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Ordinance No. 106595

AN ORDINANCE relating to land use and zoning; amending Section 28.2 of the Zoning Ordinance (86300) to provide for authorization of certain uses as special exceptions in buildings designated as Landmarks under the Landmarks Preservation Ordinance.

*7/6/77 - PASS*

COMPTROLLER  
FILE NUMBER 285074

Council Bill No. 98532

INTRODUCED: JUL 5 1977	BY: KRAABEL
REFERRED: JUL 5 1977	TO: PLANNING & URBAN DEV.
REFERRED:	
REFERRED:	
REPORTED: JUL 11 1977	SECOND READING: JUL 11 1977
THIRD READING: JUL 11 1977	SIGNED: JUL 11 1977
PRESENTED TO MAYOR: JUL 12 1977	APPROVED: JUL 19 1977
RETD. TO CITY CLERK: JUL 19 1977	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

SEE BACK COVER

LAW DEPARTMENT

6

ORD 106952 -FURTHER AMENDS SEC 28.2 TO PROVIDE FOR AMATEUR BOATBUILDING AS A SPECIAL  
EXCEPTION TO ZONING RESTRICTIONS.

ORDINANCE 106595

AN ORDINANCE relating to land use and zoning; amending Section 28.2 of the Zoning Ordinance (86300) to provide for authorization of certain uses as special exceptions in buildings designated as Landmarks under the Landmarks Preservation Ordinance.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 28.2 of the Zoning Ordinance (86300), as last amended by Ordinance 105513, is further amended to read as follows:

AMENDED - ORG.  
106 952

Section 28.2 Special Exceptions. In specific cases and subject to the considerations stipulated in Section 28.1, the Hearing Examiner, or the Board upon appeal, may authorize the following special exceptions:

(a) Exceptions to height limits:

(1) Industrial Structures: An industrial structure which by reason of its intended use, requires exceptional height; provided however, that all such structures or portions of structures above the otherwise applicable height limit shall not occupy more than twenty-five percent (25%) of the lot area and shall be distant forty (40) feet or more from every lot line not a street lot line, and, when within airport areas, shall not be inconsistent with the intent and purpose of Section 22.21.

(2) Vertical Extension of Existing Buildings: Vertical extension of a building to the height shown by the original plans, provided such building was actually designed and constructed to carry the additional stories and provided further that said building

1                   existed upon the effective date of this  
2                   Ordinance.

3           (3) Base Structures: Base structures in the RMV  
4           200 Zone in excess of four (4) feet but not  
5           to exceed twenty (20) feet above lot grade  
6           where topography and/or the nature of surrounding  
7           improvements justify a greater height, subject  
8           to review and report by the Commission.

9           (b) Temporary uses: A temporary use of premises in  
10           any zone not involving the erection of any permanent  
11           structure may be authorized by the Hearing Examiner  
12           or Board by a revocable permit for a period of not  
13           more than six (6) months, except that temporary  
14           uses to be of less than three (3) weeks duration  
15           may be authorized by the Superintendent.

16           (c) Stone quarry, sand, gravel or clay pits: The use  
17           of premises in any zone for the excavation of  
18           stone, sand, gravel, clay or other natural deposits  
19           may be authorized by the Hearing Examiner for a  
20           period of one (1) year, subject to the following  
21           provisions: Plans for such excavations shall  
22           consist of two (2) copies of a topographic map,  
23           with such cross-sections as are necessary to show  
24           adequately the topography of the property in  
25           question and its relation to streets, alleys, and  
26           surrounding property, together with two (2) copies  
27           of a similar map showing the extent of the proposed  
28           excavation and the contours of the ground after  
                the removal of the material. A copy of each map  
                shall be submitted to the City Engineer who shall  
                report his findings to the Hearing Examiner.

1 Before authorizing such use, the Hearing Examiner  
2 shall request a report from the Commission in  
3 order to determine whether the proposed excavation  
4 will interfere with logical future development of  
5 the tract for building or other purposes, and  
6 whether it will depreciate the value of nearby  
7 property. Authorization of such shall be subject  
8 to the posting by the applicant with the City of a  
9 performance bond of not less than Five Thousand  
10 Dollars (\$5,000) guaranteeing conformance with  
11 finished grades indicated by the approved plan.

12 (d) Platted lots separated by alley: Platted lots  
13 within the same block and same zone, but separated  
14 by a public alley, may be authorized by the Hearing  
15 Examiner or Board as a single building site for  
16 purposes of calculating the number of dwelling  
17 units permitted in a structure to be erected on  
18 one side of the alley, subject to the following  
19 requirements:

20 (1) Each portion of the property shall abut a  
21 minimum one hundred (100) feet upon the  
22 alley.

23 (2) The two portions of the property shall be  
24 directly opposite for a distance representing  
25 at least fifty (50) percent of the width of  
26 the portion of the property not to be occupied  
27 by the proposed building.

28 (3) The portion of the property not occupied by  
the building shall not be sold, segregated or  
used for building purposes so long as the  
building remains on the portion of property

1 on the opposite side of the alley.

- 2 (e) Offstreet parking requirements for designated  
3 "Landmarks" or "Landmark Districts".

4 Upon receipt of a written report from the  
5 Director pertaining thereto, the Hearing Examiner  
6 may reduce or waive the minimum accessory offstreet  
7 parking requirements of Article 23 with respect to  
8 a "Landmark" or "Landmark District" designated as  
9 such pursuant to the Landmarks Preservation Ordinance  
10 (106348); provided, that in making any such reduction  
11 or waiver, the Hearing Examiner shall be guided by  
12 parking needs and policies in the surrounding area  
13 as set forth in such written report.

- 14 (f) Uses permitted within buildings designated as  
15 "Landmarks":

16 The Hearing Examiner may authorize a use not  
17 otherwise permitted in the zone within a building  
18 designated as a "Landmark", pursuant to the Landmark  
19 Preservation Ordinance (106348), after the Director's  
20 written report and recommendation on the proposal,  
21 and subject to the following requirements:

- 22 (1) Such use shall be compatible with the  
23 existing design and/or construction of the  
24 building without significant alteration; and  
25 (2) Such use shall be allowed only when it is  
26 demonstrated that uses permitted by the zone  
27 are impractical because of building design  
28 and/or that no such permitted use can provide  
adequate financial support necessary to  
sustain the "Landmark" in a reasonably good  
physical condition; and

(To be used for all Ordinances except Emergency.)

(3) Such use shall not be detrimental to other properties in the zone or vicinity or to the public interest.

Section 2... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 11 day of July, 1977  
and signed by me in open session in authentication of its passage this 11 day of July, 1977.

*[Signature]*  
President of the City Council.

Approved by me this 19 day of July, 1977.

*[Signature]*  
Mayor.

Filed by me this 19 day of July, 1977.

Attest: *[Signature]*  
City Comptroller and City Clerk.

(SEAL)

Published.....

By *[Signature]*  
Deputy Clerk.

# The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported  
and Adopted

Your Committee on PLANNING & URBAN DEVELOPMENT

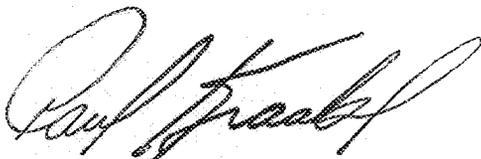
JUL 11 1977

to which was referred

C.B. 98532

Relating to land use and zoning; amending Section 28.2 of the Zoning Ordinance (86300) to provide for authorization of certain uses as special exceptions in buildings designated as Landmarks under the Landmarks Preservation Ordinance.

RECOMMEND THAT THE SAME DO PASS



P&UD  
Chairman

Chairman

Committee

Committee

TIME AND DATE STAMP

**SPONSORSHIP**

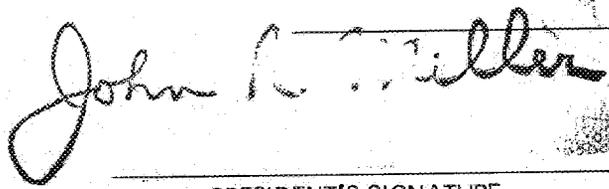
THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO:     P&UD      
\_\_\_\_\_

  
\_\_\_\_\_

PRESIDENT'S SIGNATURE

# Affidavit of Publication

## STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below

stated period. The annexed notice, a .....  
Ordinance No. 106595

.....  
was published on July 22, 1977

*B. Jones*  
.....  
Subscribed and sworn to before me on

July 22, 1977

*[Signature]*  
.....  
Notary Public for the State of Washington,  
residing in Seattle.

ORDINANCE 106397

AN ORDINANCE relating to land use and zoning; amending Section 22.2 of the Zoning Ordinance (19339) to provide for authorization of certain uses as special exceptions in buildings designated as Landmarks under the Landmarks Preservation Ordinance.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 22.2 of the Zoning Ordinance (19339), as last amended by Ordinance 103513 is further amended to read as follows:

Section 22.2 SPECIAL EXCEPTIONS. In specific cases and subject to the considerations stipulated in Section 24.1, the Hearing Examiner, or the Board upon appeal, may authorize the following special exceptions:

(a) Exceptions to height limits:

(1) Industrial Structures. An industrial structure which by reason of its intended use, requires exceptional height, provided however, that all such structures or portions of structures above the otherwise applicable height limit shall not occupy more than twenty-five percent (25%) of the lot area and shall be distant forty (40) feet or more from every lot line not a street lot line, and when within airport areas, shall not be inconsistent with the intent and purpose of Section 22.21.

(2) Vertical Extension of Existing Buildings. Vertical extension of a building to the height shown by the original plans, provided such building was actually designed and constructed to carry the additional stories and provided further that said building existed upon the effective date of this Ordinance.

(3) Base Structures. Base structures in the RMY 280 Zone in excess of four (4) feet but not to exceed twenty (20) feet above lot grade where topography and/or the nature of surrounding improvements justify a greater height, subject to review and report by the Commission.

(b) Temporary uses. A temporary use of premises in any zone not involving the erection of any permanent structure may be authorized by the Hearing Examiner or Board by a revocable permit for a period of not more than six (6) months, except that temporary uses to be of less than three (3) weeks duration may be authorized by the Superintendent.

(c) Stone quarry, sand, gravel or clay pits. The use of premises in any zone for the excavation of stone, sand, gravel, clay or other natural deposits may be authorized by the Hearing Examiner for a period of one (1) year, subject to the following provisions: Plans for such excavations shall consist of two (2) copies of a topographic map, with such cross-sections as are necessary to show adequately the topography of the property in question and its relation to streets, alleys and surrounding property, together with two (2) copies of a similar map showing the extent of the proposed excavation and the contours of the ground after the removal of the material. A copy of each map shall be submitted to the City Engineer who shall report his findings to the Hearing Examiner.

Before authorizing such use, the Hearing Examiner shall request a report from the Commission in order to determine whether the proposed excavation will interfere with logical future development of the tract for building or other purposes, and whether it will depreciate the value of nearby property. Authorization of such shall be subject to the posting by the applicant with the City of a performance bond of not less than Five Thousand Dollars (\$5,000) guaranteeing conformance with finished grades indicated by the approved plan.

(2) The two portions of the property shall be directly opposite for a distance representing at least fifty (50) percent of the width of the portion of the property not to be occupied by the proposed building.

(3) The portion of the property not occupied by the building shall not be sold, segregated or used for building purposes so long as the building remains on the portion of property on the opposite side of the alley.

(c) Offstreet parking requirements for designated "Landmarks" or "Landmark Districts."

Upon receipt of a written report from the Director pertaining thereto, the Hearing Examiner may reduce or waive the minimum accessory off-street parking requirements of Article 23 with respect to a "Landmark" or "Landmark District" designated as such pursuant to the Landmarks Preservation Ordinance (104343); provided, that in making any such reduction or waiver, the Hearing Examiner shall be guided by parking needs and policies in the surrounding area as set forth in such written report.

(F) USES PERMITTED WITHIN BUILDINGS DESIGNATED AS "LANDMARKS":

THE HEARING EXAMINER MAY AUTHORIZE A USE NOT OTHERWISE PERMITTED IN THE ZONE WITHIN A BUILDING DESIGNATED AS A "LANDMARK" PURSUANT TO THE LANDMARK PRESERVATION ORDINANCE (106349) AFTER THE DIRECTOR'S WRITTEN REPORT AND RECOMMENDATION ON THE PROPOSAL AND SUBJECT TO THE FOLLOWING REQUIREMENTS:

(1) SUCH USE SHALL BE COMPATIBLE WITH THE EXISTING DESIGN AND/OR CONSTRUCTION OF THE BUILDING WITHOUT SIGNIFICANT ALTERATION; AND

(2) SUCH USE SHALL BE ALLOWED ONLY WHEN IT IS DEMONSTRATED THAT USES PERMITTED BY THE ZONE ARE IMPRACTICAL BECAUSE OF BUILDING DESIGN AND/OR THAT NO SUCH PERMITTED USE CAN PROVIDE ADEQUATE FINANCIAL SUPPORT NECESSARY TO SUSTAIN THE "LANDMARK" IN A REASONABLY GOOD PHYSICAL CONDITION; AND

(3) SUCH USE SHALL NOT BE DETRIMENTAL TO OTHER PROPERTIES IN THE ZONE OR VICINITY OR TO THE PUBLIC INTEREST.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 11th day of July, 1977, and signed by me in open session in authentication.

Session of the passage this 11th day of July, 1977.

SAM SMITH, President of the City Council.

Approved by me this 19th day of July, 1977.

WES UHLMAN, Mayor.

Filed by me this 19th day of July, 1977.

Attest: E. L. KIDD, City Comptroller and City Clerk.

By WAYNE ANGEVINE, (Seal) Deputy Clerk.

Publication ordered by E. L. KIDD, Comptroller and City Clerk.

Date of Official Publication in the Daily Journal of Commerce, Seattle, July 22, 1977. (C-161)