but not to exceed ten (10) land use signs;

   e. Mailed notice; and

   f. Posting in the Department.

2. DNSs shall also be filed with the SEPA Public Information Center. If the Director's decision includes a mitigated DNS or other DNS requiring a fourteen (14) day comment period pursuant to SMC Section 25.05.340, the notice of DNS shall include notice of the comment period. The Director shall distribute copies of such DNSs as required by SMC Section 25.05.340.

3. The notice shall state the project description, type of land use decision under consideration, a description sufficient to locate the subject property, where the complete application file may be reviewed, and the Director's recommendation and environmental determination. The notice shall also state that the environmental determination is subject to appeal and shall describe the appeal procedure.

D. Appeal of Environmental Determination. Any person significantly interested in or affected by the Type IV decision under consideration may appeal the Director's procedural environmental determination subject to the following provisions:

1. Filing of Appeals. Appeals shall be submitted in writing to the Hearing Examiner by five (5:00) p.m. of the fourteenth calendar day following publication of notice of the determination, provided that when a fourteen (14) day DNS comment period is required pursuant to SMC Section 25.05.340, appeals may be filed until five (5:00) p.m. of the twenty-first calendar day following publication of the notice of the determination. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five (5:00) p.m. on the next business day. The appeal shall be in writing and shall state specific objections to the environmental determination and the relief sought. The appeal shall be accompanied by payment of the filing fee as set forth in the Seattle Municipal Code Section 3.02.125, Hearing Examiner filing fees. In form and content, the appeal shall conform with the rules of the Hearing Examiner.

2. Pre-hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may have a conference prior to the hearing in order to entertain and act on motions, clarify issues, or consider other relevant matters.

3. Notice of Appeal. Notice of filing of the appeal and of the date of the consolidated hearing on the appeal and the Type IV land use decision recommendation shall be promptly mailed by the Hearing Examiner to parties of record and those requesting notice.

4. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner shall entertain only those issues cited in the written appeal which relate to compliance with the procedures for Type IV decisions as required in this chapter and the adequacy of the environmental documentation upon which the determination was made.

5. Standard of Review. The Director's environmental determination shall be given substantial weight.

E. Conduct of Hearing. The Hearing Examiner at the public hearing will accept evidence and comments regarding:

1. The Director's report, including an evaluation of the project based on applicable City ordinances and policies and the Director's recommendation to approve, approve with conditions, or deny the application; and

2. Specific issues related to the Director's environmental determination, if appealed.

F. The Record. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument, or exhibits.

G. Written Comments. Written comments on the application for a Type IV land use decision and the Director's report and recommendation may be sent to the Department or the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.

H. Recommendation. From the information gained at the hearing, from timely written comments submitted to the Department or the Hearing Examiner, and from the report and recommendation of the Director, the Hearing Examiner shall submit a recommendation to the Council by filing it together with the record with the City Clerk within fifteen (15) days after the close of the hearing record provided, that the Hearing Examiner's report on a Major Institution Master Plan shall be submitted within thirty (30) days. The recommendation to approve, approve with conditions, or deny an application shall be based on the written findings and conclusions.

I. Environmental Appeal Decision. If the Director's environmental determination is appealed, the Hearing Examiner shall affirm, reverse, remand or modify the Director's determination that an EIS is not required (DNS) or that an EIS is adequate, based on written findings and conclusions. The Director shall be bound by the terms and conditions of the Hearing Examiner's decision. If the environmental determination is remanded, the Hearing Examiner shall also remand the Director's recommendation for reconsideration. The Hearing Examiner's decision on a DNS or EIS adequacy appeal shall not be subject to Council appeal. The time period for requesting judicial review of the environmental determination shall not commence until the Council has completed action on the Type IV decision for which the DNS or EIS was issued.

J. Distribution of Decision and Recommendation. On the same date that the Hearing Examiner files a recommendation with the City Clerk, copies of the recommendation and environmental appeal decision, if any, shall be mailed by the Hearing Examiner to the applicant, to the Director, to all persons testifying or submitting information at the hearing, to all persons who submitted substantive comments on the application to either the Director or the Hearing examiner, and to all those who request a copy in a timely manner. Notice of the Hearing Examiner's recommendation to the Council shall include instructions for requesting the Council to further consider the recommendation on the Type IV decision.

K. File to Council. The City Clerk shall file the recommendation and record with the original application and transmit the same to the Council.
(Ord. 121477 § 54, 2004; Ord. 120157 § 9, 2000; Ord. 119096 § 10, 1998; Ord. 118672 § 27, 1997; Ord. 118012 § 47, 1996: Ord. 112522 § 2(part), 1985.)

23.76.054 Council consideration of Hearing Examiner recommendation.

A. Any person substantially affected by or interested in the Hearing Examiner's recommendation regarding a Type IV land use decision may submit in writing to the Council a request for further consideration of the recommendation. No requests for further consideration of a DNS or the determination that an EIS is adequate will be accepted.

B. Requests for further consideration shall be filed with the Council by five (5:00) p.m. of the fourteenth calendar day following the date of issuance of the Hearing Examiner's recommendation. When the last day of the request period so computed is a Saturday, Sunday or federal or City holiday, the request period shall run until five (5:00) p.m. on the next business day. The request shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

C. After Council receipt of the request for further consideration, the Council shall mail a copy of the request for further consideration and instructions for responding to the request to those individuals who were provided written notice of the Hearing Examiner's action. Such notice shall be mailed at least seven (7) days prior to the date of the Council's public meeting to consider the request for further consideration.

D. Council action shall be based on the record established by the Hearing Examiner; provided, however, that if a request for further consideration includes a request to supplement the record, the Council may supplement the record with new evidence or information if the Council determines that the new evidence or information was not available or could not reasonably have been produced at the time of the open record hearing before the Hearing Examiner. The Council may remand an application for a Type IV land use decision only when the Council has voted to supplement the record and the Council determines that it is necessary for the Director or the Hearing Examiner to receive the new evidence and reconsider the application in light of it. The Council may allow oral or written arguments based on the record.
(Ord. 118012 § 48, 1996; Ord. 112522 § 2(part), 1985.)

23.76.056 Council decision on Hearing Examiner recommendation.

A. The Council's decision to approve, approve with conditions, remand, or deny the application for a Type IV land use decision shall be based on the record established pursuant to SMC Section 23.76.054.

B. The Council shall adopt written findings and conclusions in support of its decision regarding Type IV land use decisions.

C. To the extent such information is available to the Council, the decision should contain the name and address of the owner of the property at issue, of the applicant, and of each person who filed a request for further consideration with the Council, unless such person abandoned the request or such person's claims were dismissed before the hearing.

D. Any Type IV decision shall be final and conclusive unless Council retains jurisdiction or the decision is reversed or remanded on judicial appeal or appeal to the Shorelines Hearings Board. Any judicial review of a decision not appealable to the Shorelines Hearings Board must be commenced within twenty-one (21) days of issuance of the Council's decision, as provided by RCW 36.70C.040, except that an appeal of a decision concerning personal service must be commenced within thirty (30) days of issuance of the decision.

E. A copy of the Council's findings, conclusions and decision shall be transmitted to the City Clerk who shall promptly send a copy to the Director and the Hearing Examiner, and shall promptly mail copies to all parties of record and to any person who has submitted substantive comments to the Director, Hearing Examiner or City Council on the proposal. The Clerk's transmittal letter shall include official notice of the time and place for seeking judicial review. The Director shall be bound by and incorporate the terms and conditions of the Council's decision in permits issued to the applicant or on approved plans.

F. Re-application Rules. If an application for a Type IV decision is denied with prejudice by the Council, no application for the same or substantially the same decision shall be considered until twelve (12) consecutive months have passed since the filing of the denial of the application. After twelve (12) months, the Council shall consider an application for the same decision only if the applicantestablishes that there has been a substantial change of circumstances pertaining to a material issue.
(Ord. 120928 § 43, 2002; Ord. 118181 § 7, 1996; Ord. 118012 § 49, 1996; Ord. 117789 § 12, 1995; Ord. 112522 § 2(part), 1985.)

23.76.058 Rules for specific decisions.

A. Shoreline Decisions. For shoreline environment reclassifications, a copy of the Council's findings, conclusions and decision shall also be filed with the Department of Ecology. Shoreline environment reclassifications shall not become effective until approved by the Department of Ecology.

B. Contract Rezones.

1. When a property use and development agreement is required as a condition to an amendment of the Official Land Use Map, the ordinance rezoning the property shall provide for acceptance of the agreement and shall not be passed by the Council until the agreement has been executed by the owner. The executed agreement shall be recorded in the real property records of King County and filed with the City Clerk within one hundred twenty (120) days of adoption of the ordinance accepting the agreement.

2. Amendment of Contract Rezone. Agreements required as a condition to map amendments may be amended by agreement between the owner and the City, provided the amended agreement shall be approved by the Council. Amendments which are within the spirit and general purpose of the prior decision of the Council may be approved by the Council by ordinance after receiving any advice which it deems necessary. Written notice and an opportunity to comment shall be provided by the Council at least fourteen (14) days prior to Council consideration of the requested amendment to persons who submitted written or oral comments on the original rezone decision. Amendments which in the judgment of the Council represent a major departure from the terms of the agreement shall not be approved until the Council has received a recommendation from the Hearing Examiner after a public hearing held as provided for rezones in Section 23.76.052, Hearing Examiner open record predecision hearing and recommendation.

C. Reserved.

D. Public Projects Not Meeting Development Standards. The City Council may waive or modify applicable developments standards, accessory use requirements special use requirements or conditional use criteria for public projects.
(Ord. 122054 § 86, 2006; Ord. 118672 § 28, 1997; Ord. 118012 § 50, 1996; Ord. 117242 § 27, 1994; Ord. 112522 § 2(part), 1985.)

23.76.060 Expiration of land use approvals.

A. Approvals Granted Under Title 24. Expiration of Council land use approvals granted under SMC Title 24, Zoning and Subdivisions, shall be governed by the applicable provisions of SMC Title 24, Zoning and Subdivisions, and SMC Section 23.04.010, Transition to the Land Use Code.

B. Contract Rezones, Council Conditional Uses and Public projects

1. Contract rezones, Council conditional uses and public projects approved under Title 23 shall expire two (2) years from the effective date of approval unless:

a. Within the two (2) year period, an application is filed for a Master Use Permit, which permit is subsequently issued; or

b. Another time for expiration is specified in the Council's decision.

2. If a Master Use Permit is issued for the contract rezone, Council conditional use or public project, the Council's approval of the contract rezone, Council conditional use or public project, shall remain in effect until the Master Use Permit expires pursuant to the provisions of Section 23.76.032, or until the time specified by the Council, whichever is longer.

3. When a contract rezone expires, the Director shall file a certificate of expiration with the City Clerk and a notation shall be placed on the Official Land Use Map showing the reversion to the former classification.

C. Variances. Variances granted as part of a Council land use approval shall remain in effect for the same period as the land use approval granted, except those variances granted as part of a rezone which shall expire on the date the rezone expires or the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner.

D. Extensions. The Council may extend the time limits on Type IV land use approvals upon an applicant's request for an extension filed with the Council at least thirty (30) days before the approval's expiration. The Council may request a recommendation on the extension request from the Director. (Ord. 122054 § 87, 2006; Ord. 118012 § 51, 1996; Ord. 114473 § 4, 1989; Ord. 112522 § 2(part), 1985.)

Part 3 Legislative Decisions (Type V)

23.76.062 Council hearing and decision.

A. Public Hearing. The Council shall itself conduct a public hearing for each Type V (legislative) land use decision except that no public hearing is required for an emergency amendment to the text of the Land Use Code. The Council may also appoint a hearing officer to conduct an additional fact-finding hearing to assist the Council in gathering information. Any hearing officer so appointed shall transmit written Findings of Fact to the Council within ten (10) days of the additional hearing.

B. Notice of Hearings.

1. Notice of a required Council hearing on a Type V decision shall be provided by the Director at

least thirty (30) days prior to the hearing in the following manner:

a. Inclusion in the Land Use Information Bulletin;

b. Posting in the Department; and

c. Publication in the City's official newspaper.

2. Additional notice shall be provided by the Director for public hearings on City facilities, Major Institution designations and revocation of Major Institution designations, as follows:

a. Mailed notice; and

b. One (1) land use sign posted visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director shall either post more than one (1) sign and/or select an alternative posting location so that notice is clearly visible to the public.

C. Council Decision. In making a Type V land use decision, the Council shall consider the oral and written testimony presented at the public hearing, as well as any required report of the Director. The City Council shall not act on any Type V decision until the end of the appeal period for the applicable DNS or Final EIS or, if an appeal is filed, until the Hearing Examiner issues a decision affirming the Director's DNS or EIS decision.
(Ord. 121477 § 55, 2004; Ord. 119895 § 1, 2000; Ord. 118672 § 29, 1997; Ord. 115002 § 18, 1990; Ord. 112522 § 2(part), 1985.)

23.76.064 Approval of City facilities.

A. Concept Approval for City Facilities.

1. In acting on the proposed siting or expansion of a City facility, the Council shall decide whether to approve in concept the facility. If concept approval is granted, the Council may impose terms and conditions, including but not limited to design criteria and conditions relating to the size and configuration of the proposed facility.

2. Following Council approval, final plans for a City facility shall be submitted to the Director. If the Director determines that the project is consistent with the Council's concept approval, the Director shall issue the necessary permits for the facility.

3. No further Council action is required for a City facility unless the Director determines that the final plans represent a major departure from the terms of the original Council concept approval, in which case the final plan shall be submitted to the Council for approval in the same manner as the original application.

B. City Facilities Not Meeting Development Standards. The Council may waive or modify applicable development standards, accessory use requirements, special use requirements or conditional use

criteria for City facilities.
(Ord. 118672 § 30, 1997: Ord. 112522 § 2(part), 1985.)

23.76.066 Shoreline Master Program amendments.

Council decisions approving an amendment to the text of SMC Chapter 23.60, Shoreline Master Program Regulations, shall be sent to the Director of the Department of Ecology. Such amendments shall become effective only upon approval of the amendment by the State Department of Ecology pursuant to WAC 173-19-060.
(Ord. 118012 § 52, 1996: Ord. 112522 § 2(part), 1985.)

23.76.068 Re-application rule for text amendments.

If an application for an amendment to the text of SMC Title 23, Land Use Code is denied by the Council, no application for the same or substantially the same amendment shall be considered until twelve (12) months have passed since the filing of the application, provided that this rule shall not apply to City-initiated amendments.
(Ord. 117570 § 25, 1995: Ord. 112522 § 2(part), 1985.)

23.76.070 Hearing Examiner reports to Council.

The Hearing Examiner shall compile and file with the Council a semi-annual report on issues of Code or policy interpretation arising in the Hearing Examiner's review of contested land use cases. The Hearing Examiner should report on all issues of general applicability which resulted in disagreement between the Director and the Hearing Examiner as to interpretation of Council intent. The Council will review the report and consider the need for code amendments to clarify its intent.
(Ord. 112522 § 2(part), 1985.)

Chapter 23.78

ESTABLISHMENT OF CRITERIA FOR JOINT USE OR REUSE OF SCHOOLS

Sections:

23.78.002 Application for establishment of criteria.

A. The Seattle School District or other owner of a public school structure may apply for the establishment of criteria for nonschool use of an existing or former public school structure. Applications shall be made to the Director of the Department of Neighborhoods.

B. On receipt of an application, the Director of the Department of Neighborhoods shall convene a School Use Advisory Committee (SUAC) to secure the comments of the public and make recommendations for

school use criteria for the school. The committee shall operate pursuant to rules promulgated by the Director of the Department of Neighborhoods. The committee shall consist of the following:

1. A representative of the City selected by the Director of the Department of Neighborhoods, to act as chairperson;

2. A representative of the Seattle School District, or if the structure is no longer owned by the Seattle School District, a representative of the structure owner;

3. Two (2) persons residing or owning property within six hundred (600) feet of the site of the school and any adjoining publicly owned property, selected by the Director of the Department of Neighborhoods in cooperation with the community organization(s) representing the area;

4. A representative of the PTSA or parents' group, selected by the appropriate organization, if "joint use" (both public school classrooms and nonschool uses) is contemplated by the application; or a representative of the neighborhood, selected by the Director of the Department of Neighborhoods, in cooperation with the community organization(s) representing the area, if joint use is not contemplated in the application;

5. A representative of the neighborhood, selected by the Director of the Department of Neighborhoods;

6. A representative at large selected by the Director of the Department of Neighborhoods to represent city-wide education issues; and

7. A representative of the Department shall be invited to sit as a nonvoting member.

(Ord. 121429 § 4, 2004; Ord. 115906 § 2, 1991: Ord. 110381 § 1(part), 1982.)

23.78.006 Notice provided.

Notification of the application and formation of a SUAC and the first meeting of the SUAC shall be provided by the Director through mailed notice, Land Use Information Bulletin, publishing in a newspaper of substantial local circulation, and posting one (1) land use sign visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director shall either post more than one (1) sign and/or select an alternative posting location so that notice is clearly visible to the public. If there is an existing parents' organization, notice shall be given through their regular processes.

(Ord. 121477 § 56, 2004; Ord. 118672 § 31, 1997: Ord. 110381 § 1(part), 1982.)

23.78.010 SUAC responsibilities.

The SUAC shall:

A. Conduct one (1) or more public meetings within a ninety (90) day period from formation of the SUAC.

B. Gather and evaluate public comment;

C. Develop criteria for structure and grounds use which are compatible with the surrounding community, including but not limited to: benefits to the community and public; population to be served; community access; use of the school grounds within the context of recreational and aesthetic resources of the neighborhood; mitigation of large structure bulk; traffic impacts: generation, circulation and parking; landscaping and maintenance of grounds; exterior appearance of the structure, including signing; noise; hazards and other potential nuisances; and

D. Recommend criteria to the Director of the Department of Neighborhoods no later than ninety (90) days after its first meeting unless a ten (10) day extension is requested, in writing, by a majority of the SUAC and granted by the Director of the Department of Neighborhoods.
(Ord. 121429 § 5, 2004; Ord. 115906 § 3, 1991; Ord. 110793 § 60, 1982: Ord. 110381 § 1(part), 1982.)

23.78.012 Duties of Director of the Department of Neighborhoods.

A. The Director of DON shall establish final use criteria and permitted uses for the school structures and grounds based on the SUAC's recommendations within ten (10) days of the receipt of the recommendations. If the Director of DON modifies the recommendations of the SUAC, the reasons for the modification shall be put forth in writing.

B. Notification of the Director of DON's decision shall be published in the City official newspaper within seven (7) days of the date the decision is made. Notice, including the date of its publication, shall also be posted in a conspicuous place in the Department of Neighborhoods and shall be included in the Land Use Information Bulletin. Notice of the decision shall also be mailed on the date of the decision to the applicant, and to persons who have requested specific notice in a timely manner.

The notice of the decision shall state the address of the school and briefly state the decision made by the Director of DON. The notice shall also state that the school use criteria are subject to appeal and shall describe the appropriate appeal procedure.
(Ord. 121477 § 57, 2004; Ord. 115906 § 4, 1991: Ord. 110381 § 1(part), 1982.)

23.78.014 Appeal of use criteria.

A. Any person substantially affected by or interested in the use criteria may appeal the decision to the Hearing Examiner within a period extending to five (5) p.m. of the fifteenth calendar day following the date of publication of the use criteria decision. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the appeal period shall run until five (5) p.m. the next business day.The appeal shall be in writing and shall state specifically why the appellant finds the criteria inappropriate or incorrect.

B. Appeals of school use criteria shall be accompanied by payment of a filing fee as established in the Fee Subtitle, Chapters 22.901A through 22.901T.

C. The Hearing Examiner shall consider the appeal in accordance with the procedure established for hearing contested cases in the Administrative Code, Chapter 3.02. Notice shall be given not less than twenty

(20) days prior to hearing.

D. Appeals shall be considered de novo. The decision on the evidence before the Hearing Examiner shall be made upon the same basis as was required of the Director of DON. The interpretation of the Director of DON shall be given substantial weight, and the burden of establishing the contrary shall be upon the appellant. The Hearing Examiner shall summarily dismiss an appeal without hearing which is determined to be without merit on its face, frivolous or brought merely to secure a delay.

E. The Hearing Examiner shall issue a decision within fourteen (14) days after closing the record.Notice of the Hearing Examiner's decision shall be mailed on the date of the decision to the parties of record and to all those requesting notice.

F. The decision of the Hearing Examiner may affirm, reverse or modify the Director of DON's decision either in whole or in part. The Hearing Examiner may also remand the decision to the Director of DON for further consideration.The decision of the Hearing Examiner shall be final and the applicant, appellant and Director of DON shall be bound by it.
(Ord. 117263 § 58, 1994; Ord. 115906 § 5, 1991; Ord. 110381 § 1(part), 1982.)

23.78.016 Criteria to serve as regulations.

Once the school use criteria are established for a public school structure, they shall be used by the Director as the substantive criteria applicable to applications filed under the Master Use Permit process, Chapter 23.76, for uses locating in the public school structures and grounds. If the public school structure is demolished, the permitted uses and development standards of the underlying zone shall apply.
(Ord. 110381 § 1(part), 1982.)

Chapter 23.79

ESTABLISHMENT OF DEVELOPMENT STANDARD DEPARTURE FOR PUBLIC SCHOOLS

Sections:

23.79.002 Initiation of development standard departure procedure.

A. The Seattle School District may apply for development standard departure for public school structures. Applications shall be made to the Director.

B. When demolition of residential structures is proposed, and the public school site includes land acquired for public school use after the effective date of the amendatory ordinance codified in this chapter,[1] the Director shall initiate the process for development standard departures and the School District shall be bound by the development standard departures which are required in order to reduce demolition of residential structures.
(Ord. 112539 § 10(part), 1985.)

1. Editor's Note: Ordinance 112539, codified in this chapter, was adopted on November 12, 1985.

23.79.004 Application for development standard departure.

On receipt of an application for development standard departure or upon initiation of the process by the Director, the Director shall forward an application to the Director of the Department of Neighborhoods (DON) who shall convene a Development Standard Advisory Committee, hereinafter called the advisory committee, to secure the comments of the public and make recommendations for modifications of development standards. The advisory committee shall operate pursuant to rules promulgated by the Director of DON. To the extent that members of the following groups are available, the advisory committee shall consist of:

A. A representative of the City selected by the Director of DON, to act as nonvoting chairperson;

B. A representative of the Seattle School District;

C. A person residing within six hundred (600) feet of the site of the school and any adjoining publicly owned property, selected by the Director of DON in cooperation with the community organizations(s) representing the area;

D. A person owning property or a business within six hundred (600) feet of the site of the school and any adjoining publicly owned property, selected by the Director of DON in cooperation with the community organization(s) representing the area;

E. Two (2) representatives of the neighborhood, selected by the Director of DON in cooperation with the community organization(s) representing the area;

F. A representative at large selected by the Director of DON to represent city-wide education issues;

G. A nonvoting representative of the Department;

H. Two (2) representatives of the parents of the school to be replaced, expanded or remodeled, selected by the Director of DON in cooperation with the school's PTSA or other school parent organization; and

I. A person, to be selected by the Director, who resides in a housing unit which will be demolished and who will be adversely affected by the demolition, when demolition of housing is necessitated by the District's proposal.
(Ord. 121429 § 6, 2004; Ord. 115906 § 6, 1991; Ord. 112799 § 1, 1986: Ord. 112539 § 10(part), 1985.)

23.79.006 Notice provided for development standard departure.

Notification of the application and formation of a Development Standard Advisory Committee and the first meeting of the advisory committee shall be provided by the Director through mailed notice, General Mailed Release, publishing in a newspaper of substantial local circulation and any relevant ethnic publications having substantial local circulation, and posting one (1) land use sign visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director shall either post more than one (1) sign and/or select an alternative posting location so that notice is clearly

visible to the public. If there is an existing parents' organization, notice shall be given through its regular processes. Notice shall also be given to community organizations known to the Department as representing the local area and to other related organizations who have requested notice.
(Ord. 118672 § 32, 1997: Ord. 112539 § 10(part), 1985.)

23.79.008 Advisory committee responsibilities.

The advisory committee shall perform the following functions:

A. It shall conduct one or more public meetings within a ninety (90) day period from formation of the advisory committee.

B. It shall gather and evaluate public comment.

C. It shall recommend the maximum departure which may be allowed for each development standard from which a departure has been requested. Minority reports shall be permitted. The advisory committee may not recommend that a standard be made more restrictive unless the restriction is necessary as a condition to mitigate the impacts of granting a development standard departure.

1. Departures shall be evaluated for consistency with the general objectives and intent of the City's Land Use Code, including the rezone evaluation criteria in Chapter 23.34 of the Seattle Municipal Code, to ensure that the proposed facility is compatible with the character and use of its surroundings. In reaching recommendations, the advisory committee shall consider and balance the interrelationships among the following factors:

   a. Relationship to Surrounding Areas. The advisory committee shall evaluate the acceptable or necessary level of departure according to:

      (1) Appropriateness in relation to the character and scale of the surrounding area;

      (2) Presence of edges (significant setbacks, major arterials, topographic breaks, and similar features) which provide a transition in scale;

      (3) Location and design of structures to reduce the appearance of bulk;

      (4) Impacts on traffic, noise, circulation and parking in the area; and

      (5) Impacts on housing and open space.More flexibility in the development standards may be allowed if the impacts on the surrounding community are anticipated to be negligible or are reduced by mitigation; whereas, a minimal amount or no departure from development standards may be allowed if the anticipated impacts are significant and cannot be satisfactorily mitigated.

   b. Need for Departure. The physical requirements of the specific proposal and the project's relationship to educational needs shall be balanced with the level of impacts on the surrounding area. Greater departure may be allowed for special facilities, such as a

gymnasium, which are unique and/or an integral and necessary part of the educational process; whereas, a lesser or no departure may be granted for a facility which can be accommodated within the established development standards.

2. When the departure process is required because of proposed demolition of housing, the desirability of minimizing the effects of demolition must be weighed against the educational objectives to be served in addition to the evaluation required in subsection C1.

3. Following the evaluation set out in subsections C1 or C2, departures may be recommended as set forth in the regulations for the applicable zone and in Chapter 23.54. Recommendations must include consideration of the interrelationship among height, setback and landscaping standards when departures from height or setback are proposed.

D. The advisory committee shall recommend departure limits to the Director no later than ninety (90) days after its first meeting. Such recommendation shall be made after a majority or plurality vote. If only one (1) meeting is held, departure limits shall be recommended no later than thirty (30) days after the meeting. A ten (10) day extension may be granted by the Director if requested, in writing, by a majority of the advisory committee.
(Ord. 121429 § 7, 2004; Ord. 120691 § 31, 2001; Ord. 112799 § 2, 1986; Ord. 112539 § 10(part), 1985.)

23.79.010 Duties of Director.

A. The Director shall determine the amount of departure from established development standards which may be allowed for required, as well as mitigating measures which may be required. The Director's decision shall be based on an evaluation of the factors set forth in subsection C of Section 23.79.008, the majority recommendations and minority reports of the advisory committee, comment at the public hearings and other comments from the public. If the Director modifies the recommendations of the advisory committee, the reasons for the modification shall be put forth in writing.

B. 1. Notification of the Director's decision shall be published in the City official newspaper within seven (7) days of the date the decision is made. Notice, including the date of its publication, shall also be posted in a conspicuous place in DPD and shall be included in the Land Use Information Bulletin. Notice of the decision shall also be mailed on the date of the decision to the applicant, to all members of the advisory committee, and to persons who have requested specific notice in a timely manner.

2. The notice of the decision shall state the address of the school and briefly state the decision made by the Director. The notice shall also state that the departure from development standards is subject to appeal and shall describe the appropriate appeal procedure.
(Ord. 121477 § 58, 2004; Ord. 121276 § 37, 2003; Ord. 112539 § 10(part), 1985.)

23.79.012 Appeal of development standard departure.

A. Any person substantially affected by or interested in the development standard departure may appeal the decision to the Hearing Examiner within a period extending to five (5) p.m. of the fifteenth calendar day following the date of publication of the decision. When the last day of the appeal period so computed is a

Saturday, Sunday, or federal or City holiday, the appeal period shall run until five (5) p.m. the next business day. The appeal shall be in writing and shall state specifically why the appellant finds the departure inappropriate or incorrect.

B. Appeals of development standard departure shall be accompanied by payment of a filing fee as established in the Seattle Municipal Code, the Fee Subtitle, Chapters 22.901A through 22.901T.

C. The Hearing Examiner shall consider the appeal in accordance with the procedure established for hearing contested cases in the Seattle Municipal Code, Chapter 3.02, Administrative Code. Notice shall be given not less than twenty (20) days prior to hearing.

D. Appeals shall be considered de novo. The decision on the evidence before the Hearing Examiner shall be made upon the same basis as was required of the Director. The decision of the Director shall be given substantial weight, and the burden of establishing the contrary shall be upon the appellant. The Hearing Examiner shall summarily dismiss an appeal without hearing which is determined to be without merit on its face, frivolous, or brought merely to secure a delay.

E. The Hearing Examiner shall issue a decision within fourteen (14) days after closing the record. Notice of the Hearing Examiner's decision shall be mailed on the date of the decision to the parties of record and to all those requesting notice.

F. The decision of the Hearing Examiner may affirm, reverse or modify the Director's decision either in whole or in part. The Hearing Examiner may also remand the decision to the Director for further consideration.

G. The decision of the Hearing Examiner shall be final, and the applicant, appellant and Director shall be bound by it.
(Ord. 117263 § 59, 1994; Ord. 112539 § 10(part), 1985.)

Chapter 23.80

ESSENTIAL PUBLIC FACILITIES

Sections:

23.80.002 Application submittal requirements.

In addition to the application submittal requirements specified in other chapters and codes, applicants for essential public facilities shall address each of the review criteria of this chapter in their application materials, and provide additional information as required by the Director to complete review of the project.
(Ord. 117430 § 84(part), 1994.)

23.80.004 Review criteria.

A. In reviewing an application for a proposed essential public facility, the decisionmaker shall

consider the following:

1. Interjurisdictional Analysis. A review to determine the extent to which an interjurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a county-wide, regional or state-wide nature, and whether uniformity among jurisdictions should be considered.

2. Financial Analysis. A review to determine if the financial impact upon The City of Seattle can be reduced or avoided by intergovernmental agreement.

3. Special Purpose Districts. When the public facility is being proposed by a special purpose district, the City should consider the facility in the context of the district's overall plan and the extent to which the plan and facility are consistent with the Comprehensive Plan.

4. Measures to Facilitate Siting. The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors (such as the availability of land, access to transportation, compatibility with neighboring uses, and the impact on the physical environment).

B. If the decisionmaker determines that attaching conditions to the permit approval will facilitate project siting in light of the considerations identified above, the decisionmaker may establish conditions for the project for that purpose.

C. Light rail transit facilities.

1. Light rail transit facilities necessary to support the operation and maintenance of a light rail transit system are permitted in all zones within the City of Seattle.

2. The Director may approve a light rail transit facility pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions only if the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the City Council by ordinance or resolution.

3. When approving light rail transit facilities, the Director may impose reasonable conditions in order to lessen identified impacts on surrounding properties. A Master Use Permit is not required for the following:

a. at-grade, below-grade, or above-grade tracks and their supporting structures;

b. below-grade facilities;

c. minor alteration of light rail transit facilities involving no material expansion or change of use; and

d. other minor new construction that, in the determination of the Director, is not likely to

have significant adverse impacts on surrounding properties.

4. When approving light rail transit facilities, the Director may impose conditions to ensure consistency with design guidelines developed for the light rail system by the City and the applicant.

5. The Director may waive or modify development standards applicable to a light rail transit facility if the applicant demonstrates that waiver or modification of a development standard:

a. is reasonably necessary to allow the siting or proper functioning of a light rail transit facility; or

b. will lessen the environmental impacts of a light rail transit facility on site or on surrounding properties; or

c. will accommodate future development that will comply with development standards better than if the development standard waiver or modification were not granted.

6. The Director may impose reasonable conditions on any waiver or modification of development standards to ensure consistency with design guidelines developed for the light rail system by the City and the applicant, and to lessen, to the extent feasible, environmental impacts of a light rail transit facility on site or on surrounding properties.

7. A master use permit for light rail transit facilities shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Grant Agreement with a federal agency) to complete the work described in the master use permit application.

D. Monorail transit facilities.

1. Monorail transit facilities necessary to support the operation and maintenance of a monorail transit system are permitted in all zones within the City of Seattle, except that a monorail operations and/or maintenance center is prohibited in a residential or neighborhood commercial zone. Any commercial use over two hundred (200) square feet as part of a monorail transit station is prohibited unless otherwise permitted in the underlying zone.

2. The Director may approve a monorail transit facility, pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, only if the horizontal and vertical alignment and locations of the monorail guideway, monorail transit stations, and monorail operations center have been approved by the City Council by ordinance or resolution. The City Council may also approve the horizontal and vertical alignment and location of other monorail transit facilities.

3. The Director shall review for approval all monorail transit facilities, except monorail guideways, which must be reviewed for approval by the Director of Transportation pursuant to the procedures of Title 15, provided that for any monorail transit facility or portion thereof subject to

review pursuant to Chapter 23.60, the Director shall conduct the review required by that chapter.

4. A Master Use Permit is not required for minor alterations of monorail transit facilities involving no material expansion or change of use, and other minor new construction at monorail transit facilities that, in the determination of the Director, is not likely to have significant adverse impacts on surrounding properties.

5. Waiver or modification of development standards.

a. Where necessary to achieve consistency with the terms of the City Council's approval of the monorail transit system, development standards, including but not limited to, height, setbacks, yards, landscaping, or lot coverage, may be waived or modified, provided that height may be waived only for the monorail guideway or monorail transit stations and not for any other monorail transit facilities, and further provided that height of monorail transit stations shall not exceed sixty-five feet (65') or the height limit in the underlying zone, whichever is greater.

b. To promote consistency with any monorail transit system-specific design guidelines to be developed by the City and a city transportation authority and approved by the City Council by ordinance, development standards other than height may be waived or modified.

c. Development standards may be waived or modified under this subsection only for structures or portions of structures that are devoted to a use directly associated with operation of the monorail transit facility and not for other portions of the structure unrelated to the monorail transit use.

6. The Director may impose reasonable conditions:

a. Where necessary to achieve consistency with the terms of the City Council's approval of the monorail transit system; or

b. Pursuant to Chapter 25.05 to lessen identified impacts caused by the monorail transit facilities; or

c. To ensure consistency with any monorail transit system-specific design guidelines to be developed by the City and a city transportation authority and approved by the City Council by ordinance.

7. Within twenty (20) days after issuing a Master Use Permit for a monorail transit station, the Director shall send a written report to the City Council describing any development standards that were waived or modified pursuant to this section, and describing any conditions that were imposed on the permit pursuant to this section.

(Ord. 121563 § 5, 2004; Ord. 121278 § 9, 2003; Ord. 119974 § 3, 2000; Ord. 117430 § 84(part), 1994.)

Division 2

General Terms

Chapter 23.84

DEFINITIONS

Sections:

23.84.001 Applicability and interpretation

A. The definitions in this chapter provide the meanings of terms for chapter 23.60, to the extent so provided by chapter 23.60.

B. Except as provided in subsection A of this Section, the definitions in this chapter apply only for the purpose of interpreting the Land Use Code as in effect prior to the effective date of the ordinance enacting chapter 23.84A.

C. Unless the context of a provision of this title clearly requires otherwise:

1. Words defined in the singular number include the plural and words defined in the plural number include the singular; and

2. Definitions apply to variants formed by changes in format, word order, and spelling or omissions of alternatives from terms. For example, the definition of "curb-cut," applies to "curbcut," and "curb cut," and the definition of "Parking, principal use, surface area or garage" applies to "principal use surface parking area."

(Ord. 122311, § 99, 2006)

23.84.002 "A."

"Abut" means to border upon.

"Access bridge" means a structure which is designed and necessary for pedestrian access from an alley, street or easement to a principal structure or accessory structure.

"Accessory conditional use." See "Conditional accessory use."

"Accessory parking." See "Parking, accessory."

"Accessory structure" means a structure which is incidental to the principal structure.

"Accessory use" means a use that is incidental to the principal use.

"Addition to existing public school structures" means any extension of an existing public school structure or rebuilding of an existing public school structure any portion of which remains intact. Building of an entirely new public school structure when part of an existing public school complex shall be considered an addition to an existing public school structure when the proposed new structure is on an existing public school site.

"Adjacent" means near but not necessarily touching.

"Administrative conditional use." See "Conditional use."

"Administrative office." See "Office."

"Adult family home." See "Residential use."

"Advertising sign." See "Billboard."

"Affordable housing." See "Housing, affordable."

"Agricultural use" means a business establishment in which crops are raised or animals are reared or kept, but not including kennels. Agricultural uses include animal husbandry uses such as poultry farms and rabbitries, and horticultural uses such as nurseries and orchards.

1. "Animal husbandry" means an agricultural use in which animals are reared or kept in order to sell the products they produce, such as meat, fur or eggs. Raising animals to sell as pets shall be considered an animal service use rather than animal husbandry.

2. "Aquaculture" means an agricultural use in which food fish, shellfish or other marine foods, aquatic plants, or animals are cultured or grown in fresh or salt waters.

3. "Horticultural use" means an agricultural use in which plants are raised outdoors or in

greenhouses for sale either as food or for use in landscaping. Examples include but are not limited to nurseries, flower raising, orchards, vineyards, and truck farms.

"Airport." See "Transportation facilities."

"Airport Height Overlay District" means land so designated and shown on the Land Use Map entitled "Official Airport Height Map," adopted pursuant to the provisions of Chapter 23.32.

"Aisle" means a passageway for vehicles within a parking garage or area, other than a driveway.

"Alley" means a public right-of-way not designed for general travel and primarily used as a means of vehicular and pedestrian access to the rear of abutting properties. An alley may or may not be named.

"Alley, existing" means any alley which is not a new alley.

"Alley, new" means an alley proposed to be created through the platting process.

"Animal control shelter." See "Animal service."

"Animal husbandry." See "Agricultural use."

"Animal service" means a retail sales and service use in which health care, pet grooming, or boarding services for animals are provided, or animals are raised for sale to others as pets.

1. "Animal health services" means an animal service use in which health care for animals on an inpatient or outpatient basis is provided indoors.

2. "Kennel" means an animal service use in which four (4) or more small animals are boarded, or are bred for sale as pets.

3. "Animal control shelter" means an animal service use maintained and operated primarily for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals.

4. "Pet grooming services" means an animal service use in which pet grooming for animals is provided indoors.

"Apartment" means a multi-family structure in which one (1) or more of the dwelling units is not ground-related.

"Appeal, open record." See "Hearing, open record."

"Application, fully complete, for preliminary plat approval of a subdivision," is defined as an application meeting the requirements of Section 23.20.020.

"Application, fully complete, for short plat approval" is defined as an application meeting the requirements of Sections 23.24.020 and 23.24.030.

"Aquaculture." See "Agricultural use."

"Arbor" means a landscape structure consisting of an open frame with horizontal and/or vertical latticework often used as a support for climbing plants. An arbor may be freestanding or attached to another structure.

"Areaway" means a space or court, either covered or uncovered, which affords room, access or light to a structure.

"Arterial." See "Street, arterial."

"Artist studio/dwelling." See "Residential use."

"Atrium, public." See "Public atrium."

"Atrium, shopping." See "Shopping atrium."

"Automobile wrecking yard." See "Salvage yard."

"Automotive parts and accessory sales." See "Automotive retail sales and service."

"Automotive retail sales and service" means a retail sales and service use which includes one (1) or more of the following uses:

1. "Automotive parts and accessories sales" means an automotive retail sales and service use in which goods are rented or sold primarily for use in motorized vehicles, but excluding gas stations and the provision of services primarily relating to electric scooters or electric assisted bicycles.

2. "Car wash" means an automotive retail sales and service use in which facilities are provided for washing motorized vehicles.

3. "Gas station" means an automotive retail sales and service use in which fuel for motorized vehicles is sold, and in which accessory uses including but not limited to towing by no more than two (2) tow trucks, minor automobile repair, or rental of vehicles under ten thousand (10,000) pounds gross vehicle weight may also be provided. Facilities for washing no more than one (1) car at a time or for the collection of used motor oil shall also be considered accessory to a gas station.

4. "Sales and rental of motorized vehicles" means an automotive retail sales and service use in which operable motorized vehicles, such as cars, trucks, buses, recreational vehicles or motorcycles, or related nonmotorized vehicles, such as trailers, are rented or sold. This term does not include the sale and rental of electric scooters or electric-assisted bicycles.

5. "Towing service" means an automotive retail sales and service use in which more than two (2) tow trucks are employed in the hauling of motorized vehicles, and where vehicles may be

impounded, stored or sold, but not disassembled or junked.

6. "Vehicle repair, major" means an automotive retail sales and service use in which one (1) or more of the following activities are carried out:

   a. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over ten thousand (10,000) pounds gross vehicle weight;

   b. Collision services, including body, frame or fender straightening or repair;

   c. Overall painting of vehicles or painting of vehicles in a paint shop;

   d. Dismantling of motorized vehicles in an enclosed structure.

7. "Vehicle repair, minor" means an automotive retail sales and service use in which general motor repair work is done as well as the replacement of new or reconditioned parts in motorized vehicles of ten thousand (10,000) pounds or less gross vehicle weight; but not including any operation included in the definition of "major vehicle repair" and not including repairs of electric scooters or electric-assisted bicycles.

"Avenue" means the following public rights-of-way when located in a downtown zone: Elliott, Western, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Terry, Boren, Minor and Yale Avenues and Occidental and Maynard Avenue South.

"Average daily outpatients" means a number equal to the annual number of outpatients divided by the number of days the hospital receiving them is open.

"Awning, fixed" means a protective covering of fixed, noncollapsible, rigid construction, attached to a structure, the upper surface of which has a pitch of at least thirty (30) degrees from the horizontal. See "Canopy."
(Ord. 121247 § 1, 2003; Ord. 120117 § 52, 2000; Ord. 118012 § 53, 1996; Ord. 117263 § 60, 1994; Ord. 117202 § 13, 1994; Ord. 115326 § 30, 1990; Ord. 114561 § 2, 1989; Ord. 113977 § 2, 1988; Ord. 113263 § 30, 1986; Ord. 112777 § 36, 1986; Ord. 112830 § 11, 1986; Ord. 112539 § 11, 1985; Ord. 112303 § 11, 1985; Ord. 112134 § 6, 1985; Ord. 111926 § 5, 1984; Ord. 111100 § 7, 1983; Ord. 110669 § 23, 1982; Ord. 110381 § 1(part), 1982.)[1]

1. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective on June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

23.84.004 "B."

"Balcony." See "Deck" and "Ledge."

"Bay window" means a window feature comprising three (3) or more wall planes that projects beyond a structure face.

"Bed and breakfast." See "Lodging use."

"Billboard." See "Sign, advertising."

"Block." In areas outside downtown zones, a block consists of two (2) facing block fronts bounded on two (2) sides by alleys or rear property lines and on two (2) sides by the centerline of platted streets, with no other intersecting streets intervening, as depicted in Exhibit 23.84.004 A1.In downtown zones, a block consists of the area bounded by street property lines, Exhibit 23.84.004 A2.

"Block face." See "Block front."

"Block front" means the frontage of property along one (1) side of a street bound on three (3) sides by the centerline of platted streets and on the fourth side by an alley or rear property lines (Exhibit 23.84.004 B).

"Bridge, access." See "Access bridge."

"Building." See "Structure."

"Bus base." See "Transportation facility."

"Business district identification sign" means an off-premises sign which gives the name of a business district or industrial park and which may list the names of individual businesses within the district or park."Business establishment" means an economic or institutional unit organized for the purposes of conducting business and/or providing a service. In order to be considered a separate business establishment, a business shall be physically separated from other businesses. Businesses that share common facilities, such as reception areas, checkout stands, and similar features (except shared building lobbies and bathrooms) shall be functionally related. The structures may be located on a single lot or on adjacent lots. A business establishment may be a commercial, manufacturing, institutional, or any other type of nonresidential use or live-work unit.

"Business incubator." See "Non-household sales and services."

"Business sign." See "Sign, business."

"Business support service." See "Non-household sales and services."

"Butterfly roof" means a roof having planes that slope upward from the interior of a structure toward its exterior walls.
(Ord. 122190, § 10, 2006; Ord. 121196 § 29, 2003; Ord. 121145 § 17, 2003; Ord. 120117 § 53, 2000; Ord. 118794 § 52, 1997; Ord. 118414 § 57, 1996; Ord. 117202 § 14, 1994; Ord. 113263 § 31, 1986; Ord. 112777 § 37, 1986; Ord. 112830 § 12, 1986; Ord. 112303 § 12, 1985; Ord. 111926 § 6, 1984; Ord. 111390 § 42, 1983; Ord. 110570 § 13, 1982; Ord. 110381 § 1(part), 1982.)[1]

1. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective on June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

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23.84.006 "C."

"Canopy" means a nonrigid, retractable or nonretractable, protective covering located at the entrance to a structure.

"Caretaker's quarters." See "Residential use."

"Cargo terminals." See "Transportation facility."

"Carpool" means a highway vehicle with a seating capacity of less than eight (8) persons, including the driver, which is used primarily to convey a group of two (2) or more employees between home and work.

"Carport" means a private garage which is open to the weather on at least forty (40) percent of the total area of its sides. (See also "Garage.")

"Car wash." See "Automotive retail sales and service."

"Cemetery" means a place dedicated and used or intended to be used as a burial ground.

"Chargeable floor area" means gross floor area of all structures on any lot in a downtown zone, except portions of structures or uses that are expressly exempt from floor area limits under the provisions of this title, and after reduction by any applicable adjustment for mechanical equipment. Chargeable floor area is computed using the exemptions and adjustments in effect at the time the computation is made. Chargeable floor area includes any floor area, not otherwise exempt, that is in a structure in a downtown zone where floor area limits do not apply or that is permitted to be occupied by reason of the Landmark status of the structure in which it is located.

"Church." See "Religious facility."

"Cinema." See "Motion picture theater."

"City facility" means a public facility owned and/or operated for public purposes by The City of Seattle.

"City transportation authority" means a city transportation authority within the meaning of RCW Chapter 35.95A.

"Clerestory" means an outside wall of a building which rises above an adjacent roof and contains vertical windows.

"Club, private." See "Private club."

"Cluster development" means a development containing two (2) or more principal structures on one (1) lot, except that cottage housing developments shall not be considered a cluster development. In Highrise zones, two (2) or more towers on one (1) base structure shall also be considered a cluster development.

"College." See "Institution."

"Columbarium" means a structure or space in a structure containing niches for permanent inurnment of cremated remains.

"Commercial laundry." See "Heavy commercial services."

"Commercial moorage." See "Marine retail sales and service."

"Commercial pickup and delivery" means the pickup and delivery of goods or merchandise by, or for, a business operated on the lot.

"Commercial use" means one (1) of the following categories of uses, carried out in a business establishment:

Retail sales and services;

Offices;

Entertainment;

Warehouses;

Transportation facilities;

Food processing and craft work;

Mini-warehouse;

Nonhousehold sales and service;

Outdoor storage;

Parking principal use;

Research and development laboratory;

Wholesale showroom.

Communication Devices and Utilities (and Related Terms).

1. "Candelabra mounting" means a single spreader that supports more than two (2) antennas.

2. "Communication device, accessory" means a device by which radiofrequency communication signals are transmitted and/or received, such as but not limited to whip, horn and dish antennas, and which is accessory to the principal use on the site.

3. "Communication utility, major" means a use in which the means for radiofrequency transfer of

information are provided by facilities with significant impacts beyond their immediate area. These utilities include, but are not limited to FM and AM radio and UHF and VHF television transmission towers. A major communication utility use does not include communication equipment accessory to residential uses; nor does it include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices even if there is point-to-point transmission to a broadcast tower.

4. "Communication utility, minor" means a use in which the means for radiofrequency transfer of information are provided but which generally does not have significant impacts beyond the immediate area. These utilities are smaller in size than major communication utilities and include two (2) way, land-mobile, personal wireless services and cellular communications facilities; cable TV facilities; point-to-point microwave antennas; FM translators; and FM boosters with under ten (10) watts transmitting power. A minor communication utility does not include wire, cables, or communication equipment accessory to residential uses; nor does it include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices even if there is point-to-point transmission to a broadcast tower.

5. "Dish antenna" means a round parabolic device for the reception and/or transmission of radiofrequency communication signals. Dish antenna may serve either as a major or minor communication utility or may be an accessory communication device. Dish antenna may be either a) a satellite earth station antenna, which receives signals from and/or transmits signals to satellites, or b) a point-to-consecutive-point antenna, which receive signals from terrestrial sources.

6. "Fixed wireless service" means the transmission of commercial non-broadcast communication signals via wireless technology to and/or from a fixed customer location. Fixed wireless service does not include AM radio, FM radio, amateur ("HAM") radio, Citizen's Band (CB) radio, and Digital Audio Radio Service (DARS) signals.

7. "Personal wireless service" means a commercial use offering cellular mobile services, unlicensed wireless services and common carrier wireless exchange access services.

8. "Physical expansion of major or minor communication utilities" means any increase in footprint and/or envelope of transmission towers. Physical expansion does not include an increase in height of the tower resulting from repair, reconstruction, replacement or modification to the antenna that would result in lower radio frequency radiation exposure readings at ground level or in greater public safety, as long as the height above mean sea level does not increase by more than ten (10) percent and in any event does not exceed one thousand one hundred (1,100) feet above mean sea level. Replacement of existing antennas or addition of new antennas is not considered physical expansion, unless such replacement or addition increases the envelope of the transmission tower by such means as utilizing a candelabra mounting. Replacement or expansion of an equipment building is not considered physical expansion.

9. "Receive-only communication device" means a radio frequency device with the ability to receive signals, but not to transmit them.

10. "Reception window obstruction" means a physical barrier which would block the signal between an orbiting satellite and a land-based antenna.

11. "Satellite dish antenna." See "Dish antenna."

12. "Shared-use facility" means a telecommunication facility used by two (2) or more television stations or five (5) or more FM stations.

13. "Single-occupant facility" means a telecommunication facility used by only one (1) television station or by one (1) television station and one (1) to four (4) FM stations.

14. "Transmission tower" means a tower or monopole on which communication devices are placed. Transmission towers may serve either as a major or minor communication facility.

15. "Whip antenna" means an omnidirectional antenna, cylindrical in shape, four (4) inches or less in diameter and twelve (12) feet or less in length.

"Community center." See "Institution."

"Community club." See "Institution."

"Conditional accessory use" means uses which are accessory to the principal use where the principal use is allowed only as a conditional use.

"Conditional use" means uses which may be permitted as principal or accessory uses when authorized by the Director of the Department of Planning and Development ("administrative conditional use") or by the Council ("Council conditional use") pursuant to specified standards.

"Congregate residence." See "Residential use."

"Construction services." See "Heavy commercial services."

"Control of access" means the condition where the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with a public street is fully or partially controlled by public authority.

"Control of access, full" means the condition where the authority to control access is exercised to give preference to through traffic by providing access connections with selected public streets only and by prohibiting crossings at grade and direct driveway connections.

"Control of access, partial" means the condition where the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public streets, there may be some crossings at grade and some direct connections.

"Convalescent home." See "Nursing home."

"Cottage housing development" means a development comprised of at least four (4) cottages (single family dwelling units) arranged on at least two (2) sides of a common open space with a maximum of twelve (12) cottages per development.

"Council" means the City Council of The City of Seattle.

"Council conditional use." See "Conditional use."

"Cul-de-sac" means a street closed at one (1) end by a widened pavement of sufficient size for automotive vehicles to be turned around.

"Curb" means a physical curb constructed from cement concrete, asphalt concrete, or granite.

"Curbcut" means a depression in the curb for the purpose of accommodating a driveway, which provides vehicular access between private property and the street or easement. Where there is no curb, the point at which the driveway meets the roadway pavement shall be considered the curbcut.

"Curbline" means the edge of a roadway, whether marked by a curb or not. When there is not a curb, the curbline shall be established by the Director of Transportation.

"Custom and craft work." See "Food processing and craft work."

"Customer service office." See "Office."

(Ord. 121420 § 6, 2004; Ord. 121278 § 10, 2003; Ord. No. 121276, § 37, 2003; Ord. 120928 § 44, 2002; Ord. 120443 § 76, 2001; Ord. 118720 § 2, 1997; Ord. 117263 § 61, 1994; Ord. 117202 § 15, 1994; Ord. 117173 § 9, 1994; Ord. 116744 § 58, 1993; Ord. 115326 § 31, 1990; Ord. 113387 § 7, 1987; Ord. 112777 § 38, 1986; Ord. 112830 § 13, 1986; Ord. 112522 § 16(part), 1985; Ord. 112303 § 12, 1985; Ord. 111926 § 7, 1984; Ord. 111100 § 8, 1983; Ord. 110793 § 61, 1982; Ord. 110570 § 14, 1982; Ord. 110381 § 1(part), 1982.)[1]

1. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective on June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

23.84.008 "D."

"Deck" means a platform extending more than eighteen (18) inches from a structure, or an unattached platform. A deck may be cantilevered or connected to the ground by posts and may have steps or ramps to the ground and a door to the structure. (See also "Porch.")

"Dedication" means an appropriation or giving up of property to public use that precludes the owner or others claiming under the owner from asserting any right of ownership inconsistent with the use for which the property is dedicated.

"Department" means the Department of Planning and Development.

"Depth." See "Structure depth."

"Development regulations." See RCW 36.70A.030.

"Director" means the Director of the Department of Planning and Development, or the Director's designee.

"Dispersion criteria" means standards regulating the maximum concentration of and/or minimum distance between particular uses in an area.

"Display of rental equipment, outdoor." See "Outdoor display of rental equipment."

"DMC housing TDR site." See "TDR site, DMC housing."

"Doctor, hospital-based" means a physician having an office and/or principal practice based in and/or salaried by a major institution.

"Doctor, staff" means a physician with staff privileges at a hospital who has an office outside the boundaries of the major institution.

"Domestic violence shelter." See "Residential use."

"Dormer" means a minor gable in a pitched roof, usually bearing a window on its vertical face. A dormer is part of the roof system.

"Downtown Amenity Standards" means the provisions contained in Attachment 3 to Ordinance 122054[1], as they may be amended from time to time by ordinance.

"Drive-in business" means a business or a portion of a business where a customer is permitted or encouraged either by the design of physical facilities or by service and/or packaging procedures, to carry on business in the off-street parking or paved area accessory to the business, while seated in a motor vehicle. In some instances, customers may need to get out of the vehicle to obtain the product or service. This definition shall include but not be limited to gas stations, car washes, and drive-in restaurants or banks.

"Drive-in lane" means an aisle which gives vehicle access to a drive-in window or other drive-in facility such as a gasoline pump or car wash bay.

"Driveway" means that portion of street, alley or private property which provides access to, but not within, an off-street parking facility from a curbcut. Portions of the area defined as a driveway may also be defined as a sidewalk.

"Dry storage of boats." See "Marine retail sales and service."

"Duplex" means a single structure containing two (2) dwelling units, neither of which is an accessory dwelling unit authorized under Section 23.44.041.

"Dwelling unit" means a room or rooms located within a structure, designed, arranged, occupied or intended to be occupied by not more than one (1) household as living accommodations independent from any other household. The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

"Dwelling unit, accessory" means an additional room or set of rooms located within an owner-occupied single-family structure or within an accessory structure on the same lot as an owner-occupied single family dwelling unit, meeting the standards of Section 23.44.041, and designed, arranged, occupied or intended to be occupied by not more than one (1) household as living accommodations independent from any other household.

"Dwelling unit, detached accessory" means an additional room or set of rooms located within an accessory structure on the same lot as an owner-occupied single family dwelling unit, meeting the standards of Section 23.44.041, and designed, arranged, occupied or intended to be occupied by not more than one (1) household as living accommodations independent from any other household.
(Ord. 122190, § 12, 2006; Ord. 122054 § 88, 2006; Ord. 121477 § 59, 2004; Ord. 121276 § 27, 2003; Ord. 118794 § 53, 1997; Ord. 118472 § 7, 1997; Ord. 118012 § 54, 1996; Ord. 117263 § 62, 1994; Ord. 117203 § 6, 1994; Ord. 117202 § 16, 1994; Ord. 116744 § 59, 1993; Ord. 115326 § 32, 1990; Ord. 114875 § 15, 1989: Ord. 112777 § 39, 1986; Ord. 111926 § 8, 1984; Ord. 111100 § 9, 1983; Ord. 110793 § 62, 1982; Ord. 110381 § 1(part), 1982.)
1. Editor's Note: The Downtown Amenity Standards were amended by Ordinance 122235.

23.84.010 "E."

"Easement" means a grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes.

"Eating and drinking establishment" means a retail sales and service use in which food and/or beverages are prepared and sold at retail for immediate consumption.

1. "Restaurant" means an establishment in which food and/or beverage preparation and service is provided for individual consumption either on- or off-premise. A restaurant may feature the service of alcoholic beverages accessory to the service of food.

2. "Drinking establishment" means a licensed enterprise in which alcoholic beverages may be purchased and consumed on premise; which limits patronage to adults of legal age for the consumption of alcohol; and in which limited food service may be accessory to the service of alcoholic beverages. Drinking establishments may include taverns, saloons, brewpubs, bars, pubs, or cocktail lounges associated with restaurants.

"Edge" means the boundary between two (2) kinds of areas that are identified by the uses within them, degree of activity, topography or other special characteristics.

"EIS" means an environmental impact statement required by the State Environmental Policy Act. As used in this title, the term refers to a draft, final or supplemental EIS.

"Electric-assisted bicycle" shall have the same meaning accorded by RCW 46.04.169, as that section currently exists or is hereafter amended.

"Electric scooter" means a vehicle: (1) with a handlebar for steering, two wheels less than 18 inches in diameter, and a saddle or seat for the operator and any passenger; (2) propelled by an electric motor or by an electric motor in combination with human propulsion; and (3) incapable of exceeding a speed of 30 miles per

hour on level ground.

"Elevated walkway" means a pedestrian walkway connecting structures within a cluster development and located above existing grade.

"Entertainment use" means a commercial use in which recreational, athletic, and/or cultural opportunities are provided for the general public, either as participants or spectators. Examples include but are not limited to theaters, live music, dancing, lecture halls, and indoor or outdoor sports and games. Entertainment uses accessory to institutions or to public parks or playgrounds shall not be considered commercial uses.

"Entrance ramp" means any public road or turning roadway, including acceleration lanes, by which traffic enters the main traveled way of a limited-access facility from the general street system; such designation applying to that portion of the roadway along which there is full control of access.

"Environmentally critical area" means those areas defined in SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

"Essential public facilities" means airports, sewage treatment plants, jails, light rail transit systems, monorail transit systems, and power plants.

"Existing lot grade." See "Lot grade, existing."

"Exit ramp" means any public road or turning roadway, including deceleration lanes, by which traffic leaves the main traveled way of a freeway to reach the general street system within the city; such designation applying to that portion of the roadway along which there is full control of access.

"Expressway" means a divided arterial street for through traffic with full or partial control of access and generally with grade separations at intersections.
(Ord. 122050 § 16, 2006; Ord. 121476 § 23, 2004; Ord. 121278 § 11, 2003; Ord. 121247 § 1, 2003; Ord. 121145 § 18, 2003; Ord. 119974 § 4, 2000; Ord. 119096 § 11, 1998; Ord. 117430 § 85, 1994; Ord. 116262 § 21, 1993; Ord. 112777 § 40, 1986; Ord. 112830 § 14, 1986; Ord. 112522 § 16(part), 1985; Ord. 111926 § 9, 1984; Ord. 110793 § 63, 1983; Ord. 110381 § 1(part), 1982.)[1]

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23.84.012 "F."

"Facade" means any exterior wall of a structure including projections from and attachments to the wall. Projections and attachments include balconies, decks, porches, chimneys, unenclosed corridors and similar projections.

"Facade, front" means the facade extending the full width of the structure, including modulations, which is closest to and most nearly parallels the front lot line. An interior facade shall not be considered a front facade.

"Facade, interior" means any facade of a structure within a cluster development, which faces, or portions of which face, the facade(s) of another structure(s) within the same development.

"Facade, perimeter" means any facade of a structure within a cluster development, which is either a front, rear or side facade.

"Facade, rear" means the facade extending the full width of the structure, including modulations, that is closest to and most nearly parallels the rear lot line. An interior facade shall not be considered a rear facade.

"Facade, side" means the facade extending the full width of the structure, including modulations, that is closest to and most nearly parallels the side lot line. An interior facade shall not be considered a side facade.

"Facility." See "Public facility."

"FAR." See "Floor area ratio."

"Formula fast-food restaurant" means, for purposes of application within the International Special Review District, an establishment required by contractual or other arrangements to offer some or all of the following:

(a) standardized menus, ingredients, food preparation, decor, external facade and/or uniforms;

(b) pre-prepared food in a ready-to-consume state;

(c) sold over the counter in disposable containers and wrappers;

(d) selected from a limited menu;

(e) for immediate consumption on or off the premises;

(f) where the customer pays before eating.

"Flat" means a dwelling unit in a multi-family structure which is located entirely on one (1) level.

"Fleet vehicles" means more than three (3) vehicles having a gross vehicle weight (gvw) not exceeding ten thousand (10,000) pounds, or more than one (1) vehicle having a gvw exceeding ten thousand (10,000) pounds permanently located at a business establishment or operated on a daily basis in connection with business activities. This definition shall not include vehicles which are available for rent to the public.

"Floating homes." See "Residential use."

"Floor area, gross." See "Gross floor area."

"Floor area ratio" means a ratio expressing the relationship between the amount of gross floor area permitted in a structure and the area of the lot on which the structure is located as depicted in Exhibit 23.84.012 A.

"Florist" means a retail sales and service use in which cut flowers and other plants are sold.

"Food preparation area" means a room or portion of a room designed, arranged, intended or used for cooking or otherwise making food ready for consumption.

"Food processing and craft work" means one (1) of the following commercial uses:

1. "Custom and craft work" means a food processing and craft work use in which nonfood, finished, personal or household items, which are either made to order or which involve considerable handwork, are produced. Examples include but are not limited to pottery and candlemaking, production of orthopedic devices, printing, creation of sculpture and other art work, and glassblowing. The use of products or processes defined as high-impact uses shall not be considered custom and craft work.

2. "Food processing for human consumption" means a food processing and craft work use in which food for human consumption in its final form, such as candy, baked goods, seafood, sausage, tofu, pasta, etc., is produced, when the food is distributed to retailers or wholesalers for resale off the premises. Food or beverage processing using mechanized assembly line production of canned or bottled goods is not included in this definition, but shall be considered to be light manufacturing.

"Freeway" means an expressway with full control of access.

"Fuel sales" means a nonhousehold sales and service use in which heating fuel, such as wood, oil, or coal, is sold.
(Ord. 121145 § 19, 2003; Ord. 118302 § 17, 1996; Ord. 117202 § 12, 1994; Ord. 114875 § 16, 1989; Ord. 112970 § 2, 1986; Ord. 112777 § 41, 1986; Ord. 112830 § 15, 1986; Ord. 112303 § 14, 1985; Ord. 111926 § 10, 1984; Ord. 111390 § 43, 1983; Ord. 110793 § 64, 1982; Ord. 110381 § 1(part), 1982.)[1]

1. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

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23.84.014 "G."

"Garage, private" means an accessory structure or an accessory portion of a principal structure, designed or used for the shelter or storage of vehicles owned or operated by the occupants of the principal structure. (See "Carport.")

"Garage, terraced" means a private garage which is partially below existing and/or finished grade.

"Garden wall crypt" means an outdoor freestanding wall or exterior wall of a structure containing niches for permanent inurnment of cremated remains.

"Gas station." See "Automotive retail sales and service."

"General retail sales and services." See "Personal and house retail sales and services."

"Grade." See "Lot grade."

"Green street" means a street right-of-way which is part of the street circulation pattern, that through a variety of treatments, such as sidewalk widening, landscaping, traffic calming, and pedestrian-oriented features, is enhanced for pedestrian circulation and open space use.

"Green street, designated" means a portion of a street designated as a green street on a map in this Title.

"Gross floor area" means the number of square feet of total floor area bounded by the inside surface of the exterior wall of the structure as measured at the floor line.

"Ground-related dwelling unit" means a dwelling unit with direct access to private ground-level usable open space. The open space may be located at the front, sides or rear of the structure, and not more than ten (10) feet above or below the unit. Access to the open space shall not go through or over common circulation areas, common or public open spaces, or the open space of another unit.

"Ground-related structure" means a structure containing only ground-related dwelling units.
(Ord. 122054 § 89, 2006; Ord. 121477 § 60, 2004; Ord. 118720 § 3, 1997; Ord. 118414 § 58, 1996; Ord. 117570 § 26, 1995; Ord. 117263 § 63, 1994; Ord. 117202 § 18, 1994; Ord. 113263 § 32, 1986; Ord. 113079 § 2 (part), 1986; Ord. 112777 § 42, 1986; Ord. 111926 § 11, 1984; Ord. 111568 § 3, 1984; Ord. 111390 § 44, 1983; Ord. 110381 § 1(part), 1982.)
1. Editor's Note: Resolution 25670 is on file in the office of the City Clerk.

23.84.016 "H."

"Hard-surfaced street" means a street that has been surfaced with a material other than crushed rock so that a hard, smooth, strong surface exists.

"Hazardous materials" means substances that are capable of posing risk to health, safety or property as defined in the Seattle Fire Code.

"Hearing Examiner" means the official appointed by the Council and designated as the Hearing Examiner, or that person's designee (Deputy Hearing Examiner, Hearing Examiner Pro Tem, etc.).

"Hearing, open record." See RCW 36.70B.020.

"Heat recovery incinerator" means an accessory facility designed for the conversion of at least one (1) ton per day of solid waste into useful energy, together with storage and handling bins and machinery required for its operation.

"Heavy commercial services." See "Non-household sales and services."

"Heavy traffic generators" means any use which generates more than seventy-five (75) trips per hour per one thousand (1,000) square feet of gross floor area at peak hour, according to the Institute of Transportation Engineers' (ITE) Trip Generation Manual.

"Heliport." See "Transportation facility."

"Helistop." See "Transportation facility."

"High-impact use" means a business establishment that is considered to be dangerous and/or noxious due to the probability and/or magnitude of its effects on the environment; and/or has the potential for causing major community or health impacts, including but not limited to nuisance, odors, noise, and/or vibrations; and/or is so chemically intensive as to preclude site selection without careful assessment of potential impacts and impact mitigation. The Director shall consult as necessary with the Chief of the Seattle Fire Department, the Director of the Seattle-King County Health Department, and other local, state, regional and federal agencies to determine when a business establishment shall be regulated as a high-impact use.

"Hillclimb assist" means a public benefit feature consisting of a pedestrian corridor that incorporates a mechanical device or combination of mechanical and nonmechanical features to connect avenues across lots with slopes of ten (10) percent or more to aid pedestrian movement up and down the slopes.

"Hillside terrace" means a public benefit feature consisting of an extension of the public sidewalk on lots with slopes of ten (10) percent or more, which through design features provides public street space, helps integrate street level uses along the sidewalk, and makes pedestrian movement up and down steep slopes easier and more pleasant.

"Hipped roof." See "Pitched roof."

"Home for the retired." See "Group home."

"Home occupation" means a nonresidential use which is clearly incidental and secondary to the use of a dwelling for residential purposes and does not change the character of the dwelling.

"Horticultural use." See "Agricultural use."

"Hospital." See "Institution."

"Hotel." See "Lodging use."

"Household" means a housekeeping unit consisting of any number of related persons; eight (8) or fewer non-related, nontransient persons; or eight (8) or fewer related and non-related nontransient persons, unless a grant of special or reasonable accommodation allows an additional number of persons.

"Household, low-income" means a household whose income does not exceed eighty (80) percent of median income.

"Household, moderate income" means a household whose income does not exceed median income.

"Household, very low-income" means a household whose income does not exceed fifty (50) percent of median income.

"Housing, affordable" means a housing unit for which the occupant is paying no more than thirty (30) percent of household income for gross housing costs, including an allowance for utility costs paid by the

occupant.

"Housing, low-income" means housing affordable to, and occupied by, low-income households.

"Housing, moderate-income" means housing affordable to, and occupied by, moderate-income households.

"Housing, very low-income" means housing affordable to, and occupied by, very low-income households.

"Housing TDR site." See "TDR site, housing."

"Housing unit" means any dwelling unit, housekeeping unit, guest room, dormitory, or single occupancy unit.

"Human service use" means a use in which structure(s) and related grounds or portions thereof are used to provide one or more of the following: emergency food, medical or shelter services; community health care clinics, including those that provide mental health care; alcohol or drug abuse services; information and referral services for dependent care, housing, emergency services, transportation assistance, employment or education; consumer and credit counseling; or day care services for adults. Human service uses provide at least one (1) of the listed services directly to a client group on the premises, rather than serve only administrative functions. (Ord. 122054 § 90, 2006; Ord. 120611 § 19, 2001; Ord. 120443 § 77, 2001; Ord. 120117 § 54, 2000; Ord. 118012 § 55, 1996; Ord. 117202 § 19, 1994; Ord. 115326 § 33, 1990; Ord. 115058 § 1, 1990; Ord. 114866 § 1, 1989; Ord. 114680 § 1, 1989; Ord. 114623 § 18, 1989; Ord. 114486 § 5, 1989; Ord. 113658 § 12, 1987; Ord. 113263 § 33, 1986; Ord. 112777 § 43, 1986; Ord. 112303 § 15, 1985; Ord. 112134 § 7, 1985; Ord. 111926 § 12, 1984; Ord. 110381 § 1(part), 1982.)

1. Editor's Note: The Fire Code is set out at Subchapter IV of Title 22 of this Code.
2. Editor's Note: Ordinance 120443 was passed by the City Council on July 23, 2001.

23.84.018 "I."

"Infill development" means development consisting of either: (1) construction on one (1) or more lots in an area which is mostly developed, or (2) new construction between two (2) existing structures.

"Institute for advanced study." See "Institution."

"Institution" means structure(s) and related grounds used by organizations providing educational, medical, social and recreational services to the community, such as hospitals; vocational or fine arts schools; adult care centers and child care centers, whether operated for nonprofit or profit-making purposes; and nonprofit organizations such as colleges and universities, elementary and secondary schools, community centers and clubs, private clubs, religious facilities, museums, and institutes for advanced study.

1. "Adult care center" means an institution which regularly provides care to a group of adults for less than twenty-four (24) hours a day, whether for compensation or not.

2. "College" means a post-secondary educational institution, operated by a nonprofit organization, granting associate, bachelor and/or graduate degrees.

3. "Community center" means an institution used for civic or recreational purposes, operated by a nonprofit organization providing direct services to people on the premises rather than carrying out only administrative functions, and open to the general public on an equal basis. Activities in a community center may include classes and events sponsored by nonprofit organizations, community programs for the elderly, and other similar uses.

4. "Community club" means an institution used for athletic, social, civic or recreational purposes operated by a nonprofit organization, membership to which is open to the general public on an equal basis.

5. "Child care center" means an institution which regularly provides care to a group of children for less than twenty-four (24) hours a day, whether for compensation or not. Preschools shall be considered to be child care centers.

6. "Family support center" means an institution that offers support services and instruction to families, such as parenting classes and family counseling, and is co-located with a Department of Parks and Recreation community center.

7. "Hospital" means an institution which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours or more, for observation, diagnosis and care of individuals who are suffering from illness, injury, deformity or abnormality or from any condition requiring obstetrical, medical or surgical services, or alcohol or drug detoxification. This definition excludes nursing homes.

8. "Institute for advanced study" means an institution operated by a nonprofit organization for the advancement of knowledge through research, including the offering of seminars and courses, and technological and/or scientific laboratory research.

9. "Library" means an institution where literary, musical, artistic or reference materials are kept for use but not generally for sale.

10. "Museum" means an institution operated by a nonprofit organization as a repository of natural, scientific, historical, cultural or literary objects of interest or works of art, and where the collection of such items is systematically managed for the purpose of exhibiting them to the public.

11. "Private club" means an institution used for athletic, social or recreational purposes and operated by a private nonprofit organization, membership to which is by written invitation and election according to qualifications in the club's charter or bylaws and the use of which is generally restricted to members and their guests.

12. "Religious facility" means an institution, such as a church, temple, mosque, synagogue or other structure, together with its accessory structures, used primarily for religious worship.

13. "School, elementary or secondary" means an institution operated by a nonprofit organization

primarily used for systematic academic or vocational instruction through the twelfth grade.

14. "Vocational or fine arts school" means an institution which teaches trades, business courses, hairdressing and similar skills on a post-secondary level, or which teaches fine arts such as music, dance or painting to any age group, whether operated for nonprofit or profit-making purposes.

15. "University." See "College."

(Ord. 119239 § 37, 1998; Ord. 118624 § 4, 1997; Ord. 117869 § 3, 1995; Ord. 115043 § 16, 1990; Ord. 115002 § 19, 1990; Ord. 114875 § 17, 1989; Ord. 112777 § 44, 1986; Ord. 112519 § 46, 1985; Ord. 111926 § 13, 1984; Ord. 110570 § 15, 1982: Ord. 110381 § 1(part), 1982.)

23.84.020 "J."

"Jail" means a public facility for the incarceration of persons under warrant, awaiting trial on felony or misdemeanor charges, convicted but not yet sentenced, or serving a sentence upon conviction. This definition does not include facilities for programs providing alternatives to imprisonment such as prerelease, work release or probationary programs.

"Junk storage" means the temporary or permanent storage outdoors of junk, waste, discarded, salvaged or used materials or inoperable vehicles or vehicle parts. This definition shall include but not be limited to the storage of used lumber, scrap metal, tires, household garbage, furniture, and inoperable machinery.

"Junkyard." See "Salvage and recycling."

(Ord. 114623 § 19, 1989; Ord. 113263 § 34, 1986; Ord. 112777 § 45, 1986; Ord. 111926 § 14, 1984; Ord. 110570 § 16, 1982: Ord. 110381 § 1(part), 1982.)

23.84.022 "K."

"Kennel." See "Animal service."

"Kitchen." See "Food preparation area."

(Ord. 112777 § 46, 1986; Ord. 110381 § 1(part), 1982.)

23.84.024 "L."

"Landmark housing TDR site." See "TDR site, Landmark housing."

"Landmark structure" means a structure designated as a landmark, pursuant to the Landmark Preservation Ordinance, Chapter 25.12.

"Landscape section" means a section of the right-of-way of a freeway, expressway, parkway or scenic route, at least one (1) side of which is improved by the planting, for other than the sole purpose of soil erosion control, of ornamental trees, shrubs, lawn or other vegetation, or at least one (1) side of which is endowed by nature with native trees and shrubs that are reasonably maintained, and which has been so designated by this Code.

"Land Use Information Bulletin" means an informational mailing to the individuals and groups on a master mailing list as may be established by the Department.

"Ledge" means a cantilevered or posted platform extending no more than eighteen (18) inches from a structure.

"LEED" (Leadership in Energy & Environmental Design) means the U.S. Green Building Council's Green Building Rating System™. LEED is a voluntary consensus-based national standard for developing high-performance, sustainable buildings. LEED provides standards for higher performance in the following categories: Sustainable Sites, Water Efficiency, Energy and Atmosphere, Materials and Resources, Indoor Environmental Quality, and Innovation and Design Process.

"LEED-CS" (LEED for Core and Shell) means a standard for core and shell construction and covers base building elements, such as the structure, envelope and building level systems. LEED-CS recognizes the division between owner and tenant responsibility for design and construction of certain elements of the building.

"LEED-NC" (LEED for New Construction) means a standard for new construction and major renovation projects. LEED-NC covers all building elements, including core and shell and interiors. LEED-NC was designed for commercial, institutional, high-rise residential, and mixed-use projects, but has also been applied to K-12 schools, industrial, laboratories, and many other building types.

"LEED Silver rating" means a level of performance for a new structure that earns at least the minimum number of credits specified to achieve a "Silver" certification either for "LEED-NC" or for "LEED-CS," at the election of the applicant, according to the criteria in the U.S. Green Building Council's LEED Green Building Rating System, LEED-NC Version 2.2 and LEED-CS Pilot Version, copies of which are filed with the City Clerk in C.F. 307824, and incorporated in this section by reference.

"Library." See "Institution."

"Light rail transit facility" means a structure, rail track, equipment, maintenance base or other improvement of a light rail transit system, including but not limited to ventilation structures, traction power substations, light rail transit stations and related passenger amenities, bus layover and intermodal passenger transfer facilities, and transit station access facilities.

"Light rail transit system" means a public rail transit line that operates at grade level, above grade level, or in a tunnel and that provides high-capacity, regional transit service owned or operated by a regional transit authority authorized under Chapter 81.112 RCW. A light rail transit system may be designed to share a street right-of-way although it may also use a separate right-of-way. Commuter rail, and low capacity, or excursion rail transit service, such as the Waterfront Streetcar or Seattle Monorail, are not included.

"Live-work unit" means a structure or portion of a structure: (1) that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; (2) where the resident owner or employee of the business is responsible for the commercial or manufacturing activity

performed; and (3) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

"Loading berth" means an off-street space for the temporary parking of a vehicle while loading or unloading merchandise or materials and which abuts on a street, alley or easement.

"Lodging use" means a retail sales and service use in which the primary activity is the provision of rooms to transients.

"Lodging uses" include bed and breakfasts, hotels and motels.

1. "Bed and breakfast" means a lodging use, where rooms within a single dwelling unit are provided to transients by a resident operator for a fee by prearrangement on a daily or short-term basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast.

2. "Hotel" means a lodging use, located in a structure in which access to individual units is predominantly by means of common interior hallways, and in which a majority of the rooms are provided to transients for a fee on a daily or short-term basis.

3. "Motel" means a lodging use, located in a structure in which access to individual units is predominantly by means of common exterior corridors, and in which a majority of the rooms are provided to transients on a daily or short-term basis, and in which off-street parking is provided on the lot.

"Lot" means except for the purposes of a TDR sending lot for Landmark TDR or housing TDR, 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 (Exhibit 23.84.024 A). For purposes of a TDR sending lot for Landmark TDR, "lot" means the parcel described in the ordinance approving controls for the sending lot. For purposes of a sending lot for housing TDR, "lot" means the smallest parcel or combination of contiguous parcels, as described in the County real property records at any time after the date of passage of this ordinance, that contain the structure or structures that make the TDR eligible for transfer.

"Lot area" means the total area of the horizontal plane within the lot lines of a lot.

"Lot, corner" means a lot situated at the intersection of two (2) streets, or bounded on two (2) or more adjacent sides by street lot lines, provided that the angle of intersection of the street lot lines does not exceed one hundred thirty-five (135) degrees.

"Lot coverage" means that portion of a lot occupied by the principal structure and its accessory structures, expressed as a percentage of the total lot area (Exhibit 23.84.024 B).

"Lot depth" means the horizontal distance between the front and rear lot lines.

"Lot grade, existing" means the natural surface contour of a lot, including minor adjustments to the

surface of the lot in preparation for construction.

"Lot, interior" means a lot other than a corner lot.

"Lot, key" means the first lot to the rear of a reversed corner lot whether or not separated by an alley.

"Lot line, front" means, in the case of an interior lot, the lot line separating the lot from the street, and in the case of a corner lot, the lot line separating the lot from either street, provided the other is considered to be a side street lot line.

"Lot line, rear" means a lot line which is opposite and most distant from the front lot line.

"Lot line, side" means any lot line not a front lot line or a rear lot line.

"Lot line, side street" means a lot line, other than the front lot line, abutting upon a street.

"Lot lines" means the property lines bounding a lot.

"Lot, parent" means the initial lot from which unit lots are subdivided for the exclusive use of townhouses, cottage housing, clustered housing in Single-family, Residential Small Lot and Lowrise zones, single-family residences in Lowrise zones, or any combination of the above types of residential development.

"Lot, reversed corner" means a corner lot, the side street lot line of which is substantially a continuation of the front lot line of the lot to its rear, whether or not separated by an alley.

"Lot, through" means a lot abutting on two (2) streets which are parallel or within fifteen (15) degrees of parallel with each other.

"Lot, unit" means one (1) of the individual lots created from the subdivision of a parent lot for the exclusive use of townhouses, cottage housing, clustered housing in Single-family, Residential Small Lot and Lowrise zones, single-family residences in Lowrise zones, or any combination of the above types of residential development.

"Lot, waterfront" means a lot or parcel 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 from the water by a street, arterial, highway or railroad right-of-way, which was a legal right-of-way as of March 17, 1977. No portion of any legally dedicated right-of-way shall be included in any lot.

"Lot width" means the mean horizontal distance between side lot lines measured at right angles to the lot depth.

"Low-income disabled multifamily structure" means a multifamily structure in which at least ninety (90) percent of the dwelling units are occupied by one (1) or more persons who have a handicap as defined in the Federal Fair Housing Amendment Act and who constitute a low-income or low-moderate income household.

"Low-income elderly multifamily structure" means a structure in which at least ninety (90) percent of the dwelling units are occupied by one (1) or more persons sixty-two (62) or more years of age who constitute a low-income household.

"Low-income elderly/low-income disabled multifamily structure" means a multifamily structure in which at least ninety (90) percent of the dwelling units (not including vacant units) are occupied by a low-income household that includes a person who has a handicap as defined in the Federal Fair Housing Amendment Act or a person sixty-two (62) years of age or older, as long as the housing qualifies for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

"Low-income household." See "Household, low-income."

"Low-income housing." See "Housing, low-income."

"Lowrise 1 housing" means housing permitted according to standard development requirements in Lowrise 1 Zones.
(Ord. 122054 § 91, 2006; Ord. 121477 § 61, 2004; Ord. 121196 § 30, 2003; Ord. 120611 § 20, 2001; Ord. 120443 § 78, 2001; Ord. 120117 § 55, 2000; Ord. 119904 § 4, 2000; Ord. 119618 § 9, 1999; Ord. 119484 § 41, 1999; Ord. 119239 § 38, 1998; Ord. 119273 § 60, 1998; Ord. 118794 § 54, 1997; Ord. 118672 § 33, 1997; Ord. 117929 § 10, 1995; Ord. 117263 § 64, 1994; Ord. 116513 § 17, 1993; Ord. 114486 § 6, 1989; Ord. 114046 § 18, 1988; Ord. 113464 § 4, 1987; Ord. 113041 § 20, 1986; Ord. 112777 § 47, 1986; Ord. 112830 § 16, 1986; Ord. 112134 § 8, 1985; Ord. 111926 § 15, 1984; Ord. 111390 § 45, 1983; Ord. 110793 § 65, 1982; Ord. 110381 § 1(part), 1982.)[1]

1. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

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23.84.025 "M."

"Mailed notice" means notice mailed to such property owners, commercial lessees and residents of the area within three hundred (300) feet of the boundaries of a specific site as can be determined from the records of the King County Department of Assessments and such additional references as may be identified by the Director; provided, that in the downtown area bounded by Denny Way, Interstate 5, South Royal Brougham Way and Elliott Bay, mailed notice provided by the Director shall mean notice mailed to owners, lessees and building managers on the project site and to property owners and building managers within three hundred (300) feet of a specific site and the posting by the applicant of one (1) land use sign visible to the public at each street frontage abutting the site but not to exceed ten (10) land use signs. When there is no street frontage or the site abuts an unimproved street, the Director shall require either more than one (1) sign and/or an alternative posting location so that notice is clearly visible to the public. The land use sign may be removed by the applicant within fourteen (14) days after final action on the application has been completed. Annually, the Director shall publish in the City's official newspaper additional reference(s) to be used to supplement the information obtained from the King County records. The mailed notice shall request that property managers post the notice in a public area of the commercial or multifamily building.

"Major durables sales, service and rental." See "Personal household retail sales and service."

"Major Institution" means an institution providing medical or educational services to the community. A Major Institution, by nature of its function and size, dominates and has the potential to change the character of the surrounding area and/or create significant negative impacts on the area. To qualify as a Major Institution, an institution must have a minimum site size of sixty thousand (60,000) square feet of which fifty thousand (50,000) square feet must be contiguous, and have a minimum gross floor area of three hundred thousand (300,000) square feet. The institution may be located in a single building or a group of buildings which includes facilities to conduct classes or related activities needed for the operation of the institution.

A Major Institution shall be determined to be either an educational Major Institution or a medical Major Institution, according to the following:

1. "Educational Major Institution" means an accredited post-secondary level educational institution, operated by a public agency or nonprofit organization, granting associate, baccalaureate and/or graduate degrees. The institution may also carry out research and other activities related to its educational programs.

2. "Medical Major Institution" means a licensed hospital.

"Major performing arts facility" means a facility specifically designed for the presentation of live performances of theater, dance or music, that at a minimum has one (1) auditorium with at least two thousand (2,000) seats.

"Major Phased Development" means a nonresidential, multiple building project which, by the nature of its size or function, is complex enough to require construction phasing over an extended period of time, excluding Major Institutions.

"Major retail store" means a structure or portion of a structure that provides adequate space of at least eighty thousand (80,000) square feet to accommodate the merchandising needs of a major new retailer with an established reputation, and providing a range of merchandise and services, including both personal and household items, to anchor downtown shopping activity around the retail core, thereby supporting other retail uses and the area's vitality and regional draw for customers.

"Manufacturing, general" means a manufacturing use, typically having the potential of creating moderate noise, smoke, dust, vibration or other environmental impacts or pollution, and including but not limited to the following:

1. Production of items made from stone or concrete;

2. Production of items from ferrous or nonferrous metals through use of a machine shop, welding or fabrication; or from nonferrous metals through use of a foundry; or from ferrous metals through use of a foundry heated by electricity (induction melting);

3. Production of recreational or commercial vessels of less than one hundred twenty (120) feet in

length to individual customer specifications;

4. Production of finished goods, that typically are not for household or office use, such as barrels, ceramic molds, or cardboard cartons, from materials that are already refined, or from raw materials that do not need refining, such as paper, fabric, leather, premilled wood; or wool, clay, cork, semiprecious or precious metals or stones, fiber, or other similar materials;

5. Production of finished goods, for household or nonhousehold use, such as toys, film, pens, or linoleum from plastic, rubber, or celluloid;

6. Production of parts to be assembled into a finished product;

7. Development of film on a wholesale basis;

8. Production of items through biological processes, such as pharmaceuticals and industrial purifiers, manufactured by bioengineering techniques;

9. Production of items such as paint and coatings, dyestuffs, fertilizer, glue, cosmetics, clay, or pharmaceuticals that require the mixing or packaging of chemicals.

"Manufacturing, heavy" means a manufacturing use, typically having the potential of creating substantial noise, smoke, dust, vibration and other environmental impacts or pollution, and including but not limited to:

1. The extraction or mining of raw materials, such as quarrying of sand or gravel;

2. Processing or refining of raw materials, such as but not limited to minerals, petroleum, rubber, wood or wood pulp, into other products;

3. The milling of grain or refining of sugar, except when accessory to a use defined as food processing for human consumption or as a retail sales and service use;

4. Poultry slaughterhouses, including packing and freezing of poultry;

5. Refining, extruding, rolling, or drawing of ferrous or nonferrous metals, or the use of a noninduction foundry for ferrous metal;

6. Mass production of commercial or recreational vessels of any size and the production of vessels one hundred twenty (120) feet in length constructed to individual specifications;

7. Production of large durable goods such as motorcycles, cars, manufactured homes, airplanes, or heavy farm, industrial, or construction machinery;

8. Manufacturing of electrical components, such as semiconductors and circuit boards, using chemical processes such as etching or metal coating;

9. Production of industrial organic and inorganic chemicals, and soaps and detergents; and

10. Conversion of solid waste into useful products or preparation of solid waste for disposal at another location by processing to change its physical form or chemical composition. This includes the off-site treatment or storage of hazardous waste as regulated by the State Department of Ecology. The on-site treatment and storage of hazardous waste is considered an incidental or accessory use.

"Manufacturing, light" means a manufacturing use, typically having little or no potential of creating noise, smoke, dust, vibration or other environmental impacts or pollution, and including but not limited to the following:

1. Production, assembly, finishing, and/or packaging of articles from parts made at another location, such as assembly of clocks, electrical appliances, or medical equipment.

2. Production of finished household and office goods, such as jewelry, clothing or cloth, toys, furniture, or tents, from materials that are already refined, or from raw materials that do not need refining, such as paper, fabric, leather, premilled wood; or wool, clay, cork, semiprecious or precious metals or stones, fiber, or other similar materials;

3. Canning or bottling of food or beverages for human or animal consumption using a mechanized assembly line;

4. Printing plants with more than five thousand (5,000) square feet of gross floor area.

"Manufacturing use" means a business establishment in which articles are produced by hand or by machinery, from raw or prepared materials, by giving to those materials new forms, qualities, properties, or combinations, in a process frequently characterized by the repetitive production of items made to the same or similar specifications.

1. Items produced are generally sold directly to other businesses, or are sold at wholesale. The retail sale of items to the general public is incidental to the production of goods.

2. Manufacturing uses are classified as either light, general or heavy manufacturing. For the purpose of this definition, uses listed as food processing and craft work or high-impact use are not considered manufacturing uses.

"Marine retail sales and service" means a retail sales and service use which includes one (1) or more of the following uses:

1. "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 provided.

2. "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 or boating club for the purpose of storing boats. Sometimes referred to as "dry storage."

3. "Vessel repair, major" means a marine retail sales and service use in which ferrous hulls are repaired; or in which boats and ships sixty-five (65) feet or more in length are converted, rebuilt, painted, repaired, or dismantled. Associated activities may include welding and sandblasting.

4. "Vessel repair, minor" means a marine retail sales and service use in which one (1) or more of the following activities take place:

a. General boat engine and equipment repair;

b. The replacement of new or reconditioned parts;

c. Repair of nonferrous boat hulls under sixty-five (65) feet in length;

d. Painting and detailing; and

e. Rigging and outfitting; but not including any operation included in the definition of "Vessel repair, major."

5. "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.

6. "Recreational marina" 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 provided.

7. "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 foulweather gear, marine engines, and boats less than sixteen (16) feet in length.

8. "Sale 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 is a major durables sales and service use.

"Master Use Permit" means the document issued to an applicant which records all land use decisions which are made by the Department on a master use application. Construction permits and land use approvals which must be granted by the City Council, citizen boards or the state are excluded.

"Mausoleum" means a structure or building for the entombment of human remains in crypts.

"Median income" means annual median family income for the Seattle area, as published from time to time by the U.S. Department of Housing and Urban Development (HUD), with adjustments according to household size in a manner determined by the Director, which adjustments shall be based upon a method used by the United States Department of Housing and Urban Development to adjust income limits for subsidized housing, and which adjustments for purposes of determining affordability of rents or sale prices shall be based on the average size of household considered to correspond to the size of the housing unit (one (1) person for studio units and one and a half (1.5) persons per bedroom for other units).

"Medical service" means a retail sales and service use in which health care for humans is provided on an outpatient basis, including but not limited to offices for doctors, dentists, chiropractors, and other health care practitioners. Permitted accessory uses include associated office, research and laboratory uses.

"Meeting, public." See RCW 36.70B.020.

"Mini-warehouse" means a commercial use in which enclosed storage space divided into separate compartments no larger than five hundred (500) square feet in area is provided for use by individuals to store personal items or by businesses to store material for operation of a business establishment at another location.

"Mobile home park." See "Residential use."

"Moderate-income household" means any household whose total household income is between eighty (80) and one hundred fifty (150) percent of the median income for comparably sized households in the Seattle-Everett Standard Metropolitan Statistical Area as defined by the United States Department of Housing and Urban Development.

"Moderate-income housing" means any housing unit which is affordable to moderate-income households, according to the Public Benefit Features Rule.

"Modulation" means a stepping back or projecting forward of sections of the facade of a structure within specified intervals of structure width and depth, as a means of breaking up the apparent bulk of the continuous exterior walls (Exhibit 23.84.025 A).

"Monorail guideway" means the beams, with their foundations and all supporting columns and structures, including incidental elements for access and safety, along which a city transportation authority monorail train runs.

"Monorail transit facility" means a structure, guideway, equipment, or other improvement of a monorail transit system, including but not limited to monorail transit stations and related passenger amenities, power substations, maintenance and/or operations centers.

"Monorail transit station" means a monorail transit facility, whether at grade or above grade, that provides pedestrian access to monorail transit trains and facilitates transfer from monorail to other modes of transportation. A monorail transit station may include mechanical devices such as elevators and escalators to move passengers, and may also include such passenger amenities as informational signage, seating, weather protection, fountains, artwork or concessions.

"Monorail transit system" means a transportation system that uses train cars running on a guideway, along with related facilities, owned or operated by a city transportation authority.

"Mortuary service" means a retail sales and service use which provides services including but not limited to the preparation of the dead for burial or cremation, viewing of the body, and funerals.

"Motel." See "Lodging use." insert exhibit 23.84.025 A

"Motion picture studio" means a facility for the production of motion pictures, intended for movie or television viewing, using video or film media. Motion picture studio use may be intermittent.

"Motion picture theater." See "Places of public assembly."

"Motion picture theater, adult." See "Places of public assembly."

"Multifamily structure." See "Residential use."

"Multiple business center" means a grouping of two (2) or more business establishments which either share common parking on the lot where they are located, and/or which occupy a single structure or separate structures which are physically attached. Shopping centers are considered to be multiple business centers.

"Multi-purpose convenience store." See "Personal and household retail sales and service."

"Museum." See "Institution."
(Ord. 122235, § 15, 2006; Ord. 122054 § 92, 2006; Ord. 121278 § 12, 2003; Ord. 120443 § 79, 2001; Ord. 120117 § 56, 2000; Ord. 119151 § 2, 1998; Ord. 118720 § 4, 1997; Ord. 118672 § 34, 1997; Ord. 118624 § 5, 1997; Ord. 118012 § 56, 1996; Ord. 117954 § 9, 1995; Ord. 117598 § 7, 1995; Ord. 117280 § 1, 1994; Ord. 115002 § 20, 1990; Ord. 114725 § 4, 1989; Ord. 113658 § 13, 1987; Ord. 113263 § 35, 1986; Ord. 112777 § 48, 1986; Ord. 112830 § 17, 1986; Ord. 112519 § 47, 1985; Ord. 112303 § 16, 1985; Ord. 112134 § 9, 1985; Ord. 111926 § 17, 1984; Ord. 110793 § 66, 1982; Ord. 110381 § 1(part), 1982.)[1]

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23.84.026 "N."

"Neighborhood plan" means a plan adopted by the Council which has been developed to guide neighborhood growth and development and deal with other neighborhood related issues such as housing, institutions, transportation, economic development and other community development activities.

"Nonconforming to development standards" means a structure, site or development that met applicable development standards at the time it was built or established, but that does not now conform to one (1) or more of the applicable development standards. Development standards include, but are not limited to height, setbacks,

lot coverage, lot area, number and location of parking spaces, open space, density, screening and landscaping, lighting, maximum size of nonresidential uses, maximum size of nonindustrial use, view corridors, sidewalk width, public benefit features, street level use requirements, street facade requirements, and floor area ratios.

"Nonconforming use" means a use of land or a structure that was lawful when established and that does not now conform to the use regulations of the zone in which it is located, or means a residential use or development commenced prior to July 24, 1957, that has remained in continuous use since that date, subject to approval through the process of establishing the use for the record. See Section 23.42.102. A use that was legally established but which is now permitted only as a conditional use is not a nonconforming use and shall be regulated as if a conditional use approval had earlier been granted.

"Non-household sales and services" means one (1) of the following commercial uses:

1. Business incubators-A non-household sales and service use operated in one (1) or more structures offering space, logistical support and business planning and operational support to a number of start-up retail, service or manufacturing businesses each of which will each be located in the incubator setting for a period of less than five (5) years.

2. Business support services-A non-household sales and service use in which services are provided primarily for businesses, institutions and/or government agencies, rather than for households, in a setting other than an office. Examples include but are not limited to blueprint companies, medical laboratories, assaying services and microfilming and copying services.

3. Heavy commercial uses-A non-household sales and service use which is not a business support service, and which does not sell or rent office or other commercial equipment, heating fuel or construction materials. Examples include commercial laundries and construction and building maintenance services.

    a. Commercial laundry-A heavy commercial service in which items such as clothing and linens are cleaned. This definition includes cleaning for hospitals, restaurants, hotels and diaper cleaning services, as well as rug and dry cleaning plants where on-premises retail services to individual households are incidental to the operation of the plant.

    b. Construction services-A heavy commercial service in which contracting services, including the final processing of building materials such as the mixing of concrete or the heating of asphalt, are provided; or in which construction equipment is stored, either in conjunction with an office or as a separate use.

4. Sales, service and rental of commercial equipment and construction materials-A non-household sales and service use in which commercial equipment not used in offices, such as building construction, farm, restaurant, or industrial equipment, is rented or sold; and/or in which building materials, farm supplies or industrial supplies are sold. Generally these uses carry a wide variety of one type of product, rather than a wide variety of products. Sales may either be retail or wholesale, and are generally made to businesses rather than to individual households.

5. Sales, service and rental of office equipment-A non-household sales and service use in which

office equipment or furniture, such as file cabinets, desks, or word processors, is rented or sold; and/or in

6. Sale of heating fuel-A non-household sales and service use in which heating fuel, such as wood, oil, or coal, is sold.

"Nursing Home." See "Residential use."

(Ord. 120293 § 2, 2001; Ord. 119239 § 39, 1998; Ord. 117202 § 20, 1994; Ord. 113263 § 36, 1986; Ord. 112777 § 49, 1986; Ord. 112303 § 17, 1985; Ord. 111390 § 46, 1983; Ord. 110381 § 1(part), 1982.)

23.84.028 "O."

"Office" means a commercial use which provides administrative, contractors, professional or customer services to individuals, businesses, institutions and/or government agencies in an office setting.

1. "Administrative office" means an office use in which services are provided to customers primarily by phone or mail, by going to the customer's home or place of business, or on the premises by appointment; or in which customers are limited to holders of business licenses. Examples of services provided include general contracting, janitorial and housecleaning services; legal, architectural, and data processing; broadcasting companies, administrative offices of businesses, unions or charitable organizations; and wholesalers and manufacturer's representatives' offices. Administrative offices may include accessory storage, but not the storage of building materials, contractor's equipment or items, other than samples, for wholesale sale.

2. "Customer service office" means an office use in which on-site customer services are provided in a manner which encourages walk-in clientele and in which generally an appointment is not needed to conduct business. Examples include branch banks, travel agencies, airline ticket offices, brokerage firms, real estate offices, and government agencies which provide direct services to clients.

"Open space" means land and/or water area with its surface predominately open to the sky or predominantly undeveloped, which is set aside to serve the purposes of providing park and recreation opportunities, conserving valuable natural resources, and structuring urban development and form.

"Open space, common" means usable open space which is available for use by all occupants of a residential structure.

"Open space, landscaped" means exterior space, at ground level, predominantly open to public view and used for the planting of trees, shrubs, ground cover and other natural vegetation.

"Open space, usable" means an open space which is of appropriate size, shape, location and topographic siting so that it provides landscaping, pedestrian access or opportunity for outdoor recreational activity. Parking areas and driveways are not usable open spaces.

"Open space, usable, private" means usable open space which is intended to be used only by the occupants of one (1) ground-related dwelling unit.

"Ornamental feature" means decorative objects such as lintels, cornices and sunshades extending from a structure.

"Outdoor display of rental equipment" means an outdoor area where merchandise available for rent is displayed, and which is freely accessible to the public. Outdoor display of rental equipment may be the principal use of a lot or may be accessory to a commercial use where the rental transactions occur within a structure.

"Outdoor sales" means an outdoor area where merchandise is sold or is displayed for sale, and which is freely accessible to the public, except that automotive retail sales areas shall be considered outdoor sales whether freely accessible or not. Outdoor sales may be the principal use of a lot or may be accessory to a commercial use where the sales transactions occur within a structure.

"Outdoor storage" means a commercial use in which an outdoor area is used for the long-term (more than seventy-two (72) hours) retention of materials, containers and/or equipment. Outdoor storage does not include sale, repair, incineration, recycling or discarding of materials or equipment. Outdoor storage areas are not accessible to the public unless an agent of the business is present. Outdoor parking areas for two (2) or more fleet vehicles of more than ten thousand (10,000) pounds gross vehicle weight shall also be considered outdoor storage. Temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or erect a structure and automotive retail sales areas where motorized vehicles are stored for the purpose of direct sale to the ultimate consumer shall not be considered outdoor storage.

"Overhead weather protection" means a nonstructural feature, such as a canopy, awning or marquee, or a structural feature, such as a building overhang or arcade, which extends from a building and provides pedestrians with protection from inclement weather and adds visual interest at street level.

"Owner" means any person having a legal or equitable interest in, title to, responsibility for, or possession of a building or property, including, but not limited to, the interest of a lessee, guardian, receiver or trustee, and any duly authorized agent of the owner.

"Owner occupancy" means an occupancy of a dwelling by the legal property owner as reflected in title records, or by the contract purchaser. The owner occupant of a residence containing an accessory dwelling unit must have an interest equal to or greater than any other partial owner of the property, and the owner occupant's interest must be fifty (50) percent or greater.
(Ord. 119617 § 3, 1999; Ord. 119473 § 2, 1999; Ord. 118472 § 8, 1997; Ord. 117263 § 65, 1994; Ord. 117203 § 7, 1994; Ord. 116795 § 15, 1993; Ord. 114887 § 6, 1989; Ord. 113263 § 37, 1986; Ord. 113041 § 21, 1986; Ord. 112777 § 50, 1986; Ord. 112303 § 18, 1985; Ord. 111926 § 17, 1984; Ord. 110381 § 1(part), 1982.)

23.84.030 "P."

"Panoram, adult." See "Places of public assembly."

"Parcel park" means a public benefit feature consisting of a small open space which is accessible to the public and which provides downtown pedestrians an opportunity to rest and relax in a developed urban environment through such amenities as seating, landscaping and artwork.

"Park" means an open space use in which an area is permanently dedicated to recreational, aesthetic, educational or cultural use and generally is characterized by its natural and landscape features. A park may be used for both passive and active forms of recreation; however, its distinctive feature is the opportunity offered for passive recreation such as walking, sitting and watching.

"Park and pool lot" means parking, operated or approved by a public ridesharing agency, where commuters park private vehicles and join together in carpools or vanpools for the ride to work and back, or board public transit at a stop located outside of the park and pool lot.

"Park and ride lot" means parking where commuters park private vehicles and either join together in carpools or vanpools, or board public transit at a stop located in the park and ride lot.

"Parking" means a surface parking area or parking garage.

"Parking, accessory, surface area or garage" means one (1) or more parking spaces which are either reserved or required for a particular use or structure.

"Parking garage" means a structure for parking or storage of vehicles. A parking garage may be accessory to a principal use or structure on a lot or may be the principal structure on a lot.

"Parking, long-term" means a parking space that will be occupied by the same motor vehicle for six (6) hours or more and is used generally by persons who commute to work by private motor vehicle.

"Parking, non-required" means one (1) or more parking spaces not required by either the Land Use Code (Title 23 SMC) or the Zoning Code (Title 24 SMC) as accessory to a principal use and not imposed as a mitigating measure pursuant to the State Environmental Policy Act.

"Parking, principal use, surface area or garage" means a commercial use in which an open area or garage is provided for the parking of vehicles by the public, and is not reserved or required to accommodate occupants, clients, customers or employees of a particular establishment or premises.

"Parking screen" means a screen that effectively obscures view of off-street parking from the public right-of-way or private lots. (See also "Screen.")

"Parking, short-term" means a parking space occupied by individual motor vehicles for less than six (6) hours and generally used intermittently by shoppers, visitors or outpatients.

"Parking space" means an area for the parking of one (1) vehicle within a parking facility or parking area, exclusive of driveways, ramps, and office and work areas.

"Parking space, long-term" means a parking space which will be occupied by the same motor vehicle for six (6) hours or more and generally used by persons who commute to work by private motor vehicle.

"Parking space, short-term" means a parking space occupied by individual motor vehicles for less than six (6) hours and generally used intermittently by shoppers, visitors, or outpatients.

"Parking, surface area" means an open area used or intended to be used for the parking of vehicles. It may be available to the public or reserved to accommodate parking for a specific purpose.

"Parkway" means a thoroughfare located within a park, or including a park-like development and designated as a "parkway."

"Participant sports and recreation." See "Places of public assembly."

"Party of record" means any person, group, association or corporation that files an appeal; a person granted party status through intervention; the City department making the decision or determination; and the person who files an application for a permit or other type of development authorization which is the subject of the appeal.

"Passenger terminal." See "Transportation facility."

"Paved" means surfaced with a hard, smooth surface, usually consisting of Portland cement concrete or asphaltic concrete underlain by a subgrade of crushed rock.

"Pedestrian orientation" means a condition in which the location of and access to structures, types of uses permitted at street level, and storefront design are based on needs of persons on foot.

"Pedestrian oriented commercial zone." See "Zone, pedestrian oriented commercial."

"Pedestrian walkway" means a surfaced walkway, separated from the roadway, usually of crushed rock or asphaltic concrete and following the existing ground surface (not at permanent grade).

"Performing arts theater." See "Places of public assembly."

"Person" means any individual, partnership, corporation, association, public or private organization of any character.

"Personal and household retail sales and service" means a retail sales and service use in which goods are rented or sold or services are provided primarily for household and personal use rather than for business establishments, institutions, or government agencies, but excluding uses in which primarily building materials and/or heating fuel are sold. Examples of personal and household retail sales are bookstores, furniture stores, and grocery stores. Examples of personal and household services are shoe repair, hair-cutting salons, and dry cleaning.

1. "General personal and household retail sales and service" means a personal and household retail sales and service use which is not a multi-purpose convenience store, major durables sales and service, or a specialty food store.

2. "Major durables, sales, service and rental" means a personal and household retail sales and service use in which large household items, such as but not limited to furniture or appliances, are rented or sold.

3. "Multi-purpose convenience store" means a personal and household retail sales and service use in which a wide range of items frequently purchased for household use are rented or sold. Examples of multi-purpose convenience stores include but are not limited to grocery, hardware, drug, and variety stores.

"Personal transportation services." See "Transportation facilities."

"Pet daycare center" means a general retail sales and service use that regularly provides care for animals, which may include boarding.

"Pitched roof" means any non-horizontal roof.

"Placard" means a highly visible notice at least eleven (11) by fourteen (14) inches in size with headings which can be read from a distance of seventy-five (75) feet by persons of normal visual acuity.

"Places of public assembly" means an entertainment use in which cultural, entertainment, athletic, or other events are provided for spectators either in or out of doors. Examples include but are not limited to motion picture and performing arts theaters, spectator sports facilities, and lecture and meeting halls. Places of public assembly accessory to institutions or to public parks or playgrounds shall not be considered commercial uses.

1. "Motion picture theater" means a place of public assembly intended and expressly designed for the presentation of motion pictures, other than an adult motion picture theater.

2. "Motion picture theater, adult" means a place of public assembly in which, in an enclosed building, motion picture films are presented which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas," as defined in this subsection, for observation by patrons therein:

   a. "Specified sexual activities":

      (1) Human genitals in a state of sexual stimulation or arousal;

      (2) Acts of human masturbation, sexual intercourse or sodomy;

      (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

   b. "Specified anatomical areas":

      (1) Less than completely and opaquely covered:

         (a) Human genitals, pubic region,

         (b) Buttock, or

(c) Female breast below a point immediately above the top of the areola; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

3. "Panoram, adult" means a device which exhibits or displays for observation by a patron a picture or view from film or videotape or similar means which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined in subsection 2.

4. "Participant sports and recreation" means an entertainment use in which facilities for engaging in sports and recreation are provided. Any spectators are incidental and are not charged admission. There are two (2) types of participant sports and recreation uses--indoor and outdoor. Participant sports and recreation uses accessory to institutions or to public parks or playgrounds shall not be considered commercial uses.

a. "Participant sports and recreation, indoor" means a participant sports and recreation use in which the sport or recreation is conducted within an enclosed structure. Examples include but are not limited to bowling alleys, roller and ice skating rinks, dance halls, racquetball courts, physical fitness centers and gyms, and videogame parlors.

b. "Participant sports and recreation, outdoor" means a participant sports and recreation use in which the sport or recreation is conducted outside of an enclosed structure. Examples include tennis courts, water slides, and driving ranges.

5. "Performing arts theater" means a place of public assembly intended and expressly designed for the presentation of live performances of drama, dance and music.

6. "Spectator sports facility" means a place of public assembly intended and expressly designed for the presentation of sports events, such as a stadium or arena.

"Planned Community Development (PCD)" means a zoning process that authorizes exceptions from certain development standards for structures on large tracts of land in certain downtown zones. A PCD is developed as a single entity through a public process.

"Planned residential development (PRD)" means a zoning mechanism which allows for flexibility in the grouping, placement, size and use of structures on a fairly large tract of land. A PRD is developed as a single entity, using a public process which incorporates design review.

"Planting strip" means that portion of a street right-of-way lying between the curb and the property line exclusive of the sidewalk; provided, that if there is no curb, then "planting strip" means that portion of the street lying between a sidewalk and the property line. If there is no curb or constructed sidewalk, there is no "planting strip."

"Plat" means a map or representation of a subdivision showing the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

"Plaza, urban" means a public benefit feature consisting of a public open space in the most intensely developed areas of downtown which is located to create a focus for surrounding development, increase light and air at street level, and ensure adequate space at transit stations and major transfer points to increase the convenience and comfort of transit riders.

"Porch" means an elevated platform extending from a wall of a principal structure, with steps or ramps to the ground providing access by means of a usable doorway to the structure. A porch may be connected to a deck. (See also "Deck.")

"Power plant." See "Utility."

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

"Preliminary plat approval of a subdivision, fully complete application." See "Application."

"Principal structure" means the structure housing one (1) or more principal uses as distinguished from any separate structures housing accessory uses.

"Principal use" means the main use conducted on a lot, dominant in area, extent or purpose to other uses which may also be on the lot.

"Priority landmark theater TDR" means that portion of the development rights eligible for transfer from a landmark performing arts theater that the Directors of Housing, and Design, Construction and land use, have approved based on an application by the owner under this section, and that the owner has committed to sell, lease, or option at a price approved by the Director of Housing based on appraised value.

"Private club." See "Institution."

"Private usable open space." See "Open space, usable, private."

"Processing and craft work" means one (1) of the following commercial uses:

1. Processing of food for human consumption;

2. Custom and craft work.

"Project permit" or "Project permit application." See RCW 36.70B.020.

"Public atrium" means a public benefit feature consisting of an indoor public open space which provides opportunities for passive recreational activities and events, and for public gatherings, in an area protected from the weather, and including such amenities as seating, landscaping and artwork.

"Public benefit feature" means amenities, uses, and other features of benefit to the public in Downtown

zones, which are provided by a developer and which can qualify for an increase in floor area. Examples include public open space, pedestrian improvements, housing, and provision of human services.

"Public Benefit Features Rule" means the DPD Director's Rule 20-93, subject heading Public Benefit Features: Guidelines for Evaluating Bonus and TDR Projects, Administrative Procedures and Submittal Requirements in Downtown Zones, to the extent the provisions thereof have not been superseded by amendments to, or repeal of, provisions of this title. References to the "Public Benefit Features Rule" for provisions on a particular subject also shall include, where applicable, any successor rule or rules issued by the Director to incorporate provisions on that subject formerly included in Rule 20-93, with any appropriate revisions to implement amendments to this title since the date of such rule.

"Public boat moorage" means a pier or system of float or fixed access ways to which boats may be secured and which is owned, operated or franchised by a governmental agency for use by the general public.

"Public convention center" means a public facility of three hundred thousand (300,000) square feet or more, the primary purpose of which is to provide facilities for regional, national and international conventions and which is owned, operated or franchised by a unit of general or special-purpose government. A public convention center may include uses such as shops, personal services and restaurants which may be owned, operated or franchised by either a unit of general- or special-purpose government or by a private entity.

"Public display space." See "Museum."

"Public facility" means a public project or city facility.

"Public project" means a facility owned, operated or franchised by a unit of general or special-purpose government except The City of Seattle.

"Public school site, existing" means any property acquired and developed for use by or for the proposed public school before the effective date of the ordinance codified in this paragraph.[1] A public school site may be divided by streets or alleys.

"Public school site, new" means any property that has not been previously developed for use by the public school which is to be constructed, expanded or remodeled. A public school site may be divided by streets or alleys. A school property may include both a new school site and existing school sites.
(Ord. 122273, § 6, 2006; Ord. 122054 § 93, 2006; Ord. 121700 § 8, 2004; Ord. 121477 § 62, 2004; Ord. 121276 § 37, 2003; Ord. 121145 § 20, 2003; Ord. 120443 § 80, 2001; Ord. 119273 § 61, 1998; Ord. 118414 § 59, 1996; Ord. 118012 § 57, 1996; Ord. 117430 § 86, 1994; Ord. 117263 § 66, 1994; Ord. 116513 § 18, 1993; Ord. 115326 § 34, 1990; Ord. 115058 § 2, 1990; Ord. 113977 § 3, 1988; Ord. 112777 § 51, 1986; Ord. 112830 § 18, 1986; Ord. 112539 § 12, 1985; Ord. 112522 § 16(part), 1985; Ord. 112303 § 19, 1985; Ord. 112291 § 1, 1985; Ord. 112134 § 10, 1985; Ord. 111926 § 18, 1984; Ord. 111702 § 2, 1984; Ord. 111100 § 10, 1983; Ord. 110669 § 24, 1982; Ord. 110570 § 17, 1982; Ord. 110381 § 1(part), 1982.)[2]

1. Editor's Note: Ordinance 112539, which added the definition of "existing public school site" was adopted on November 12, 1985.
2. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986, and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

23.84.032 "R."

"Recreational area, common" means an open space of appropriate size, shape, location and topographic siting to provide landscaping, pedestrian access or opportunity for recreational activity, either in or out of doors, for all the residents of a structure containing dwelling units. Parking areas and driveways are not common recreational areas.

"Recreational marina." See "Marine retail sales and services."

"Recreational vehicle" means a wheeled vehicle designed for temporary occupancy with self-contained utility systems and not requiring a separate highway movement permit for highway travel. A recreational vehicle is not a dwelling unit.

"Recycling center." See "Salvage and recycling."

"Recycling collection station." See "Salvage and recycling."

"Religious facility." See "Institution."

"Research and development laboratory" means a use in which research and experiments leading to the development of new products are conducted. This use may be associated with an institutional, clinical or commercial use. Space designed for this use typically includes features such as: floor to floor ceiling heights, generally fourteen (14) feet in height or greater to accommodate mechanical equipment and laboratory benches plumbed for water service.

"Residential district identification sign" means an off-premises sign which gives the name of the group of residential structures, such as a subdivision or cluster development.

"Residential" means a use within a structure intended to be occupied as a dwelling. Residential uses include but are not limited to the following:

1. "Accessory dwelling unit." See "Dwelling unit, accessory."

2. "Adult family home" means a residential use as defined and licensed by The State of Washington in a dwelling unit.

3. "Artist's studio/dwelling" means a combination working studio and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one (1) household.

4. "Assisted living facility" means a multifamily residential use licensed by The State of Washington as a boarding home pursuant to RCW 18.20, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes. An "assisted living facility" contains multiple assisted living units. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

5. "Caretaker's quarters" means a residential use accessory to a nonresidential use consisting of a

dwelling unit not exceeding eight hundred (800) square feet of living area and occupied by a caretaker or watchperson.

6. "Congregate residence" means a dwelling unit in which rooms or lodging, with or without meals, are provided for nine (9) or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.

7. "Detached accessory dwelling unit." See "Dwelling unit, detached accessory."

8. "Domestic violence shelter" means a dwelling unit managed by a nonprofit organization which provides housing at a confidential location and support services for victims of family violence.

9. "Floating home" means a dwelling unit constructed on a float, which is moored, anchored or otherwise secured in the water.

10. "Mobile home park" means a residential use in which a tract of land is rented for the use of more than one (1) mobile home occupied as a dwelling unit.

11. "Multifamily structure" means a structure or portion of a structure containing two (2) or more dwelling units.

12. "Nursing home" means a residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence. This definition excludes hospitals or sanitariums.

13. "Single-family dwelling unit" means a detached structure containing one (1) dwelling unit and having a permanent foundation. The structure may also contain an accessory dwelling unit. A detached accessory dwelling unit is not considered a single-family dwelling unit for purposes of this chapter.

"Restaurant." See "Eating and drinking establishment."

"Retail sales and service" means a commercial use in which goods are rented or sold at retail to the general public for direct consumption and not for resale, or in which services are provided to individuals and/or households. Merchandise may be bought as well as sold and may be processed as long as the items processed are sold only on the premises, and production is incidental or subordinate to the selling, rental or repair of goods. See the following:

Personal and household retail sales and services;

Medical services;

Animal services;

Automotive retail sales and service;

Marine retail sales and services;

Eating and drinking establishments;

Lodging uses;

Mortuary services;

Pet daycare centers.

"Retail shopping" means a public benefit feature consisting of uses provided at street level which contribute to pedestrian activity and interest.

"Rezone" means an amendment to the Official Land Use Map to change the zone classification of an area.

"Right-of-way" means a strip of land platted, dedicated, condemned, established by prescription or otherwise legally established for the use of pedestrians, vehicles or utilities.

"Right-of-Way Improvements Manual" means a set of detailed standards for street, alley and easement construction, adopted by a joint Administrative Rule of Seattle Department of Transportation and the Department of Planning and Development.

"Roadway" means that portion of a street improved, designed, or ordinarily used for vehicular travel and parking, exclusive of the sidewalk or shoulder. Where there is a curb, the roadway is the curb-to-curb width of the street.

"Roof, butterfly." See "Butterfly roof."

"Roof, shed." See "Shed roof."

"Rooftop feature" means any parts of or attachments to the structure which project above a roof line and which may or may not be exempt from zoning height limitations.

"Rules" means administrative regulations promulgated and adopted pursuant to this Land Use Code and the Administrative Code.[1]

"Rural development credit" means the allowance of floor area on a receiving lot that results from the transfer of development potential from rural unincorporated King County to the Downtown Urban Center pursuant to King County Code Chapter 21A.55 or successor provisions and pursuant to the provisions of Section 23.49.011.
(Ord. 122273, § 7, 2006; Ord. 122205, § 13, 2006; Ord. 122190, § 12, 2006; Ord. 122054 § 94, 2006; Ord. 121359 § 9, 2003; Ord. 120117 § 57, 2000; Ord. 119239 § 40, 1998; Ord. 119238 § 11, 1998; Ord. 118794 § 55, 1997; Ord. 117263 § 67, 1994; Ord. 117203 § 8, 1994; Ord. 117202 § 21, 1994; Ord. 115326 § 35, 1990;

Ord. 113263 § 38, 1986; Ord. 112777 § 52, 1986; Ord. 112830 § 19, 1986; Ord. 112519 § 48, 1985; Ord. 112303 § 20, 1985; Ord. 111926 § 19, 1984; Ord. 111390 § 47, 1983; Ord. 110793 § 67, 1982; Ord. 110570 § 18, 1982; Ord. 110381 § 1(part), 1982.)[2]

1. Editor's Note: The Administrative Code is codified at Chapter 3.02 of this Code.
2. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

23.84.036 "S."

"Sale and rental of large boats." See "Marine retail sales and service."

"Sale and rental of motorized vehicles." See "Automotive retail sales and service."

"Sale of boat parts and accessories." See "Marine retail sales and service."

"Sale of heating fuel." See "Non-household sales and services."

"Sales and rental of commercial equipment and construction materials." See "Non-household sales and services."

"Sales, service and rental of office equipment." See "Non-household sales and services."

"Salvage and recycling" means a business establishment in which discarded or salvaged materials are collected, stored, transferred, sold, or reused.

1. "Recycling collection station" means a salvage and recycling use in which weather resistant containers are provided for the collection of the following recyclable materials only: glass, aluminum cans, tin cans, and paper; and/or fully enclosed containers are provided for the collection of secondhand goods for processing at another location.

2. "Recycling center" means a salvage and recycling use in which recyclable materials are collected, stored, and/or processed, by crushing, breaking, sorting and/or packaging, but not including any use which is defined as a salvage yard.

3. "Salvage yard" means a salvage and recycling use in which junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house-wrecking yards, and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment. A "salvage yard" shall not be construed to include such activity when conducted entirely within an enclosed building, nor pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

"Sanitarium." See "Hospital."

"Scale" means the spatial relationship among structures along a street or block front, including height,

bulk and yard relationships.

"Scenic route" means those streets designated by the Land Use Code as scenic routes.

"Scenic view section" means a section of the traveled way of a freeway, expressway, parkway, or scenic route the daily traffic along which includes a large number of motorists entering, passing through or leaving the City and from which there is a view of scenic beauty or historical significance, or of an array of urban features or natural prospects, or of a public park, or of lakes, bays, mountains, the harbor or the City skyline, and which has been so designated by this Code.

"School, elementary or secondary." See "Institution."

"Screen" means a continuous wall or fence that effectively obscures view of the property which it encloses and which is broken only for access drives and walks. (See "Parking screen.")

"Sculptured building top" means a public benefit feature consisting of the treatment of the upper portion of a building as an architectural feature which adds interest to the building by stepping back in a series of steps or by some other arrangement which gives a sculptural definition or aesthetic value to the top of a structure.

"SEPA" means the State Environmental Policy Act.

"Setback" means the required distances between every structure and the lot lines of the lot on which it is located.

"Sewage treatment plant." See "Utility."

"Shed roof" means a roof having only one (1) sloping plane.

"Shopping atrium" means a public benefit feature consisting of a large enclosed space which is accessible to the public, and which provides a combination of retail stores and passive recreational space in a weather-protected, convenient, and attractive atmosphere for shoppers that also contributes to the activity and visual interest at street level.

"Shopping corridor" means a public benefit feature consisting of a passage which goes through a block and connects two (2) avenues, and which is lined with retail uses, in order to make pedestrian circulation more convenient, provide more frontage for shops, give protection to pedestrians from inclement weather, and shorten walking distances.

"Short plat" means a map or representation of a short subdivision.

"Short plat approval, fully complete application." See "Application."

"Short subdivision" means the division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, development or financing, and shall include all resubdivision of previously platted land and properties divided for the purpose of sale or lease of townhouse units.

"Shoulder" means the graded area between the roadway edge and the sidewalk, or slope line where there is no sidewalk, on the portion of a street where there are no curbs.

"Sidewalk" means a hard-surfaced pedestrian walkway, usually of Portland cement concrete, separated from the roadway by a curb, planting strip or roadway shoulder.

"Sidewalk widening" means a public benefit feature consisting of an extension of the surface of a sidewalk, generally onto private property, which is free of all permanent obstructions.

"Sight triangle" means the area on both sides of a driveway which must be clear of any obstruction to permit optimal visibility from the driveway to the sidewalk and street.

"Sign" means any medium, including structural and component parts, which is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes.

"Sign, advertising"[1] means a sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the lot where the sign is located.

"Sign, awning" means graphics on a fixed awning used or intended to be used to attract attention to the subject matter for advertising, identification, or informative purposes. An awning sign shall not be considered a fabric sign.

"Sign, business" means an on-premises sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered on the lot where the sign is located. This definition shall not include signs located within a structure except those signs oriented so as to be visible through a window.

"Sign, canopy" means graphics on a canopy used or intended to be used to attract attention to the subject matter for advertising, identification, or information purposes. A canopy sign shall not be considered a fabric sign.

"Sign, changing-image" means a sign, including a sign using a video display method, which changes its message or background by means of electrical, kinetic, solar or mechanical energy, not including message board signs. A video display method is a method of display characterized by real-time, full-motion imagery of at least television quality.

"Sign, chasing" means a sign which includes one (1) or more rows of lights which light up in sequence.

"Sign, combination" means any sign incorporating any combination of the features of freestanding, projecting, and roof signs. The individual requirements of roof, projecting and pole signs shall be applied for combination signs incorporating any or all of the requirements specified in this Code.

"Sign, double-faced" means a sign which has two (2) display surfaces in approximately parallel planes backed against each other or against the same background, one (1) face of which is designed to be seen from one (1) direction and the other from the opposite direction.

"Sign, electric" means any sign containing electrical wiring, but not including signs illuminated by an

exterior light source.

"Sign, environmental review" means a sign with dimensions of four (4) feet by eight (8) feet constructed of a durable material, required for public notice of proposed land use actions according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

"Sign, externally illuminated" means a sign illuminated by an exterior light source.

"Sign, fabric" means a sign made of canvas, cloth or similar nonrigid material.

"Sign, flashing" means an electrical sign or portion of an electrical sign which changes light intensity in sudden transitory bursts. Flashing signs do not include changing image or chasing signs.

"Sign, freestanding" means a pole or ground sign.

"Sign, ground" means a sign that is six (6) feet or less in height above ground level and is supported by one (1) or more poles, columns or supports anchored in the ground.

"Sign, identification" means any ground, wall or roof sign which displays only (1) the name, address and/or use of the premises; and/or (2) noncommercial messages.

"Sign kiosk" means a small freestanding sign structure visible to the public used for posting small signs.

"Sign, land use" means a sign with dimensions of at least eighteen (18) inches by twenty-four (24) inches but smaller than an environmental review sign, constructed of a durable material, required for public notice of proposed land use actions according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

"Sign, large" means a sign four (4) by eight (8) feet, constructed of a durable material.

"Sign, marquee" means a sign placed on, constructed in or attached to a marquee.

"Sign, message board" means an electric sign which has a readerboard for the display of information, such as time, temperature, of public service or commercial messages, which can be changed through the turning on and off of different combinations of light bulbs within the display area.

"Sign, off-premises" means a sign relating, through its message and content, to a business activity, use, product or service not available on the premises upon which the sign is erected.

"Sign, off-premises directional" means an off-premises sign used to direct pedestrian or vehicular traffic to a facility, service, or business located on other premises within one thousand five hundred (1,500) feet of the sign. The message of such sign shall not include any reference to brand names of products or services whether or not available on such other premises; provided, that the name of the facility, service or business may be used.

"Sign, on-premises" means a sign or sign device used solely by the business establishment on the lot where the sign is located which displays either (1) commercial messages which are strictly applicable only to a

use of the premises on which it is located, including signs or sign devices indicating the business transacted, principal services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises; or (2) noncommercial messages. This definition shall not include signs located within a structure except those signs oriented so as to be visible through a window.

"Sign, on-premises directional" means an on-premises incidental sign designed to direct pedestrian or vehicular traffic.

"Sign, pole" means a sign wholly supported by a structure in the ground.

"Sign, portable" means a sign which is not permanently affixed and is designed for or capable of being moved, except those signs explicitly designed for people to carry on their persons or which are permanently affixed to motor vehicles.

"Sign, projecting" means a sign other than a wall sign, which projects from and is supported by a wall of a structure.

"Sign, public" means a sign in the right-of-way that is at least partially funded by public funds and is intended to carry messages of interest to the public.

"Sign, roof" means a sign erected upon or above a roof or parapet of a building or structure.

"Sign, rotating" means a sign that revolves on a fixed axis.

"Sign, side-by-side" means advertising signs that are adjacent to each other on the same plane and facing in the same direction, either on the same structure or within twenty-five (25) feet of one another.

"Sign, temporary" means any sign which is to be displayed for a limited period of time only, including but not limited to, banners, pennants, streamers, fabric signs, wind-animated objects, clusters of flags, festoons of lights and searchlights. A temporary sign may be of rigid or nonrigid construction.

"Sign, type of" means the following kinds of signs: Ground, roof, projecting, combination, wall, awning, canopy, marquee, under-marquee or pole signs.

"Sign, under-marquee" means a lighted or unlighted sign attached to the underside of a marquee.

"Sign, visually blocked" means an advertising sign that is located against or attached to a building, thereby visible from only one (1) direction. To be considered visually blocked, the advertising sign must be within eight (8) feet of any building wall or walls that are used to block the back side of the advertising sign and the advertising sign cannot project above or beyond the blocking wall or walls.

"Sign, wall" means any sign attached to and supported by a wall of a structure, with the exposed face of the sign on a plane parallel to the plane of the wall, or any sign painted directly on a building facade.

"Single-family dwelling unit." See "Residential use."

"Skylight" means an opening in a roof which is covered with translucent or transparent material, designed to admit light, and incidental to the roof itself.

"Small lot development" means a public benefit feature through which additional gross floor area is granted for development of small lots in certain downtown zones.

"Solar access" means the amount of unrestricted sunlight which reaches a structure, or portion thereof.

"Solar collector" means any device used to collect direct sunlight for use in the heating or cooling of a structure, domestic hot water, or swimming pool, or the generation of electricity.

"Solar greenhouse" means a solar collector which is a structure or portion of a structure utilizing glass or similar glazing material to collect direct sunlight for space heating purposes.

"Solid waste transfer station." See "Utility."

"Specialty food store." See "Personal and household retail sales and service."

"Spectator sports facility." See "Places of public assembly."

"Storage, outdoor." See "Outdoor storage."

"Story" means that portion of a structure included between the surface of any floor and the surface of the floor next above, except that the highest story is that portion of the structure included between the highest floor surface and the ceiling or roof above.

"Street" means a right-of-way which is intended to provide or which provides a roadway for general vehicular circulation, is the principal means of vehicular access to abutting properties and includes space for utilities, pedestrian walkways, sidewalks and drainage. Any such right-of-way shall be included within this definition, regardless of whether it has been developed or not.

"Street, arterial" means every street, or portion thereof, designated as an arterial on Exhibit 23.53.015 A.

"Street, existing" means any street which is not a new street.

"Street, new" means a street proposed to be created through the platting process, or by dedication to the City as part of development proposal.

"Street, private" means a named, private permanent access easement exceeding thirty-two (32) feet in width not dedicated to public use but which provides a roadway at least twenty-four (24) feet wide for internal use within a subdivision or development, and which includes sidewalks and space for utilities and drainage. A private street shall be treated as a street for purposes of application of development standards to abutting properties.

"Streetscape" means the visual character of a street as determined by various elements such as structures, landscaping, open space, natural vegetation and view.

"Structural alterations" means any change in the supporting members of a building, such as foundations, bearing walls or bearing partitions, columns, beams or girders, or any structural change in the roof.

"Structure" means anything constructed or erected on the ground or any improvement built up or composed of parts joined together in some definite manner and affixed to the ground, including fences, walls and signs, but not including poles, flowerbed frames and such minor incidental improvements.

"Structure depth" means that dimension of a structure extending between the front and rear lot lines.

"Structure width" means that dimension of a structure extending between side lot lines.

"Structure, accessory." See "Accessory structure."

"Structure, detached" means a structure having no common or party wall with another structure.

"Structure, enclosed" means a roofed structure or portion of a structure having no openings other than fixed windows and such exits as are required by law, and which is equipped with self-closing doors.

"Structure, nonconforming." See "Nonconforming structure."

"Structure, principal." See "Principal structure."

"Structure, single-family." See "Single-family dwelling unit."

"Subdivision" means the division or redivision of land into ten (10) or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease and transfer of ownership.

"Submerged land" means all lands waterward of the ordinary high water mark or mean higher high water, whichever is higher.

"Substandard size lot" means a lot which contains less than the minimum size required for the zone in which it is located.

(Ord. 122205, § 14, 2006; Ord. 121700 § 9, 2004; Ord. 121477 § 63, 2004; Ord. 120611 § 21, 2001; Ord. 120466 § 10, 2001; Ord. 120388 § 15, 2001; Ord. 119839 § 1, 2000; Ord. 119391 § 2, 1999; Ord. 118672 § 35, 1997; Ord. 118409 § 215, 1996: Ord. 117570 § 27, 1995; Ord. 117430 § 87, 1994; Ord. 117263 § 68, 1994; Ord. 117202 § 22, 1994; Ord. 116780 § 5, 1993; Ord. 116262 § 22, 1992; Ord. 116205 § 3, 1992; Ord. 115326 § 36, 1990; Ord. 114887 § 13(part), 1989; Ord. 114196 § 18, 1988; Ord. 113977 § 4, 1988; Ord. 113658 § 14, 1987; Ord. 113615 § 1, 1987; Ord. 113263 § 39, 1986; Ord. 113051 § 1, 1986: Ord. 112890 § 5, 1986; Ord. 112777 § 53, 1986; Ord. 112830 § 20, 1986; Ord. 112519 § 49, 1985; Ord. 112303 § 21, 1985; Ord. 111926 § 20, 1984; Ord. 111390 § 48, 1983; Ord. 111100 § 11, 1983; Ord. 110793 § 68, 1982; Ord. 110669 § 25, 1982; Ord. 110570 § 19, 1982; Ord. 110381 § 1(part), 1982.)[3]

1. Editor's Note: Section 1 of Ordinance 116581, adopted by the Council on February 16, 1993, is provided as follows:
Section 1. Until August 1, 1993, or the effective date of any ordinance amending the substantive standards for advertising signs in the Land Use Code, whichever is sooner, the City shall accept no application, nor approve or issue any permit, to establish the use of, to construct or to relocate any advertising sign. This prohibition shall not apply to any complete application for a construction permit for an advertising sign filed prior to August 17, 1992, nor to any application for use or construction permits to legalize billboard faces in

existence on June 1, 1992.
3. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

23.84.038 "T."

"Tandem houses" means two (2) unattached ground-related dwelling units occupying the same lot.

"Tandem parking" means one (1) car parked behind another and where aisles are not provided.

"TDR, DMC housing" means TDR that are eligible for transfer based on the status of the sending lot as a DMC housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as DMC housing TDR.

"TDR, housing" means TDR that are eligible for transfer based on the status of the sending lot as a housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as housing TDR.

"TDR, Landmark" means TDR that are eligible for transfer based on the landmark status of the sending lot or a structure on such lot, except Landmark housing TDR.

"TDR, Landmark housing" means TDR that are eligible for transfer based on the status of the sending lot as a Landmark housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as Landmark housing TDR.

"TDR, open space" means TDR that may be transferred from a lot or lots based on the provision of public open space meeting certain standards on that lot.

"TDR site, DMC housing" means a lot meeting the following requirements:

1. The lot is located in a Downtown Mixed Commercial (DMC) zone;

2. Each structure to be developed on the lot has or will have a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years, unless such requirement is waived or modified by the Director of the Office of Housing for good cause;

3. The lot will have above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years; and

4. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, housing" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except PMM, DH-1 and DH-2 zones;

2. Each structure on the lot has a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years;

3. The lot has above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years;

4. The above-grade gross floor area on the lot committed to satisfy the conditions in subsections 2 and 3 of this definition is contained in one or more structures existing as of the date of passage of Ordinance 120443 and such area was in residential use as of such date, as demonstrated to the satisfaction of the Director of the Office of Housing; and

5. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, Landmark housing" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except IDM, IDR, PSM, PMM, DH-1 and DH-2 zones;

2. The lot contains a designated landmark under SMC 25.12 and such structure will be renovated to include a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years;

3. The lot has or will have above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years;

4. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, open space" means a lot that has been approved by the Director as a sending lot for open space TDR, which approval is still in effect, and for which all the conditions to transfer open space TDR have been satisfied.

"Terraced housing" means a multi-family structure located on a sloping site in which a series of flat rooftops at different heights function as open space for abutting units.

"Topographic break" means a separation of two (2) areas by an abrupt change in ground elevation.

"Towing service." See "Automotive retail sales and service."

"Townhouse" means a form of ground-related housing in which individual dwelling units are attached

along at least one (1) common wall to at least one (1) other dwelling unit. Each dwelling unit occupies space from the ground to the roof and has direct access to private open space. No portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.

"Transferable Development Rights" or "TDR" means development potential, measured in square feet of gross floor area, that may be transferred from a lot pursuant to provisions of this Title. These terms do not include development credits transferable from King County pursuant to the City/County Transfer of Development Credits (TDC) program established by Ordinance 119728, or other rural development credits, nor do they include development capacity transferable between lots pursuant to Planned Community Development provisions. These terms do not denote or imply that the owner of TDR has a legal or vested right to construct or develop any project or to establish any use.

"Transit station, light rail" means a light rail transit facility whether at grade, above grade or below grade that provides pedestrian access to light rail transit vehicles and facilitates transfer from light rail to other modes of transportation. A light rail transit station may include mechanical devices such as elevators and escalators to move passengers and may also include such passenger amenities as informational signage, seating, weather protection, fountains, artwork or concessions.

"Transit station access easement" means an easement for a pedestrian route or connection to provide direct access from street level to transit tunnel stations and concourses and/or light rail transit facilities.

"Transit station access, grade-level" means a pedestrian connection which provides direct access from street level to transit tunnel stations or concourses and/or light rail transit facilities at approximately the same level as the station mezzanine.

"Transit station access, mechanical" means a pedestrian connection that incorporates a mechanical device, such as an escalator, to provide direct access from street level to transit tunnel stations and concourses and/or light rail transit facilities.

"Transportation facilities" means one (1) of the following commercial uses:

1. "Airport, land-based" means a transportation facility used for the takeoff and landing of airplanes.

2. "Airport, water-based" means a transportation facility used exclusively by aircraft which take off and land directly on the water.

3. "Cargo terminal" means a transportation facility in which quantities of goods or container cargo are, 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.

4. "Heliport" means a transportation facility in which an area on a roof or on the ground is used for the takeoff and landing of helicopters or other steep-gradient aircraft, and one (1) or more of the following services are provided: cargo facilities, maintenance and overhaul, fueling service,

tie-down space, hangers and other accessory buildings and open spaces.

5. "Helistop" means a transportation facility in which an area on a roof or on the ground is used for the takeoff and landing of helicopters or other steep-gradient aircraft, but not including fueling service, hangars, maintenance, overhaul or tie-down space for more than one (1) aircraft.

6. "Passenger terminal" means a transportation facility where passengers embark on or disembark from carriers such as ferries, trains, buses or planes that provide transportation to passengers for hire by land, sea or air. Passenger terminals typically include some or all of the following: ticket counters, waiting areas, management offices, baggage handling facilities, restroom facilities, shops and restaurants. A passenger terminal use on the waterfront may include moorage for cruise ships and/or vessels engaged in transporting passengers for hire. Activities commonly found aboard such vessels, whether moored or under way, that are incidental to the transport of passengers shall be considered part of the passenger terminal use and shall not be treated as separate uses. Metro street bus stops, monorail transit stations, and light rail transit stations are not included in this definition. Also excluded is the use of sites where passengers occasionally embark on or disembark from transportation in a manner that is incidental to a different established principal use of the site.

7. "Personal transportation services" means a transportation facility in which either emergency transportation to hospitals, or general transportation by car, van, or limousine for a fee is provided. Such uses generally include dispatching offices and facilities for vehicle storage and maintenance.

8. "Railroad switchyard" means a transportation facility in which:

   a. Rail cars and engines are serviced and repaired; and

   b. Rail cars and engines are transferred between tracks and coupled to provide a new train configuration.

9. "Railroad switchyard with a mechanized hump" means a railroad switchyard which includes a mechanized classification system operating over an incline.

10. "Transit vehicle base" means a transportation facility in which a fleet of buses is stored, maintained, and repaired.(See also "Fleet vehicles.")

"Travelled way" means the portion of a freeway, expressway, parkway, and their entrance or exit ramps, or scenic route, exclusive of shoulders, used for the movement of vehicles.

"Triplex" means a single structure containing three (3) dwelling units.

(Ord. 122054 § 95, 2006; Ord. 121278 § 13, 2003; Ord. 121162 § 1, 2003; Ord. 121145 § 21, 2003; Ord. 120443 § 81, 2001; Ord. 119974 § 5, 2000; Ord. 119239 § 41, 1998; Ord. 117430 § 88, 1994; Ord. 114887 § 7, 1989; Ord. 113658 § 15, 1987; Ord. 112777 § 54, 1986; Ord. 112830 § 21, 1986; Ord. 112303 § 22, 1985; Ord. 112134 § 11, 1985; Ord. 111926 § 21, 1984; Ord. 110793 § 69, 1982; Ord. 110570 § 20, 1982; Ord. 110381 § 1(part), 1982.)[1]

1. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830

was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

23.84.040 "U."

"Underground" means entirely below the surface of the earth excluding access.

"University." See "Institution."

"Urban plaza." See "Plaza, urban."

"Usable new office space" means the gross floor area of a structure, which floor area is created by new construction for principal office use, rather than by changing the use of floor area to office use in a building existing as of the effective date of the ordinance codified in this definition.

"Usable open space." See "Open space, usable."

"Use" means the purpose for which land or a structure is designed, built, arranged, intended, occupied, maintained, let or leased.

"Use, conditional." See "Conditional use."

"Use, nonconforming." See "Nonconforming use."

"Utility" means a business establishment in which power, water and other similar items are provided or transmitted; or sewage is treated, or solid waste is stored or transferred or incinerated. Underground pipes and cables and high-impact uses shall not be considered utilities.

1. "Power plant" means a utility use in which power in the form of steam or electricity is produced by wind, solar or water forces or combustion of materials such as coal, oil, gas and/or steam is produced by combustion or electricity. A nuclear power plant, solid waste incineration facility and the concurrent incidental production of electricity or useful heating or mechanical energy, or cogeneration, as well as the recovery of waste heat, shall not be considered a power plant.

2. "Sewage treatment plant" means a utility use in which sanitary or combined sewage is received, treated, and discharged, but does not include: Conveyance lines and associated underground storage facilities; pumping stations; or commercial or industrial facilities for "pretreatment" of sewage prior to discharge into the sewer system.

3. "Solid waste incineration facility" means a utility use in which solid waste is reduced by mass burning, prepared fuel combustion, pyrolysis or any other means, regardless of whether or not the heat of combustion of solid waste is used to produce power. Heat-recovery incinerators and the incidental production of electricity or useful heating or mechanical energy, or cogeneration, shall not be considered a solid waste incineration facility.

4. "Solid waste landfill" means a utility use at which solid waste is permanently placed in or on land, including sanitary landfills and compliance cell landfills.

5. "Solid waste transfer station" means a utility use in which discarded materials are collected for transfer to another location for disposal by compaction, shredding or separating, but does not include processing that changes the chemical content of the material.

"Utility service use" means a utility use which provides the system for transferring or delivering power, water, sewage, stormwater runoff, or other similar substances. Examples include electrical substations, pumping stations, and trolley transformers.
(Ord. 117410 § 1, 1994; Ord. 116596 § 5, 1993; Ord. 116295 § 24, 1992; § 7 of Initiative 31, passed 5/16/89; Ord. 113658 § 16, 1987; Ord. 112969 § 5, 1986; Ord. 112777 § 65, 1986; Ord. 111926 § 22, 1984; Ord. 110381 § 1(part), 1982.)

23.84.042 "V."

"Vacation (of public right-of-way)" means an action taken by the Council which terminates or extinguishes a right-of-way easement when it is no longer necessary for a public right-of-way.

"Vanpool" means a highway vehicle with a seating capacity of eight (8) to fifteen (15) persons, including the driver, which is used primarily to transfer a group of three (3) or more employees between home and work.

"Variance" means relief from certain provisions of the Land Use Code authorized by the Director or Council after determining that the criteria established for the granting of variances have been satisfied.

"Very low-income household." See "Household, very low-income."

"Very low-income housing." See "Housing, very low-income."

"Vehicle repair." See "Automotive retail sales and service."

"Vessel repair." See "Marine retail sales and service."

"Visible" means capable of being seen (whether or not legible) without visual aid by persons of normal visual acuity.

"Vocational or fine arts school." See "Institution."
(Ord. 122054 § 96, 2006; Ord. 112777 § 56, 1986; Ord. 112830 § 22, 1986; Ord. 111926 § 23, 1984; Ord. 110381 § 1(part), 1982.)[1]

1. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

23.84.044 "W."

"Wall, exterior" means an upright member of a structure which forms the boundary between the interior and exterior of that structure.

"Warehouse" means a commercial use in which space is provided in an enclosed structure for the

storage of goods produced off-site, for distribution or transfer to another location.

"Wholesale showroom" means a commercial use in which merchandise is displayed and sold at wholesale to business representatives for resale, rather than to the general public for direct consumption and which includes storage of goods for sale. Wholesalers which do not have auxiliary storage as a part of the use shall be considered administrative offices.

"Width, structure." See "Structure width."

"Work release center" means an alternative to imprisonment, including pre-release and work/training release programs which are under the supervision of a court, or a federal, state or local agency. This definition excludes at-home electronic surveillance.
(Ord. 114623 § 20, 1989; Ord. 113263 § 40, 1986; Ord. 112777 § 57, 1986; Ord. 110793 § 70, 1982; Ord. 110381 § 1(part), 1982.)

23.84.046 "Y."

"Yard." See "Yard, front," "Yard, side" and "Yard, rear."

"Yard, front" means an area from the ground upward between the side lot lines of a lot, extending from the front lot line to a line on the lot parallel to the front lot line, the horizontal depth of which is specified for each zone.

"Yard, rear" means an area from the ground upward between the side lot lines of a lot, extending from the rear lot line to a line on the lot parallel to the rear lot line, the horizontal depth of which is specified for each zone.

"Yard, side" means an area from the ground upward between the front yard (or front lot line if no front yard is required); and the rear yard (or rear lot line if no rear yard is required); and extending from a side lot line to a line on the lot, parallel to the side lot line, the horizontal depth of which is specified for each zone.
(Ord. 117263 § 69, 1994; Ord. 110381 § 1(part), 1982.)

23.84.048 "Z."

"Zero (0) lot line construction" means a structure, or structures, sited on one (1) or more lot lines with no yard.

"Zone" means a portion of the City designated on the Official Land Use Map of The City of Seattle within one (1) of the land use classifications.

"Zone, commercial" means the following zones regulated by Title 23: NC1, NC2, NC3, C1, C2 and SM.

"Zone, downtown" means the following zones regulated by Title 23: DOC1, DOC2, DRC, DMC, DMR, IDM IDR, PSM, PMM, DHI and DH2.

"Zone, industrial" means the following zones regulated by Title 23: General Industrial 1, General

Industrial 2, Industrial Buffer and Industrial Commercial.

"Zone, lowrise" means Lowrise Duplex/Triplex, Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 multifamily residential zones.

"Zone, multifamily" means Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Lowrise 2 (L2), Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR), Midrise/85 (MR/85), Highrise (HR) zones.

"Zone, neighborhood commercial" means the following zones regulated by Title 23: Neighborhood Commercial 1, Neighborhood Commercial 2, and Neighborhood Commercial 3.

"Zone, pedestrian oriented commercial" means the following zones regulated by Title 23: Neighborhood Commercial 1, Neighborhood Commercial 2, and Neighborhood Commercial 3.

"Zone, residential" means the following zones regulated by Title 23: SF9600, SF7200, SF5000, RSL, LDT, L1, L2, L3, L4, MR, HR, RC, DMR and IDR.

"Zone, single family" means the following zones regulated by Title 23: SF5000, SF7200 and SF9600. Solely for the purposes of the provisions of this title that impose standards or regulations based upon adjacency or any other juxtaposition or relationship to a single-family zone, "zone, single family" also shall include any RSL or RSL/T zone.
(Ord. 121782 § 35, 2005; Ord. 119239 § 42, 1998; Ord. 117430 § 89, 1994; Ord. 116795 § 16, 1993; Ord. 116596 § 6, 1993; Ord. 116295 § 26, 1992; Ord. 114888 § 10, 1989; Ord. 114887 § 8, 1989; Ord. 113263 § 41, 1986; Ord. 112303 § 23, 1985; Ord. 111926 § 24, 1984; Ord. 110381 § 1(part), 1982.)

Chapter 23.84A

DEFINITIONS

Sections:

23.84A.001 Applicability and interpretation.

A. The definitions in this chapter provide the meanings of terms used in this title, except as otherwise provided by this title or as the context may otherwise clearly require.

B. Unless the context of a provision of this title clearly requires otherwise:

1. Words defined in the singular number include the plural and words defined in the plural number include the singular; and

2. Definitions apply to variants formed by changes in format, word order, spelling, insertion of additional words, or omission of alternatives from terms. For example, the definition of "curbcut" applies to "curb-cut," and "curb cut," and the definition of "Facade, street-level" includes "street-level street-facing facade."

(Ord. 122311, § 100, 2006)

23.84A.002 "A."

"Abut" means to border upon.

"Access bridge" means a structure that is designed and necessary for pedestrian access from an alley, street or easement to a principal structure or accessory structure.

"Accessory dwelling unit." See "Residential use."

"Accessory parking." See "Parking, accessory."

"Accessory structure" means a structure that is incidental to the principal structure.

"Accessory use." See "Use, accessory."

"Addition to existing public school structures" means any extension of an existing public school structure or rebuilding of an existing public school structure any portion of which remains intact. Building of an entirely new public school structure when part of an existing public school complex is considered an addition to an existing public school structure when the proposed new structure is on an existing public school site.

"Adjacent" means near but not necessarily touching.

"Administrative conditional use." See "Use, conditional."

"Administrative office." See "Office."

"Adult cabaret." See "Entertainment use."

"Adult care center." See "Institution."

"Adult family home." See "Residential use."

"Adult motion picture theater." See "Entertainment use."

"Adult panoram." See "Entertainment use."

"Advertising sign." See "Billboard."

"Affordable housing." See "Housing, affordable."

"Agricultural use" means a business establishment in which crops are raised or animals are reared or kept, but not including animal shelters and kennels. Agricultural uses include animal husbandry uses such as poultry farms and rabbitries, aquaculture uses such as fish farms and shellfish beds, and horticulture uses such as nurseries and orchards.

1. "Animal husbandry" means an agricultural use in which animals are reared or kept in order to sell the products they produce, such as meat, fur or eggs.

2. "Aquaculture" means an agricultural use in which food fish, shellfish or other marine foods, aquatic plants, or animals are cultured or grown in fresh or salt waters.

3. "Horticulture" means an agricultural use in which plants are raised outdoors or in greenhouses for sale either as food or for use in landscaping. Examples include but are not limited to nurseries, flower raising, orchards, vineyards, and truck farms.

"Airport." See "Air transportation facilities" under "Transportation facility."

"Aisle" means a passageway for vehicles within a parking garage or surface parking area, other than a driveway.

"Alley" means a public right-of-way not designed for general travel and primarily used or intended as a means of vehicular and pedestrian access to the rear of abutting properties. An alley may or may not be named.

"Alley, existing" means any alley that is not a new alley.

"Alley, new" means an alley proposed to be created through the subdivision or short subdivision process.

"Animal health services." See "Medical services."

"Animal husbandry." See "Agricultural use."

"Animal shelters and kennels" means a use in which four (4) or more small animals are boarded,

impounded, cared for, or bred for sale as pets, and which may include on-site outdoor exercise space, and disposing of lost, stray, unwanted, dead or injured animals.

"Apartment" means a multi-family structure in which one (1) or more of the dwelling units is not ground-related.

"Appeal, open record." See "Hearing, open record."

"Application, fully complete, for preliminary plat approval of a subdivision" means an application meeting the requirements of Section 23.22.020.

"Application, fully complete, for short plat approval" means an application meeting the requirements of Sections 23.24.020 and 23.24.030.

"Aquaculture." See "Agricultural use."

"Arbor" means a landscape structure consisting of an open frame with horizontal and/or vertical latticework often used as a support for climbing plants. An arbor may be freestanding or attached to another structure.

"Areaway" means a space or court, either covered or uncovered, that affords room, access or light to a structure.

"Arterial." See "Street, arterial."

"Artist's studio/dwelling." See "Residential use."

"Assisted living facility." See "Residential use."

"Atrium, public." See "Public atrium."

"Atrium, shopping." See "Shopping atrium."

"Automobile wrecking yard." See "Solid waste management, Salvage yard," under "Utility."

"Automotive parts and accessory sales." See "Retail sales and services, automotive" under "Sales and services, automotive."

"Automotive repair, major." See "Sales and services, automotive."

"Automotive retail sales and service." See "Sales and services, automotive."

"Automotive sales and service." See "Sales and services, automotive."

"Avenue," when used with reference to a downtown zone, means one of the following public rights-of-way: Elliott, Western, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Terry, Boren,

Minor and Yale Avenues and Occidental and Maynard Avenue South.

"Average daily outpatients" means a number equal to the annual number of outpatients divided by the number of days the hospital receiving them is open.

"Awning, fixed" means a protective covering of fixed, non-collapsible, rigid construction, attached to a structure, the upper surface of which has a pitch of at least thirty (30) degrees from the horizontal. (Ord. 122411, § 9, 2007; Ord. 122311, § 100, 2006)

23.84A.004 "B."

"Balcony" means "Deck" or "Ledge."

"Bay window" means a window feature comprising three (3) or more wall planes that projects beyond a structure face.

"Bed and breakfast." See "Lodging use."

"Bedroom" means any habitable space primarily used for sleeping that meets applicable requirements of the Building Code (SMC 22.100).

"Billboard." See "Sign, advertising."

"Block." In areas outside downtown zones, a block consists of two (2) facing block fronts bounded on two (2) sides by alleys or rear lot lines and on two (2) sides by the centerline of platted streets, with no other intersecting streets intervening, as depicted in Exhibit 23.84A.004 A1.

GRAPHIC UNAVAILABLE: Click here

In downtown zones, a block consists of the area bounded by street lot lines, Exhibit 23.84A.004 A2.

GRAPHIC UNAVAILABLE: Click here

"Block face." See "Block front."

"Block front" means the land area along one (1) side of a street bound on three (3) sides by the centerline of platted streets and on the fourth side by an alley or rear lot lines (Exhibit 23.84A.004 B).

GRAPHIC UNAVAILABLE: Click here

"Boat moorage." See "Parking and moorage" under "Transportation facility."

"Boat moorage, public" means a boat moorage that is owned, operated or franchised by a governmental agency for use by the general public.

"Bridge, access." See "Access bridge."

"Building." See "Structure."

"Bus base." See "Vehicle storage and maintenance" under "Transportation facility."

"Business district identification sign" means an off-premises sign that gives the name of a business district or industrial park and which may list the names of individual businesses within the district or park.

"Business establishment" means an economic or institutional unit organized for the purposes of conducting business and/or providing a service. In order to be considered a separate business establishment, a business shall be physically separated from other businesses. Businesses that share common facilities, such as reception areas, checkout stands, and similar features (except shared building lobbies and restrooms) are considered the same business establishment. A business establishment may be within one structure or many, and may be located on a single lot or on multiple adjacent lots. A business establishment may be a commercial, manufacturing, institutional, or any other type of nonresidential use or live-work unit.

"Business incubator." See "Retail sales and services, non-household."

"Business sign." See "Sign, business."

"Business support service." See "Retail sales and services, non-household" under "Sales and services, heavy."

"Butterfly roof" means a roof having planes that slope upward from the interior of a structure toward its exterior walls.
(Ord. 122311, § 100, 2006)

23.84A.006 "C."

"C zone." See "Zone, general commercial."

"Cabaret, Adult." See "Entertainment use."

"Candelabra mounting." See "Communication devices and utilities."

"Canopy" means a non-rigid, retractable or non-retractable, protective covering located at the entrance to a structure.

"Car wash." See "Retail sales and services, automotive."

"Caretaker's quarters." See "Residential use."

"Cargo terminal." See "Transportation facility."

"Carpool" means a highway vehicle with a seating capacity of less than eight (8) persons, including the driver, that is used primarily to convey a group of two (2) or more employees between home and work.

"Carport" means a private garage that is open to the weather on at least forty (40) percent of the total area of its sides. (See also "Garage.")

"Car-sharing program" means a membership based organization that offers use of motor vehicles twenty-four (24) hours a day and seven (7) days a week to its members who reserve vehicles in advance, and that charges members for the time and/or miles.

"Cemetery" means a place dedicated and used or intended to be used as a burial ground.

"Chargeable floor area" means gross floor area of all structures on any lot in a downtown zone, except portions of structures or uses that are expressly exempt from floor area limits under the provisions of this title, and after reduction by any applicable adjustment for mechanical equipment. Chargeable floor area is computed using the exemptions and adjustments in effect at the time the computation is made. Chargeable floor area includes any floor area, not otherwise exempt, that is in a structure in a downtown zone where floor area limits do not apply or that is permitted to be occupied by reason of the Landmark status of the structure in which it is located.

"Child care center." See "Institution."

"Church." See "Religious facility" under "Institution."

"Cinema." See "Theaters and spectator sports facilities" under "Entertainment."

"City facility" means a facility owned and/or operated for public purposes by The City of Seattle.

"City transportation authority" means a city transportation authority within the meaning of RCW Chapter 35.95A.

"Clerestory" means an outside wall of a building that rises above an adjacent roof of that building and contains vertical windows.

"Club, private." See "Institution."

"Cluster development" means a development containing two (2) or more principal structures on one (1) lot, except that a cottage housing development is not considered a cluster development. In Highrise zones, two (2) or more towers on one (1) base structure will be considered a cluster development.

"College." See "Institution."

"Columbarium" means a structure or space in a structure containing niches for permanent inurnment of cremated remains.

"Commercial laundry." See "Commercial services, heavy" under "Sales and services, heavy."

"Commercial moorage." See "Boat moorage" under "Parking and moorage" under "Transportation facility."

"Commercial pickup and delivery" means the pickup and delivery of goods or merchandise by, or for, a business operated on the lot.

"Commercial use" means one of the following categories of uses:

Animal shelters and kennels;

Eating and drinking establishments;

Entertainment uses;

Food processing and craft work;

Laboratories, research and development;

Lodging uses;

Medical services;

Offices;

Sales and services, automotive;

Sales and services, general;

Sales and services, heavy; and

Sales and services, marine.

Communication Devices and Utilities (and Related Terms).

1. "Antenna, dish" means a round parabolic device for the reception and/or transmission of radiofrequency communication signals. A dish antenna may serve either as a major or minor communication utility or may be an accessory communication device. A dish antenna may be either

    a) a satellite earth station antenna, which receives signals from and/or transmits signals to satellites, or

    b) a point-to-consecutive-point antenna, which receive signals from terrestrial sources. Also

called "Satellite dish antenna."

2. "Antenna, whip" means an omnidirectional antenna, cylindrical in shape, four (4) inches or less in diameter and twelve (12) feet or less in length.

3. "Candelabra mounting" means a single spreader that supports more than two (2) antennas.

4. "Communication device, accessory" means a device by which radiofrequency communication signals are transmitted and/or received, such as but not limited to whip, horn and dish antennas, and that is accessory to the principal use on the site.

5. "Communication device, receive-only" means a radio frequency device with the ability to receive signals, but not to transmit them.

6. "Communication utility, major" means a use in which the means for radiofrequency transfer of information are provided by facilities with significant impacts beyond their immediate area. These utilities include, but are not limited to, FM and AM radio and UHF and VHF television transmission towers. A major communication utility use does not include communication equipment accessory to residential uses; nor does it include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices even if there is point-to-point transmission to a broadcast tower.

7. "Communication utility, minor" means a use in which the means for radiofrequency transfer of information are provided but do not have significant impacts beyond the immediate area. These utilities are smaller in size than major communication utilities and include two (2) way, land-mobile, personal wireless services and cellular communications facilities; cable TV facilities; point-to-point microwave antennas; FM translators; and FM boosters with under ten (10) watts transmitting power. A minor communication utility does not include wire, cables, or communication equipment accessory to residential uses; nor does it include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices even if there is point-to-point transmission to a broadcast tower.

8. "Communication utility, physical expansion of major or minor" means any increase in footprint and/or envelope of transmission towers. Physical expansion does not include an increase in height of the tower resulting from repair, reconstruction, replacement or modification to the antenna that would result in lower radio frequency radiation exposure readings at ground level or in greater public safety, as long as the height above mean sea level does not increase by more than ten (10) percent and in any event does not exceed one thousand one hundred (1,100) feet above mean sea level. Replacement of existing antennas or addition of new antennas is not considered physical expansion, unless such replacement or addition increases the envelope of the transmission tower by such means as utilizing a candelabra mounting. Replacement or expansion of an equipment building is not considered physical expansion.

9. "Reception window obstruction" means a physical barrier that would block the signal between an orbiting satellite and a land-based antenna.

10. "Telecommunication facility, shared-use" means a telecommunication facility used by two (2) or more television stations or five (5) or more FM stations.

11. "Telecommunication facility, single-occupant" means a telecommunication facility used only by one (1) television station or by one (1) television station and one (1) to four (4) FM stations.

12. "Transmission tower" means a tower or monopole on which communication devices are placed. Transmission towers may serve either as a major or minor communication facility.

13. "Wireless service, fixed" means the transmission of commercial non-broadcast communication signals via wireless technology to and/or from a fixed customer location. Fixed wireless service does not include AM radio, FM radio, amateur ("HAM") radio, Citizen's Band (CB) radio, and Digital Audio Radio Service (DARS) signals.

14. "Wireless service, personal" means a commercial use offering cellular mobile services, unlicensed wireless services and common carrier wireless exchange access services.

"Community clubs or centers." See "Institution."

"Conditional use." See "Use, conditional."

"Congregate residence." See "Residential use."

"Construction services." See "Commercial services, heavy" under "Sales and services, heavy."

"Control of access" means the condition where the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with a public street is fully or partially controlled by public authority.

"Control of access, full" means the condition where the authority to control access is exercised to give preference to through traffic by providing access connections with selected public streets only and by prohibiting crossings at grade and direct driveway connections.

"Control of access, partial" means the condition where the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public streets, there may be some crossings at grade and some direct connections.

"Corner lot." See "Lot, corner."

"Cottage housing development" means a development consisting of at least four (4) cottages that are single-family dwelling units arranged on at least two (2) sides of a common open space with a maximum of twelve (12) cottages per development.

"Council" means the City Council of The City of Seattle.

"Council conditional use." See "Conditional use."

"Craft work." See "Food processing and craft work."

"Cul-de-sac" means a street closed at one end by a widened pavement of sufficient size for automotive vehicles to be turned around.

"Curb" means a physical curb constructed from cement concrete, asphalt concrete, or granite.

"Curb cut" means a depression in the curb, for the purpose of accommodating a driveway, that provides vehicular access between private property and the street or easement, or where there is no curb, the intersection of the driveway and the curbline.

"Curbline" means the edge of a roadway, whether marked by a curb or not. When there is not a curb, the curbline shall be established by the Director of Seattle Department of Transportation.

"Custom and craft work." See "Food processing and craft work."

"Customer service office." See "Retail sales and services, general" under "Sales and services, general." (Ord. 122411, § 10, 2007; Ord. 122311, § 100, 2006)

23.84A.008 "D."

"Deck" means a platform extending more than eighteen (18) inches from a structure, or an unattached platform. A deck may be cantilevered or connected to the ground by posts and may have steps or ramps to the ground and a door to the structure. (See also "Porch.")

"Dedication" means an appropriation or giving up of property to public use that precludes the owner or others claiming under the owner from asserting any right of ownership inconsistent with the use for which the property is dedicated.

"Department" means the Department of Planning and Development.

"Depth." See "Structure depth."

"Detached accessory dwelling unit." See "Residential use."

"Development regulations." See RCW 36.70A.030.

"Director" means the Director of the Department of Planning and Development, or the Director's designee.

"Dish antenna." See "Communication devices and utilities."

"Dispersion criteria" means standards regulating the maximum concentration of and/or minimum distance between particular uses.

"Display of rental equipment, outdoor." See "Outdoor display of rental equipment."

"DMC housing TDR site." See "TDR site, DMC housing."

"Doctor, hospital-based" means a physician having an office and/or principal practice based in and/or salaried by a major institution.

"Doctor, staff" means a physician with staff privileges at a hospital who has an office outside the boundaries of the major institution.

"Domestic violence shelter." See "Residential use."

"Dormer" means a minor gable in a pitched roof, usually bearing a window on its vertical face. A dormer is part of the roof system.

"Downtown Amenity Standards" means the provisions contained in Attachment 3 to Ordinance 122054, as they may be amended from time to time by ordinance.

"Drinking establishment." See "Eating and drinking establishment"

"Drive-in business" means a business or a portion of a business where a customer is permitted or encouraged, either by the design of physical facilities or by service and/or packaging procedures, to carry on business in the off-street parking or paved area accessory to the business, while seated in a motor vehicle or while out of the vehicle but in the immediate vicinity of the vehicle. This definition shall include but not be limited to gas stations, car washes, and drive-in restaurants or banks.

"Drive-in lane" means an aisle that gives vehicle access to a drive-in window or other drive-in facility such as a gasoline pump or car wash bay.

"Driveway" means that portion of a street, alley or private lot that provides access to, but not within, an off-street parking facility from a curb cut, and may include portions of the sidewalk.

"Dry boat storage." See "Parking and moorage" under "Transportation facility."

"Duplex" means a single structure containing only two dwelling units, neither of which is an accessory dwelling unit authorized under Section 23.44.041.

"Dwelling unit" means a room or rooms located within a structure, designed, arranged, occupied or intended to be occupied by not more than one household as living accommodations independent from any other household. The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

"Dwelling unit, accessory." See "Residential use."

"Dwelling unit, detached accessory." See "Residential use."
(Ord. 122311, § 100, 2006)

23.84A.010 "E."

"Easement" means a grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes.

"Eating and drinking establishment" means a use in which food and/or beverages are prepared and sold at retail for immediate consumption. Eating and drinking establishments include restaurants and drinking establishments.

1. "Drinking establishment" means an establishment other than a restaurant, licensed to sell alcoholic beverages for consumption on premises; that limits patronage to adults of legal age for the consumption of alcohol; and in which limited food service may be accessory to the service of alcoholic beverages. Drinking establishments may include but are not limited to taverns, saloons, brewpubs, bars, pubs, or cocktail lounges associated with restaurants.

2. "Restaurant" means a use in which food and/or beverage preparation and service is provided for individual consumption either on- or off-premise, and in which any service of alcoholic beverages is accessory to the service of food.

"Edge" means the boundary between two (2) kinds of areas that are identified by the uses within them, degree of activity, topography or other special characteristics.

"EIS" means an environmental impact statement required by the State Environmental Policy Act, including as the context may require a draft, final or supplemental EIS.

"Electric-assisted bicycle" shall have the same meaning accorded by RCW 46.04.169, as that section currently exists or is hereafter amended.

"Electric scooter" means a vehicle: (1) with a handlebar for steering, two wheels less than 18 inches in diameter, and a saddle or seat for the operator and any passenger; (2) propelled by an electric motor or by an electric motor in combination with human propulsion; and (3) incapable of exceeding a speed of 30 miles per hour on level ground.

"Elevated walkway" means a pedestrian walkway connecting structures within a cluster development and located above existing grade.

"Entertainment use" means a commercial use in which recreational, entertainment, athletic, and/or cultural opportunities are provided for the general public, either as participants or spectators. Uses accessory to institutions or to public parks or playgrounds shall not be considered entertainment uses. Entertainment uses include the following uses:

1. "Cabaret, adult" means an entertainment use where licensing as an "adult entertainment premises" is required by SMC Chapter 6.270.

2. "Motion picture theater, adult" means a use in which, in an enclosed building, motion picture

films are presented that are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas," as defined in this subsection, for observation by patrons therein:

a. "Specified sexual activities":

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy;

(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

b. "Specified anatomical areas":

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region,

(b) Buttock, or

(c) Female breast below a point immediately above the top of the areola; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

3. "Panoram, adult" means a device which exhibits or displays for observation by a patron a picture or view from film or videotape or similar means which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined in subsection 1.

4. "Sports and recreation, indoor" means an entertainment use in which facilities for engaging in sports and recreation are provided within an enclosed structure, and in which any spectators are incidental and are not charged admission. Examples include but are not limited to bowling alleys, roller and ice skating rinks, dance halls, racquetball courts, physical fitness centers and gyms, and videogame parlors.

5. "Sports and recreation, outdoor" means an entertainment use in which facilities for engaging in sports and recreation are provided outside of an enclosed structure, and in which any spectators are incidental and are not charged admission. Examples include tennis courts, water slides, and driving ranges.

6. "Theaters and spectator sports facilities" means an entertainment use in which cultural, entertainment, athletic, or other events are provided for spectators either in or out of doors. Adult motion picture theaters and adult panorams shall not be considered theaters and spectator sports facilities for the purposes of this definition. Theaters and spectator sports facilities include, but

are not limited to, the following uses:

a. "Lecture and meeting hall" means a theater and spectator sports facility intended and expressly designed for public gatherings such as but not limited to commercial spaces available for rent or lease for the purpose of holding meetings or the presentation of public speeches.

b. "Motion picture theater" means a theater and spectator sports facility use intended and expressly designed for the presentation of motion pictures, other than an adult motion picture theater.

c. "Performing arts theater" means a theater and spectator sports facility intended and expressly designed for the presentation of live performances of drama, dance and music.

d. "Spectator sports facility" means a theater and spectator sports facility intended and expressly designed for the presentation of sports events, such as a stadium or arena.

"Entrance ramp" means any public road or turning roadway, including acceleration lanes, by which traffic enters the main traveled way of a limited-access facility from the general street system; such designation applying to that portion of the roadway along which there is full control of access.

"Environmentally critical area" means any of those areas regulated as an environmentally critical area by SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

"Essential public facilities" means airports, sewage treatment plants, jails, light rail transit systems, monorail transit systems, and power plants.

"Existing lot grade." See "Lot grade, existing."

"Exit ramp" means any public road or turning roadway, including deceleration lanes, by which traffic leaves the main traveled way of a freeway to reach the general street system within the city; such designation applying to that portion of the roadway along which there is full control of access.

"Expressway" means a divided arterial street for through traffic with full or partial control of access and generally with grade separations at intersections.
(Ord. 122411, § 11, 2007; Ord. 122311, § 100, 2006)

23.84A.012 "F."

"Facade" means any exterior wall of a structure including projections from and attachments to the wall. Projections and attachments include balconies, decks, porches, chimneys, unenclosed corridors and similar projections.

"Facade, front" means the facade, other than an interior facade, extending the full width of the structure, including modulations, that is closest to and most nearly parallels the front lot line.

"Facade, interior" means any facade of a structure within a cluster development, that faces, or portions of which face, the facade(s) of another structure(s) within the same development.

"Facade, perimeter" means any facade of a structure within a cluster development, that is either a front, rear or side facade.

"Facade, rear" means the facade, other than an interior facade, extending the full width of the structure, including modulations, that is closest to and most nearly parallels the rear lot line.

"Facade, side" means a facade, other than an interior facade, extending the full depth of the structure, including modulations, that is closest to and most nearly parallels the side lot line.

"Facade, street-facing" means for any street lot line, all portions of the facade, including modulations, that are:

1. oriented at less than a ninety (90) degree angle to the street lot line; and

2. not separated from the street lot line by any structure or another lot.

"Facade, street-level" means the portion of the facade that covers the street-level story or stories of a structure along an abutting street. On streets with little or no slope, the street-level facade is the exterior wall of the story of a structure with its floor closest to street-level. On sloped streets, the street-level facade may cover portions of more than one story.

"Family support center." See "Institution."

"FAR." See "Floor area ratio."

"Fast food restaurant, formula" means, for purposes of application within the International Special Review District, an establishment required by contractual or other arrangements to offer some or all of the following:

1. standardized menus, ingredients, food preparation, decor, external facade and/or uniforms;

2. prepared food in a ready-to-consume state;

3. food sold over the counter in disposable containers and wrappers;

4. food selected from a limited menu.

"Fixed wireless service." See "Communication Devices and Utilities."

"Flat" means a dwelling unit that is located entirely on one (1) level in a multi-family structure.

"Fleet vehicles" means more than three (3) vehicles having a gross vehicle weight (gvw) not exceeding ten thousand (10,000) pounds, or more than one (1) vehicle having a gvw exceeding ten thousand (10,000)

pounds permanently located at a business establishment or operated on a daily basis in connection with business activities. This definition shall not include vehicles that are available for rent to the public.

"Floating homes." See "Residential use."

"Floor area, gross." See "Gross floor area."

"Floor area ratio" means a ratio expressing the relationship between the amount of gross floor area or chargeable floor area permitted in one or more structures and the area of the lot on which the structure is, or structures are, located, as depicted in Exhibit 23.84A.012 A.

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"Florist" means a retail sales and service use in which cut flowers and other plants are sold.

"Food preparation area" means a room or portion of a room designed, arranged, intended or used for cooking or otherwise making food ready for consumption.

"Food processing and craft work" means a commercial use in which food items and craft work are produced without the use of a mechanized assembly line and includes but is not limited to the following:

1. "Custom and craft work" means a food processing and craft work use in which nonfood, finished, personal or household items, which are either made to order or which involve considerable handwork, are produced. Examples include but are not limited to pottery and candlemaking, production of orthopedic devices, motion picture studios, printing, creation of sculpture and other art work, and glassblowing. The use of products or processes defined as high-impact uses shall not be considered custom and craft work.

2. "Food processing" means a food processing and craft work use in which food for human consumption in its final form, such as candy, baked goods, seafood, sausage, tofu, pasta, etc., is produced, when the food is distributed to retailers or wholesalers for resale off the premises. Food or beverage processing using mechanized assembly line production of canned or bottled goods is not included in this definition, but shall be considered to be light manufacturing.

"Formula fast-food restaurant." See "Fast food restaurant, Formula."

"Freeway" means an expressway with full control of access.

"Fuel pump" means a device for retail deliveries of motor fuels, including but not limited to gasoline, diesel, natural gas, bio-diesel, or hydrogen, to individual motor vehicles.

"Fuel sales" see "Sales, Heavy commercial" under "Sales and services, Heavy
(Ord. 122311, § 100, 2006)

23.84A.014 "G."

"Garage, private" means an accessory structure or an accessory portion of a principal structure, designed or used for the shelter or storage of vehicles owned or operated by the occupants of the principal structure. (See "Carport.")

"Garage, terraced" means a private garage that is partially below existing and/or finished grade.

"Garden wall crypt" means an outdoor freestanding wall or exterior wall of a structure containing niches for permanent inurnment of cremated remains.

"Gas station." See "Retail sales and services, automotive" under "Sales and services, automotive."

"General mailed release" means an information mailing to the individuals and groups on a master mailing list as may be established by the Department.

"General manufacturing." See "Manufacturing"

"General retail sales and services." See "Sales and services, general."

"General sales and services." See "Sales and services, general."

"Grade." See "Lot grade."

"Green area factor" means a number determined under Section 23.47A.016.

"Green roof" means a landscaped area on the roof of a structure.

"Green street" means a street right-of-way that is part of the street circulation pattern, that through a variety of treatments, such as sidewalk widening, landscaping, traffic calming, and pedestrian-oriented features, is enhanced for pedestrian circulation and open space use.

"Green street, designated" means a portion of a street designated as a green street on a map in this Title.

"Grocery store" means a business establishment (or portion thereof) in multipurpose retail sales use where food and beverages for home consumption, and household supplies, are the principal products sold.

"Gross floor area" means the number of square feet of total floor area bounded by the inside surface of the exterior wall of the structure as measured at the floor line.

"Ground-related dwelling unit" means a dwelling unit with direct access to private ground-level usable open space. The open space may be located at the front, sides or rear of the structure, and not more than ten (10) feet above or below the unit. Access to the open space shall not go through or over common circulation areas, common or public open spaces, or the open space of another unit.

"Ground-related structure" means a structure containing only ground-related dwelling units.

(Ord. 122311, § 100, 2006)

23.84A.016 "H."

"Hard-surfaced street" means a street that has been surfaced with a material other than crushed rock so that a hard, smooth, strong surface exists.

"Hazardous materials" means substances that are capable of posing risk to health, safety or property as defined in the Seattle Fire Code.

"Hearing Examiner" means the official appointed by the Council and designated as the Hearing Examiner, or that person's designee (Deputy Hearing Examiner, Hearing Examiner Pro Tem, etc.).

"Hearing, open record." See RCW 36.70B.020.

"Heat recovery incinerator" means an accessory facility designed for the conversion of at least one (1) ton per day of solid waste into useful energy, together with storage and handling bins and machinery required for its operation.

"Heavy commercial services." See "Commercial services, heavy" under "Sales and services, heavy."

"Heavy commercial sales." see "Commercial sales, heavy" under "Sales and services, heavy."

"Heavy manufacturing." See "Manufacturing."

"Heavy sales and services" See "Sales and services, heavy."

"Heavy traffic generator," means any use that generates more than seventy-five (75) trips per hour per one thousand (1,000) square feet of gross floor area at peak hour, according to the Institute of Transportation Engineers' (ITE) Trip Generation Manual.

"Heliport." See "Air transportation facility" under "Transportation facility."

"Helistop." See "Air transportation facility" under "Transportation facility."

"High-impact use" means a business establishment that is considered to be dangerous and/or noxious due to the probability and/or magnitude of its effects on the environment; and/or has the potential for causing major community or health impacts, including but not limited to nuisance, odors, noise, and/or vibrations; and/or is so chemically intensive as to preclude site selection without careful assessment of potential impacts and impact mitigation. The Director shall consult as necessary with the Chief of the Seattle Fire Department, the Director of the Seattle-King County Health Department, and other local, state, regional and federal agencies to determine when a business establishment shall be regulated as a high-impact use.

"Hillclimb assist" means an amenity feature consisting of a pedestrian corridor that incorporates a mechanical device or combination of mechanical and non-mechanical features to connect avenues across lots with slopes of ten (10) percent or more to aid pedestrian movement up and down the slopes.

"Hillside terrace" means an amenity feature consisting of an extension of the public sidewalk on lots with slopes of ten (10) percent or more, which through design features provides public street space, helps integrate street-level uses along the sidewalk, and makes pedestrian movement up and down steep slopes easier and more pleasant.

"Home occupation" means a nonresidential use that is clearly incidental and secondary to the use of a dwelling for residential purposes and does not change the character of the dwelling.

"Horticulture." See "Agricultural use."

"Hospital." See "Institution."

"Hotel." See "Lodging use."

"Household" means a housekeeping unit consisting of any number of related persons; eight (8) or fewer non-related, non-transient persons; or eight (8) or fewer related and non-related non-transient persons, unless a grant of special or reasonable accommodation allows an additional number of persons.

"Household, low-income" means a household whose income does not exceed eighty (80) percent of median income.

"Household, moderate-income" means a household whose income does not exceed median income.

"Household, very low-income" means a household whose income does not exceed fifty (50) percent of median income.

"Housing, affordable" means a housing unit for which the occupant is paying no more than thirty (30) percent of household income for gross housing costs, including an allowance for utility costs paid by the occupant.

"Housing, low-income" means housing affordable to, and occupied by, low-income households.

"Housing, moderate-income" means housing affordable to, and occupied by, moderate-income households.

"Housing, very low-income" means housing affordable to, and occupied by, very low-income households.

"Housing TDR site." See "TDR site, housing."

"Housing unit" means any dwelling unit, housekeeping unit, guest room, dormitory, or single occupancy unit.

"Human service use" means a use in which structure(s) and related grounds or portions thereof are used to provide one or more of the following: emergency food, medical or shelter services; community health care

clinics, including those that provide mental health care; alcohol or drug abuse services; information and referral services for dependent care, housing, emergency services, transportation assistance, employment or education; consumer and credit counseling; or day care services for adults. Human service uses provide at least one (1) of the listed services directly to a client group on the premises, rather than serve only administrative functions. (Ord. 122311, § 100, 2006)

23.84A.018 "I."

"Infill development" means development consisting of either:

1. Construction on one (1) or more lots in an area that is mostly developed, or

2. New construction between two (2) existing structures.

"Institute for advanced study." See "Institution."

"Institution" means structure(s) and related grounds used by organizations for the provision of educational, medical, cultural, social and/or recreational services to the community, including but not limited to the following uses:

1. "Adult care center" means an institution that regularly provides care to a group of adults for less than twenty-four (24) hours a day, whether for compensation or not.

2. "College" means a post-secondary educational institution, operated by a nonprofit organization, granting associate, bachelor and/or graduate degrees.

3. "Community club or center" means an institution used for athletic, social, civic or recreational purposes, operated by a nonprofit organization, and open to the general public on an equal basis. Activities in a community club or center may include classes and events sponsored by nonprofit organizations, community programs for the elderly, and other similar activities.

    a. "Community center" means a community club or center use, providing direct services to people on the premises rather than carrying out only administrative functions, that is open to the general public without membership.

    b. "Community club" means a community club or center use, membership to which is open to the general public on an equal basis.

4. "Child care center" means an institution that regularly provides care to a group of children for less than twenty-four (24) hours a day, whether for compensation or not. Preschools shall be considered to be child care centers.

5. "Family support center" means an institution that offers support services and instruction to families, such as parenting classes and family counseling, and is co-located with a Department of Parks and Recreation community center.

6. "Hospital" means an institution that provides accommodations, facilities and services over a continuous period of twenty-four (24) hours or more, for observation, diagnosis and care of individuals who are suffering from illness, injury, deformity or abnormality or from any condition requiring obstetrical, medical or surgical services, or alcohol or drug detoxification. This definition excludes nursing homes.

7. "Institute for advanced study" means an institution operated by a nonprofit organization for the advancement of knowledge through research, including the offering of seminars and courses, and technological and/or scientific laboratory research.

8. "Library" means an institution where literary, musical, artistic or reference materials are kept for use but not generally for sale.

9. "Museum" means an institution operated by a nonprofit organization as a repository of natural, scientific, historical, cultural or literary objects of interest or works of art, and where the collection of such items is systematically managed for the purpose of exhibiting them to the public.

10. "Private club" means an institution used for athletic, social or recreational purposes and operated by a private nonprofit organization, membership to which is by written invitation and election according to qualifications in the club's charter or bylaws and the use of which is generally restricted to members and their guests.

11. "Religious facility" means an institution, such as a church, temple, mosque, synagogue or other structure, together with its accessory structures, used primarily for religious worship.

12. "School, elementary or secondary" means an institution operated by a public or nonprofit organization primarily used for systematic academic or vocational instruction through the twelfth grade.

13. "School, vocational or fine arts" means an institution which teaches trades, business courses, hairdressing and similar skills on a post-secondary level, or which teaches fine arts such as music, dance or painting to any age group, whether operated for nonprofit or profit-making purposes.

14. "University." See "College."

(Ord. 122311, § 100, 2006)

23.84A.020 "J."

"Jail" means a public facility for the incarceration of persons under warrant, awaiting trial on felony or misdemeanor charges, convicted but not yet sentenced, or serving a sentence upon conviction. This definition does not include facilities for programs providing alternatives to imprisonment such as prerelease, work release or probationary programs.

"Junk storage" means the temporary or permanent storage outdoors of junk, waste, discarded, salvaged

or used materials or inoperable vehicles or vehicle parts. This definition shall include but not be limited to the storage of used lumber, scrap metal, tires, household garbage, furniture, and inoperable machinery.

"Junkyard." See "Salvage and recycling."
(Ord. 122311, § 100, 2006)

23.84A.022 "K."

"Kennel." See "Animal shelters and kennels."

"Kitchen." See "Food preparation area."
(Ord. 122311, § 100, 2006)

23.84A.024 "L."

"Laboratory, research and development" means a use in which research and experiments leading to the development of new products are conducted. This use may be associated with an institutional, clinical or commercial use. Space designed for this use typically includes features such as: floor to floor ceiling heights, generally fourteen (14) feet in height or greater to accommodate mechanical equipment and laboratory benches plumbed for water service.

"Landmark housing TDR site." See "TDR site, Landmark housing."

"Landscape section" means a section of the right-of-way of a freeway, expressway, parkway or scenic route, at least one (1) side of which is improved by the planting, for other than the sole purpose of soil erosion control, of ornamental trees, shrubs, lawn or other vegetation, or at least one (1) side of which is endowed by nature with native trees and shrubs that are reasonably maintained, and which has been so designated by this Code.

"Landscaping" means live planting materials, including but not limited to, trees, shrubs, vegetables, fruits, grass, vines, ground cover or other growing horticultural material. Landscaping may also include features intended to enhance a landscaped area, including water features, pathways or materials such as wood chips, stone, permeable paving or decorative rock.

"Laundry, commercial." See "Commercial services, heavy" under "Sales and services, heavy."

"Lecture and meeting halls." See "Theaters and spectator sports facilities" under "Entertainment."

"Ledge" means a cantilevered or posted platform extending no more than eighteen (18) inches from a structure.

"LEED" (Leadership in Energy & Environmental Design) means the U.S. Green Building Council's Green Building Rating System™. LEED is a voluntary consensus-based national standard for developing high-performance, sustainable buildings. LEED provides standards for higher performance in the following categories: Sustainable Sites, Water Efficiency, Energy and Atmosphere, Materials and Resources, Indoor Environmental Quality, and Innovation and Design Process.

"LEED-CS" (LEED for Core & Shell) means a standard for core and shell construction and covers base building elements, such as the structure, envelope and building level systems. LEED-CS recognizes the division between owner and tenant responsibility for design and construction of certain elements of the building.

"LEED-NC" (LEED for New Construction) means a standard for new construction and major renovation projects. LEED-NC covers all building elements, including core and shell and interiors. LEED-NC was designed for commercial, institutional, high-rise residential, and mixed-use projects, but has also been applied to K-12 schools, industrial, laboratories, and many other building types.

"LEED Silver rating" means a level of performance for a new structure that earns at least the minimum number of credits specified to achieve a "Silver" certification either for "LEED-NC" or for "LEED-CS," at the election of the applicant, according to the criteria in the U.S. Green Building Council's LEED Green Building Rating System, LEED-NC Version 2.2 and LEED-CS Pilot Version, copies of which are filed with the City Clerk in C.F. 307824, and incorporated in this section by reference.

"Library." See "Institution."

"Light manufacturing." See "Manufacturing."

"Light rail transit facility." See "Rail transit facility" under "Transportation facility."

"Light rail transit system." See "Rail transit facility" under "Transportation facility."

"Live-work unit" means a structure or portion of a structure: (1) that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; (2) where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and (3) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

"Loading berth" means an off-street space for the temporary parking of a vehicle while loading or unloading merchandise or materials and that abuts on a street, alley or easement.

"Lodging use" means a commercial use in which the primary activity is the provision of rooms to transients. Lodging uses include but are not limited to the following uses:

1. "Bed and breakfast" means a lodging use, where rooms within a single dwelling unit are provided to transients by a resident operator for a fee by prearrangement on a daily or short-term basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast.

2. "Hotel" means a lodging use, located in a structure in which access to individual units is predominantly by means of common interior hallways, and in which a majority of the rooms are provided to transients for a fee on a daily or short-term basis.

3. "Motel" means a lodging use, located in a structure in which access to individual units is predominantly by means of common exterior corridors, and in which a majority of the rooms are provided to transients on a daily or short- term basis, and in which off-street parking is provided on the lot.

"Lot" means, except for the purposes of a TDR sending lot for Landmark TDR or housing TDR, one or more platted or unplatted 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 (Exhibit 23.84A.024 A). For purposes of a TDR sending lot for Landmark TDR, "lot" means the parcel described in the ordinance approving controls for the sending lot. For purposes of a sending lot for housing TDR, "lot" means the smallest parcel or combination of contiguous parcels, as described in the County real property records at any time after January 4, 1993, that contain the structure or structures that make the TDR eligible for transfer.

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"Lot area" means the total area of the horizontal plane within the lot lines of a lot.

"Lot, corner" means a lot situated at the intersection of two (2) streets, or bounded on two (2) or more adjacent sides by street lot lines, provided that the angle of intersection of the street lot lines does not exceed one hundred thirty-five (135) degrees.

"Lot coverage" means that portion of a lot occupied by structures, expressed as a percentage of the total lot area (Exhibit 23.84A.024 B).

GRAPHIC UNAVAILABLE: Click here

"Lot depth" means the horizontal distance between the front and rear lot lines.

"Lot grade, existing" means the natural surface contour of a lot, as modified by minor adjustments to the surface of the lot in preparation for construction.

"Lot, interior" means a lot other than a corner lot.

"Lot, key" means the first lot to the rear of a reversed corner lot whether or not separated by an alley.

"Lot line, front" means, in the case of an interior lot, the lot line separating the lot from the street, and in the case of a corner lot, the lot line separating the lot from any abutting street, provided the other lot line(s) that abut streets are considered to be side street lot line(s).

"Lot line, rear" means a lot line that is opposite and most distant from the front lot line.

"Lot line, side" means any lot line other than a front lot line or a rear lot line.

"Lot line, side street" means a lot line, other than the front lot line, abutting upon a street.

"Lot line, street" means a front lot line or a side street lot line.

"Lot lines" means the property lines bounding a lot.

"Lot, parent" means the initial lot from which unit lots are subdivided.

"Lot, reversed corner" means a corner lot, the side street lot line of which is substantially a continuation of the front lot line of the lot to its rear, whether or not separated by an alley.

"Lot, through" means a lot abutting on two (2) streets that are parallel or within fifteen (15) degrees of parallel with each other.

"Lot, unit" means one of the individual lots created from the subdivision of a parent lot pursuant to Section 23.22.062 or Section 23.24.045.

"Lot, waterfront" means a lot or parcel 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 that is not separated from the water by a street, arterial, highway or railroad right-of-way, that was a legal right-of-way as of March 17, 1977, but does not include any legally dedicated right-of-way.

"Lot width" means the mean horizontal distance between side lot lines measured at right angles to the lot depth.

"Low-income disabled multifamily structure." See "Multifamily structure, low-income disabled."
"Low-income elderly multifamily structure." See "Multifamily structure, low-income elderly."

"Low-income elderly/low-income disabled multifamily structure." See "Multifamily structure, low-income elderly/low-income disabled."

"Low-income household." See "Household, low-income."

"Low-income housing." See "Housing, low-income."
(Ord. 122311, § 100, 2006)

23.84A.025 "M."

"Mailed notice" means notice mailed to such property owners, commercial lessees and residents of the area within three hundred (300) feet of the boundaries of a specific site as can be determined from the records of the King County Department of Assessments and such additional references as may be identified by the Director; provided, that in the downtown area bounded by Denny Way, Interstate 5, South Royal Brougham Way and Elliott Bay, mailed notice provided by the Director shall mean notice mailed to owners, lessees and building managers on the project site and to property owners and building managers within three hundred (300)

feet of a specific site and the posting by the applicant of one (1) land use sign visible to the public at each street frontage abutting the site but not to exceed ten (10) land use signs. When there is no street frontage or the site abuts an unimproved street, the Director shall require either more than one (1) sign and/or an alternative posting location so that notice is clearly visible to the public. The land use sign may be removed by the applicant within fourteen (14) days after final action on the application has been completed. Annually, the Director shall publish in the City's official newspaper additional reference(s) to be used to supplement the information obtained from the Kind County records. The mailed notice shall request that property managers post the notice in a public area of the commercial or multifamily building.

"Major communication utility." See "Communication devices and utilities."

"Major durables retail sales." See "Sales and services, heavy."

"Major Institution" means an institution providing medical or educational services to the community. A Major Institution, by nature of its function and size, dominates and has the potential to change the character of the surrounding area and/or create significant negative impacts on the area. To qualify as a Major Institution, an institution must have a minimum site size of sixty thousand (60,000) square feet of which fifty thousand (50,000) square feet must be contiguous, and have a minimum gross floor area of three hundred thousand (300,000) square feet. The institution may be located in a single building or a group of buildings that includes facilities to conduct classes or related activities needed for the operation of the institution.

A Major Institution shall be determined to be either an educational Major Institution or a medical Major Institution, according to the following:

1. "Educational Major Institution" means an accredited post-secondary level educational institution, operated by a public agency or nonprofit organization, granting associate, baccalaureate and/or graduate degrees. The institution may also carry out research and other activities related to its educational programs.

2. "Medical Major Institution" means a licensed hospital.

"Major performing arts facility" means a facility specifically designed for the presentation of live performances of theater, dance or music, that at a minimum has one (1) auditorium with at least two thousand (2,000) seats.

"Major Phased Development" means a nonresidential, multiple building project that, by the nature of its size or function, is complex enough to require construction phasing over an extended period of time, excluding Major Institutions.

"Major retail store" means a structure or portion of a structure that provides adequate space of at least eighty thousand (80,000) square feet to accommodate the merchandising needs of a major new retailer with an established reputation, and providing a range of merchandise and services, including both personal and household items, to anchor downtown shopping activity around the retail core, thereby supporting other retail uses and the area's vitality and regional draw for customers.

"Manufacturing" means a use in which articles are produced by hand or by machinery, from raw or

prepared materials, by giving to those materials new forms, qualities, properties, or combinations, in a process characterized by the repetitive production of items made to the same or similar specifications. Items produced are generally sold directly to other businesses, or are sold at wholesale. The retail sale of items to the general public is incidental to the production of goods. For the purpose of this definition, uses listed as food processing and craft work or high-impact uses are not considered manufacturing uses. Manufacturing uses include the following:

1. "Manufacturing, light" means a manufacturing use, typically having little or no potential of creating noise, smoke, dust, vibration or other environmental impacts or pollution, and including but not limited to the following:

    a. Production, assembly, finishing, and/or packaging of articles from parts made at another location, such as assembly of clocks, electrical appliances, or medical equipment.

    b. Production of finished household and office goods, such as jewelry, clothing or cloth, toys, furniture, or tents, from materials that are already refined, or from raw materials that do not need refining, such as paper, fabric, leather, premilled wood; or wool, clay, cork, semiprecious or precious metals or stones, fiber, or other similar materials;

    c. Canning or bottling of food or beverages for human consumption using a mechanized assembly line or food processing for animal consumption;

    d. Printing plants with more than five thousand (5,000) square feet of gross floor area.

2. "Manufacturing, general" means a manufacturing use, typically having the potential of creating moderate noise, smoke, dust, vibration or other environmental impacts or pollution, and including but not limited to the following:

    a. Production of items made from stone or concrete;

    b. Production of items from ferrous or nonferrous metals through use of a machine shop, welding or fabrication; or from nonferrous metals through use of a foundry; or from ferrous metals through use of a foundry heated by electricity (induction melting);

    c. Production of recreational or commercial vessels of less than one hundred twenty (120) feet in length to individual customer specifications;

    d. Production of finished goods, that typically are not for household or office use, such as barrels, ceramic molds, or cardboard cartons, from materials that are already refined, or from raw materials that do not need refining, such as paper, fabric, leather, premilled wood; or wool, clay, cork, semiprecious or precious metals or stones, fiber, or other similar materials;

    e. Production of finished goods, for household or non-household use, such as toys, film, pens, or linoleum from plastic, rubber, or celluloid;

f. Production of parts to be assembled into a finished product;

g. Development of film on a wholesale basis;

h. Production of items through biological processes, such as pharmaceuticals and industrial purifiers, manufactured by bioengineering techniques;

i. Production of items such as paint and coatings, dyestuffs, fertilizer, glue, cosmetics, clay, or pharmaceuticals that require the mixing or packaging of chemicals.

3. "Manufacturing, heavy" means a manufacturing use, typically having the potential of creating substantial noise, smoke, dust, vibration and other environmental impacts or pollution, and including but not limited to:

a. The extraction or mining of raw materials, such as quarrying of sand or gravel;

b. Processing or refining of raw materials, such as but not limited to minerals, petroleum, rubber, wood or wood pulp, into other products;

c. The milling of grain or refining of sugar, except when accessory to a use defined as food processing for human consumption or as a retail sales and service use;

d. Poultry slaughterhouses, including packing and freezing of poultry;

e. Refining, extruding, rolling, or drawing of ferrous or nonferrous metals, or the use of a non-induction foundry for ferrous metal;

f. Mass production of commercial or recreational vessels of any size and the production of vessels one hundred twenty (120) feet in length constructed to individual specifications;

g. Production of large durable goods such as motorcycles, cars, manufactured homes, airplanes, or heavy farm, industrial, or construction machinery;

h. Manufacturing of electrical components, such as semiconductors and circuit boards, using chemical processes such as etching or metal coating;

i. Production of industrial organic and inorganic chemicals, and soaps and detergents; and

j. Conversion of solid waste into useful products or preparation of solid waste for disposal at another location by processing to change its physical form or chemical composition. This includes the off-site treatment or storage of hazardous waste as regulated by the State Department of Ecology. The on-site treatment and storage of hazardous waste is considered an incidental or accessory use.

"Marina, recreational." See "Boat moorage" under "Parking and moorage" under "Transportation facility."

"Marine retail sales and service." See "Sales and services, marine."

"Marine sales and service." See "Sales and services, marine."

"Master Use Permit" means the document issued to an applicant that records all land use decisions that are made by the Department on a master use application. Construction permits and land use approvals that must be granted by the City Council, citizen boards or the state are excluded.

"Mausoleum" means a structure or building for the entombment of human remains in crypts.

"Median income" means annual median family income for the Seattle area, as published from time to time by the U.S. Department of Housing and Urban Development (HUD), with adjustments according to household size in a manner determined by the Director, which adjustments shall be based upon a method used by the United States Department of Housing and Urban Development to adjust income limits for subsidized housing, and which adjustments for purposes of determining affordability of rents or sale prices shall be based on the average size of household considered to correspond to the size of the housing unit (one (1) person for studio units and one and a half (1.5) persons per bedroom for other units).

"Medical services" means a commercial use in which health care for humans or animals is provided on an outpatient basis, including but not limited to offices for doctors, dentists, veterinarians, chiropractors, and other health care practitioners, or in which mortuary or funeral services are provided. Permitted accessory uses include associated office, research and laboratory uses.

"Meeting, public." See RCW 36.70B.020.

"Mini-warehouse." See "Storage."

"Minor communication utility." See "Communication devices and utilities"

"Minor institution" means an institution that does not meet the criteria for a major institution.

"Mobile home park." See "Residential use."

"Moderate-income household." See "Household, moderate-income."

"Moderate-income housing." See "Housing, moderate-income."

"Modulation" means a stepping back or projecting forward of sections of the facade of a structure within specified intervals of structure width and depth, as a means of breaking up the apparent bulk of the continuous exterior walls (Exhibit 23.84A.025 A).

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"Monorail guideway." See "Rail transit facility" under "Transportation facility."

"Monorail transit facility." See "Rail transit facility" under "Transportation facility."

"Monorail transit station." See "Rail transit facility" under "Transportation facility."

"Monorail transit system." See "Rail transit facility" under "Transportation facility."

"Mortuary service." See "Medical services".

"Motel." See "Lodging use."

"Motion picture studio" means a facility for the production of motion pictures, intended for movie or television viewing, using video or film media. Motion picture studio use may be intermittent.

"Motion picture theater." See "Theaters and spectator sports facilities" under "Entertainment."

"Motion picture theater, adult." See "Entertainment."

"Multifamily structure." See "Residential use."

"Multifamily structure, low-income disabled" means a multifamily structure in which at least ninety (90) percent of the dwelling units are occupied by one or more persons who have a handicap as defined in the Federal Fair Housing Amendments Act and who constitute a low-income household. "Multifamily structure, low-income elderly" means a structure in which at least ninety (90) percent of the dwelling units are occupied by one or more persons sixty-two (62) or more years of age who constitute a low-income household.

"Multifamily structure, low-income elderly/low-income disabled" means a multifamily structure in which at least ninety (90) percent of the dwelling units (not including vacant units) are occupied by a low-income household that includes a person who has a handicap as defined in the Federal Fair Housing Amendment Act or a person sixty-two (62) years of age or older, as long as the housing qualifies for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

"Multifamily structure, very low-income disabled" means a multifamily structure in which at least ninety (90) percent of the dwelling units are occupied by one or more persons who have a handicap as defined in the Federal Fair Housing Amendment Act and who constitute a very low-income household." "Multifamily structure, very low-income elderly" means a structure in which at least ninety (90) percent of the dwelling units are occupied by one or more persons sixty-two (62) or more years of age who constitute a very low-income household.

"Multifamily structure, very low-income elderly/very low-income disabled" means a multifamily structure in which at least ninety (90) percent of the dwelling units (not including vacant units) are occupied by a very low-income household that includes a person who has a handicap as defined in the Federal Fair Housing Amendments Act or a person sixty-two (62) years of age or older, as long as the housing qualifies for exemptions from prohibitions against discrimination against families with children and against age

discrimination under all applicable fair housing laws and ordinances.

"Multiple business center" means a grouping of two (2) or more business establishments that either share common parking on the lot where they are located, or occupy a single structure or separate structures that are physically attached or both. Shopping centers are considered to be multiple business centers.

"Museum." See "Institution."
(Ord. 122311, § 100, 2006)

23.84A.026 "N."

"NC zone." See "Zone, neighborhood commercial."

"Neighborhood plan" means the goals and policies adopted by the Council into the Comprehensive Plan's Neighborhood Planning Element, that are developed to guide the growth and development of a specific neighborhood and deal with other neighborhood related issues such as housing, institutions, transportation, economic development and other community development activities.

"Nonconforming to development standards" means a structure, site or development that met applicable development standards at the time it was built or established, but that does not now conform to one or more of the applicable development standards. Development standards include, but are not limited to height, setbacks, lot coverage, lot area, number and location of parking spaces, open space, density, screening and landscaping, lighting, maximum size of nonresidential uses, maximum size of non-industrial use, view corridors, sidewalk width, amenity features, street-level use requirements, street facade requirements, and floor area ratios.

"Nonconforming use." See "Use, nonconforming."

"Non-household sales and services." See "Sales and services, heavy."

"Nonresidential structure" means a structure containing no residential uses.

"Nursing home." See "Residential use."
(Ord. 122311, § 100, 2006)

23.84A.028 "O."

"Office" means a commercial use that provides administrative or professional services to individuals, businesses, institutions and/or government agencies primarily by phone or mail, by going to the customer's home or place of business, or on the premises by appointment; or in which customers are limited to holders of business licenses, but not including facilities where medical services are provided or customer service offices. Examples of services provided include general contracting, janitorial and housecleaning services; legal, architectural, and data processing; broadcasting companies, administrative offices of businesses, unions or charitable organizations; and wholesalers and manufacturer's representatives' offices. Offices may include accessory storage, but not the storage of building materials, contractor's equipment or items, other than samples, for wholesale sale.

"Office, Customer service." See "Retail sales and services, General" under "Sales and services, general."

"Open space" means land and/or water area with its surface predominately open to the sky or predominantly undeveloped, that is set aside to serve the purposes of providing park and recreation opportunities, conserving valuable natural resources, or structuring urban development and form.

"Open space, common" means usable open space that is available for use by all occupants of a residential structure.

"Open space, landscaped" means exterior space, at ground level, predominantly open to public view and used for the planting of trees, shrubs, ground cover and other natural vegetation.

"Open space, usable" means an open space that is of appropriate size, shape, location and topographic siting so that it provides landscaping, pedestrian access or opportunity for outdoor recreational activity. Parking areas and driveways are not usable open spaces.

"Open space, private usable" means usable open space that is intended to be used only by the occupants of one ground-related dwelling unit.

"Ornamental feature" means a decorative object such as a lintel, cornice or sunshades extending from a structure.

"Outdoor display of rental equipment" means an outdoor area where merchandise available for rent is displayed, and that is freely accessible to the public. Outdoor display of rental equipment may be the principal use of a lot or may be accessory to a commercial use where the rental transactions occur within a structure.

"Outdoor sales" means an outdoor area where merchandise is sold or is displayed for sale, and which is freely accessible to the public, except that automotive retail sales areas shall be considered outdoor sales whether freely accessible or not. Outdoor sales may be the principal use of a lot or may be accessory to a commercial use where the sales transactions occur within a structure.

"Outdoor storage." See "Storage."

"Overhead weather protection" means a nonstructural feature, such as a canopy, awning or marquee, or a structural feature, such as a building overhang or arcade, that extends from a building and provides pedestrians with protection from inclement weather and adds visual interest at street level.

"Owner" means any person having a legal or equitable interest in, title to, responsibility for, or possession of a building or property, including, but not limited to, the interest of a lessee, guardian, receiver or trustee, and any duly authorized agent of the owner.

"Owner occupancy" means occupancy of a dwelling by the legal owner as reflected in title records, or by the contract purchaser. The owner occupant of a residence containing an accessory dwelling unit must have an interest equal to or greater than any other partial owner of the property, and the owner occupant's interest must be fifty (50) percent or greater.
(Ord. 122311, § 100, 2006)

23.84A.030 "P."

"Panoram, adult." See "Entertainment use."

"Parcel park" means an amenity feature consisting of a small open space that is accessible to the public and that provides downtown pedestrians an opportunity to rest and relax in a developed urban environment through such amenities as seating, landscaping and artwork.

"Park." See "Parks and open space".

"Park and pool lot." See "Principal use parking" under "Parking and moorage" under "Transportation facility."

"Park and ride lot." See "Principal use parking" under "Parking and moorage" under "Transportation facility."

"Parking" when used as a noun means a surface parking area or parking garage.

"Parking, accessory" means one or more parking spaces that are either reserved or required for a particular use or structure.

"Parking and moorage." See "Transportation facility."

"Parking garage" means a structure or a portion of a structure used or intended to be used for parking or storage of vehicles.

"Parking, long-term" means one or more long-term parking spaces.

"Parking, non-required" means one or more parking spaces not required by either the Land Use Code (Title 23 SMC) or the Zoning Code (Title 24 SMC) as accessory to a principal use and not required as a mitigating measure pursuant to the State Environmental Policy Act.

"Parking, principal use." See "Parking and moorage" under "Transportation facility".

"Parking screen" means a screen that effectively obscures view of off-street parking from the public right-of-way or private lots. (See also "Screen.")

"Parking, short-term" means one or more short-term parking spaces.

"Parking space" means an area for the parking of one vehicle within a parking facility or parking area, exclusive of driveways, ramps, and office and work areas.

"Parking space, long-term" means a parking space that will be occupied by the same motor vehicle for four (4) hours or more, including a space generally used by persons who commute to, work by private motor vehicle or by residents.

"Parking space, short-term" means a parking space occupied by individual motor vehicles for less than four (4) hours and generally used intermittently by shoppers, visitors, or outpatients.

"Parking, surface" means an open area used or intended to be used for the parking of vehicles. It may be available to the public or reserved to accommodate parking for a specific purpose.

"Parks and open space" means a use in which an area is permanently dedicated to recreational, aesthetic, educational or cultural use and generally is characterized by its natural and landscape features. A parks and open space use may be used for both passive and active forms of recreation.

"Parkway" means a thoroughfare located within a park, or including a park-like development and designated as a "parkway."

"Participant sports and recreation." See "Sports and recreation, indoor" and "Sports and recreation, outdoor" under "Entertainment".

"Party of record" means any person, group, association or corporation that files an appeal; a person granted party status through intervention; the City department making the decision or determination; and the person who files an application for a permit or other type of development authorization that is the subject of the appeal.

"Passenger terminal." See "Transportation facility."

"Paved" means surfaced with a hard, smooth surface, usually consisting of Portland cement concrete or asphaltic concrete underlain by a subgrade of crushed rock.

"Pedestrian orientation" means a condition in which the location of and access to structures, types of uses permitted at street level, and storefront design are based on needs of persons on foot.

"Pedestrian-designated zone." See "Zone, pedestrian-designated."

"Pedestrian walkway" means a surfaced walkway, separated from the roadway, usually of crushed rock or asphaltic concrete and following the existing ground surface (not at permanent grade).

"Performing arts theater." See "Theaters and spectator sports facilities" under "Entertainment."

"Person" means any individual, partnership, corporation, association, or public or private organization of any character.

"Personal and household retail sales and service." See "Sales and service, general".

"Personal transportation services." See "Transportation services, personal."

"Personal wireless service." See "Communication devices and facilities."

"Pet daycare center" means a general retail sales and service use that regularly provides care for animals, which may include boarding.

"Pet grooming services." See "Retail sales and services, general."

"Pitched roof" means any non-horizontal roof.

"Placard" means a highly visible notice at least eleven (11) by fourteen (14) inches in size with headings that can be read from a distance of seventy-five (75) feet by persons of normal visual acuity.

"Planned community development (PCD)" means a zoning process that authorizes exceptions from certain development standards for structures on large tracts of land in certain downtown zones. A PCD is developed as a single entity through a public process.

"Planned residential development (PRD)" means a zoning mechanism that allows for flexibility in the grouping, placement, size and use of structures on a fairly large tract of land. A PRD is developed as a single entity, using a public process that incorporates design review.

"Planting strip" means that portion of a street right-of-way lying between the curb and the street lot line, exclusive of the sidewalk; provided, that if there is no curb, then "planting strip" means that portion of the street lying between a sidewalk and the street lot line. If there is no curb and no constructed sidewalk, there is no "planting strip."

"Plat" means a map or representation of a subdivision showing the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

"Playgrounds." See "Parks and open space."

"Plaza, urban" means an amenity feature downtown satisfying the applicable conditions in the Downtown Amenity Standards.

"Porch" means an elevated platform extending from a wall of a principal structure, with steps or ramps to the ground providing access by means of a usable doorway to the structure. A porch may be connected to a deck. (See also "Deck.")

"Power plant." See "Utility."

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision, that is submitted to furnish a basis for the approval or disapproval of the general layout of a subdivision.

"Principal structure" means the structure housing one or more principal uses as distinguished from any separate structures housing accessory uses.

"Principal use." See "Use, principal."

"Private club." See "Institution."

"Private usable open space." See "Open space, usable, private."

"Project permit" or "Project permit application." See RCW 36.70B.020.

"Public atrium" means a feature consisting of an indoor public open space that provides opportunities for passive recreational activities and events, and for public gatherings, in an area protected from the weather, and including such amenities as seating, landscaping and artwork.

"Public benefit feature" means an amenity, use, or other feature of benefit to the public in a Downtown zone, that is provided by a developer and that can satisfy wholly or in part conditions to qualify for an increase in chargeable floor area. Examples include public open space, pedestrian improvements, housing, and provision of human services.

"Public Benefit Features Rule" means the DPD Director's Rule 20-93, subject heading Public Benefit Features: Guidelines for Evaluating Bonus and TDR Projects, Administrative Procedures and Submittal Requirements in Downtown Zones, to the extent the provisions thereof have not been superseded by amendments to, or repeal of, provisions of this title. References to the "Public Benefit Features Rule" for provisions on a particular subject also shall include, where applicable, any successor rule or rules issued by the Director to incorporate provisions on that subject formerly included in Rule 20-93, with any appropriate revisions to implement amendments to this title since the date of such rule.

"Public boat moorage." See "Boat moorage, public."

"Public convention center" means a public facility of three hundred thousand (300,000) square feet or more, the primary purpose of which is to provide facilities for regional, national and international conventions and that is owned, operated or franchised by a unit of general or special-purpose government. A public convention center may include uses such as shops, personal services and restaurants, which may be owned, operated or franchised by either a unit of general- or special-purpose government or by a private entity.

"Public display space." See "Museum."

"Public facility" means a public project or city facility.

"Public project" means a facility owned, operated or franchised by a unit of general or special-purpose government except The City of Seattle.

"Public school site, existing" means any property acquired and developed for use by or for the proposed public school before November 12, 1985. A public school site may be divided by streets or alleys.

"Public school site, new" means any property that has not been previously developed for use by a public school that is to be constructed, expanded or remodeled. A public school site may be divided by streets or alleys. A school property may include both a new school site and existing school sites.
(Ord. 122311, § 100, 2006)

23.84A.032 "R."

"Rain garden" means a landscaped area designed with soils and plantings to intercept rainwater in order to slow stormwater runoff.

"Rail transit facility." See "Transportation facility."

"Railroad switchyard." See "Vehicle storage and maintenance" under "Transportation facility."

"Railroad switchyard with mechanized hump." See "Vehicle storage and maintenance" under "Transportation facility."

"Receive-only communication device." See "Communication devices and utilities."

"Reception window obstruction." See "Communication devices and utilities."

"Recreational area, common" means a space of appropriate size, shape, location and topographic siting to provide landscaping, pedestrian access or opportunity for recreational activity, either in or out of doors, for all the residents of a structure containing dwelling units. Parking areas and driveways are not common recreational areas.

"Recreational marina." See "Boat moorage" under "Parking and moorage" under "Transportation facility."

"Recreational vehicle" means a wheeled vehicle designed for temporary occupancy with self-contained utility systems and not requiring a separate highway movement permit for highway travel. A recreational vehicle is not a dwelling unit.

"Recycling." See "Utility."

"Religious facility." See "Institution."

"Research and development laboratory." See "Laboratory, research and development."

"Residential amenity" means an area that provides opportunity for recreational activity for residents of a development or structure.

"Residential district identification sign" means an off-premises sign that gives the name of the group of residential structures, such as a subdivision or cluster development.

"Residential structure" means a structure containing only residential uses and permitted uses accessory to the residential uses.

"Residential use" means any one (1) or more of the following:

1. "Accessory dwelling unit" means an additional room or set of rooms located within an

owner-occupied single-family structure or within an accessory structure on the same lot as an owner-occupied single-family dwelling unit, meeting the standards of Section 23.44.041 and designed, arranged, occupied or intended to be occupied by not more than one household as living accommodations independent from any other household.

2. "Adult family home" means a residential use as defined and licensed as such by The State of Washington in a dwelling unit.

3. "Artist's studio/dwelling" means a combination working studio and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one household.

4. "Assisted living facility" means a use licensed by The State of Washington as a boarding home pursuant to RCW 18.20, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes. An "assisted living facility" contains multiple assisted living units. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

5. "Caretaker's quarters" means a use accessory to a nonresidential use consisting of a dwelling unit not exceeding eight hundred (800) square feet of living area and occupied by a caretaker or watchperson.

6. "Congregate residence" means a use in which rooms or lodging, with or without meals, are provided for nine (9) or more non-transient persons not constituting a single household, excluding single-family dwelling units for which special or reasonable accommodation has been granted.

7. "Detached accessory dwelling unit" means an additional room or set of rooms located within an accessory structure on the same lot as an owner-occupied single-family dwelling unit, meeting the standards of Section 23.44.041, and designed, arranged, occupied or intended to be occupied by not more than one (1) household as living accommodations independent from any other household.

8. "Domestic violence shelter" means a dwelling unit managed by a nonprofit organization, which unit provides housing at a confidential location and support services for victims of family violence.

9. "Floating home" means a dwelling unit constructed on a float, that is moored, anchored or otherwise secured in the water.

10. "Mobile home park" means a use in which a tract of land is rented for the use of more than one (1) mobile home occupied as a dwelling unit.

11. "Multifamily structure" means a structure or portion of a structure containing two (2) or more dwelling units, but does not include a single-family dwelling unit.

12. "Nursing home" means a residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does not provide care for the acutely ill or surgical or obstetrical services. This definition excludes hospitals and sanitariums.

13. "Single-family dwelling unit" means a detached structure having a permanent foundation, containing only one (1) dwelling unit, except that the structure may also contain an accessory dwelling unit where expressly authorized pursuant to this title. A detached accessory dwelling unit is not considered a single-family dwelling unit for purposes of this chapter.

"Restaurant." See "Eating and drinking establishment."

"Retail sales and services, automotive." See "Sales and services, automotive."

"Retail sales and services, general." See "Sales and services, general."

"Retail sales and services, non-household." See "Sales and services, heavy"

"Retail sales, major durables." See "Sales and services, heavy"

"Retail sales, multi-purpose." See "Sales and services, general"

"Retail shopping" means an amenity feature consisting of uses provided at street level that contribute to pedestrian activity and interest.

"Rezone" means an amendment to the Official Land Use Map to change the zone classification of an area.

"Right-of-way" means a strip of land platted, dedicated, condemned, established by prescription or otherwise legally established for the use of pedestrians, vehicles or utilities.

"Right-of-Way Improvements Manual" means a set of detailed standards for street, alley and easement construction, adopted by a joint Administrative Rule of Seattle Department of Transportation and the Department of Planning and Development.

"Roadway" means that portion of a street improved, designed, or ordinarily used for vehicular travel and parking, exclusive of the sidewalk or shoulder. Where there is a curb, the roadway is the curb-to-curb width of the street.

"Roof, butterfly." See "Butterfly roof."

"Roof, shed." See "Shed roof."

"Rooftop feature" means any part of or attachment to the structure that projects above a roof line.

"Rules" means administrative regulations promulgated and adopted pursuant to this Land Use Code and the Administrative Code.

"Rural development credit" means the allowance of floor area on a receiving lot that results from the transfer of development potential from rural unincorporated King County to the Downtown Urban Center pursuant to King County Code Chapter 21A.55 or successor provisions and pursuant to the provisions of Section 23.49.011.
(Ord. 122311, § 100, 2006)

23.84A.036 "S."

"Sale and rental of large boats." See "Sales and services, marine."

"Sale and rental of motorized vehicles." See "Sales and services, automotive."

"Sale and rental of small boats, boat parts and accessories." See "Sales and services, marine."

"Sale of heating fuel." See "Commercial sales, heavy" under "Sales and services, heavy."

"Sales and rental of commercial equipment and construction materials." See "Commercial sales, heavy" under "Sales and services, heavy."

"Sales and services, automotive" means a commercial use in which motorized vehicles or vehicle parts are rented, sold, serviced or repaired. Automotive sales and services uses exclude sales and services primarily relating to electric scooters or electric assisted bicycles. Automotive sales and services uses include but are not limited to the following:

1. "Retail sales and services, automotive" means an automotive sales and service use in which goods are rented or sold primarily for use in motor vehicles or minor services are provided to motor vehicles. Uses in this category may include gas stations, car washes, minor repair of vehicles not falling under the definition of major automotive vehicle repair, and towing of vehicles when no more than two (2) trucks are used or kept on site for towing purposes.

2. "Sales and rental of motorized vehicles" means an automotive sales and service use in which operable motorized vehicles, such as cars, trucks, buses, recreational vehicles or motorcycles, or related non-motorized vehicles, such as trailers, are rented or sold.

3. "Vehicle repair, major automotive" means an automotive sales and service use in which one (1) or more of the following activities are carried out:

    a. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over ten thousand (10,000) pounds gross vehicle weight;

    b. Collision services, including body, frame or fender straightening or repair;

    c. Overall painting of vehicles or painting of vehicles in a paint shop;

d. Dismantling of motorized vehicles in an enclosed structure.

"Sales and services, general" means one of the uses listed below, in which goods are rented or sold or services are provided primarily for household and personal use rather than for business establishments, institutions, or government agencies, but excluding medical services and uses in which goods are sold that primarily need to be delivered by truck, such as building materials, major durables and/or heating fuel.

1. "Retail sales and services, general" means a general sales and service use that is not a multi-purpose retail sales use. General retail sales and services include general retail sales uses, general services uses, and customer service office uses. Examples of general retail sales include but are not limited to bookstores, florists, and clothing stores. Examples of general services include but are not limited to shoe repair, hair cutting salons, pet grooming, pet daycare centers and dry cleaning. Customer service offices are uses in which services are provided to individuals and households in an office setting in a manner that encourages walk-in clientele and in which generally an appointment is not needed to conduct business, including but not limited to uses such as branch banks, travel agencies, brokerage firms, real estate offices, and government agencies that provide direct services to clients.

2. "Retail sales, multipurpose" means a general sales and service use in which a wide range of items frequently purchased for household use are rented or sold. Examples of multi-purpose retail sales include but are not limited to grocery, hardware, drug, and variety stores.

"Sales and services, heavy" means one of the following uses:

1. "Commercial sales, heavy" means a heavy sales and services use in which goods that primarily require delivery or pickup by truck are sold. Examples include but are not limited to the sale of construction materials, heating fuel, or industrial supplies. Sales are retail and/or wholesale, and are made primarily to businesses rather than to individual households, or primarily delivered directly to households without customers visiting the business.

2. "Commercial services, heavy" means a heavy sales and service use that provides services that require significant truck traffic or the use, storage and disposal of chemicals as a significant part of the functioning of the business. Heavy commercial services include but are not limited to the following:

   a. "Commercial laundry" means a heavy commercial service use in which items such as clothing and linens are cleaned. This definition includes uses such as laundering for hospitals, restaurants, hotels and diaper cleaning services, as well as rug and dry cleaning plants where on-premises retail services to individual households are incidental to the operation of the plant.

   b. "Construction services" means a heavy commercial service use in which construction contracting services, including the final processing of building materials such as but not limited to the mixing of concrete or the heating of asphalt, are provided; or in which construction equipment is stored, either in conjunction with an office or as a separate use,

but not including a construction site.

c. "Building maintenance services" means a heavy commercial service use that provides maintenance and cleaning services to other business establishments.

3. "Retail sales, major durables" means a heavy sales and service use in which large household items, such as but not limited to furniture or appliances, are rented or sold.

4. "Retail sales and services, Non-household" means a heavy sales and service use in which goods and services are provided primarily for businesses, institutions and/or government agencies, rather than for households. Examples include but are not limited to business support services, and the sale of office or restaurant supplies. Non-household retail sales and services include, but are not limited to:

"Business support services" means a non-household retail sales and service use in which services are provided primarily for businesses, institutions and/or government agencies, rather than for households. Examples include but are not limited to blueprint companies, medical laboratories, merchant banks, assaying services and microfilming and copying services.

5. "Wholesale showroom" means a heavy sales and service use in which merchandise is displayed and sold at wholesale to business representatives for resale, rather than to the general public for direct consumption, and that includes storage of goods for sale.

"Sales and services, marine." means one or more of the following uses:

1. "Marine service station" means a marine retail sales and service use in which fuel for boats is sold, and for which accessory uses including, but not limited to, towing or minor vessel repair may also be provided.

2. "Sale 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.

3. "Sale and rental of small boats, boat parts and 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.

4. "Vessel repair, minor" means a marine retail sales and service use, other than major vessel repair, in which one (1) or more of the following activities take place:

a. General boat engine and equipment repair;

b. The replacement of new or reconditioned parts;

c. Repair of boat hulls;

d. Painting and detailing; and

e. Rigging and outfitting.

5. "Vessel repair, major" means a marine retail sales and service use in which ferrous hulls are repaired; or in which boats and ships sixty-five (65) feet or more in length are converted, rebuilt, painted, repaired, or dismantled. Associated activities may include welding and sandblasting, as part of this use.

"Sales, service and rental of office equipment." See "Retail sales and services, non-household" under "Sales and services, heavy."

"Sales, service and rental of commercial equipment and construction materials." See "Commercial sales, heavy" under "Sales and services, general."

"Salvage and recycling." See "Utility."

"Sanitarium" means "Hospital."

"Satellite dish antenna." See "Communication devices and utilities"

"Scale" means the spatial relationship among structures along a street or block front, including height, bulk and yard relationships.

"Scenic route" means any of those streets designated by the Land Use Code as scenic routes.

"Scenic view section" means a section of the traveled way of a freeway, expressway, parkway, or scenic route that has been so designated by this Code.

"School, elementary or secondary." See "Institution."

"Screen" means a continuous wall or fence that effectively obscures view of the property that it covers and that is broken only for access drives and walks. See "Parking screen."

"Screening" means a screen, hedge or landscaped berm that effectively obscures a view between a use or activity and another use or activity.

"SEPA" means the State Environmental Policy Act.

"Setback" means the minimum required distance between a structure or portion thereof and a lot line of the lot on which it is located, or another line described in a particular section of this title.

"Sewage treatment plant." See "Utility."

"Shared-use facility." See "Communication devices and utilities."

"Shed roof" means a roof having only one (1) sloping plane.

"Shopping atrium" means a feature consisting of a large enclosed space that is accessible to the public, and that provides a combination of retail stores and passive recreational space in a weather-protected, convenient, and attractive atmosphere for shoppers that also contributes to the activity and visual interest at street level.

"Shopping corridor" means a feature consisting of a passage that goes through a block and connects two avenues, and that is lined with retail uses, in order to make pedestrian circulation more convenient, provide more frontage for shops, give protection to pedestrians from inclement weather, and shorten walking distances.

"Short plat" means a map or representation of a short subdivision.

"Short plat approval, fully complete application." See "Application."

"Short subdivision" means the division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, development or financing.

"Shoulder" means the graded area between the roadway edge and the sidewalk, or slope line where there is no sidewalk, on the portion of a street where there are no curbs.

"Shrub" means a plant defined as a shrub in the Sunset Western Garden Book, 7th Edition, 2001.

"Shrub, large" means a shrub normally expected to be taller than three (3) feet at maturity.

"Sidewalk" means a hard-surfaced pedestrian walkway, usually of Portland cement concrete, separated from the roadway by a curb, planting strip or roadway shoulder.

"Sidewalk widening" means an extension of the surface of a sidewalk, generally onto private property, which is free of all permanent obstructions.

"Sight triangle" means the area on both sides of a driveway that must be clear of any obstruction to permit optimal visibility from the driveway to the sidewalk and street.

"Sign" means any medium, including structural and component parts, that is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes.

"Sign, advertising" means a sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the lot where the sign is located.

"Sign, awning" means graphics on a fixed awning used or intended to be used to attract attention to the subject matter for advertising, identification, or informative purposes. An awning sign shall not be considered a fabric sign.

"Sign, business" means an on-premises sign directing attention to a business, profession, commodity,

service or entertainment conducted, sold or offered on the lot where the sign is located. This definition shall not include signs located within a structure except those signs oriented so as to be visible through a window.

"Sign, canopy" means graphics on a canopy used or intended to be used to attract attention to the subject matter for advertising, identification, or information purposes. A canopy sign shall not be considered a fabric sign.

"Sign, changing-image" means a sign, including a sign using a video display method, which changes its message or background by means of electrical, kinetic, solar or mechanical energy, not including message board signs. A video display method is a method of display characterized by real-time, full-motion imagery of at least television quality.

"Sign, chasing" means a sign that includes one or more rows of lights that light up in sequence.

"Sign, combination" means any sign incorporating any combination of the features of freestanding, projecting, and roof signs. The individual requirements of roof, projecting and pole signs shall be applied for combination signs incorporating any or all of the requirements specified in this Code.

"Sign, double-faced" means a sign that has two display surfaces in approximately parallel planes backed against each other or against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction.

"Sign, electric" means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

"Sign, environmental review" means a sign with dimensions of four (4) feet by eight (8) feet constructed of a durable material, required for public notice of proposed land use actions according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

"Sign, externally illuminated" means a sign illuminated by an exterior light source.

"Sign, fabric" means a sign made of canvas, cloth or similar nonrigid material, but not including a canopy sign.

"Sign, flashing" means an electrical sign or portion of an electrical sign that changes light intensity in sudden transitory bursts. Flashing signs do not include changing image or chasing signs.

"Sign, freestanding" means a pole or ground sign.

"Sign, ground" means a sign that is six (6) feet or less in height above ground level and is supported by one (1) or more poles, columns or supports anchored in the ground.

"Sign, identification" means any ground, wall or roof sign which displays only (1) the name, address and/or use of the premises; and/or (2) noncommercial messages.

"Sign kiosk" means a small freestanding sign structure visible to the public used for posting small signs.

"Sign, land use" means a sign with dimensions of at least eighteen (18) inches by twenty-four (24) inches but smaller than an environmental review sign, constructed of a durable material, required for public notice of proposed land use actions according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

"Sign, large" means a sign four (4) by eight (8) feet, constructed of a durable material.

"Sign, marquee" means a sign placed on, constructed in or attached to a marquee.

"Sign, message board" means an electric sign which has a readerboard for the display of information, such as time, temperature, of public service or commercial messages, which can be changed through the turning on and off of different combinations of light bulbs within the display area.

"Sign, off-premises" means a sign relating, through its message and content, to a business activity, use, product or service not available on the premises upon which the sign is erected.

"Sign, off-premises directional" means an off-premises sign used to direct pedestrian or vehicular traffic to a facility, service, or business located on other premises within one thousand five hundred (1,500) feet of the sign, which sign does not include any reference to brand names of products or services whether or not available on such other premises, except the name of the facility, service or business.

"Sign, on-premises" means a sign or sign device used solely by a business establishment on the lot where the sign is located that displays either (1) commercial messages that are strictly applicable only to a use of the premises on which it is located, including signs or sign devices indicating the business transacted, principal services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises; or (2) noncommercial messages. This definition shall not include signs located within a structure except those signs oriented so as to be visible through a window.

"Sign, on-premises directional" means an on-premises incidental sign designed to direct pedestrian or vehicular traffic.

"Sign, pole" means a sign wholly supported by a structure in the ground.

"Sign, portable" means a sign that is not permanently affixed and is designed for or capable of being moved, except those signs explicitly designed for people to carry on their persons or that are permanently affixed to motor vehicles.

"Sign, projecting" means a sign other than a wall sign, that projects from and is supported by a wall of a structure.

"Sign, public" means a sign in the right-of-way that is at least partially funded by public funds and is intended to carry messages of interest to the public.

"Sign, roof" means a sign erected upon or above a roof or parapet of a building or structure.

"Sign, rotating" means a sign that revolves on a fixed axis.

"Sign, side-by-side" means advertising signs that are adjacent to each other on the same plane and facing in the same direction, either on the same structure or within twenty-five (25) feet of one another.

"Sign, temporary" means any sign that is to be displayed for a limited period of time only, including but not limited to, banners, pennants, streamers, fabric signs, wind-animated objects, clusters of flags, festoons of lights and searchlights. A temporary sign may be of rigid or non-rigid construction.

"Sign, under-marquee" means a lighted or unlighted sign attached to the underside of a marquee.

"Sign, visually blocked" means an advertising sign that is located against or attached to a building, thereby visible from only one (1) direction. To be considered visually blocked, the advertising sign must be within eight (8) feet of any building wall or walls that are used to block the back side of the advertising sign and the advertising sign cannot project above or beyond the blocking wall or walls.

"Sign, wall" means any sign attached to and supported by a wall of a structure, with the exposed face of the sign on a plane parallel to the plane of the wall, or any sign painted directly on a building facade.

"Single-family dwelling unit." See "Residential use."

"Single-occupant facility." See "Telecommunication facility, single-occupant" under "Communication devices and utilities."

"Skylight" means an opening in a roof that is covered with translucent or transparent material, designed to admit light, and incidental to the roof itself.

"Solar access" means the amount of unrestricted sunlight that reaches a structure, or portion thereof.

"Solar collector" means any device used to collect direct sunlight for use in the heating or cooling of a structure, domestic hot water, or swimming pool, or the generation of electricity.

"Solar greenhouse" means a solar collector that is a structure or portion of a structure utilizing glass or similar glazing material to collect direct sunlight for space heating purposes.

"Solid waste incineration facilities." See "Solid waste management" under "Utility."

"Solid waste landfills." See "Solid waste management" under "Utility"

"Solid waste management." See "Utility."

"Solid waste transfer station." See "Solid waste management" under "Utility."

"Spectator sports facility." See "Theaters and spectator sports facilities" under "Entertainment"

"Sports and recreation, indoor." See "Entertainment."

"Sports and recreation, outdoor." See "Entertainment."

"Storage" means a use in which goods or products are stored more than (72) hours. Storage uses include but are not limited to the following uses:

1. "Mini-warehouse" means a storage use in which enclosed storage space divided into separate compartments no larger than five hundred (500) square feet in area is provided for use by individuals to store personal items or by businesses to store material for operation of a business establishment at another location.

2. "Storage, outdoor" means a storage use in which an outdoor area is used for retention of materials, containers and/or equipment. Outdoor storage does not include sale, repair, incineration, recycling or discarding of materials or equipment. Outdoor storage areas are not accessible to the public unless an agent of the business is present. Outdoor parking areas for two (2) or more fleet vehicles of more than ten thousand (10,000) pounds gross vehicle weight shall also be considered outdoor storage. Temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or erect a structure and vehicle sales areas where motorized vehicles are stored for the purpose of direct sale to the ultimate consumer shall not be considered outdoor storage.

3. "Warehouse" means a storage use in which space is provided in an enclosed structure for the storage of goods produced off-site, for distribution or transfer to another location.

"Story" means that portion of a structure included between the surface of any floor and the surface of the floor next above, except that the highest story is that portion of the structure included between the highest floor surface and the ceiling or roof above.

"Street" means a right-of-way that is intended to provide or that provides a roadway for general vehicular circulation, is the principal means of vehicular access to abutting properties and includes space for utilities, pedestrian walkways, sidewalks and drainage. Any such right-of-way shall be included within this definition, regardless of whether it has been developed or not.

"Street, arterial" means every street, or portion thereof, designated as an arterial on Exhibit 23.53.015 A.

1. "Collector arterial" means a street or portion thereof designated as such on Exhibit 23.53.015 A.

2. "Minor arterial" means a street or portion thereof designated as such on Exhibit 23.53.015 A or on Map 1B for Chapter 23.49, or both.

3. "Principal arterial" or "major arterial" means a street or portion thereof designated as such on Exhibit 23.53.015 A or on Map 1B for Chapter 23.49, or both.

"Street, existing" means any street that is not a new street.

"Street-facing facade." See "Facade, street-facing".

"Street level" or "street-level" means the same grade as an abutting street or streets, or at that grade, as the context may require.

"Street-level facade" see "Facade, street-level".

"Street, new" means a street proposed to be created through the platting process, or by dedication to the City as part of a development proposal.

"Street, private" means a named, private permanent access easement exceeding thirty-two (32) feet in width not dedicated to public use but that provides a roadway at least twenty-four (24) feet wide for internal use within a subdivision or development, and that includes sidewalks and space for utilities and drainage. A private street shall be treated as a street for purposes of application of development standards to abutting properties.

"Streetscape" means the visual character of a street as determined by various elements such as structures, landscaping, open space, natural vegetation and view.

"Structural alterations" means any change in the supporting members of a building, such as foundations, bearing walls or bearing partitions, columns, beams or girders, or any structural change in the roof.

"Structure" means anything constructed or erected on the ground or any improvement built up or composed of parts joined together in some definite manner and affixed to the ground, including fences, walls and signs, but not including poles, flowerbed frames and such minor incidental improvements.

"Structure depth" means that dimension of a structure extending between the front and rear lot lines.

"Structure width" means that dimension of a structure extending between side lot lines.

"Structure, accessory." See "Accessory structure."

"Structure, detached" means a structure having no common or party wall with another structure.

"Structure, enclosed" means a roofed structure or portion of a structure having no openings other than fixed windows and such exits as are required by law, and which is equipped with self-closing doors.

"Structure, nonconforming." See "Nonconforming structure."

"Structure, nonresidential." See "Nonresidential structure."

"Structure, principal." See "Principal structure."

"Structure, residential." See "Residential structure."

"Structure, single-family." See "Single-family dwelling unit."

"Subdivision" means the division or redivision of land into ten (10) or more lots, tracts, parcels, sites, or

divisions for the purpose of sale, lease, or transfer of ownership.

"Submerged land" means all lands waterward of the ordinary high water mark or mean higher high water, whichever is higher.

"Substandard size lot" means a lot that contains less land than the minimum size required for the zone in which it is located.
(Ord. 122311, § 100, 2006)

23.84A.038 "T."

"Tandem houses" means two (2) unattached ground-related dwelling units occupying the same lot.

"Tandem parking" means one (1) car parked behind another where aisles are not provided.

"Transferable development rights" or "TDR" means development potential, measured in square feet of gross floor area, that may be transferred from a lot pursuant to provisions of this Title. Such terms do not include development credits transferable from King County pursuant to the City/County Transfer of Development Credits (TDC) program established by Ordinance 119728, or other rural development credits, nor do they include development capacity transferable between lots pursuant to Planned Community Development provisions. These terms do not denote or imply that the owner of TDR has a legal or vested right to construct or develop any project or to establish any use.

"TDR, DMC housing" means TDR that are eligible for transfer based on the status of the sending lot as a DMC housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as DMC housing TDR.

"TDR, housing" means TDR that are eligible for transfer based on the status of the sending lot as a housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as housing TDR.

"TDR, Landmark" means TDR that are eligible for transfer based on the landmark status of the sending lot or a structure on such lot, except Landmark housing TDR.

"TDR, Landmark housing" means TDR that are eligible for transfer based on the status of the sending lot as a Landmark housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as Landmark housing TDR.

"TDR, open space" means TDR that may be transferred from a lot or lots based on the provision of public open space meeting certain standards on that lot.

"TDR site, DMC housing" means a lot meeting the following requirements:

1. The lot is located in a Downtown Mixed Commercial (DMC) zone;

2. Each structure to be developed on the lot has or will have a minimum of fifty (50) percent of

total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years, unless such requirement is waived or modified by the Director of the Office of Housing for good cause;

3. The lot will have above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years; and

4. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, housing" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except PMM, DH-1 and DH-2 zones;

2. Each structure on the lot has a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years;

3. The lot has above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years;

4. The above-grade gross floor area on the lot committed to satisfy the conditions in subsections 2 and 3 of this definition is contained in one or more structures existing as of the date of passage of Ordinance 120443 and such area was in residential use as of such date, as demonstrated to the satisfaction of the Director of the Office of Housing; and

5. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, Landmark housing" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except IDM, IDR, PSM, PMM, DH-1 and DH-2 zones;

2. The lot contains a designated landmark under SMC 25.12 and such structure will be renovated to include a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years;

3. The lot has or will have above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years;

4. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of

Housing.

"TDR site, open space" means a lot that has been approved by the Director as a sending lot for open space TDR, which approval is still in effect, and for which all the conditions to transfer open space TDR have been satisfied.

"Terraced housing" means a multi-family structure located on a sloping site in which a series of flat rooftops at different heights function as open space for abutting units.

"Theaters and spectator sports facilities." See "Entertainment."

"Topographic break" means a separation of two (2) areas by an abrupt change in ground elevation.

"Towing service." See "Parking and moorage" under "Transportation facility."

"Townhouse" means a form of ground-related housing in which individual dwelling units are attached along at least one (1) common wall to at least one (1) other dwelling unit. Each dwelling unit occupies space from the ground to the roof and has direct access to private open space. No portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.

"Transferable development rights." See "TDR."

"Transit facility, rail." See "Transportation facility."

"Transit station, light rail." See "Rail transit facility" under "Transportation facility."

"Transit station access easement" means an easement for a pedestrian route or connection to provide direct access from street level to transit tunnel stations and concourses and/or light rail transit facilities.

"Transit station access, grade-level" means a pedestrian connection that provides direct access from street level to transit tunnel stations or concourses and/or light rail transit facilities at approximately the same level as the station mezzanine.

"Transit station access, mechanical" means a pedestrian connection that incorporates a mechanical device, such as an escalator, to provide direct access from street level to transit tunnel stations and concourses and/or light rail transit facilities.

"Transit vehicle base." See "Bus base" under "Vehicle storage and maintenance" under "Transportation facility."

"Transparent" when used with reference to material in windows, doors and display windows, means clear or lightly tinted.

"Transmission tower." See "Communications utilities and devices."

"Transportation facility" means a use that supports or provides a means of transporting people and/or goods from one location to another. Transportation facilities include but are not limited to the following:

1. "Cargo terminal" means a transportation facility in which quantities of goods or container cargo are, without undergoing any manufacturing processes, transferred to carriers or stored outdoors in order to transfer them to other locations. Cargo terminals may include accessory warehouses, railroad yards, storage yards, and offices.

2. "Parking and moorage" means the short term or long term storage of automotive vehicles or vessels or both when not in use. Parking and moorage uses include but are not limited to:

   a. "Boat moorage" means a use, in which a system of piers, buoys or floats is used to provide moorage for vessels except barges, for sale or rent usually on a monthly or yearly basis. Minor vessel repair, haul out, dry boat storage, and other services are also often provided. Boat moorage includes, but is not limited to:

      (1) "Commercial moorage" means a boat moorage primarily intended for commercial vessels except barges.

      (2) "Recreational marina" means a boat moorage primarily intended for pleasure craft. (See also, "Boat moorage, public")

   b. "Dry boat storage" means a 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 or boating club for the purpose of storing boats. Sometimes referred to as "dry storage."

   c. "Parking, principal use" means a use in which an open area or garage is provided for the parking of vehicles by the public, and is not reserved or required to accommodate occupants, clients, customers or employees of a particular establishment or premises. Principal use parking includes but is not limited to the following uses:

      (1) "Park and pool lot" means a principal use parking use, operated or approved by a public ridesharing agency, where commuters park private vehicles and join together in carpools or vanpools for the ride to work and back, or board public transit at a stop located outside of the park and pool lot.

      (2) "Park and ride lot" means a principal use parking use where commuters park private vehicles and either join together in carpools or vanpools, or board public transit at a stop located in the park and ride lot.

   d. "Towing services" means a parking and moorage use in which more than two (2) tow trucks are employed in the hauling of motorized vehicles, and where vehicles may be impounded, stored or sold, but not disassembled or junked.

3. "Passenger terminal" means a transportation facility where passengers embark on or disembark from carriers such as ferries, trains, buses or planes that provide transportation to passengers for

hire by land, sea or air. Passenger terminals typically include some or all of the following: ticket counters, waiting areas, management offices, baggage handling facilities, restroom facilities, shops and restaurants. A passenger terminal use on the waterfront may include moorage for cruise ships and/or vessels engaged in transporting passengers for hire. Activities commonly found aboard such vessels, whether moored or under way, that are incidental to the transport of passengers shall be considered part of the passenger terminal use and shall not be treated as separate uses. Metro street bus stops, monorail transit stations, and light rail transit stations are not included in this definition. Also excluded is the use of sites where passengers occasionally embark on or disembark from transportation in a manner that is incidental to a different established principal use of the site.

4. "Rail transit facility" means a transportation facility used for public transit by rail. Rail transit facilities include but are not limited to the following:

a. "Light rail transit facility" means a structure, rail track, equipment, maintenance base or other improvement of a light rail transit system, including but not limited to ventilation structures, traction power substations, light rail transit stations and related passenger amenities, bus layover and intermodal passenger transfer facilities, and transit station access facilities.

b. "Light rail transit station" means a light rail transit facility whether at grade, above grade or below grade that provides pedestrian access to light rail transit vehicles and facilitates transfer from light rail to other modes of transportation. A light rail transit station may include mechanical devices such as elevators and escalators to move passengers and may also include such passenger amenities as informational signage, seating, weather protection, fountains, artwork or concessions.

c. "Light rail transit system" means a public rail transit line that operates at grade level, above grade level, or in a tunnel and that provides high-capacity, regional transit service, owned or operated by a regional transit authority authorized under Chapter 81.112 RCW. A light rail transit system may be designed to share a street right-of-way although it may also use a separate right-of-way. Commuter rail, and low capacity, or excursion rail transit service, such as the Waterfront Streetcar or Seattle Monorail, are not included.

d. "Monorail guideway" means the beams, with their foundations and all supporting columns and structures, including incidental elements for access and safety, along which a city transportation authority monorail train runs.

e. "Monorail transit facility" means a structure, guideway, equipment, or other improvement of a monorail transit system, including but not limited to monorail transit stations and related passenger amenities, power substations, maintenance and/or operations centers.

f. "Monorail transit station" means a monorail transit facility, whether at grade or above grade, that provides pedestrian access to monorail transit trains and facilitates transfer from monorail to other modes of transportation. A monorail transit station may include mechanical devices such as elevators and escalators to move passengers, and may also

include such passenger amenities as informational signage, seating, weather protection, fountains, artwork or concessions.

g. "Monorail transit system" means a transportation system that uses train cars running on a guideway, along with related facilities, owned or operated by a city transportation authority.

6. "Transportation facility, air" means one of the following transportation facilities:

a. "Airport, land-based" means a transportation facility used for the takeoff and landing of airplanes.

b. "Airport, water-based" means a transportation facility used exclusively by aircraft that take off and land directly on the water.

c. "Heliport" means a transportation facility in which an area on a roof or on the ground is used for the takeoff and landing of helicopters or other steep- gradient aircraft, and one (1) or more of the following services are provided: cargo facilities, maintenance and overhaul, fueling service, tie-down space, hangers and other accessory buildings and open spaces.

d. "Helistop" means a transportation facility in which an area on a roof or on the ground is used for the takeoff and landing of helicopters or other steep- gradient aircraft, but not including fueling service, hangars, maintenance, overhaul or tie-down space for more than one (1) aircraft.

7. "Vehicle storage and maintenance" means a use in which facilities for vehicle storage and maintenance are provided. Vehicle storage and maintenance uses include but are not limited to:

a. "Bus base" means a transportation facility in which a fleet of buses is stored, maintained, and repaired.

b. "Railroad switchyard" means a vehicle storage and maintenance use in which:

(1) Rail cars and engines are serviced and repaired; and

(2) Rail cars and engines are transferred between tracks and coupled to provide a new train configuration.

c. "Railroad switchyard with a mechanized hump" means a railroad switchyard that includes a mechanized classification system operating over an incline.

d. "Streetcar maintenance base" means a transportation facility in which a fleet of streetcars is stored, maintained, and repaired.

e. "Transportation services, personal" means a vehicle storage and maintenance use in

which either emergency transportation to hospitals, or general transportation by car, van, or limousine for a fee is provided. Such uses generally include dispatching offices and facilities for vehicle storage and maintenance.

"Traveled way" means the portion of a freeway, expressway, or parkway, and its entrance or exit ramps, or scenic route, exclusive of shoulders, used for the movement of vehicles.

"Tree" means a plant defined as a tree in the Sunset Western Garden Book, 7th Edition, 2001. The size of a tree is identified as follows:

1. "Small tree" means a tree identified as a "small tree" in the Department of Transportation's "Recommended Street Trees and Planting Schedules," or a tree not listed in such schedules that is normally expected to have a spread less than or equal to fifteen (15) feet in diameter at maturity.

2. "Small/medium tree" means a tree identified as a "small/medium tree" in the Department of Transportation's "Recommended Street Trees and Planting Schedules," or a tree not listed in such schedules that is normally expected to have a spread greater than fifteen (15) feet and less than or equal to twenty (20) feet in diameter at maturity.

3. "Medium/large tree" means a tree identified as a "medium/large tree" in the Department of Transportation's "Recommended Street Trees and Planting Schedules," or a tree not listed in such schedules that is normally expected to have a spread greater than twenty (20) feet and less than or equal to twenty-five (25) feet in diameter at maturity.

4. "Large tree" means a tree identified as a "large tree" in the Department of Transportation's "Recommended Street Trees and Planting Schedules," or a tree not listed in such schedules that is normally expected to have a spread greater than twenty-five (25) feet in diameter at maturity.

5. "Exceptionally large tree" means a tree with a trunk diameter exceeding twenty-four inches when measured at four and one-half (4.5) feet above the ground.

"Tree, exceptional" means a tree designated as such per Chapter 25.11.

"Triplex" means a single structure containing three (3) dwelling units.
(Ord. 122330, § 3, 2007; Ord. 122311, § 100, 2006)

23.84A.040 "U."

"Underground" means entirely below the surface of the earth excluding access.

"University." See "Institution."

"Urban plaza." See "Plaza, urban."

"Urban center" means an area designated as an urban center in Seattle's Comprehensive Plan.

"Urban center village" means a portion of a larger urban center designated in Seattle's Comprehensive Plan as an urban center village.

"Urban village" means an area designated in Seattle's Comprehensive Plan as an urban center, hub urban village or residential urban village.

"Urban village, hub" means an area designated in Seattle's Comprehensive Plan as a hub urban village.

"Urban village, residential" means an area designated in Seattle's Comprehensive Plan as a residential urban village.

"Usable open space." See "Open space, usable."

"Use" means the purpose for which land or a structure is designed, built, arranged, intended, occupied, maintained, let or leased.

"Use, accessory" means a use that is incidental to a principal use.

"Use, conditional" means a use or other feature of development that may be permitted when authorized by the Director of the Department of Planning and Development ("administrative conditional use"), or by the Council ("Council conditional use"), pursuant to specified criteria.

"Use, nonconforming" means a use of land or a structure that was lawful when established and that does not now conform to the use regulations of the zone in which it is located, or that has otherwise been established as nonconforming according to section 23.42.102.

"Use, principal" means a use that is not incidental to another use.

"Utility" means a use in which power, water or other similar items are provided or transmitted; or sewage is treated, or solid waste is stored, transferred, recycled or incinerated. High-impact uses and utility lines shall not be considered utilities. Subject to the foregoing exclusions, utilities include but are not limited to the following uses:

1. "Communication utilities, major." See "communication devices and utilities."

2. "Communication utilities, minor." See "communication devices and utilities."

3. "Power plant" means a utility use in which power in the form of electricity is produced by wind, solar or water forces or the combustion of materials such as coal, oil, or gas and/or in which steam is produced by combustion or electricity. A nuclear power plant, solid waste incineration facility and the concurrent incidental production of electricity or useful heating or mechanical energy, or cogeneration, as well as the recovery of waste heat, shall not be considered a power plant. The production and use of electricity produced from solar energy or other sources of natural energy as an accessory use is not a power plant use, and the sale of excess energy so produced is not evidence of a power plant use.

4. "Recycling" means a utility use in which recyclable materials are collected, stored, and/or processed, by crushing, breaking, sorting and/or packaging, but not including the collection of recyclable materials accessory to another use or any use which is defined as a solid waste management use.

5. "Sewage treatment plant" means a utility use in which sanitary or combined sewage is received, treated, and discharged, but does not include: Conveyance lines and associated underground storage facilities; pumping stations; or commercial or industrial facilities for "pretreatment" of sewage prior to discharge into the sewer system.

6. "Solid waste management" means a utility use in which solid waste other than recyclable materials is collected, stored, processed or incinerated. Solid waste management includes, but is not limited to, the following uses:

   a. "Salvage yard" means a solid waste management use in which junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house-wrecking yards, and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment, but only when such activity is not conducted entirely within an enclosed building, and excluding the following: pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

   b. "Solid waste incineration facilities" means a solid waste management use in which solid waste is reduced by mass burning, prepared fuel combustion, pyrolysis or any other means, regardless of whether or not the heat of combustion of solid waste is used to produce power. Heat-recovery incinerators and the incidental production of electricity or useful heating or mechanical energy, or cogeneration, shall not be considered a solid waste incineration facility.

   c. "Solid waste landfills" means a solid waste management use in which solid waste is permanently placed in or on land, including sanitary landfills and compliance cell landfills.

   d. "Solid waste transfer station" means a solid waste management use in which discarded materials are collected for transfer to another location for disposal by compaction, shredding or separating, but does not include processing that changes the chemical content of the material.

7. "Utility services use" means a utility use that provides the system for transferring or delivering power, water, sewage, storm water runoff, or other similar substances. Examples include electrical substations, pumping stations, and trolley transformers.

(Ord. 122311, § 100, 2006)

23.84A.042 "V."

"Vacation (of public right-of-way)" means an action taken by the Council that terminates or extinguishes a right-of-way easement when it is no longer necessary for a public right-of-way.

"Vanpool" means a highway vehicle with a seating capacity of eight (8) to fifteen (15) persons, including the driver, that is used primarily to transfer a group of three (3) or more employees between home and work.

"Variance" means relief from certain provisions of the Land Use Code authorized by the Director or Council after determining that the criteria established for the granting of variances have been satisfied.

"Vegetated wall." see "Wall, vegetated"

"Vehicle repair, minor." See "Retail sales and services, automotive" under "Sales and services, automotive."

"Vehicle repair, major." See "Sales and services, automotive."

"Very low-income disabled multifamily structure." See "Multifamily structure, very low-income disabled."

"Very low-income elderly multifamily structure." See "Multifamily structure, very low-income elderly."

"Very low-income elderly/very low-income disabled multifamily structure." See "Multifamily structure, very low-income elderly/very low-income disabled."

"Very low-income household." See "Household, very low-income."

"Very low-income housing." See "Housing, very low-income."

"Vessel repair, major." See "Sales and services, marine."

"Vessel repair, minor." See "Sales and services, marine."

"Visible" means capable of being seen (whether or not legible) without visual aid by persons of normal visual acuity.

"Vocational or fine arts school." See "Institution."
(Ord. 122311, § 100, 2006)

23.84A.044 "W."

"Wall, exterior" means an upright member of a structure that forms the boundary between the interior and exterior of that structure.

"Wall, vegetated." means a vertical surface designed and planted to be covered at maturity by plants.

"Warehouse." See "Storage."

"Whip antenna." See "Communications devices and utilities".

"Wholesale showroom." See "Sales and services, heavy."

"Width, structure." See "Structure width."

"Work release center" means a use providing an alternative to imprisonment, including pre-release and work/training release programs that are under the supervision of a court, or a federal, state or local agency. This definition excludes at-home electronic surveillance.
(Ord. 122311, § 100, 2006)

23.84A.046 "Y."

"Yard." See "Yard, front," "Yard, side" and "Yard, rear."

"Yard, front" means an area from the ground upward between the side lot lines of a lot, extending from the front lot line to a line on the lot parallel to the front lot line, the horizontal depth of which is specified for each zone.

"Yard, rear" means an area from the ground upward between the side lot lines of a lot, extending from the rear lot line to a line on the lot parallel to the rear lot line, the horizontal depth of which is specified for each zone.

"Yard, side" means an area from the ground upward between the front yard (or front lot line if no front yard is required); and the rear yard (or rear lot line if no rear yard is required); and extending from a side lot line to a line on the lot, parallel to the side lot line, the horizontal depth of which is specified for each zone.
(Ord. 122311, § 100, 2006)

23.84A.048 "Z."

"Zone" means a portion of the City designated on the Official Land Use Map of The City of Seattle within one (1) of the land use classifications.

"Zone, commercial" means a zone with a classification that includes one of the following: NC1, NC2, NC3, C1, C2 and SM, which classification also may include one or more suffixes.

"Zone, general commercial" or "Zone, C" means a zone with a classification that includes one of the following: Commercial 1 (C1) or Commercial 2 (C2), which classification also may include one or more suffixes.

"Zone, downtown" means a zone with a classification that includes any of the following: DOC1, DOC2, DRC, DMC, DMR, IDM, IDR, PSM, PMM, DH1 and DH2, which classification also may include one or more

suffixes.

"Zone, industrial" means a zone with a classification that includes any of the following: General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC).

"Zone, lowrise" means zone with a classification that includes any of the following: Lowrise Duplex/Triplex, Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 multifamily residential zones, which classification also may include one or more suffixes.

"Zone, multifamily" means a zone with a classification that includes any of the following: Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Lowrise 2 (L2), Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR), Midrise/85 (MR/85), or Highrise (HR), which classification also may include one or more suffixes.

"Zone, neighborhood commercial" or "Zone, NC" means a zone with a classification that includes any of the following: Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), or Neighborhood Commercial 3 (NC3), which classification also may include one or more suffixes.

"Zone, next more intensive" means, with respect to a zone with one of the following designations, a zone that has the designation listed immediately after that designation in the following list:

1. Neighborhood Commercial 1 (NC1)
2. Neighborhood Commercial 2 (NC2)
3. Neighborhood Commercial 3 (NC3)
4. Commercial 1 (C1)
5. Commercial 2 (C2)
6. Industrial Buffer (IB)
7. Industrial Commercial (IC)
8. General Industrial 2 (IG2)
9. General Industrial 1 (IG1)

"Zone, pedestrian-designated" means a Neighborhood Commercial 1P (NC1P), Neighborhood Commercial 2P (NC2P), or Neighborhood Commercial 3P (NC3P) zone designated on the Official Land Use (Zoning) map.

"Zone, residential" means a zone with a classification that includes any of the following: SF9600, SF7200, SF5000, RSL, LDT, L1, L2, L3, L4, MR, HR, RC, DMR and IDR, which classification also may include one or more suffixes, but not including any zone with an RC designation.

"Zone, single family" or "SF zone" means a zone with a classification that includes any of the following: SF5000, SF7200 and SF9600. Solely for the purposes of the provisions of this title that impose standards or regulations based upon adjacency or any other juxtaposition or relationship to a single-family zone, "zone, single family" also shall include any zone with a classification that includes RSL, which classification also may include one or more suffixes.
(Ord. 122311, § 100, 2006)

Chapter 23.86

MEASUREMENTS

Sections:

23.86.002 General provisions.

A. For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements. These drawings shall be drawn to scale, and shall be of sufficient detail to allow verification upon inspection or examination by the Director.

B. Fractions.

1. When any measurement technique for determining the number of items required or allowed, including but not limited to parking or bicycle spaces, or required trees or shrubs, results in fractional requirements, any fraction up to and including one-half (1/2) of the applicable unit of measurement shall be disregarded and fractions over one-half (1/2) shall require the next higher full unit of measurement.

2. When any measurement technique for determining required minimum or allowed maximum dimensions, including but not limited to height, yards, setbacks, lot coverage, open space, building depth, parking space size or curb cut width, results in fractional requirements, the dimension shall be measured to the nearest inch. Any fraction up to and including one-half (1/2) of an inch shall be disregarded and fractions over one-half (1/2) of an inch shall require the next

higher unit.

3. When density calculations result in a fraction, any fraction up to and including one-half (1/2) shall be disregarded and any fraction over one-half (1/2) shall allow the next higher number. This provision may not be applied to density calculations that result in a quotient less than one (1).

(Ord. 120117 § 58, 2000; Ord. 119242 § 11, 1998; Ord. 117263 § 70, 1994; Ord. 111390 § 49, 1983; Ord. 110381 § 1(part), 1982.)

23.86.004 Sign measurements.

A. Sign Area.

1. For a sign which is an independent structure, the entire visible surface of the sign, exclusive of support devices, shall be included in area calculations. Only one (1) face of a double-faced sign shall be counted.

2. For a sign painted or mounted directly on another structure, sign area shall be the area contained in the smallest rectangular area enclosing the graphic or worded message, measured by the projection of the legs of two (2) right angles that are placed at opposite corners of the graphic and/or worded message (Exhibit 23.86.004 A)

3. Where a background color different from that of the face upon which a sign is located is used as part of the sign, the entire background area shall be included in area calculations (Exhibit 23.86.004 B).

4. Only message-conveying text shall be included. Decorative graphics not conveying a readily apparent message are not counted in the area of the sign.

5. For the purposes of measuring sign area for signs regulated by Section 23.55.042, signs adjacent to certain public highways, the following provisions shall also be used to calculate sign area:

   a. Where freestanding business signs and business signs on the face of a building are visible on the same premises, the sum of the area of both types of signs visible from any place on the traveled way shall not exceed the area permitted on the face of the building, except as provided for gas station signs and in subsection E1 of Section 23.55.042.

   b. Where a multi-faced sign is used, the greatest area visible from any place on the traveled way shall be measured.

6. In major institution zones, when signs with and without size limits are combined, the portion of the sign to which a size limit applies shall not exceed the applicable limit.

B. Number of Signs. In certain zones, the type and number of signs is determined by amount of frontage on public rights-of-way, except alleys. Frontage shall be measured as follows:

1. When only one (1) business establishment is located on a lot, or when determining the frontage of a multiple business center, frontage shall equal the length of the street property line(s) of the lot on which the business establishment or multiple business center is located (Exhibit 23.86.004 C).

2. When determining the frontage of a business establishment located in a multiple business center, the following method shall be used:

   a. Draw the least rectangle that encloses the portion of the principal structure in which the business establishment is located, as well as any area used for outdoor sales or outdoor display of rental equipment.

   b. Extend the sides of the rectangle to the property line(s) of the lot which abut a right-of-way, except an alley, and which are not blocked from the rectangle by another structure or portion of the structure (Exhibit 23.86.004 D).

   c. The lineal footage of the frontage between the extended sides of the rectangle shall be the frontage of the business establishment for purposes of measuring the number and type of permitted signs.

C. Dispersion Standards for Off-premises Signs.

1. Where linear dispersion of off-premises signs is required, the number of off-premises signs permitted on a street shall be calculated as follows:

   a. Project the centerline of each off-premises sign structure or sign painted on a structure to the centerline of each street from which the sign face is visible, at right angles to the street. Signs which are set so far back from a street that they are not visible from the street, sign structures which may be visible from the street but are oriented to face another street and permitted business district identification signs, shall not be counted.

   b. Signs on both sides of the street shall be counted, unless otherwise stated.

   c. Single-face billboards shall be considered one (1) structure for the purposes of this subsection.

   d. Double-face or "V" type shall be considered one (1) structure for the purposes of this subsection.

   e. Visually blocked advertising signs shall be considered one-half (1/2) of a sign structure for the purposes of this subsection.

   f. The number of permitted signs shall be measured from the projections made under subsection C1a at the centerline of the street.

2. Where a minimum radial distance between each off-premises sign structure is established, the

distance shall be calculated as follows:

a. Draw a circle with its center on the centerline of the sign structure, and a radius equal to the minimum required distance (Exhibit 23.86.004 F).

b. No off-premises sign except permitted business district identification signs shall be located within the circle.

c. Double-face or "V" type billboards shall be considered one (1) structure for the purposes of this subsection.

d. When permitted sign area is calculated as a percentage of the area of the face of the structure on which the sign is located, the area of the structure face shall be the elevation of the structure as measured on flat projection from any side, excluding the roof and excluding any chimney, stack, structure, or mechanical equipment on the roof.

(Ord. 116780 § 6, 1993; Ord. 113263 § 42, 1986; Ord. 112830 § 23, 1986; Ord. 112519 § 50, 1985; Ord. 110381 § 1(part), 1982.)

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23.86.006 Structure height.

A. Height Measurement Technique in All Zones Except Downtown Zones and Within the South Lake Union Hub Urban Village.

1. The height shall be measured at the exterior walls of the structure. Measurement shall be taken at each exterior wall from the existing or finished grade, whichever is lower, up to a plane essentially parallel to the existing or finished grade. For determining structure height, the exterior wall shall include a plane between supporting members and between the roof and the ground. The vertical distance between the existing grade, or finished grade, if lower, and the parallel plane above it shall not exceed the maximum height of the zone.

2. When finished grade is lower than existing grade, in order for an upper portion of an exterior wall to avoid being considered on the same vertical plane as a lower portion, it must be set back from the lower portion a distance equal to two (2) times the difference between existing and finished grade on the lower portion of the wall (Exhibit 23.86.006 A1).

3. Depressions such as window wells, stairwells for exits required by other codes, "barrier free" ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent (50%) of the facade

on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grade on either side of the depression.

4. No part of the structure, other than those specifically exempted or excepted under the provisions of the zone, shall extend beyond the plane of the maximum height limit.

5. Underground portions of structures are not included in height calculations. The height of structures shall be calculated from the point at which the sides meet the surface of the ground.

B. Within the South Lake Union Hub Urban Village, structure height shall be measured for all portions of the structure. All measurements shall be taken vertically from existing or finished grade, whichever is lower, to the highest point of the structure located directly above each point of measurement.

Existing or finished grade shall be established by drawing straight lines between the corresponding elevations at the perimeter of the structure. The straight lines will be existing or finished grade for the purpose of height measurement. When a contour line crosses a facade more than once, that contour line will be disregarded when establishing existing or finished grade.

C. Height Averaging for Single-family Zones. In a single family zone, the average elevation of the nearest single family structures on either side of a lot may be, at the applicant's option, used to establish the height limit of the principal structure on that lot, according to the following provisions:

1. Each structure used for averaging shall be on the same block front as the lot for which a height limit is being established. The structures used shall be the nearest single family structure on each side of the lot, and shall be within one hundred feet (100') of the side lot lines of the lot.

2. The height limit for the lot shall be established by averaging the elevations of the structures on either side in the following manner:

   a. If the nearest structure on either side has a roof with at least a three-in-twelve (3:12) pitch, the elevation to be used for averaging shall be the highest point of that structure's roof minus five feet (5').

   b. If the nearest structure on either side has a flat roof, or a roof with a pitch of less than three-in-twelve (3:12), the elevation of the highest point of the structure's roof shall be used for averaging.

   c. Rooftop features which are otherwise exempt from height limitations, Height Exceptions, Section 23.44.012 C, shall not be included in elevation calculations.

   d. The two (2) elevations obtained from steps 2a and/or 2b shall be averaged to derive the height limit for the lot. This height limit shall be the difference in elevation between the midpoint of a line parallel to the front lot line at the required front setback and the average elevation derived from 2a and/or 2b.

   e. The height measurement technique used for the lot shall then be the City's standard

measurement technique, Section 23.86.006 A.

3. When there is no single-family structure within one hundred feet (100') on a side of the lot, or when the nearest single family structure within one hundred feet (100') on a side of the lot is not on the same block front, the elevation used for averaging on that side shall be thirty feet (30') plus the elevation of the midpoint of the front lot line of the abutting vacant lot.

4. When the lot is a corner lot, the height limit may be the highest elevation of the nearest structure on the same block front, provided that the structure is within one hundred feet (100') of the side lot line of the lot and that both front yards face the same street.

5. In no case shall the height limit established according to these height averaging provisions be greater than forty feet (40').

6. Lots using height averaging to establish a height limit shall be eligible for the pitched roof provisions of Section 23.44.012 B.

D. Additional Height on Sloped Lots.

1. In certain zones, additional height shall be permitted on sloped lots at the rate of one foot (1') for each six percent (6%) of slope. For the purpose of this provision, the slope shall be measured from the exterior wall with the greatest average elevation at existing grade, to the exterior wall with the lowest average elevation at existing grade. The slope shall be the difference between the existing grade average elevations of the two (2) walls, expressed as a percentage of the horizontal distance between the two (2) walls.

2. This additional height shall be permitted on any wall of the structure, provided that on the uphill side(s) of the structure, the height of the wall(s) shall be no greater than the height limit of the zone (Exhibit 23.86.006 A2).

3. Structures on sloped lots shall also be eligible for the pitched roof provisions applicable in the zone.

E. Height Measurement Techniques in Downtown Zones.

1. Determine the major street property line, which shall be the lot's longest street property line. When the lot has two (2) or more street lot lines of equal length, the applicant shall choose the major street property line.

2. Determine the slope of the lot along the entire length of the major street property line.

3. The maximum height shall be measured as follows:

a. When the slope of the major street property line is less than or equal to seven and one-half percent (7- 1/2%), the elevation of maximum height shall be determined by adding the maximum permitted height to the existing grade elevation at the midpoint of

the major street property line. On a through lot, the elevation of maximum height shall apply only to the half of the lot nearest the major street property line. On the other half of a through lot, the elevation of maximum height shall be determined by the above method using the street lot line opposite and parallel to the major street property line as depicted in Exhibit 23.86.006 B.

b. When the slope of the major street property line exceeds seven and one-half percent (7-1/2%), the major street property line shall be divided into four (4) or fewer equal segments no longer than one hundred twenty feet (120') in length. The elevation of maximum height shall be determined by adding the maximum permitted height to the existing grade elevation at the midpoint of each segment. On a through lot, the elevation of maximum height shall apply only to the half of the lot nearest the major street property line. On the other half of a through lot, the elevation of maximum height shall be determined by the above method using the street lot line opposite and parallel to the major street property line, as depicted in Exhibit 23.86.006 C.

c. For lots with more than one (1) street frontage, where there is no street property line which is essentially parallel to the major street property line, when a measurement has been made for the portion of the block containing the major street property line, the next measurement shall be taken from the longest remaining street lot line.

4. No parts of the structure, other than those specifically exempted or excepted under the provisions of the zone, shall extend beyond the elevation of maximum height.

5. Underground portions of structures are not included in height calculations. The height of structures shall be calculated from the point at which the sides meet the surface of the ground.

F. Determining the Height of Existing Public School Structures. When the height of the existing public school structure must be measured for purposes of determining the permitted height or lot coverage of a public school structure, either one of the following options may be used:

1. If all parts of the new roof are pitched at a rate of not less than three to twelve (3:12), the ridge of the new roof may extend to the highest point of the existing roof. A shed roof does not qualify for this option.

2. If all parts of the new roof are not pitched at a rate of not less than three to twelve (3:12), then the elevation of the new construction may extend to the average height of the existing structure. The average height shall be determined by measuring the area of each portion of the building at each height and averaging those areas, as depicted in Exhibit 23.86.006 D.

G. Height Measurement Technique for Structures Located Partially Within the Shoreline District. When any portion of the structure falls within the Shoreline District, structure height for the entire structure shall be measured according to Section 23.60.952, Height.

(Ord. 121476 § 24, 2004; Ord. 121359 § 10, 2003; Ord. 112971 § 1, 1986; Ord. 112539 § 13, 1985; Ord. 112519 § 51, 1985; Ord. 112303 § 24, 1985; Ord. 111926 § 25, 1984; Ord. 110669 § 26, 1982; Ord. 110570 § 21, 1982; Ord. 110381 § 1(part), 1982.)

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23.86.007 Gross floor area and floor area ratio.

A. Certain items may be exempted from calculation of gross floor area of a structure. When gross floor area below grade is exempted, the amount of below-grade floor area shall be measured as follows:

1. The existing grade of the lot shall be established by the elevations of the perimeter lot lines of the lot.

2. To determine the amount of gross floor area which is below grade, find the point where the ceiling of each floor intersects the existing grade elevation. Draw a line perpendicular to the point of intersection. All gross floor area behind this line shall be considered below-grade (see Exhibit 23.86.007 A).

B. Public rights-of-way shall not be considered part of a lot when calculating floor area ratio; provided that when dedication of right-of-way is required, permitted floor area ratio shall be calculated before the dedication is made.
(Ord. 115326 § 37, 1990; Ord. 113892 § 9, 1988: Ord. 112519 § 52, 1985: Ord. 112303 § 25, 1985.)

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23.86.008 Lot coverage, width and depth.

A. Lot coverage shall be calculated in accordance with Exhibit 23.86.008 A.

B. In single-family zones, lot depth shall be the length of the line extending between the front lot line or front lot line extended, and the rear lot line or lines, or in the case of a through lot, between the two (2) front lot lines or lines extended. This line shall be perpendicular to the front lot line or front lot line extended. Where an alley abuts the rear of the property, one-half (1/2) of the width of the alley shall be included as a portion of the lot for determining lot depth.

C. Lot Width in Single-family Zones:

1. When a lot is essentially rectangular, the lot width shall be the mean horizontal distance between side lot lines measured at right angles to lot depth (Exhibit 23.86.008 B).

2. In the case of a lot with more than one (1) rear lot line (Exhibits 23.86.008 C and 23.86.008 D), the lot width shall be measured according to the following:

a. If the distance between the rear lot lines is fifty (50) percent or less of the lot depth, the lot width shall be measured parallel to the front lot line and shall be the greatest distance between the side lot lines (Exhibit 23.86.008 C); or

b. If the distance between the rear lot lines is greater than fifty (50) percent of the lot depth, the lot width shall be determined by measuring average lot width according to Exhibit 23.86.008 D.

3. For irregular lots not meeting the conditions of subsections C1 or C2, the Director shall determine the measurement of lot width.

(Ord. 121476 §§ 25, 26, 2004; Ord. 117263 § 71, 1994; Ord. 113883 § 4, 1988; Ord. 110669 § 27, 1982: Ord. 110381 § 1(part), 1982.)

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23.86.010 Yards.

A. Measuring Required Yards. Required yard dimensions shall be horizontal distances, measured perpendicular to the appropriate lot lines (Exhibit 23.86.010 A).

For lots with no street frontage, the applicant may designate the front lot line.

B. Front Yards.

1. Determining Front Yard Requirements. Front yard requirements are presented in the development standards for each zone. Where the minimum required front yard is to be determined by averaging the setbacks of structures on either side of a lot, the following provisions shall apply:

a. The required depth of the front yard shall be the average of the distance between single-family structures and front lot lines of the nearest single-family structures on each side of the lot (Exhibit 23.86.010 B) When the front facade of the single-family structure is not parallel to the front lot line, the shortest distance from the front lot line to the structure shall be used for averaging purposes (Exhibit 23.86.010 C).

b. The yards used for front yard averaging shall be on the same block front as the lot, and shall be the front yards of the nearest single-family structures within one hundred (100) feet of the side lot lines of the lot.

c. For averaging purposes, front yard depth shall be measured from the front lot lines to the wall nearest to the street or, where there is no wall, the plane between supports, which comprises twenty (20) percent or more of the width of the front facade of the single-family structure. Enclosed porches shall be considered part of the single-family structure for measurement purposes. Attached garages or carports permitted in front yards under either Sections 23.44.014 D7 or 23.44.016 C, decks, uncovered porches, eaves, attached solar collectors, and other similar parts of the structure shall not be considered part of the structure for measurement purposes.

d. When there is a dedication of street right-of-way to bring the street abutting the lot closer to the minimum widths established in Section 23.53.015, for averaging purposes the amount of the dedication shall be subtracted from the front yard depth of the structures on either side.

e. When the first single-family structure within one hundred (100) feet of a side lot line of the lot is not on the same block front, or does not provide its front yard on the same street, or when there is no single-family structure within one hundred (100) feet of the side lot line, the yard depth used for averaging purposes on that side shall be twenty (20) feet (Exhibits 23.86.010 D and 23.86.010 E).

f. When the front yard of the first single-family structure within one hundred (100) feet of the side lot line of the lot exceeds twenty (20) feet, the yard depth used for averaging purposes on that side shall be twenty (20) feet (Exhibit 23.86.010 F).

g. In cases where the street is very steep or winding, the Director shall determine which adjacent single-family structures should be used for averaging purposes.

2. Sloped Lots in Single-family Zones. For a lot in a single-family zone, reduction of the required front yard is permitted at a rate of one (1) foot for every percent of slope in excess of thirty-five (35) percent. For the purpose of this provision the slope shall be measured along the centerline of the lot. In the case of irregularly shaped lots, the Director shall determine the line along which slope is calculated.

C. Rear Yards. Rear yard requirements are presented in the standard development requirements for each zone. In determining how to apply these requirements, the following provisions shall apply:

1. The rear yard shall be measured horizontally from the rear lot line when the lot has a rear lot line which is essentially parallel to the front lot line for its entire length.

2. When the front lot line is essentially parallel to portions of the rear property line, as with a stepped rear property line, each portion of the rear property line which is opposite and essentially parallel to the front lot line shall be considered to be a rear lot line for the purpose of establishing a rear yard.

3. On a lot with a rear property line, part of which is not essentially parallel to any part of the front lot line, the rear yard shall be measured from a line or lines drawn from side lot line(s) to side lot

line(s), at least ten (10) feet in length, parallel to and at a maximum distance from the front lot line. Where an alley abuts the rear of the property, one-half (1/2) the width of the alley, between the side lot lines extended, shall be considered to be part of the lot for drawing this line. For those portions of the rear lot line which are essentially parallel to the front lot line, subsection C2 above shall apply.

4. For a lot with a curved front lot line, the rear yard shall be measured from a line at least ten (10) feet in length, parallel to and at a maximum distance from a line drawn between the endpoints of the curve. The lot depth is then measured perpendicularly from this ten (10) foot long line extended as needed to the point on the actual front lot line which is the furthest distance away. This establishes lot depth, which then may be used to determine the required rear yard depth.

5. For a lot with an irregular shape or with an irregular front lot line not meeting conditions of C1 through C4 above, the Director shall determine the measurement of the rear yard.

D. Side Yards.

1. Side Yard Averaging. Side yard requirements are presented in the standard development requirements for each zone. In certain cases where specifically permitted, the side yard requirement may be satisfied by averaging the distance from side lot line to structure facade for the length of the structure. In those cases the side yard shall be measured horizontally from side lot line to the side facade of the structure.

(Ord. 118414 § 60, 1996; Ord. 117263 § 72, 1994; Ord. 115326 § 38, 1990; Ord. 111390 § 50, 1983; Ord. 110793 § 71, 1982; Ord. 110669 § 28, 1982; Ord. 110381 § 1(part), 1982.)

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23.86.012 Setbacks in multifamily zones.

A. Front Setbacks.

1. Determining Front Setback Requirements. Front setback requirements are presented in the development standards for each zone. Where the minimum required front setback is to be determined by averaging the setbacks of structures on either side of the subject lot, the following provisions shall apply:

a. The required depth of the front setback shall be the average of the distance between principal structures and front lot lines of the nearest principal structures on each side of

the subject lot (Exhibit 23.86.012 A).

b. The setbacks used for front setback averaging shall be on the same block front as the subject lot, and shall be the front setbacks of the nearest principal structures within one hundred (100) feet of the side lot lines of the subject lot.

c. For averaging purposes, front setback depth shall be measured from the front lot line to the nearest wall or, where there is no wall, the plane between supports which comprises twenty (20) percent or more of the width of the front facade of the principal structure on either side. Attached garages and enclosed porches shall be considered part of the principal structure for measurement purposes. Decks less than eighteen (18) inches above existing grade, uncovered porches, eaves, attached solar collectors and other similar parts of the structure shall not be considered part of the principal structure. When the front facade of the principal structure is not parallel to the front lot line, the shortest distance from the front lot line to the structure shall be used for averaging purposes.

d. When there is a dedication of street right-of-way to bring the street abutting the lot closer to the minimum widths established in Section 23.53.015, for averaging purposes the amount of dedication shall be subtracted from the front setbacks of the structures on either side.

e. When the first principal structure within one hundred feet (100') of a side lot line of the subject lot is not on the same block front or when there is no principal structure within one hundred feet (100') of the side lot line, the setback depth used for averaging purposes on that side shall be ten feet (10').

f. When the front setback of the first principal structure within one hundred feet (100') of the side lot line of the subject lot exceeds twenty feet (20'), the setback depth used for averaging purposes on that side shall be twenty feet (20').

g. In cases where the street is very steep or winding, the Director shall determine which adjacent structures should be used for averaging purposes.

h. In the case of a through lot, the requirement for front setback shall be determined independently for each street frontage. The measurement techniques of this section shall be applied for each street frontage separately.

i. For cluster development, the front setback of a principal structure on the same lot may be used for averaging purposes.

2. Front Setback Averaging. In certain zones the required front setback may be averaged. In such cases the following provisions shall apply:

a. The average distance from the front lot line to the facade shall satisfy the minimum front setback requirement. The front setback shall be averaged for the entire width of the structure, except that areas which are farther than three (3) times the required front

setback from the front lot line shall not be calculated in the front setback.

b. Portions of the facade at existing grade shall be used in determining the average setback.

c. Projections of the front facade which begin at least eight feet (8') above finished grade and project four feet (4') or less from the lower portion of the facade shall not be included in the setback averaging. For such projections which project more than four feet (4') from the lower portion of the facade, only the first four feet (4') shall be exempt from the averaging calculation. This provision applies to such features as cantilevered floor area, decks and bay windows. Eaves, gutters and cornices are permitted to project eighteen inches (18") beyond any front facade without being counted in averaging.

3. Measuring Street-facing Setbacks for Institutions and Public Facilities in Multifamily Zones.

a. In multifamily zones, the depth of setback from a street lot line may be averaged along the width and height of the facade for institutions and public facilities, as an alternative providing greater design flexibility than standard modulation requirements.

b. This average setback shall be calculated by dividing the three (3) dimensional volume of setback by the area of the structure facade.

(1) Find the sum of volumes within the space defined by extension of the roof line, the planes of the side walls, and the vertical extension of the front lot line; and

(2) Divide this sum by the area of the street-facing facade, calculated as the product of facade height and facade width (Exhibit 23.86.012 B).

B. Rear Setbacks. In Midrise zones applicants are given an option in multifamily zones to provide a minimum rear setback of ten feet (10') which must be modulated, or an averaged rear setback of at least fifteen feet (15'). The following provisions shall apply when the applicant has chosen to provide an averaged rear setback of at least fifteen feet (15'):

1. All projections of the facade shall be included in averaging the rear setback, with the exception of eaves, gutters and cornices which project eighteen inches (18") or less from the facades.

2. The rear setback shall be averaged for the entire width of the structure.

C. Side Setbacks.

1. Side setback requirements are presented in the standard development requirements for each zone. Side setback requirements are based on the height and the depth of a structure. Where two (2) or more structures are connected by elevated walkways, structure depth shall be determined by the combined depth of the structures connected by the elevated walkway, not including the walkway itself.

2. Side Setback Averaging. In certain cases where specifically permitted, the side setback

requirement may be satisfied by averaging the distance from side lot line to structure facade for the depth of the structure. In those cases the following provisions shall apply:

a. The side setback shall be measured horizontally from side lot line to the side facade of the structure.

b. This side setback shall be averaged for the entire depth of the structure, except that areas which are farther than two (2) times the required average side setback from the side lot line shall not be counted as part of the side setback (Exhibit 23.86.012 C).

C. Setbacks Between Structures in Cluster Developments. Required setbacks in cluster developments are specified in each multifamily zone. In certain cases, the setback requirement may be satisfied by averaging the distance between the portions of the facades which face each other. In those cases the following provisions apply:

1. The setback shall be measured horizontally from one (1) facade to the other.

2. The setback shall be averaged across the width of those portions of the facades which face each other.

(Ord. 115326 § 39, 1990; Ord. 115002 § 21, 1990; Ord. 114887 § 9, 1989: Ord. 113041 § 22, 1986: Ord. 112971 § 2, 1986; Ord. 111100 § 12, 1983; Ord. 110793 § 72, 1982; Ord. 110570 § 22, 1982.)

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23.86.014 Structure width.

A. Structure width shall be measured by the following method:

1. Draw a rectangle that encloses the principal structure.

2. Structure width shall be the length of the side of that rectangle most closely parallel to the front lot line (Exhibit 23.86.014 A).

B. Portions of a structure which shall be considered part of the principal structure for the purpose of measuring structure width are as follows:

1. Carports and garages attached to the principal structure unless attached by a structural feature not counted in structure width under subsection C;

2. Exterior corridors, hallways or open, above-grade walkways, except portions which are elevated walkways connecting structures in a cluster development;

3. Enclosed porches, decks, balconies and other enclosed projections;

4. Chimneys used to meet modulation requirements;

5. Modulated and projecting segments of a facade unless excluded in subsection C.

C. Portions of a structure which shall not be considered part of the principal structure for the purpose of measuring structure width are as follows:

1. Eaves, cornices and gutters provided that when such features project more than eighteen (18) inches from an exterior wall only eighteen (18) inches shall be excluded in the measurement of structure width;

2. The portion of elevated walkways connecting buildings in cluster developments;

3. Chimneys not used to meet modulation requirements provided that only eighteen (18) inches shall be excluded in the measurement of structure width;

4. Attached solar greenhouses meeting minimum standards administered by the Director;

5. Unenclosed decks, balconies and porches, ten (10) feet or less above existing grade, unless located on the roof of an attached garage or carport included in structure width in subsection B1 of this section;

6. Unenclosed decks, balconies and porches, more than ten (10) feet above existing grade, provided that when such features project more than four (4) feet from an exterior wall, only four (4) feet shall be excluded in the measurement of structure width. Such features shall be excluded whether or not used to meet modulation requirements; and

7. Arbors, trellises and similar features.

(Ord. 118414 § 61, 1996; Ord. 114887 § 10, 1989; Ord. 111390 § 51, 1983; Ord. 110793 § 73, 1982: Ord. 110570 § 23, 1982.)

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23.86.016 Structure depth.

A. Measuring Structure Depth. In certain zones structure depth is limited by development standards. The following provisions shall apply for determining structure depth:

1. Structure depth shall be measured by the following method:

a. Draw a rectangle that encloses the principal structure.

b. Structure depth shall be the length of the sides of that rectangle most closely parallel to the side lot lines (Exhibit 23.86.016 A).

c. In Lowrise zones when more than one (1) structure is located on a lot and no portion of a structure is behind any portion of another structure and the structures are separated by a minimum of ten (10) feet, the maximum depth of each structure shall be measured individually. (See Exhibit 23.86.016 B.) When any portion of a structure is behind any portion of another structure then maximum structure depth shall be the combined depth of the structures on the lot.

2. Portions of a structure which shall be considered part of the principal structure for the purpose of measuring structure depth are as follows:

a. Carports and garages attached to the principal structure unless attached by a structural feature not counted in structure depth under subsection A3;

b. Exterior corridors, hallways or open, abovegrade walkways, except portions which are elevated walkways connecting structures in a cluster development;

c. Enclosed porches, decks, balconies and other enclosed projections;

d. Chimneys used to meet modulation requirements;

e. Modulated and projecting segments of a facade unless excluded in subsection A3;

f. Accessory structures which are less than three (3) feet from the principal structure at any point.

3. Portions of a structure which shall not be considered part of the principal structure for the purpose of measuring structure depth are as follows:

a. Eaves, cornices and gutters provided that when such features project more than eighteen (18) inches from an exterior wall only eighteen (18) inches shall be excluded in the measurement of the structure depth;

b. The portion of elevated walkways connecting buildings in a cluster development;

c. Chimneys not used to meet modulation requirements provided that only eighteen (18) inches shall be excluded in the measurement of structure depth;

d. Attached solar greenhouses meeting minimum standards administered by the Director;

e. Unenclosed decks, balconies and porches, ten (10) feet or less in height, unless located on the roof of an attached garage or carport included in structure depth in subsection A2a;

f. Unenclosed decks, balconies and porches, more than ten (10) feet above existing grade,

provided that when such features project more than four (4) feet from an exterior wall only four (4) feet shall be excluded in the measurement of structure depth. Such features shall be excluded whether or not used to meet modulation requirements.

B. Determining Maximum Permitted Structure Depth. In certain zones, structure depth is limited to a percentage of lot depth. For those cases the following provisions shall apply:

1. When the lot is essentially rectangular and has a rear lot line which is within fifteen (15) degrees of parallel to the front lot line, the lot depth shall be the horizontal distance between the midpoints of the front and rear lot lines (Exhibit 23.86.016 C).

2. When the lot is triangular or wedge-shaped, lot depth shall be the horizontal distances between the midpoint of the front lot line and the rear point of the lot. If such a lot does not actually come to a point, lot depth shall be measured from midpoint of front lot line to midpoint of rear lot line (Exhibit 23.86.016 C).

3. In the case of a through lot, lot depth shall be measured between midpoints of front lot lines.

4. When lot shape is so irregular that provisions 1, 2 or 3 cannot be used, lot depth shall be that distance equal to the result of lot area divided by length of front lot line, provided that in no case shall lot depth be greater than the distance from front lot line to the furthest point on the perimeter of the lot (Exhibit 23.86.016 D).

C. Measuring Structural Depth Exceptions. In certain zones, exceptions permit increased structure depth. For those cases total permitted lot coverage shall equal maximum width times maximum depth less the area required for modulation, according to the following provisions:

1. Maximum width shall be considered to be the width of the lot less the total required side setbacks, but shall in no case exceed the maximum width permitted for the housing type and zone. In Lowrise 3 zones, apartments no more than thirty (30) feet in height may have a maximum depth of one hundred (100) feet.

2. Maximum depth shall be considered to be the percentage of lot depth permitted for the proposed housing type.

3. The area of minimum required modulation shall be subtracted from the calculation to determine maximum lot coverage permitted.

4. Eaves, and unenclosed decks, balconies and porches, shall not be calculated as part of lot coverage, provided that when such features project more than four (4) feet from an exterior wall only four (4) feet shall be excluded from the lot coverage calculation.

(Ord. 118414 § 62, 1996; Ord. 114887 § 11, 1989; Ord. 113041 § 23, 1986; Ord. 111390 §§ 51, 52, 1983; Ord. 110793 § 74, 1982: Ord. 110570 § 24, 1982.)

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23.86.018 Open space.

Certain zones require a minimum amount of open space to be provided on the lot. For those cases where open space is required, the following provisions shall apply:

A. In order for a portion of a lot to qualify as open space, the ground's surface shall be permeable, except for patios, paved areas designed for recreation, and pedestrian access which meets the Washington State Rules and Regulations for Barrier-Free Design. The area shall be landscaped with grass, ground cover, bushes and/or trees.

B. Driveways, parking areas and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

C. The area covered or enclosed by solar collectors meeting minimum standards administered by the Director may be counted as required open space.

D. Portions of a structure which begin eight (8) feet or more above finished grade may project up to four (4) feet over required ground-level open space.

E. Development standards for certain zones specify a minimum contiguous area for open space. Open space areas smaller than the minimum contiguous area specified for such zones shall not be counted toward fulfilling total open space requirements for that lot.

1. Driveways and parking areas, paved or unpaved, shall be considered to separate open space areas they bisect.

2. Pedestrian access areas shall not be considered to break the contiguity of open space on each side.

F. In shoreline areas, when determining the amount of open space required or provided, no land waterward of the ordinary high water mark shall be included in the calculation.

G. In order for a ground area, roof area, deck or balcony to be considered as open space, it shall have a minimum area and provide a minimum horizontal dimension as established in each zone. In cases where the shape or configuration of the open space is irregular or unusual, the Director shall determine whether open space requirements have been met, notwithstanding the following provisions, based on whether the proposed configuration would result in open space that is truly usable for normal residential open space purposes. For the purpose of measuring the horizontal dimensions of open space, the following provisions shall apply:

1. For rectangular or square areas, each exterior dimension of the area shall meet the minimum dimension (Exhibit 23.86.018 A).

2. For irregularly shaped areas where all lines intersect at or approximately at ninety (90) degree angles, an area which is not less than sixty (60) percent of the minimum dimension in width and does not extend further than sixty (60) percent of the minimum dimension from a contiguous rectangular or square area of which all sides meet or exceed the minimum dimension, may be included as required open space (Exhibit 23.86.018 B).

3. For triangular areas, all exterior dimensions of the area shall meet or exceed the minimum dimensions (Exhibit 23.86.018 C).

4. For circular areas, the diameter of the circle shall meet the minimum dimension; for semicircular areas, the radius of the area shall meet the minimum dimension (Exhibit 23.86.018 D).

H. In the case of a lot where a portion is reserved as a vehicular access easement to another lot, when determining the amount of open space required or provided, no land within the limits of the easement shall be included in the calculation except where a portion of the structure is constructed over the easement. (Ord. 120117 § 59, 2000; Ord. 119239 § 43, 1998; Ord. 118414 § 63, 1996; Ord. 114196 § 19, 1988; Ord. 112971 § 3, 1986; Ord. 111390 § 53, 1983; Ord. 110793 § 75, 1982: Ord. 110570 § 25, 1982.)

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23.86.020 Modulation.

Modulation criteria are described in the development standards for each multifamily residential zone. The following provisions describe how measurements shall be made in determining whether modulation requirements have been met.

A. Modulation Width.

1. Modulation width shall be the width of a facade segment between the points at which adjacent segments begin to step forward or back (Exhibit 23.86.020 A).

2. Balconies and decks shall be considered to be projections of the facade for the purpose of measuring modulation width.

3. The stepping forward or back in the facade between which modulation width is measured shall be sufficient to satisfy the minimum modulation requirements for width and depth specified in the standard development requirements for the appropriate multi-family zone. Steps in the facade which do not satisfy minimum modulation width or depth requirements shall not be considered to form a separate facade segment for the purpose of measuring modulation width, until such steps cumulatively satisfy the minimum dimension required.

4. In cases where the design of a structure is so unusual that the above provisions cannot be applied; for example, for wedge-shaped or curved facade projections; the Director shall determine when modulation requirements have been met.

B. Modulation Depth.

1. Modulation depth shall be the distance a facade segment steps forward or back from an adjacent facade segment (Exhibit 23.86.020 B).

2. Balconies and decks shall be considered to be projections of the facade for the purpose of measuring modulation depth.

3. When portions of a facade which step forward or back do not satisfy the minimum modulation width or depth specified in the standard development requirements for the appropriate multifamily zone, such portions shall not be considered to form a separate facade segment for the purpose of measuring modulation depth, until such steps cumulatively satisfy the minimum dimensions required.

4. In cases where the design of the structure is so unusual that the above provisions cannot be applied, the Director shall determine when modulation requirements have been met.

C. Calculating Maximum Permitted Modulation Width. The maximum width of modulation is prescribed in the standard development requirements for each multi-family zone. In those cases for which the maximum modulation width may be increased if the modulation depth is increased, the following provisions shall apply:

1. When the depth of modulation provided allows the structure to qualify for increased modulation

width, each adjacent facade segment shall qualify for the increased width, each adjacent facade segment shall qualify for the increased width (Exhibit 23.86.020 C).

2. When a facade segment is bounded by two (2) modulated segments of differing depths, the maximum modulation width shall be determined by the greater of the two modulation depths (Exhibit 23.86.020 D).

(Ord. 110570 § 26, 1982.)

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23.86.023 Street-level facades.

A structure's street-level facade is the portion of the facade that covers the street-level story or stories of a structure along an abutting street. The street-level facade of a structure is measured independently along each abutting street. On flat or sloped streets that span only one story of a structure, the street-level facade is the exterior wall of the story with more than fifty (50) percent of its floor closer to street level than any other story. On sloped streets that span more than one story of a structure, the street-level facade is identified as covering that portion of each story with its floor closer to street level than the floor of any other story. If no floor is closer to street-level than any other floor, the Director shall determine which portion of the facade is the street level. (Exhibit 23.86.023 A).

(Ord. 122311, § 101, 2006)

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23.86.024 Minimum facade height.

A. When a minimum facade height is required in downtown zones, the height of the facade shall be measured from the elevation of the street property line at the sidewalk as depicted in Exhibit 23.86.024 A. Areaways, stairways and other excavations at the property line shall not be considered in measuring the elevation of the street property line. When sidewalk widening is required according to Section 23.49.022, the height of the facade shall be measured from the elevation of the line establishing the new sidewalk width, rather than the street property line.

B. When different minimum facade heights are established at the corner of a lot, the higher

minimum height shall continue to be provided around the corner for a distance equal to the higher minimum height required as depicted in Exhibit 23.86.024 B.
(Ord. 112519 § 53, 1985; Ord. 111926 § 26(part), 1984.)

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23.86.026 Facade transparency.

A. In zones where a certain percentage of the street facade is required to be transparent, transparency shall be measured in an area between two (2) feet and eight (8) feet above the elevation of the property line at the sidewalk, as depicted in Exhibit 23.86.026 A. Areaways, stairways and other excavations at the property line shall not be considered in measuring the elevation of the street property line. When sidewalk widening is required according to Section 23.49.022, the elevation of the lines establishing the new sidewalk width shall be used rather than the street property line.

B. When transparency is required for facades which abut bonused public open spaces, the measurement of facade transparency shall be from the elevation of the public open space.
(Ord. 112519 § 54, 1985; Ord. 111926 § 26(part), 1984.)

23.86.028 Blank facades.

In zones where blank facades are required to be limited, the following provisions shall be used to determine the percent and length of blank facades.

A. Percent of Blank Facades.

1. Blank facades shall be measured in an area between two (2) feet and eight (8) feet above the elevation of the property line at the sidewalk as depicted in Exhibit 23.86.028 A. Areaways, stairways and other excavations at the property line shall not be considered in measuring the elevation of the street property line. When sidewalk widening is required according to Section 23.49.022, the elevation of the line establishing the new sidewalk width shall be used rather than the street property line.

2. When the blank facade is limited for facades which abut bonused public open spaces, the measurement of facade transparency shall be from the elevation of the public open space.

B. Length of Blank Facades. The length of a blank facade located within the area established in subsection A of this section shall be measured between the closest points of adjacent transparent areas, at five (5) feet above the elevation of the property line at the sidewalk. Garage doors shall not be counted in determining the length of blank facades, as depicted in Exhibit 23.86.028 A.

(Ord. 112303 § 26, 1985; Ord. 111926 § 26(part), 1984.)

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23.86.030 Common recreation area.

Certain zones require that a minimum common recreation area be provided for residential use. When a common recreation area is required, the following provisions shall apply:

A. An outdoor area that is not part of a green street or publicly owned open space qualifies as a common recreation area if the ground surface of the area is permeable and is landscaped with grass, ground cover, bushes and/or trees; provided that patios, paved areas designed for recreation, and pedestrian access that meets the Washington State Rules for Barrier-Free Design shall also be considered common recreation area.

B. Driveways, parking areas and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as common recreation area.

C. Development standards in downtown zones specify a minimum contiguous area for common recreation area. Areas smaller than the minimum contiguous area specified shall not be counted toward fulfilling the common recreation area requirements. Driveways and parking areas, paved or unpaved, shall be considered to separate common recreation areas they bisect. Pedestrian access areas shall not be considered to break the contiguity of common recreation areas on each side.

D. For an area to be considered a common recreation area, it must have a minimum area and minimum horizontal dimensions as established for downtown zones. For the purpose of measuring the horizontal dimensions of the common recreation area, the following provisions shall apply:

1. In rectangular or square areas, each exterior dimension of the area shall meet the minimum dimension as depicted in Exhibit 23.86.030 A.

2. In irregularly shaped areas in which all lines intersect at or approximately at ninety (90) degree angles, an area which is not less than sixty (60) percent of the minimum dimension in width and does not extend further than sixty (60) percent of the minimum dimension form a contiguous rectangular or square area of which all sides meet or exceed the minimum dimension, may be included as required common recreation area, as depicted in Exhibit 23.86.030 B.

3. In triangular areas, all exterior dimensions of the area shall meet or exceed the minimum dimension as depicted in Exhibit 23.86.030 C.

4. In circular areas, the diameter of the circle shall meet the minimum dimension; for semicircular areas, the radius of the area shall meet the minimum dimension as depicted in Exhibit 23.86.030 D.

5. When the shape of the area is so unusual that the above provisions cannot be applied; for example, when the shape is curvilinear, the Director shall determine when common recreation area requirements have been met.

6. When a portion of a lot is reserved for a vehicular access easement to another lot, no land within the limits of the easement shall be included in the calculation of the common recreation area required, except when a portion of the structure containing common recreation area is constructed over the easement.

(Ord. 119728 § 12, 1999; Ord. 111926 § 26(part), 1984.)

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23.86.032 Gross floor area in residential use.

When a requirement is based on the percentage of a structure's gross floor area which is in residential use, residential area shall include the following:

A. The gross floor area of all floors or portions of floors of a structure which are devoted entirely to residential use;

B. The prorated portion share of a structure's common areas in the same proportion as the residential use to other uses occupying the structure.

(Ord. 112303 § 27, 1985.)

23.86.034 Distance to required parking.

When a maximum distance to required parking is specified it shall be the walking distance measured from the nearest point of the parking area or garage to the nearest point of the lot containing the use the parking is required to serve.

(Ord. 112777 § 58, 1986.)

23.86.036 Major Institution minimum site and gross floor area measurement.

A. For the purpose of determining whether an institution's site meets the minimum site area to be designated a Major Institution, the following shall be included:

1. All contiguous lots containing Major Institution uses, and lots abutting or across a street or alley and within a radius of two thousand five hundred feet (2,500') of the contiguous lots containing Major Institution uses, including parking lots and outdoor uses and activity areas such as ball courts and playfields primarily used by the Major Institution;

2. If a structure on a lot contains uses other than Major Institution uses, only the area of the lot which contains Major Institution uses or the respective lot area calculated as a percentage of the structure that is occupied by the Major Institution use(s) shall be included.

B. For the purposes of determining whether an institution's gross floor area meets the minimum required to be designated a Major Institution, all gross floor area containing Major Institution uses in all structures within a Major Institution's site area, as determined by subsection A of this section, shall be included. (Ord. 115002 § 22, 1990.)

Division 3

Implementation

Chapter 23.88

RULES; INTERPRETATION

Sections:

23.88.010 Rulemaking.

The Director may promulgate rules consistent with this title pursuant to the authority granted in Section 3.06.040 and pursuant to the procedures established for rulemaking in the Administrative Code, Chapter 3.02. In addition to the notice provisions of Chapter 3.02, notice of the proposed adoption of a rule shall be placed in the Land Use Information Bulletin.
(Ord. 121477 § 64, 2004; Ord. 112522 § 17(part), 1985: Ord. 110381 § 1(part), 1982.)

23.88.020 Land use interpretations.

A. Interpretations Generally. A decision by the Director as to the meaning, application or intent of any development regulation in Title 23, Land Use Code, or in Chapter 25.09, Regulations for Environmentally Critical Areas, as it relates to a specific property is known as an "interpretation." An interpretation may be requested in writing by any person or may be initiated by the Director. Procedural provisions and statements of policy shall not be subject to the interpretation process. A decision by the Director that an issue is not subject to an interpretation request shall be final and not subject to administrative appeal. A request for an interpretation and a subsequent appeal to the Hearing Examiner, when available, are administrative remedies that must be exhausted before judicial review of a decision subject to interpretation may be sought.

B. Filing and Fees. Any request for interpretation shall be filed with the Director accompanied by the fee for interpretation provided in Table 6, SMC Section 22.901E.010. If a request for interpretation is

included in an appeal to the Hearing Examiner of a related project decision, a copy shall be filed with the Director, accompanied by the applicable fee.

C. Timing of Request.

1. An interpretation that is not related to any pending project application may be requested at any time, by any person.

2. If an interpretation relates to a project application requiring no public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation must be received by the Department in order for the interpretation to be applied to the pending permit application:

a. Any person may request an interpretation within fourteen (14) days after the date the project application is determined to be complete, provided that the interpretation will not apply to the project if the permit is ready to issue before or on the same day the interpretation request and fee are submitted to the Department.

b. The project applicant may request an interpretation more than fourteen (14) days after the project application is determined to be complete if he or she agrees in writing that the time limits required by SMC Section 23.76.005 shall be calculated from the day the interpretation is requested.

3. If an interpretation relates to a project application requiring public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation must be received by the Department in order for the interpretation to be applied to the pending permit application:

a. Any person may request an interpretation prior to the end of the public comment period, including any extension, for the project application.

b. The project applicant may request an interpretation after the end of the public comment period and prior to publication of a land use decision or recommendation, if he or she agrees in writing that the time limits required by SMC Section 23.76.005 shall be calculated from the day the interpretation is requested.

c. Notwithstanding the above deadlines, an appeal of a Type II decision or a request for further consideration of a Type III recommendation may include a request that the Director issue in writing his or her interpretation of specified code sections, combined with an appeal of such interpretation, provided that an interpretation regarding whether a use proposed under the related project application has been correctly classified may not be requested pursuant to this subsection C. A request for interpretation made pursuant to this subsection C shall state with specificity:

(1) How the Director's construction or application of the specified code sections is in error; and

(2) How the requester believes those sections should be construed or applied.

The provisions of subsections D, E and F of this section shall not apply to interpretations requested pursuant to this subsection ©. The Director shall respond to the request by issuing an interpretation in the form of a memorandum to be filed with the Hearing Examiner at least five (5) calendar days before the hearing.

D. Notice of Request for Interpretation. If an interpretation relates to a project application under consideration, and is requested by a person other than the applicant for that project, notice of the request for interpretation shall be provided to the permit applicant. If an interpretation relates to the provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice of the request shall be provided to the Washington State Department of Ecology. If an interpretation is requested by a Major Institution as to whether a proposal constitutes a major or minor amendment to an adopted Major Institution Master Plan, notice of the request shall be provided to all members of the Citizens' Advisory Committee for that Major Institution.

E. Notice of Interpretation. Notice of an interpretation shall be provided to the person requesting the interpretation, and to the applicant(s) for the specific project or projects to which the interpretation relates. If the interpretation relates to provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice shall be provided to the Washington State Department of Ecology. If the interpretation is related to a project requiring public notice, the interpretation shall be published concurrently with other land use decisions relating to that project. Notice of any interpretation subject to appeal before the Hearing Examiner or the Shoreline Hearings Board shall be provided by Land Use Information Bulletin.

F. Availability and Venue of Appeals.

1. An interpretation that is unrelated to any specific project application, or is related to a Type III or IV decision, may be appealed by any person to the Hearing Examiner. Such an appeal shall be filed with the Hearing Examiner by five p.m. (5:00 p.m.) on the fourteenth calendar day following publication of the notice of the interpretation. When the last day of the appeal period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal hearing on an interpretation related to a Type III Master Use Permit shall be consolidated with the open record hearing on the project application and the appeal hearing for any related environmental determination. Interpretations related to Type IV decisions shall be appealable to the Hearing Examiner in accordance with SMC Section 23.76.052.

2. An interpretation relating to a project application that does not require public notice shall not be subject to administrative appeal.

3. An interpretation relating to a Type II Master Use Permit shall be subject to the same appeal deadline as the related project decision, and may be appealed only if that project decision is appealed. The appeal of an interpretation shall be consolidated with the appeal of the related project decision. Interpretations related to projects that are appealed to the Hearing Examiner shall be appealable to the Hearing Examiner, and interpretations relating to project decisions that are appealed to the Shoreline Hearings Board shall be appealable to the Shoreline Hearings Board.

G. Appeals to Hearing Examiner, Process and Standard of Review.

1. The appeal of an interpretation, where permitted, shall be in writing and shall state specifically why the applicant believes the interpretation to be incorrect.

2. Appeals submitted to the Hearing Examiner shall be accompanied by payment of a filing fee as established in SMC Chapter 3.02.

3. The Hearing Examiner shall consider the appeal in accordance with the procedure established for hearing contested cases in the Administrative Code, Chapter 3.02 and the Hearing Examiner Rules of Practice and Procedure in effect at the time the appeal is made.

4. In the event of an appeal of an interpretation not related to a specific project application, such appeal shall be decided within fifteen (15) days of the close of the record before the Hearing Examiner.

5. Appeals shall be considered de novo, and the decision of the Hearing Examiner shall be made upon the same basis as was required of the Director. The interpretation of the Director shall be given substantial weight, and the burden of establishing the contrary shall be upon the appellant. The Hearing Examiner shall summarily dismiss an appeal without hearing which is determined to be without merit on its face, frivolous, or brought merely to secure a delay.

6. The Hearing Examiner may affirm, reverse or modify the Director's interpretation either in whole or in part or may remand the interpretation to the Director for further consideration. The decision of the Hearing Examiner shall be final and conclusive unless the decision is reversed or remanded on judicial appeal. 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.

(Ord. 121477 § 65, 2004; Ord. 121476 § 27, 2004; Ord. 118181 § 8, 1996; Ord. 118012 § 58, 1996: Ord. 112522 § 17(part), 1985; Ord. 110793 § 76, 1982; Ord. 110381 § 1(part), 1982.)

Case: Mandamus will not issue to compel the City to abate a violation which comes to light through the interpretation process. Carkeek v. Seattle, 53 Wn.App. 277, 766 P.2d 480 (1989).

This section does not preclude a lawsuit by neighbors who opposed issuance of a permit and had no reason or opportunity to seek interpretation of the code. Kates v. Seattle, 44 Wn.App. 754, 723 P.2d 493 (1986).

Chapter 23.90

ENFORCEMENT OF THE LAND USE CODE

Sections:

23.90.002 Violations.

A. It is a violation of Title 23 for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within The City of Seattle without first obtaining the permits or authorizations required for the use by Title 23.

B. It is a violation of Title 23 for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within The City of Seattle in any manner that is not permitted by the terms of any permit or authorization issued pursuant to Title 23 or previous codes, provided that the terms or conditions are explicitly stated on the permit or the approved plans.

C. It is a violation of Title 23 to remove or deface any sign, notice, complaint or order required by or posted in accordance with Title 23.

D. It is a violation of Title 23 to misrepresent any material fact in any application, plans or other information submitted to obtain any land use authorization.

E. It is a violation of Title 23 for anyone to fail to comply with the requirements of Title 23.
(Ord. 122050 § 17, 2006; Ord. 117570 § 28, 1995: Ord. 113978 § 5(part), 1988: Ord. 110381 § 1(part), 1982.)

23.90.004 Duty to enforce.

A. It shall be the duty of the Director to enforce Title 23. The Director may call upon the police, fire, health or other appropriate City departments to assist in enforcement. It shall be the duty of the Director of Transportation to enforce Section 23.55.004, Signs projecting over public rights-of-way.

B. Upon presentation of proper credentials, the Director or duly authorized representative of the Director may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by the Land Use Code.

C. The Land Use Code shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

D. It is the intent of this Land Use Code to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this Code.

E. No provision of or term used in this Code is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action.
(Ord. 118409 § 216, 1996: Ord. 113978 § 5(part), 1988: Ord. 110381 § 1(part), 1982.)

23.90.006 Investigation and notice of violation.

A. The Director shall investigate any structure or use which the Director reasonably believes does not comply with the standards and requirements of this Land Use Code.

B. If after investigation the Director determines that the standards or requirements have been violated, the Director shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall state separately each standard or requirement violated, shall state what corrective action, if any, is necessary to comply with the standards or requirements; and shall set a reasonable time for compliance. The notice shall state that any subsequent violations may result in criminal prosecution as provided in Section 23.90.020. In the event of violations of the standards or requirements of the Seattle Shoreline Master Program, Chapter 23.60, the required corrective action shall include, if appropriate, but shall not be limited to, mitigating measures such as restoration of the area. Civil penalties for unauthorized dwelling units in single-family structures shall be applied.

C. The notice shall be served upon the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person or persons is unknown or service cannot be accomplished and the Director makes an affidavit to that effect, then service of the notice upon such person or persons may be made by:

1. Publishing the notice once each week for two (2) consecutive weeks in the City Official Newspaper; and

2. Mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address if known, or if unknown, to the address of the property involved in the proceedings.

D. A copy of the notice may be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

E. Nothing in this section shall be deemed to limit or preclude any action or proceeding pursuant to Section 23.90.010 or Section 23.90.012.

F. The Director may mail, or cause to be delivered to all residential, nonresidential, and/or live-work rental units in the structure or post at a conspicuous place on the property, a notice that informs each recipient or resident about the notice of violation, Stop Work Order or Emergency Order and the applicable requirements and procedures.

G. A notice or an Order may be amended at any time in order to:

1. Correct clerical errors, or

2. Cite additional authority for a stated violation.

(Ord. 121196 § 31, 2003; Ord. 118472 § 9, 1997; Ord. 118414 § 64, 1996; Ord. 117263 § 73; Ord. 117203 § 9, 1994: Ord. 113978 § 5(part), 1988: Ord. 110381 § 1(part), 1982.)

23.90.008 Time to comply.

A. When calculating a reasonable time for compliance, the Director shall consider the following criteria:

1. The type and degree of violation cited in the notice;

2. The stated intent, if any, of a responsible party to take steps to comply;

3. The procedural requirements for obtaining a permit to carry out corrective action;

4. The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and

5. Any other circumstances beyond the control of the responsible party.

B. Unless a request for review before the Director is made in accordance with Section 23.90.014 the notice of violation shall become the final order of the Director. After the notice of violation becomes the final order of the Director, a copy of the notice of violation shall be filed with the King County Department of Records and Elections if the notice of violation cites illegal uses, illegal units, failure to comply with a permit condition, elimination of a required parking space, more than one (1) dwelling per lot, or shoreline violations. All other notices of violation shall be filed with the King County Department of Records and Elections when the Director notifies the City Attorney in writing of any person subject to a penalty under the title.
(Ord. 117263 § 74, 1994; Ord. 113978 § 5(part), 1988: Ord. 110381 § 1(part), 1982.)

23.90.010 Stop Work Order.

Whenever a continuing violation of this Code will materially impair the Director's ability to secure compliance with this Code, or when the continuing violation threatens the health or safety of the public, the Director may issue a Stop Work Order specifying the violation and prohibiting any work or other activity at the site. A failure to comply with a Stop Work Order shall constitute a violation of this Land Use Code.
(Ord. 113978 § 5(part), 1988.)

23.90.012 Emergency Order.

Whenever any use or activity in violation of this Code threatens the health and safety of the occupants of the premises or any member of the public, the Director may issue an Emergency Order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The Emergency Order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to comply with an Emergency Order shall constitute a violation of this Land Use Code.Any condition described in the Emergency Order which is not corrected within the time specified is hereby declared to be a public nuisance and the Director is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or person responsible or both in the manner provided by law.
(Ord. 113978 § 5(part), 1988.)

23.90.014 Review by the Director.

A. Any person significantly affected by or interested in a notice of violation issued by the Director pursuant to Section 23.90.006 may obtain a review of the notice by requesting such review within fifteen (15) days after service of the notice. When the last day of the period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until five (5:00) p.m. on the next business day. The request shall be in writing, and upon receipt of the request, the Director shall notify any persons served the notice of violation and the complainant, if any, of the request for review and the deadline for submitting additional information for the review, which shall be within twenty (20) days after the request is received, unless otherwise agreed by all persons served with the notice of violation. Before the deadline for submission of information, any person significantly affected by or interested in the notice of violation (including any persons served the notice of violation and the complainant) may submit any additional information in the form of written material or oral comments to the Director for consideration as part of the review.

B. The review will be made by a representative of the Director who is familiar with the case and the applicable ordinances. The Director's representative will review all additional information received by the deadline for submission of information. The reviewer may also request clarification of information received and a site visit. After review of the additional information, the Director may:

1. Sustain the notice of violation;

2. Withdraw the notice of violation;

3. Continue the review to a date certain for receipt of additional information; or

4. Modify the notice of violation, which may include an extension of the compliance date.

C. The Director shall issue an Order of the Director containing the decision within seven (7) days of the date of the completion of the review and shall cause the same to be mailed by regular first class mail to the person or persons named on the notice of violation, mailed to the complainant, if possible, and filed with the Department of Records and Elections of King County.
(Ord. 119702 § 1, 1999: Ord. 113978 § 5part), 1988.)

23.90.016 Extension of compliance date.

The Director may grant an extension of time for compliance with any notice or Order, whether pending or final, upon the Director's finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension.

An extension of time may be revoked by the Director if it is shown that the conditions at the time the extension was granted have changed, the Director determines that a party is not performing corrective actions as agreed, or if the extension creates an adverse effect on the public. The date of revocation shall then be considered as the compliance date. The procedures for revocation, notification of parties, and appeal of the revocation shall be established by Rule.
(Ord. 113978 § 5(part), 1988: Ord. 110381 § 1(part), 1982.)

23.90.018 Civil penalty.

A. In addition to any other sanction or remedial procedure that may be available, any person violating or failing to comply with any of the provisions of Title 23 and who is identified in an order of the Director shall be subject to a cumulative penalty in the amount of Seventy-five Dollars ($75) per day for each violation from the date set for compliance until the person complies with the requirements of the code, except as provided in subsection B of this section.

B. Specific Violations.

1. Violations of Section 23.71.018 are subject to penalty in the amount specified in Section 23.71.018 H.

2. Violations of the requirements of Section 23.44.041C are subject to a civil penalty of Five Thousand Dollars ($5,000).

3. Violation of Section 23.49.011 or 23.49.015 with respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings under either such Section are subject to penalty in amounts determined under Section 23.49.020, and not to any other penalty.

C. The penalty imposed by this section shall be collected by civil action brought in the name of the City. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty, and the City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty. In any civil action for a penalty, the City has the burden of proving by a preponderance of the evidence that a violation exists or existed; the issuance of the notice of violation or of an order following a review by the Director is not itself evidence that a violation exists.

D. Except in cases of violations of Section 23.49.011 or 23.49.015 with respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings, the violator may show as full or partial mitigation of liability:

1. That the violation giving rise to the action was caused by the wilful act, or neglect, or abuse of another; or

2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstance beyond the control of the defendant.

(Ord. 122190, § 13, 2006; Ord. 122054 § 97, 2006; Ord. 120156 § 1, 2000: Ord. 116795 § 17, 1993: Ord. 113978 § 5(part), 1988: Ord. 113079 §§ 2(part), 6, 1986: Ord. 110381 § 1(part), 1982.)

23.90.019 Civil penalty for unauthorized dwelling units in single-family structures and for unauthorized detached accessory dwelling units.

A. In addition to any other sanction or remedial procedure that may be available, the following penalties apply to any owner of a single-family dwelling unit with one (1) or more unauthorized dwelling unit(s) in the single family dwelling unit or in a detached accessory structure. Any owner of a single-family

dwelling unit who is issued a notice of violation for an unauthorized dwelling unit that is not a legal nonconforming use, is subject to a civil penalty of Five Thousand Dollars ($5,000). This penalty shall be reduced to One Hundred Dollars ($100) if, prior to the compliance date stated on the notice, the owner removes all unauthorized dwelling units. Any owner of a single-family dwelling unit who voluntarily applies to legalize an accessory dwelling unit prior to issuance of a notice of violation for an unauthorized dwelling unit, and obtains final inspection approval for the unit within one (1) year of issuance of permit, shall not be subject to a civil penalty.

B. After discovery of the existence of one (1) or more unauthorized dwelling unit(s) in a single-family dwelling unit or the existence of an unauthorized detached accessory dwelling unit, the Director shall issue a Notice of Violation in the manner set forth in Section 23.90.006, which notice shall impose the civil penalty and notify the owner of the date by which action to remove or legally establish the unauthorized unit(s) must be completed to avoid additional penalty. Failure to complete the required action by the date stated shall be a further violation of the Land Use Code, subjecting the owner to an additional penalty of Seventy-five Dollars ($75) per day until the Notice is satisfied.

Such penalties shall be collected in the manner provided in Section 23.90.018.
(Ord. 122190, § 14, 2006; Ord. 119617 § 4, 1999; Ord. 118472 § 10, 1997; Ord. 117789 § 13, 1995; Ord. 117203 § 10, 1994.)

23.90.020 Criminal penalties.

A. Any person violating or failing to comply with any of the provisions of this Land Use Code and who has had a judgment entered against him or her pursuant to Section 23.90.018 or its predecessors within the past five (5) years shall be subject to criminal prosecution and upon conviction of a subsequent violation shall be fined in a sum not exceeding Five Thousand Dollars ($5,000) or be imprisoned in the City Jail for a term not exceeding one (1) year or be both fined and imprisoned. Each day of noncompliance with any of the provisions of this Land Use Code shall constitute a separate offense.

B. A criminal penalty, not to exceed Five Thousand Dollars ($5,000) per occurrence, may be imposed:

1. For violations of Section 23.90.002 D;

2. For any other violation of this Code for which corrective action is not possible, other than violations with respect to commitments to earn LEED Silver ratings under SMC 23.49.011 or 23.49.015; and

3. For any wilful, intentional, or bad faith failure or refusal to comply with the standards or requirements of this Code.

(Ord. 122054 § 98, 2006; Ord. 118414 § 65, 1996; Ord. 113978 § 5(part), 1988: Ord. 110381 § 1(part), 1982.)

23.90.022 Additional relief.

The Director may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of the Land Use Code when civil or criminal penalties are

inadequate to effect compliance. In any such action, the City has the burden of proving by a preponderance of the evidence that a violation exists or will exist; the issuance of the notice of violation or of an order following a review by the Director is not itself evidence that a violation exists or will exist.
(Ord. 120156 § 2, 2000: Ord. 113978 § 5(part), 1988: Ord. 110381 § 1(part), 1982.)

Chapter 23.91

CITATION--HEARINGS--PENALTIES

Sections:

23.91.002 Scope.

A. Violations of the following provisions of Seattle Municipal Code Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage in residential zones (Sections 23.44.006, 23.44.040, 23.45.004, and 23.45.140);

2. Construction or maintenance of structures in required yards or setbacks in residential zones (Sections 23.44.014, 23.44.040, 23.45.005, 23.45.014, 23.45.056, and 23.45.072);

3. Parking of vehicles in a single-family zone (Section 23.44.016);

4. Keeping of animals (Section 23.42.050); and

5. Home occupations (Section 23.42.052).

B. Any enforcement action or proceeding pursuant to this Chapter 23.91 shall not affect, limit or preclude any previous, pending or subsequent enforcement action or proceeding taken pursuant to Chapter 23.90.
(Ord. 122311, § 102, 2006; Ord. 119837 § 4, 2000: Ord. 119473 § 3, 1999.)

23.91.004 Citation.

A. Citation. If after investigation the Director determines that the standards or requirements of provisions referenced in Section 23.91.002 have been violated, the Director may issue a citation to the owner and/or other person or entity responsible for the violation. The citation shall include the following information:

(1) the name and address of the person to whom the citation is issued; (2) a reasonable description of the location of the property on which the violation occurred; (3) a separate statement of each standard or requirement violated; (4) the date of the violation; (5) a statement that the person cited must respond to the citation within eighteen (18) days after service; (6) a space for entry of the applicable penalty; (7) a statement that a response must be sent to the Hearing Examiner and received not later than five (5:00) p.m. on the day the response is due; (8) the name, address and phone number of the Hearing Examiner where the citation is to be filed; (9) a statement that the citation represents a determination that a violation has been committed by the person named in the citation and that the determination shall be final unless contested as provided in this chapter; and (10) a certified statement of the inspector issuing the citation, authorized by RCW 9A72.085, setting forth facts supporting issuance of the citation.

B. Service. The citation may be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known address of such person(s). Service shall be complete at the time of personal service, or if mailed, on the date of mailing. If a citation sent by first class mail is returned as undeliverable, service may be made by posting the citation at a conspicuous place on the property.
(Ord. 119896 § 5, 2000: Ord. 119473 § 4, 1999.)

23.91.006 Response to citations.

A. A person must respond to a citation in one (1) of the following ways:

1. Paying the amount of the monetary penalty specified in the citation, in which case the record shall show a finding that the person cited committed the violation; or

2. Requesting in writing a mitigation hearing to explain the circumstances surrounding the commission of the violation and providing a mailing address to which notice of such hearing may be sent; or

3. Requesting a contested hearing in writing specifying the reason why the cited violation did not occur or why the person cited is not responsible for the violation, and providing a mailing address to which notice of such hearing may be sent.

B. A response to a citation must be received by the Office of the Hearing Examiner no later than eighteen (18) days after the date the citation is served. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five (5:00) p.m. on the next business day.
(Ord. 119896 § 6, 2000: Ord. 119473 § 5, 1999.)

23.91.008 Failure to respond.

If a person fails to respond to a citation within fifteen (15) days of service, an order shall be entered by the Hearing Examiner finding that the person cited committed the violation stated in the citation, and assessing the penalty specified in the citation.
(Ord. 119473 § 6, 1999.)

23.91.010 Mitigation hearings.

A. Date and Notice. If a person requests a mitigation hearing, the mitigation hearing shall be held within thirty (30) days after written response to the citation requesting such hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing will be sent by first class mail to the address provided in the request for hearing not less than ten (10) days prior to the date of the hearing.

B. Procedure at Hearing. The Hearing Examiner shall hold an informal hearing which shall not be governed by the Rules of Evidence. The person cited may present witnesses, but witnesses may not be compelled to attend. A representative from DPD may also be present and may present additional information, but attendance by a representative from DPD is not required.

C. Disposition. The Hearing Examiner shall determine whether the person's explanation justifies reduction of the monetary penalty; however, the monetary penalty may not be reduced unless DPD affirms or certifies that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the penalty include whether the violation was caused by the act, neglect, or abuse of another; or whether correction of the violation was commenced promptly prior to citation but that full compliance was prevented by a condition or circumstance beyond the control of the person cited.
(Ord. 121477 § 66, 2004; Ord. 119896 § 7, 2000: Ord. 119473 § 7, 1999.)

23.91.012 Contested hearing.

A. Date and Notice. If a person requests a contested hearing, the hearing shall be held within sixty (60) days after the written response to the citation requesting such hearing is received.

B. Hearing. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this section. The issues heard at the hearing shall be limited to those that are raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.

C. Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation which the person cited is alleged to have committed or by reason of defects or imperfections, provided such lack of detail, or defects or imperfections do not prejudice substantial rights of the person cited.

D. Amendment of Citation. A citation may be amended prior to the conclusion of the hearing to conform to the evidence presented if substantial rights of the person cited are not thereby prejudiced.

E. Evidence at Hearing. The certified statement or declaration authorized by RCW 9A.72.085 submitted by an inspector shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration of the inspector authorized under RCW 9A.72.085 and any other evidence accompanying the report shall be admissible without further evidentiary foundation.

Any certifications or declarations authorized under RCW 9A.72.085 shall also be admissible without further evidentiary foundation. The person cited may rebut the DPD evidence and establish that the cited violation(s) did not occur or that the person contesting the citation is not responsible for the violation.

F. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation. If the violation remains uncorrected, the Hearing Examiner shall impose the applicable penalty. The Hearing Examiner may reduce the monetary penalty in accordance with the mitigation provisions in Section 23.91.010 if the violation has been corrected. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation.

G. Appeal. The Hearing Examiner's decision is the final decision of the City. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision in accordance with RCW 36.70C.040.
(Ord. 121477 § 67, 2004; Ord. 119896 § 8, 2000: Ord. 119473 § 8, 1999.)

23.91.014 Failure to appear for hearing.

Failure to appear for a requested hearing will result in an order being entered finding that the person cited committed the violation stated in the citation and assessing the penalty specified in the citation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.
(Ord. 119473 § 9, 1999.)

23.91.016 Penalties.

A. First Violation. The first time that a person or entity is found to have violated one of the provisions referenced in Section 23.91.002. after the effective date of the ordinance codified in this chapter,1 the person or entity shall be subject to a penalty of One Hundred Fifty Dollars ($150).

B. Second and Subsequent Violations Any subsequent time that a person or entity is found to have violated one of the provisions referenced in Section 23.91.002 within a five (5) year period after the first violation, the person or entity shall be subject to a penalty of Five Hundred Dollars ($500) for each such violation.
(Ord. 119473 § 10, 1999.)
1. Editor's Note: Ordinance 119473, which enacted Chapter 23.91, is effective on July 16, 1999.

23.91.018 Alternative criminal penalty.

Any person who violates or fails to comply with any of the provisions referenced in Section 23.91.002 shall be guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 need be proved. The Director may request the City Attorney to prosecute such violations criminally as an alternative to the citation procedure outlined in this chapter.
(Ord. 119473 § 11, 1999.)

23.91.020 Abatement.

Any property on which there continues to be a violation of any of the provisions referenced in Section 23.91.002 after enforcement action taken pursuant to this chapter is hereby declared a nuisance and subject to

abatement by the City in the manner authorized by law.
(Ord. 119473 § 12, 1999.)

23.91.022 Collection of penalties.

If the person cited fails to pay a penalty imposed pursuant to this chapter, the penalty may be referred to a collection agency. The cost to the city for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the penalty. Alternatively, the City may pursue collection in any other manner allowed by law.
(Ord. 119473 § 13, 1999.)

23.91.024 Each day a separate violation.

Each day a person or entity violates or fails to comply with a provision referenced in Section 23.91.002 may be considered a separate violation for which a citation may be issued.
(Ord. 119473 § 14, 1999.)

23.91.026 Additional relief.

The Director may seek legal or equitable relief at any time to enjoin any acts or practices that violate the provisions referenced in Section 23.91.002 or abate any condition that constitutes a nuisance.
(Ord. 119473 § 15, 1999.)