

**Ordinance No. 110381** WP

AN ORDINANCE relating to land use; establishing a new Title 23 in the Seattle Municipal Code to be known as the Land Use Code; amending Sections 24.12.010, 24.12.020, 24.24.010, 24.24.040, 24.24.050, 24.30.100, 24.32.090, 24.60.010, 24.60.140, 24.60.285, 24.60.315, 24.60.365, 24.60.615, 24.60.765, 24.62.010, 24.62.040, 24.68.020, and 24.68.030 of Title 24; adding a new Section 24.14.05 and repealing Chapters 24.10, 24.16, 24.18, 24.20, 24.22, 24.72, 24.84, and Sections 24.06.040, 24.12.040, 24.12.050, 24.12.060, 24.62.030, 24.62.100, 24.68.080, 24.74.022, 24.74.030, 24.74.040, and 24.74.130 of Title 24.

12.1.81 UD&H HOLD      12.17.81 UD&H HOLD  
12.8.81 UD&H HOLD      12.18.81 UD&H PASS AS ENGROSSED  
12.15.81 UD&H HOLD

COMPTROLLER  
FILE NUMBER 290822

ENGROSSED

**Council Bill No. 102698**

INTRODUCED: NOV 02 1981	BY: EXECUTIVE REQUEST
REFERRED: NOV 02 1981	TO:
REFERRED:	
REFERRED:	
REPORTED: JAN 11 1982	SECOND READING: JAN 11 1982
THIRD READING: JAN 11 1982	SIGNED: JAN 11 1982
PRESENTED TO MAYOR: JAN 12 1982	APPROVED: JAN 21 1982
RETD. TO CITY CLERK: JAN 21 1982	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO	VETO SUSTAINED:



Single Family  
Land  
Use  
Code

Ord.  
110381

ORDINANCE 110381 AMENDMENT & RE TO.....

- Ord. 110570 -Amends Sec's 23.16.02, 23.54.10, 23.54.20, 23.54.30, 23.76.06, 23.76.30, 23.84.04, 23.84.06, 23.84.18, 23.84.20, 23.84.30, 23.84.32, 23.84.36, 23.84.38 & 23.86.06 of ... to conform to requirements of the multi-family provisions in Title 23. (also sec 23.30.10).
- Ord. 110669 -Amends Sec's 23.04.10, 23.12.30, 23.22.52, 23.22.52, 23.40.040, 23.30.02, 23.40.04, 23.40.20, 23.42.10, 23.42.20, 23.44.06, 23.44.08, 23.44.10, 23.44.14, 23.44.16, 23.44.20, 23.44.24, 23.44.26, 23.76.14, 23.76.36, 23.84.02, 23.84.30, 23.84.36, 23.86.06, 23.86.08, 23.86.20, 23.90.18, 24.14.05, 24.60.615, Exhibit A to 23.32.16 to clarify & remove ambiguities in the Land Use Code & renumbering the section & subsection numbers of Chapter 23.44.
- C.F. 291954 -Pet of Arthur & Sheileas Dunn for an amendmct to Chapter 23.44, the Single-Family Land Use Code, Ord. 110381, to allow retrofitting of Solar Collectors on non-conforming structures within single-family zones under certain conditions.
- Res. 26710 -Approves a summary of ... for publication in lieu of verbatim publication, as authorized by RCW 6516.160.
- Ord. 111098 -Adds a new chapter 23.68 to Title 23 (Ord', 110381 & 110570) to provide for a temporary Interim Greenbelt Overlay District & amends the Official Land Use Map of the City of Seattle To establish the District.
- Ord. 111100 -Amends ... by adding a new chapter to establish zones & regulations for MAJOR INSTITUTIONS, & adopting institutional & non-institutional zone classifications for certain major institutions, etc.
- Ord. 111101 -Amends ... by adding chapter 23.80 to provide criteria & process for designating new major institutions (MASTER PLAN), etc.
- Ord. 111261- Amends 24.24.030, 24.24.040, 24.24.050, 24.24.060 & 24.24.070 as last amended by ORD. 110381 to restore permitted uses in the remaining zones in the old zoning ord. which were inadvertently repealed when the first phase of the new Land Use Code was adopted.
- C.F.292649 -Documents re to FINE-TUNING amendments proposed for the Land Use Code.
- RES. 27011 -Establishes a schedule & process for public review & City Council consideration of the Mayor's proposed NEIGHBORHOOD COMMERCIAL AREA POLICIES.
- Ord. 111390 -FINE TUNING AMENDMENT.

SUMMARY OF ORDINANCE 110381  
PREPARED FOR PUBLICATION PURSUANT TO  
RCW 65.16.160

Ordinance 110381 establishes a new Title 23 in the Seattle Municipal Code to be known as the Land Use Code. This ordinance is the first in a series of ordinances which will develop the Land Use Code in phases. Ordinance 110381 is entitled:

"AN ORDINANCE relating to land use; establishing a new Title 23 in the Seattle Municipal Code to be known as the Land Use Code; amending Sections 24.12.010, 24.12.020, 24.24.010, 24.24.040, 24.24.050, 24.30.100, 24.32.090, 24.60.010, 24.60.240, 24.60.285, 24.60.315, 24.60.365, 24.60.615, 24.60.765, 24.62.010, 24.62.040, 24.68.020, and 24.68.030 of Title 24; adding a new Section 24.14.05 and repealing Chapters 24.10, 24.16, 24.18, 24.20, 24.22, 24.72, 24.84, and Sections 24.06.040, 24.12.040, 24.12.050, 24.12.060, 24.62.030, 24.62.100, 24.68.080, 24.74.022, 24.74.030, 24.74.040, and 24.74.130 and Title 24."

Sections of the Ordinance are summarized as follows:

Section 1. This section adds Title 23 to the Seattle Municipal Code. The new Title 23 includes:

Introduction

The introduction contains information to assist the public in using the Code and establishes no regulations.

Subtitle I. General Provisions

This subtitle states the intent of the Land Use Code and its applicability, including the transition rule adopted by the City Council to govern which applications are subject to the new regulations and which may be processed under the repealed provisions.

Subtitle II. Land Use Policies

The Single Family Policies as adopted by Resolution 25968 and modified by Resolution 26684 are incorporated as an aid to public awareness. The use which is to be made of the policies by decision makers is also set forth.

Subtitle III. Platting Requirements [Reserved]

#### Subtitle IV. Land Use Regulations

This subtitle is organized in three parts.

- Part One: Establishes zone classifications, establishes a Land Use Map which will identify where specific zones are located in the City of Seattle, and sets forth the procedure and criteria for seeking a rezone.
- Part Two: Describes the authorized uses and sets forth general and specific development standards for single family zones. Development standards include height limits, lot area minimums and lot coverage allowances, and yard requirements; contains a separate chapter on design standards for vehicle access and offstreet parking.
- Part Three: Collects existing provisions for additional regulations imposed in overlay districts such as Environmentally Sensitive Areas and Airport Height Districts.

#### Subtitle V. Administration

The Administration Subtitle is divided into three parts. It replaces the administrative sections of the existing Zoning Code (Title 24) and will be used for both Title 23 and those sections of Title 24 which will remain in effect until the new Land Use Code is complete.

- Part One: Sets forth land use approval procedures for the Master Use Permit, the establishment of criteria for the joint use and reuse of public schools, and Council conditional use approvals.
- Part Two: Includes definitions for use of the Code and methodology for measurement of structure height, lot coverage, yards and signs.
- Part Three: Describes procedures for rulings and interpretations of the Director of the Department of Construction and Land Use and procedures for amending the text of the Land Use Code. The enforcement provisions are set forth below in full.

### CHAPTER 23.90

#### ENFORCEMENT OF THE LAND USE CODE

##### 23.90.02 Violations

- A. It is a violation of this Land Use Code to use or cause to be used any structure or land, or to construct, locate, or cause to be constructed or located any structure within the City of Seattle without first obtaining the permits or authorizations required by the Land Use Code for the respective use, location, or construction.
- B. It is a violation of this Land Use Code to use or cause to be used any structure or land, or to construct, locate or cause to be constructed or located any structure within the City of Seattle in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this Land Use Code, provided that the terms or conditions are explicitly stated on the permit or the approved plans.

- C. It is a violation of this Land Use Code to remove or deface or remove any sign, notice, complaint, or order required by or posted in accordance with this Land Use Code.
- D. It is a violation of this Land Use Code to misrepresent any material fact in any application, plans or other information submitted to obtain any land use authorization.

23.90.08 Duty to Enforce

- A. It shall be the duty of the Director to enforce the Land Use Code. The Director may call upon the police, fire, health or other appropriate City departments to assist in enforcement.
- 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 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 or occupier of the land and buildings within the scope of this Code. 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.

23.90.12 Investigation and Notice of Violation.

- A. The Director shall investigate any structure or use which, in the Director's opinion, fails to comply with the standards and requirements of this Land Use Code.
- B. If after investigations the Director determines that the standards or requirements have been violated, the Director shall have a notice of violation served upon the owner, tenant or other person responsible for the condition. The notice shall be served by personal service, registered mail, or certified mail with return receipt requested addressed to the last known address of the owner, tenant, or other person responsible. The notice of violation shall be posted at a conspicuous place on the property. It shall state separately each violation of the standards of requirements, and what corrective action is necessary to comply with the standards or requirements. A reasonable time for compliance shall also be set and posted in the notice, together with appeal procedures.
- C. The notice of violation shall not be amended by the Director to include additional violations as a result of any reinspection for compliance or other purpose except upon a clear showing that the amendment is necessary to the protection of public safety, health and general welfare and that any additional violation did not exist or could not reasonably have been discovered at the time of original inspection.

#### 23.90.14 Time to Comply

When calculating a reasonable time for compliance, the Director shall take these criteria into consideration:

- A. The type and degree of violation cited in the notice;
- B. The intent of a responsible party to comply if the intent has been expressed to the Director;
- C. The procedural requirements for obtaining a permit to carry out corrective action;
- D. The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and
- E. Any other circumstances beyond the control of the responsible party.

Unless a request for hearing before the Director or Hearing Examiner is made in accordance with Sections 23.90.16 or 23.90.18 of this Land Use Code, the notice of violation shall become the final order of the Director. A copy of the notice shall be filed with the Department of Records and Elections of King County.

#### 23.90.16 Hearing before the Director

Any party affected by a notice of violation issued by the Director may request in writing a hearing before the Director for reconsideration of the notice. The request shall be filed with the Director by five o'clock p.m. of the twentieth calendar day following 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 o'clock p.m. on the next business day. Upon receipt of a written request, the Director shall notify the affected party and any other persons served with a copy of the notice of violation of the time and place set for the hearing. The hearing shall be held no sooner than ten days nor more than thirty days from receipt of the written request. The Director shall conduct the hearing according to rules adopted pursuant to the Administrative Code, Ch. 3.06.

After the hearing, the Director, or authorized representative of the Director, shall issue a final order sustaining, modifying or withdrawing the notice of violation based on whether there has been compliance with the standards and requirements of the Land Use Code. The final order shall be served and posted in the same manner as the notice of violation.

#### 23.90.18 Appeal to Hearing Examiner

- A. Any party affected by the final order may file a written notice of appeal with the Hearing Examiner stating in what respects the notice is erroneous and the specific grounds upon which the party affected relies for the reversal or modification of the order. The appeal shall be filed with the Hearing Examiner by five o'clock p.m. of the fourteenth calendar day following issuance of the final order of notice of violation. When the last day of the appeal period so computed is a Saturday, Sunday,

federal or City holiday, the appeal period shall run until five o'clock p.m. on the next business day. The notice of appeal shall be accompanied showing payment by the appellant of a filing fee as established in the Permit Fee Ordinance, Ch. 22.900.

- B. Notice of the hearing shall be given not less than twenty days prior to the hearing. The Hearing Examiner's decision shall be given within fourteen days after the hearing. The Hearing Examiner may affirm, reverse, or modify the Director's notice; provided, that the Director's notice shall be deemed to be prima facie correct and the burden of establishing the contrary shall be upon the appellant.
- C. The Hearing Examiner's written decision containing findings of fact and conclusions of law shall be mailed to the parties of record. The Hearing Examiner's decision shall be the final City decision.

#### 23.90.20 Extension of Compliance Date

An extension of time for compliance with a final order may be granted in writing by the Director upon receipt of a written request filed with the Director by any party affected not later than fifteen days prior to the date set for compliance in the final order. The Director may without a written request grant an extension of time after finding that required actions have been started and that the work is progressing at a satisfactory rate.

#### 23.90.24 Civil Penalty

- A. In addition to any other sanction or remedial procedure which may be available, any person failing to comply with a final order issued by the Director or Hearing Examiner under this subchapter shall be subject to a cumulative penalty in the amount of twenty-five dollars per day for each violation from the date set for compliance until the order is complied with provided that:
  - 1. At the end of one year from the date set for compliance the penalty shall increase to one hundred dollars per day and shall be increased by an additional one hundred dollars per day for each successive year;
  - 2. For violations of conditions imposed to mitigate the negative impacts of construction, the penalty shall be five hundred dollars for each violation and for each day of continued violation of conditions.
- B. The penalty imposed by this Section shall be collected by civil action brought in the name of the City and commenced in the Municipal Court. The Director shall notify the City attorney in writing of the name of any person subject to the penalty and the amount of the penalty and the City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.

The violator may show as full or partial mitigation of liability:

1. That the violation giving rise to the action was caused by the willful act, or neglect, or abuse of another; or
2. That correction of the violation was commenced promptly upon receipt of 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.

23.90.28 Criminal Penalties

- A. Anyone violating or failing to comply with any of the provisions of this Land Use Code and who within the past five years has had a judgment against them pursuant to Sec. 23.90.24 shall upon conviction thereof be fined in a sum not exceeding five hundred dollars or imprisoned in the City Jail for a term not exceeding one hundred eighty days or may be both so fined and imprisoned. Each day that any one shall continue to violate or fail to comply with any of the provisions of this Land Use Code shall be considered a separate offense.
- B. The following penalties are imposed under the state platting statute, RCW 58.17:
  1. Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of Subtitle III relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of Subtitle III, shall be deemed a separate and distinct offense.
  2. Any person who violates any court order or injunction issued pursuant to this subsection shall be subject to a fine of not more than five thousand dollars or imprisonment for not more than ninety days or both.

23.90.30 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 this Land Use Code when civil or criminal penalties are inadequate to effect compliance.

Section 2

This section sets forth those chapters and sections of Title 24 which are repealed, and saves certain rights and duties under the repealed provisions.

Sections 3 and 4 revise sections 24.12.010 and 24.12.020 of Title 24 to reflect the elimination of former RS (Single Family Residence) zones.

Section 5 Adds a section 24.14.05 which restricts applicability of Title 24 with certain exceptions to non SF zones.

Section 6 through 10 revise sections of Title 24 to acknowledge elimination of RS zones and establishment of a new Title 23.

Section 11 through 17 amend those sections of Title 24 which deal specifically with the shoreline environment to recognize the Shoreline Master Program's interaction with Title 23 as well as Title 24.

Section 18 Recognizes the elimination of chapters 16-22 in Title 24.

Sections 19-21 change references to overlay districts to reflect new placement in Title 23.

Section 22 establishes the effective date of the ordinance as that date on which the official Land Use Map is adopted.

The full text of Ordinance 110381 will be mailed to any person who makes a request therefor to the City Clerk of The City of Seattle, Room 101, Seattle Municipal Building, Seattle, WA 98104.

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LAND USE CODE

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CHAPTER 23.44

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ORDINANCE NO. 110261

AN ORDINANCE relating to land use; establishing a new Title 23 in the Seattle Municipal Code to be known as the Land Use Code; amending Sections 24.12.010, 24.12.020, 24.24.010, 24.24.040, 24.24.050, 24.30.100, 24.32.090, 24.60.010, 24.60.140, 24.60.285, 24.60.315, 24.60.365, 24.60.615, 24.60.765, 24.62.010, 24.62.040, 24.68.020, and 24.68.030 of Title 24; adding a new Section 24.14.05 and repealing Chapters 24.10, 24.16, 24.18, 24.20, 24.22, 24.72, 24.84, and Sections 24.06.040, 24.12.040, 24.12.050, 24.12.060, 24.62.030, 24.62.100, 24.68.080, 24.74.022, 24.74.030, 24.74.040, and 24.74.130 of Title 24.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is added to the Seattle Municipal Code a new Title 23 of the Seattle Municipal Code to read as follows:

TITLE 23

LAND USE CODE

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 enunciate the transition from Title 24 to Title 23 (Subtitle I), set forth the Land Use Policies as they are adopted (Subtitle II), incorporate City approvals necessary for the division of land (Subtitle III), detail the establishment of zones and the use regulations and development standards applicable within zones (Subtitle IV) and coordinate the administrative and enforcement procedures necessary to implement the land use regulations (Subtitle V).

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

1 of environmental review requirements in the Master Use Permit  
2 process, those regulations detailing construction specifications,  
3 i.e., building, grading, drainage, etc., are set forth in Title  
4 22, "Building and Construction Codes." Landmark districts and  
5 landmark preservation provisions are found in Title 25. The  
6 City's SEPA Ordinances are also set forth in Title 25.

7 Subtitle I. General Provisions

8 CHAPTER 23.02

9 TITLE AND PURPOSE

10 23.02.10 Title

11 This title shall be known as the Land Use Code of The  
12 City of Seattle.

13 23.02.20 General Purpose

14 The purpose of this Land Use Code is to protect and pro-  
15 mote public health, safety and general welfare through a set  
16 of regulations and procedures for the use of land which con-  
17 form to the City's Land Use Policies. Procedures are  
18 established to increase citizen awareness of land use acti-  
19 vities and their impacts and to coordinate necessary review  
20 processes. The Land Use Code classifies land within the  
21 City into various land use zones and overlay districts which  
22 regulate the use and bulk of buildings and structures. The  
23 provisions are designed to provide adequate light, air,  
24 access, and open space; conserve the natural environment and  
25 historic resources; maintain a compatible scale within an  
26 area; minimize traffic congestion and enhance the  
27 streetscape and pedestrian environment. They seek to

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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.

CHAPTER 23.04  
APPLICABILITY

23.04.10 Transition to the Land Use Code

A. General Rules of Interpretation

1. The Land Use Code is being drafted and adopted in phases and will ultimately replace all of what is now Title 24. Provisions of Title 24, as amended, which are not specifically repealed, will continue to have full force and effect until the Land Use Code is adopted in its entirety.
2. If, during the transition period, the application of a provision of the Land Use Code and a retained provision of Title 24 creates, in the Director's judgment, an irreconcilable conflict, the provision of the Land Use Code shall control.
3. Except as otherwise provided, all permits and land use approvals lawfully issued pursuant to repealed provisions of Title 24 shall remain in full force and effect for two years from the effective date of repeal or until the expiration date of the respective permit or approval if the date is less than two years from the effective date of repeal.

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B. Existing Contract Rezones

For a period of two years from the effective date of the adoption of specific zone designations, those areas identified in the Official Land Use Map which are the subject of a Property Use and Development Agreement with the City may be developed either pursuant to the terms of the Agreement or pursuant to the regulations applicable to their new zone designation. At the end of the two year transition period, only the regulations applicable to the new zone designation shall pertain.

C. Special Transition Rule

AMENDED ORD.  
110669

1. The following transition rule shall apply only to provisions of the Land Use Code which are initiated by the City and become effective as part of a defined phase during the transition from Title 24 to Title 23. Once such a phase of the Land Use Code is adopted by the Council, any amendments to provisions included in the particular phase shall not invoke this transition rule.
2. Any proposal which is substantially underway on the date new Land Use Code provisions become effective shall be subject to either the new substantive provisions or to corresponding repealed or modified substantive provisions of Title 24, at the discretion of the applicant, provided that:

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- a) The applicant may elect only one set of standards which shall apply as appropriate to the entire proposal;
- b) The election will be irrevocable and shall be made in writing at the time of application; and
- c) The applicant shall have no election as to procedural requirements.

3. A project shall be considered by the Director to be substantially underway if:

AMENDED - ORD.  
110669

- a) A Master Use Permit application which seeks approval of other than a variance, a short plat or a lot boundary adjustment has been completed and filed; or
- b) A building permit application including, if appropriate, an environmental checklist, has been filed; or
- c) A draft Environmental Impact Statement (EIS) has been approved by the Director for publication.

D. Implementation

AMENDED - ORD.  
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- 1. The Director may prepare and issue rules consistent with this Chapter to further detail the transition rules.
- 2. There shall be no administrative appeal of any determinations made by the Director pursuant to this Chapter regarding which code provisions are applicable.

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SUBTITLE II  
LAND USE POLICIES  
CHAPTER 23.12

General Provisions

23.12.10 Replacement of Comprehensive Plan

The Land Use Policies are adopted in defined phases to replace the City's Comprehensive Plan. As each phase is adopted by resolution of the Council, it supersedes for all purposes of this Subtitle its corresponding Comprehensive Plan component.

23.12.20 Basis for Land Use Regulations

The Land Use Policies shall be used to guide the drafting of the text of the land use regulations, Subtitle IV.

23.12.30 Basis for Discretionary Decisions

<sup>AMENDED - ORD.</sup>  
110669 The Land Use Policies shall be considered in making all discretionary land use decisions in single family zones and in all other zones where reliance on the land use policies is specifically made a criterion in the decisions. They shall also be considered by the Director in the promulgation of rules, decisions upon request for an interpretation, and the determination of what constitutes a similar use where authorized.

23.12.40 Policies Are Not Regulations

Except as expressed in the prior subsections, the land use policies are not regulations in themselves and may not

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be the basis for enforcement action pursuant to the provisions of this Land Use Code.

CHAPTER 23.16

Adopted Policies

23.16.02 Residential Areas Policies

A. Single Family Residential Areas Policies  
[Resolution 25968 as modified by Resolution 26684]

Purpose

The purpose of these policies is to preserve and maintain the physical character of Single Family Residential Areas in a way that encourages rehabilitation and provides housing opportunities throughout the City for all residents.

Single Family Residential Areas should contain housing which offers diversity in housing opportunities, including low cost and subsidized housing. Housing provided specifically for low-income people should be dispersed, similar in character to market rate housing in the area and in conformance with the goals of Seattle's Housing Assistance Plan.

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Area Designation Policy

POLICY INTENT: It is the responsibility of the City to preserve and protect areas which are currently in predominantly single family residential use. These areas should have a minimum size so that the sense of low-density residential environment can be maintained. Small areas which are vacant or in uses other than single family should be included if they are surrounded by single family residential uses. The purpose is to limit the potential location or expansion of incompatible uses in Single Family Residential Areas. Likewise the edges of Single Family Residential areas should be protected from similar intrusions of non-single family residential uses nearby.

Implementation Guideline 1: Areas with the following use characteristics shall be considered for single family residential designations:

- A. Areas which consist of blocks (see Definitions) with at least 70% of the existing structures in single family residential use, or
- B. Areas which are now designated by Neighborhood Improvement Plans (N.I.P.s) as Single Family Residential Areas, or
- C. Areas which consist of blocks with less than 70% of the existing structures in single family residential use but show an increasing trend toward such development. For example:

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1. The construction of single family residential homes in the last 5 years has been increasing proportionately to the total number of constructions for new uses in the area; or,
2. The area shows an increasing number of single family residential home improvements, or rehabilitation efforts; or
3. The number of existing single family residential uses has been very stable in the last 5 years; and
4. The area's location is topographically and environmentally suitable for single family residential developments.

Implementation Guideline 2: Areas meeting Implementation Guideline 1 should also satisfy the following size criteria in order to be designated for single family residential use:

- A. The area should be comprised of 15 contiguous acres. Tracts of vacant land, generally larger than 5 acres, may be excluded, or
- B. The area is now designated by a Neighborhood Improvement Plan (N.I.P.) as a Single Family Residential Area, or
- C. An area containing less than 15 contiguous acres must demonstrate strong or stable single family trends or potentials such as:
  1. That the construction of single family homes in the last 5 years has been increasing

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proportionately to the total number of constructions for new uses in the area; or

2. That the number of existing single family residential uses has been very stable in the last 5 years; or
3. That the area's location is topographically and environmentally suitable for single family residential developments; or
4. That the area shows an increasing number of home improvements or rehabilitation efforts.

Implementation Guideline 3: Small areas generally of 5 acres or less, which are completely contained within Single Family Residential Areas and are currently vacant or in other use, shall be designated single family residential. Neighborhood Business Zones will be designated based on Commercial Area Policies and are excepted from inclusion in Single Family Residential Areas.

Implementation Guideline 4: In establishing boundaries for Single Family Residential Areas, the following elements shall be considered:

- A. Natural features such as lakes, streams, ravines and shorelines;
- B. Freeways, expressways and other major traffic arterials;
- C. Platted lot lines;
- D. Half-blocks at the edges of Single Family Residential Areas which have more than 50% single family residential uses, or portions of blocks

1 on an arterial which have a majority of single  
2 family residential uses shall generally be  
3 included. This shall be decided on a case-by-case  
4 basis, but the policy will be to favor including  
5 them.

6 USE POLICIES

7 SINGLE FAMILY RESIDENTIAL USE

8 POLICY INTENT: The City shall preserve the character of  
9 Single Family Residential Areas, discourage the demolition of  
10 single family residences and displacement of residents. In  
11 order to protect Single Family Residential Areas from the  
12 negative impacts of incompatible uses, the City shall limit  
13 the number and types of non-residential uses permitted in  
14 these areas.

15 Implementation Guideline 1: Residential use by one household  
16 (see Definitions) is affirmed and encouraged as the principal  
17 use in Single Family Residential Areas, and is the primary  
18 use permitted outright. Many of the principal uses which  
19 were permitted under previous zoning provisions are no longer  
20 allowed, or shall be allowed only under the conditions stated  
21 in these land use policies.

22 Implementation Guideline 2: In order to allow residents of  
23 Single Family Residential Areas maximum flexibility in the  
24 use and enjoyment of their homes, the types of use and acti-  
25 vities associated with single household residential living  
26 shall be regulated primarily by performance standards and  
27 City ordinances protecting privacy, health, safety and rights  
28 of neighbors.

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EDGES

Implementation Guideline 1: The edges (see Definitions) of Single Family Residential Areas shall be protected from encroachment by other uses. No special provisions for higher intensity use on the edges of Single Family Residential Areas shall be allowed except for residential uses which are physically compatible with the adjacent Single Family Residential Areas.

Implementation Guideline 2: Parking lots or other uses accessory to permitted uses in abutting higher intensity zones shall not be permitted to expand into Single Family Residential Areas.

HIGHER DENISTY RESIDENTIAL USE

POLICY INTENT: Because much of Seattle was developed before the 1957 Zoning Code took effect, and because some downzones have occurred since, some lgal non-conconforming higher density residential structures are presently located in Single Family Residential Areas. These structures shall be permitted to remain in residential use. New instances of such uses, except as otherwise provided for in these policies, shall continue to be prohibited because they would change the low-density character of these areas.

Implementation Guideline 1: Structures in legal higher density residential use may be improved, renovated and structurally altered. The bulk of the structure may not be

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expanded except as necessary to improve access for the elderly and handicapped. In no instance may such expansion increase the number of residential units.

Implementation Guideline 2: Any structure in higher density residential use which may have been legal under zoning in the past, has been continuously maintained in the same use and which complies with applicable Housing Code standards may be legalized upon request to the Building Department [Department of Construction and Land Use]. Documented proof of the continuing higher density use such as tax records, utility records, building permits or equivalent proof shall be required. If a conditional use authorization or variance would have been required at the time of construction or conversion and was not obtained, the use shall not be legalized.

**INSTITUTIONS AND FACILITIES IN SINGLE FAMILY RESIDENTIAL AREAS**

**POLICY INTENT:** The City recognizes the positive contributions many institutions have made to the neighborhood in which they are located, respecting community needs and providing appropriate services. However, location, scale, access and development standards of institutions and facilities shall be controlled in order to reduce negative impacts such as noise, traffic and parking problems, and to protect Seattle's single family housing stock.

1 Implementation Guideline 1: Institutions and facilities may  
2 be established or expanded within Single Family Residential  
3 Areas through a Hearing Examiner (see Definitions) conditional  
4 use authorization process. Siting of major public facilities  
5 (see Definitions) shall be appealable to the City Council  
6 (Council Conditional Use). Petitions for new facilities or  
7 significant expansions shall be accompanied by a transpor-  
8 tation plan. The following standards and requirements shall  
9 be met in order to grant a conditional use authorization for  
10 establishment or expansion of an institution or facility  
11 within a Single Family Residential Area.

12 Concentration of Institutions or Facilities

13 The establishment or expansion of an institution or  
14 facility shall not result in a concentration of institu-  
15 tions or facilities which would create or appreciably  
16 aggravate parking shortage, traffic congestion and  
17 noise, or physical scale and bulk incompatible with  
18 single family residences.

19 Traffic and Parking

20 In making the application for a conditional use authori-  
21 zation, the institution or facility shall provide a  
22 transportation plan which indicates traffic impact plans  
23 to mitigate that impact and access to public or private  
24 mass transportation.

25 Increased traffic and parking expected to occur with use  
26 of the proposed institution or facility shall not create  
27 a serious safety problem or a lighting influence on  
28 the neighborhood. The negative impacts of traffic and

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parking may be mitigated by locating structures and parking lots to avoid drawing traffic through residential streets, joint use of existing parking with adjacent non-residential uses, or practical program for use of public or private mass transportation.

Standards for the required number of parking spaces shall be developed in the Zoning Code and may be modified on a case-by-case basis. The number of required parking spaces for a given institution shall be based on the anticipated use of the facility, size of meeting or assembly areas, hours of use, effects of parking on the surrounding community, information contained in the transportation plan, access to public or private mass transportation and other considerations of need and impact.

Demolition of Residential Structures

Residential structures, including those modified for non-residential use, shall not be demolished for facility or institution establishment, expansion or parking unless a need has been demonstrated for the services of the institution or facility in the surrounding community and no other practical alternative site is available. It is the intent through this standard to preserve housing in Single Family Residential Areas and permit conversion or demolition of housing only as a last resort when the public benefits clearly outweigh the loss of housing.

Bulk and Siting

The bulk of institutions and facilities shall be compatible

1 with the surrounding community. Specific bulk and siting  
2 requirements are to be included in the Zoning Code and shall  
3 be at least as restrictive as those applied to single family  
4 residences. Screening and landscaping shall be required.

5 Implementation Guideline 2: Public facilities that do not  
6 meet the standards and requirements in Implementation  
7 Guideline 1 may be located in Single Family Residential Areas  
8 if there is a public necessity for their location there. If a  
9 City facility and site has been approved by ordinance through  
10 a public process, then a conditional use authorization is not  
11 required in order to locate the City facility on the site.

12 JOINT USE OF PUBLIC SCHOOLS IN SINGLE FAMILY RESIDENTIAL AREAS

13 POLICY INTENT: Public schools are a substantial public  
14 investment and a vital component of healthy neighborhoods.  
15 It is City policy to encourage the maintenance of school  
16 buildings for school use. In order to assist the school  
17 administration in meeting this goal, joint uses shall be  
18 allowed in public school buildings. Approval of such uses  
19 shall be subject to review to ensure that they do not create  
20 excessive noise, traffic or other negative impacts on the  
21 surrounding community. If it is no longer possible to main-  
22 tain a school facility as a school, the first priority for  
23 reuse would be those uses which would retain the facility for  
24 some possible future school use.

25 Implementation Guideline 1: Criteria for judging the accept-  
26 ability of proposed uses of school buildings shall be deter-  
27 mined for each school and may differ from school to school.  
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The criteria shall address the effects of the uses on students, teachers and residents of the surrounding area and traffic, parking and other land use impacts. A process for developing these criteria shall be described in the Zoning Code. The process shall ensure the participation of representatives from the Seattle School District, the City of Seattle and the neighborhood involved.

Implementation Guideline 2: Joint use or reuse of public school buildings shall be permitted subject to a review process described in the Zoning Code to assure their consistency with the criteria developed. This shall be the only review of the use; joint or new uses shall not be subject to additional review under the Institutions and Facilities Guidelines of these policies.

Implementation Guideline 3: The criteria referenced in Guidelines 1 and 2 above may allow exceptions to existing land use policies and zoning for joint use or reuse of a school site only when the principal school structures are retained. If the school building is demolished, that site shall be subject to the existing land use policies and zoning requirements.

**SUBSIDIZED HOUSING**

**POLICY INTENT:** Subsidized housing should be located throughout the City, particularly outside areas where it is currently concentrated, and avoiding the creation of future concentrations.

1 Implementation Guideline 1: Subsidized housing units shall  
2 be similar to the housing around them in density, and shall  
3 follow the same bulk and siting regulations as other residen-  
4 tial uses. In Single Family Residential Areas, subsidy  
5 programs shall be used to build, rehabilitate and lease  
6 single family residences. It is the intent of the City to  
7 re-examine this policy after experience in implementing  
8 Seattle's Housing Assistance Plan.

9 Implementation Guideline 2: A bonus of 20% more units than  
10 would otherwise be allowed shall be awarded to the developer  
11 of a Planned Unit Development (PUD), as described in these  
12 policies, if at least 20% but not more than 50% of the units  
13 are leased to a public housing authority for a period of ten  
14 years or more, and if the PUD is in an area designated in the  
15 City's most recent housing assistance plan as appropriate for  
16 subsidized housing.

#### 16 SPECIAL RESIDENCES

17 POLICY INTENT: In order to provide for an adequate supply of  
18 locational opportunities, special care group living facili-  
19 ties or special facilities, licensed or certified by the  
20 appropriate state agency, shall be allowed in and dispersed  
21 throughout a variety of residential neighborhoods. These  
22 facilities shall be designed to be reasonably compatible in  
23 scale and appearance with other residences in the area, and  
24 shall conform to the bulk and setback requirements for single  
25 family residential structures.

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Implementation Guideline 1: Special residences shall be permitted to locate in all residential areas, and be dispersed throughout the City. Dispersion criteria shall be developed to assure that special residences are not concentrated by block, neighborhood or area. These criteria shall apply to special residences as a group, not to each type of special residence individually, and shall apply to all facilities regardless of the number of people they house.

Implementation Guideline 2: Special residences for more than 8 persons shall be subject to a discretionary review process to assure compatibility with neighborhood surroundings. Criteria based on performance standards and requirements dealing with noise, parking, traffic generation, bulk and siting and design shall be contained in the Zoning Ordinance. Maximum lot or building site requirements shall be established.

**BULK AND SITING**

**POLICY INTENT:** Zoning Code bulk and siting regulations shall recognize and preserve the streetscape character of individual clusters of housing units in City neighborhoods. The City-wide pattern of open spaces between single family residential structures in Single Family Residential Areas shall be maintained by requiring minimum side and rear yard setbacks (see Definitions). Height regulations shall encourage sloped roofs. The height and front yard setbacks of existing adjacent single family residences shall be used to determine bulk and siting patterns for future construction.

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In cases where there are steep slopes or winding streets, the Superintendent of Buildings [Department of Construction and Land Use] shall determine which adjacent residences should be considered. When adjacent existing single family residences set the pattern for bulk and siting requirements of construction the following guidelines apply:

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Required Yard Setbacks

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Implementation Guideline 1: A minimum side yard setback of 1.5 meters (5 feet) shall be maintained except as described in Implementation Guideline 3 below, even when existing siting patterns indicate smaller side yard setbacks.

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Implementation Guideline 2: Minimum rear yard setbacks shall be no less than 7.6 meters (25 feet). Rear yard setbacks where there is a dedicated alley shall be determined by using the center line of the alley.

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Implementation Guideline 3: An exception to the required yard setbacks shall be made for modification to existing single family residences. When an existing single family residence has a wall, 60% or more of which extends into the required yard setback, the line formed by the non-conforming wall shall be the delineation of the required yard setback if the following conditions are met:

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1. When it is a side wall, it is at least .9 meters (3 feet) from the side property line;
2. When it is a rear wall, it is at least 4.9 meters (20 feet) from the rear property line; or
3. When it is a front wall, it is at least 6.5 meters (15 feet) from the front property line.

1 Implementation Guideline 4: Front yard setbacks shall be at  
2 least as great as the average front yard setback of the  
3 adjacent single family residences.

4 Implementation Guideline 5: Uncovered decks, access  
5 bridges, patios or similar outdoor areas, on grade or close  
6 to grade, shall be permitted in the required front and back  
7 yard setbacks but not in required side yard setbacks.

#### 8 Lot Coverage

9 Implementation Guideline 1: Single family residences on a  
10 standard lot shall not exceed 35% lot coverage. Yard set-  
11 backs from property lines must be maintained.

12 Implementation Guideline 2: On lots smaller than 465 square  
13 meters (5000 square feet), a sliding scale shall be  
14 established in the Zoning Code which allows for greater lot  
15 coverage by single family residences for smaller lots, to a  
16 maximum of 42%. In all cases, yard setbacks applicable for  
17 lots of 465 square meters (5000 square feet) shall be main-  
18 tained.

19 Implementation Guideline 3: Uncovered decks, patios, access  
20 bridges and other similar outdoor areas, on grade or close  
21 to grade, shall not be used to compute lot coverage.

#### 22 Height

23 Implementation Guideline 1: The height limit for single  
24 family residences is 7.6 meters (25 feet) unless the struc-  
25 ture is between two residences exceeding 7.6 meters (25  
26 feet), in which case the average height of the adjacent  
27 residences is the height limit.

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Where there are too few characteristics single family residences to determine bulk and siting patterns the following Guidelines shall apply:

Required Yard Setbacks (see Definitions)

Implementation Guideline 1: A minimum side yard setback 1.5 meters (5 feet) is to be maintained except as stated elsewhere.

Implementation Guideline 2: Minimum rear yard setbacks shall be no less than 7.6 meters (25 feet). Rear yard setbacks where there is a dedicated alley shall be determined by using the center line of the alley.

Implementation Guideline 3: Uncovered decks, access bridges, patios or similar outdoor areas on grade or close to grade shall be permitted in the required front yard setbacks but not in required side yard setbacks.

Lot Coverage

Implementation Guideline 1: On a standard size lot a single family residence shall not exceed 35% lot coverage. Required yard setbacks from property lines shall be maintained.

Implementation Guideline 2: Uncovered decks, patios, access bridges and other similar outdoor areas, on grade or close to grade, shall not be used to compute lot coverage.

Height

Implementation Guideline 1: The maximum height allowable for single family residences on level or moderate slopes is 7.6 meters (25 feet). When the land is steeply sloped, the maximum height may be as high as 10.7 meters (35 feet).

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Computation of height shall take into account sloped roofs and grade variations. In no case shall the residence exceed 7.6 meters (25 feet) above the highest property line.

**NON-CONFORMING STRUCTURES IN SINGLE FAMILY RESIDENTIAL AREAS**

**POLICY INTENT:** The City shall encourage the conversion of existing non-conforming structures to single family housing.

**Implementation Guideline 1:** Structures which were built for uses other than single family residences may be used as single family residences even if they are non-conforming as to bulk.

**Implementation Guideline 2:** The configuration and bulk of converted structures may be altered provided that the alteration meets bulk and siting provisions for Single Family Residential Areas.

**POLICY INTENT:** Except as otherwise provided in these policies, structures occupied by uses which are not allowed in Single Family Residential Areas by these policies are not permitted to be expanded in bulk or altered in structure.

**Implementation Guideline 1:** Except existing legal higher density residences, structures which are in non-conforming use, although conforming in bulk, cannot be expanded or structurally altered in any way except to remove barriers to the elderly and the handicapped.

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PARKING

POLICY INTENT: Offstreet parking is mandatory, and the City shall regulate its location in order to reduce the impact created on the streetscape by the location of accessory parking structures, vehicles and curbcuts. Parking in front yards is generally prohibited.

Implementation Guideline 1: When a surfaced alley is accessible to the rear yard, accessory parking shall be accessed from the alley, unless prevented by topography. Front yard driveways and curbcuts shall be prohibited under this circumstance.

Implementation Guideline 2: When the front yard is more than 1.8 meters (6 feet) above sidewalk grade, and where there is no accessible alley, a parking structure which is completely enclosed may be built into the hillside in the front yard, provided that the curbcut and parking bay do not exceed the width needed for one car.

Implementation Guideline 3: When there is no accessible surfaced alley, access through the front yard to parking shall be allowed. Curbcuts are not to exceed the width of one car, and there may not be more than one curbcut per principal structure. Parking shall not be permitted in the front yard portion of the access.

Implementation Guideline 4: In new development, surfaced alleys shall be provided where physically feasible.

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PLANTING STRIPS

POLICY INTENT: It is the policy of the City that planting strips (see Definitions) shall be planted with living materials in order to preserve greenery in Single Family Residential Areas. The City considers the maintenance of planting strips to be the responsibility of property owners.

Implementation Guideline 1: Planting strips shall be surfaced either with living materials (such as grass, ground covers or shrubs) or with other porous materials and trees.

Implementation Guideline 2: Planting strips shall not be paved or developed with materials which enable their use for offstreet parking or the storage of recreational vehicles, boats or trailers.

Implementation Guideline 3: Planting strips shall be provided when curbs and sidewalks are developed.

PLANNED UNIT DEVELOPMENT (PUD)

POLICY INTENT: In order to encourage quality design, to enable the enhancement and preservation of natural features, to allow for development and design flexibility and to provide an incentive for the dispersed construction of low income housing, variations from established standards shall be permitted for Planned Unit Developments (see Definitions) on large sites.

Implementation Guideline 1: Planned Unit Developments may be permitted subject to public notice and a design review with the following criteria used for review:

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1. PUDs shall be large enough to achieve the above stated intent, but also shall be compatible in scale and design with the immediately surrounding area. The minimum size for a PUD shall be two acres.
2. In Single Family Residential Areas, it is preferable that PUDs consist of detached residential structures whenever physically possible, and that the character of the development and its design be compatible with single family residences. The flexibility afforded by PUDs shall not be used to permit the construction of apartment buildings or non-residential uses on land which is intended for single family residential use. Attached dwellings such as townhouses shall be permitted, provided that the design and placement of the structures is compatible with the adjacent area.
3. PUD provisions shall apply only to parcels of reasonable shape, except when shape is dictated by topography, to avoid the assembling of individual parcels in bizarre configurations solely to meet the minimum size requirements. The preservation of natural features such as streams and vegetation shall be encouraged in order to preserve open space and wildlife habitat in the City.
4. Land which is of steep slope and designated as Environmentally Sensitive (Ordinance 105735 as amended by Ordinance 107501) and is therefore undevelopable shall not be used to compute acreage for

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a PUD, unless it is appropriately incorporated in the proposed development.

- 5. A density bonus of 20% shall be awarded if at least 20% but not more than 50% of the units are leased to a public housing authority for a period of 10 years or more. No differences in exterior appearance shall be made between public and market rate units. The bonus shall apply only in those areas of the City designated as appropriate for subsidized housing under the City's most recent Housing Assistance Plan.

DEFINITIONS

Conditional Uses: Each zoning category specifies uses permitted outright and uses which may be conditionally authorized. Conditional uses are those which may negatively impact a zone. A property owner does not have the legal right to obtain a conditional use. A judgment on the granting of a conditional use must be made by the Hearing Examiner or by the City Council following a public hearing, and after considering the impacts and possible mitigating measures. The list of conditional uses varies from zone to zone.

Block: A block consists of two facing block faces bounded on two sides by alleys or rear property lines and on the other two sides by platted streets, with no side of the block exceeding 600 feet. However, a block will be defined by platted streets on all sides in those cases where it is indicated by existing development.

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Block Face: A block face is one side of a platted street bounded on either side by other platted streets.

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Edge: An edge is the boundary between two zones.

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Hearing Examiner: The Hearing Examiner is an official appointed by the City Council who makes decisions on some conditional uses and on variances. In addition, the Hearing Examiner makes recommendations to the City Council on rezones and on certain conditional uses. This official also hears appeals of decisions on short plats and SEPA determinations made by a City department. The Hearing Examiner makes decisions and recommendations after holding public hearings, considering the recommendations of the Building Department [Department of Construction and Land Use] and other departments, and examining City policies.

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Household: As defined by the City Housing Code, a household is "any number of related persons, or up to eight related and non-related non-transient persons living as a single, non-profit housekeeping unit...."

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Housing Code: The Housing Code is adopted by City Council ordinance (Ordinance #106319), and establishes minimum standards to protect public health, safety and welfare in buildings used for human habitation. It is administered by the Building Department [Department of Construction and Land Use], and generally is enforced on a complaint basis. It applies to all residential structures except single family owner-occupied homes, which are exempt.

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Lot Coverage: Lot coverage is that portion of a lot occupied by buildings, and is expressed by a percentage of total lot area.

Non-Conforming Structures: A non-conforming structure is one which does not fit the bulk and siting regulations of the zone in which it is located. A legal non-conforming structure is one that was legally constructed under previous zoning regulations but would be illegal to construct under current regulations.

Non-Conforming Use: A non-conforming use is one to which existed before an area's current zoning was implemented, and which is not permitted under current regulations. An example of this is a grocery store located in a Single Family Residential Area. Even if the store is located on the first floor of a single family home, it is still considered a non-conforming use subject to minimum maintenance restrictions.

Performance Standards: Performance standards are measurable criteria which generally allow more flexibility than set rules.

Planned Unit Development (PUD): A PUD is zoning mechanism that allows for flexibility in the grouping, placement and size of buildings in developments on fairly large tracts of land.

Planting Strip: A planting strip is the strip of land between the sidewalk and the street which, although in public ownership, must be maintained by private individuals.

Public Facilities: A public facility is one which is owned, operated or franchised by a unit of general or special purpose government for a public purpose.

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Major Public Facilities: Major public facilities contain structures which are significantly larger in bulk than surrounding houses and/or attract substantial traffic.

Alley: An alley is a narrow lane running along rear property lines used for access and not general traffic circulation.

Setback: The Zoning Code requires that buildings be a certain distance from lot lines. This distance is called the setback; it varies from zone to zone and for front, back and side yards.

Streetscape: The streetscape is the visual character of a street as determined by various elements such as structures, greenery, open space, view, etc.

Use: "Use" is a term used in the Zoning Code to describe the function of a piece of land or a building. Examples include single family residential use, church use and hospital use.

[B. Multi-Family Residential Area Policies Reserved]

[23.16.04 - 23.18 Reserved]

Subtitle III

PLATTING REQUIREMENTS

Reserved

Subtitle IV

LAND USE REGULATIONS

Part 1 Land Use Zones

23.30 ZONE DESIGNATIONS ESTABLISHED

23.30.10 Classifications for the Purposes of this Subtitle

All land within The City of Seattle shall be classified as being either within one of the following land use zones or a zone retained under Title 24 and regulated accordingly:

	Zones	Abbreviated
Residential, Single Family	9600	SF 9600
Residential, Single Family	7200	SF 7200
Residential, Single Family	5000	SF 5000

[RESERVED]

23.30.06 Zone Boundaries

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 center lines 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 Ch. 24.82. Where the pierhead, outer harbor lines or construction limit lines are not established, then the zone

1 boundary lines shall be on the water side of the natural  
2 shoreline and five hundred feet, measured at right angles,  
3 from the shoreline. If the exact location of a zone bound-  
4 ary line cannot be determined otherwise, then its location  
5 shall be determined by measuring to scale on the Official  
6 Land Use Map.

7 23.30.30 Property not specifically zoned

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

14 CHAPTER 23.32

15 LAND USE MAPS

16 23.32.06 Underlying Zones Established

17 The zone classifications established in Section 23.30.10 or  
18 retained in Section 24.12.020 and their boundaries within the  
19 City are established as shown on the series of maps, marked  
20 Exhibit "A".

21 23.32.10 Overlay Districts Established

22 The overlay districts regulated in Part 3 of this sub-  
23 title are also established on the maps identified as Exhibit "A".  
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23.32.16 Official Land Use Map

Exhibit "A" is by this reference made a part of this Subtitle and constitutes the Official Land Use Map of The City of Seattle.

CHAPTER 23.34

AMENDMENTS TO OFFICIAL LAND USE MAP (PEZONES)

Subchapter 1: Procedure

23.34.02 Petitions

- A. A petition to amend the Official Land Use Map including Overlay District 5 may be filed with the City Clerk by property owners or their authorized agents or other persons. The petition shall be transmitted to the Council by the City Clerk. Its form and content shall be established by the Director.
- B. A petition for an amendment to the Official Land Use Map shall be accompanied by payment by the applicant of a fee as set forth in the Permit Fee Ordinance, Ch. 22.900.
- C. Council shall refer each petition for an amendment to the Official Land Use Map to the Director for a recommendation. The Director shall prepare a written report which shall include the recommendations or comments of other City departments and of other governmental agencies having an interest in the application. The report shall contain an analysis

1 of how the proposed map amendment would carry out the  
2 goals and objectives of Seattle's Land Use Policies, the  
3 Land Use Code, and other applicable official policies  
4 and objectives of the City. It shall also state the  
5 Director's recommendation.

6 D. The Director shall give notice of the petition by  
7 general mailed release at least fourteen days prior to  
8 an environmental threshold determination of significance  
9 (DS) or non-significance (DNS). A large sign shall be  
10 posted on the site by the petitioner, or, at each bound-  
11 ary of the proposed rezone area which faces a street.  
12 In lieu of or in addition to the large sign requirement,  
13 the Director may post four or more placards in or within  
14 three hundred feet of the area to be rezoned if the  
15 Director finds that one or more of the following con-  
16 ditions exists:

- 17 1. The project site is over five acres.
- 18 2. The petitioner is not the property owner and  
19 the property owner does not consent to the rezone.
- 20 3. The site is located so that the large sign(s)  
21 would not be highly visible to neighboring  
22 residents and property owners or interested  
23 citizens.

24 23.34.10 Hearing Examiner Hearing

25 A. The Hearing Examiner shall conduct a public hearing  
26 on all petitions for amendments to the Official  
27 Land Use Map except as provided in Section 23.34.18.  
28 The hearing shall constitute a hearing by the Council.

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- B. Notice of a hearing concerning proposed map amendments shall be published in the City official newspaper and in the general mailed release at least thirty days prior to the hearing. When the hearing is on a petition involving thirty acres or more, a second notice shall also be similarly published and mailed at least fourteen days prior to the hearing. When the proposed map amendment concerns an area of less than thirty acres, the Director shall also give mailed notice at least thirty days prior to the hearing.
- C. The report of the Director shall be available to the public at the Department of Construction and Land Use at least seven days before the Hearing Examiner's hearing.

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- D. Written comments on the proposed amendment and/or the Director's report may be sent to the Department or to the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.
  
- E. Based on the information offered at the hearing, the written comments and the report of the Director, the Hearing Examiner shall prepare written findings and conclusions and submit recommendations to the Council within fourteen days after the hearing is closed. On the same date, copies of the recommendation, findings, and conclusions shall be mailed to the applicant, to all persons testifying or submitting information at the

1 hearing, and to all those who request a copy in a timely  
2 manner.

3 23.34.14 Council Consideration of Petitions

4 A. Any person substantially affected by or interested in  
5 the Hearing Examiner's recommendation may submit a peti-  
6 tion in writing to the Council requesting further con-  
7 sideration of the recommendation. Petitions shall be  
8 filed with the Council by five o'clock p.m. of the four-  
9 teenth calendar day following the date of the Hearing  
10 Examiner's recommendation. When the last day of the  
11 petition period so computed is a Saturday, Sunday or  
12 federal or City holiday, the petition period shall run  
13 until five o'clock p.m. on the next business day. The  
14 petition shall clearly identify specific objections to  
15 the Hearing Examiner's recommendation and the relief  
16 sought.

17 B. If there is no petition for further consideration,  
18 Council action will be based on the record  
19 established by the Hearing Examiner hearing.

20 C. If the Council examines the record, and determines that  
21 a factual error exists in the record, the Council may:

- 22 1. Remand the petition, if any, and the record to the  
23 Director for further consideration and report;
- 24 2. Direct the Hearing Examiner to hold another  
25 hearing limited to the perceived factual error  
26 and to reconsider the Hearing Examiner's  
27 recommendation, if appropriate, or
- 28 3. Enter new findings of fact into the record.

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D. If the Council examines the record and determines that important information is missing from the record, the Council may:

1. Remand the petition, if any, and record to the Director for further consideration and report concerning the new information; or
2. Direct the Hearing Examiner to hold another hearing to consider the new information; or
3. Open the record to receive the new information and to receive comment from parties of record regarding the new information.

E. Council's consideration shall be based upon the record supplemented as appropriated pursuant to C and D above. The Council may allow oral or written arguments based on the record at its public meeting.

F. If the Council examines the petition and the record and determines that the recommendations of the Hearing Examiner are based on an error in judgment or conclusion, it may take action contrary to the recommendations of the Hearing Examiner.

G. A copy of the Council's decision shall be transmitted to the City Clerk who shall send a copy to the Director, the Hearing Examiner and all parties of record. For purposes of appeal, the date of decision shall be the date of mailing by the City Clerk. The Director shall be bound by and incorporate the terms and conditions of Council's decision.

1 H. If a petition for an amendment to the Official Land  
2 Use Map is denied with prejudice by the Council, no  
3 petition for the same or substantially the same  
4 amendment shall be considered until twelve months  
5 have passed since the filing of the denial of the  
6 petition.

7 23.34.18 City Initiated Amendments

8 A. The Council or any other City department may initiate  
9 an amendment to the Official Land Use Map by referring  
10 its proposal to the Director for a report and  
11 recommendation. Except as provided in subsection B,  
12 City initiated amendments shall be subject to the  
13 notice and review requirements established in Sections  
14 23.34.02, 23.34.10 and 23.34.14.

15 B. The Council shall itself conduct all public  
16 hearings on those City initiated proposals to amend the  
17 Official Land Use Map which accompany a definitive  
18 phase in the enactment of the Land Use Code. Notice of  
19 the Council hearings shall be published in the City  
20 official newspaper and in the general mailed release  
21 at least thirty days prior to the hearing. A second  
22 such notice shall be so published and mailed at least  
23 fourteen days prior to each hearing.

24 23.34.20 Contract Rezones

25 A. Property Use Agreement

26 If the map amendment is supported by the record, the  
27 Council may approve it outright or may approve it  
28

1 subject to an agreement by the legal or beneficial owner  
2 of the property to be rezoned to self-imposed restric-  
3 tions upon the use and development of the property in  
4 order to ameliorate adverse impacts which could occur  
5 from unrestricted use and development permitted in the  
6 zone. All restrictions shall be directly related to the  
7 impacts which may be expected to result from the amend-  
8 ment. The agreements shall be approved as to form by  
9 the City Attorney, and shall not be construed as a  
10 relinquishment by the City of its discretionary powers.

11 When an agreement is required as a condition to a map  
12 amendment, the ordinance rezoning the property shall  
13 provide for acceptance of the agreement and shall not be  
14 passed by the Council until the agreement has been exe-  
15 cuted by the owner, recorded in the real property  
16 records of King County, and filed with the City Clerk.

17 B. Waiver of Certain Requirements

18 The ordinance accepting the agreement may waive specific  
19 bulk or offstreet parking and loading requirements if  
20 the Council determines that the waivers are necessary  
21 under the agreement to achieve a better development than  
22 would otherwise result from the application of regula-  
23 tions of the zone. No waiver of requirements shall be  
24 granted which would be materially detrimental to the  
25 public welfare or injurious to property in the zone or  
26 vicinity in which the property is located.

27 C. If no application for a Master Use Permit has been filed  
28 within a period of two years from the effective date of

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the rezone, the rezone shall be void and the property shall revert to its former zone classification.

D. 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. 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 the recommendations of the Hearing Examiner after a public hearing held in the same manner and pursuant to the same notice provided for map amendments in Ch. 23.34.

Subchapter 2: Criteria

23.34.24 Areas Zoned Single Family

- A. Except as provided in B, single family zoned areas may be rezoned to another classification only if the applicant can demonstrate that the area does not meet the criteria for single family designation.
- B. If a proposed rezone is for five or more acres of vacant land currently zoned for single family use, it may be rezoned to another classification subject to the following determination:

- 1 1. Whether the area is more appropriate for a single  
2 or multi-family designation; and  
3 2. If multi-family is more appropriate whether the  
4 relevant locational criteria of the multi-family  
5 designation which is proposed more closely match  
6 the particular characteristics of the area than do  
7 the locational criteria of any other multi-family  
8 designation.

9 23.34.28 General Rezone Criteria

10 In evaluating request for a zoning change, the following  
11 factors shall be considered:

- 12 A. Match between established locational criteria and  
13 area characteristics.

14 In order to ensure compatibility of new and  
15 existing development, the characteristics of the  
16 area to be rezoned should closely fit the adopted  
17 locational criteria for the proposed land use  
18 category.

- 19 B. Zoning history and precedential effect.

20 Previous and potential zoning changes both in and around  
21 the area proposed for rezone shall be examined.

- 22 C. Zoning principles relating to compatible land use  
23 patterns, size, configuration, and boundaries shall  
24 be considered.

- 25 D. Impact evaluation.

26 The decision on a proposed rezone shall consider  
27 the possible negative impacts on the area proposed  
28 for rezone and its surroundings. Factors to be

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examined include, but are not limited to the effects on transportation, parking, housing, public services, and environmental factors such as noise, air and water quality, and energy conservation.

E. Neighborhood planning efforts.

If there are adopted neighborhood plans or recommendations which apply to the area proposed for rezone, these shall be taken into consideration.

F. Changed circumstances.

If part of the justification for the rezone is changed conditions since the adoption of the Official Land Use Map, evidence of the change shall be taken into consideration. Evidence might include changes in structure height and scale, addition of new uses, traffic patterns and transit routes and demographic changes.

G. Overlay Districts.

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

H. Greenbelt Plan.

If the area is included in the Greenbelt Plan as adopted by Resolution 25670, the purpose and boundaries of the Greenbelt Plan shall be considered.

23.34.32 Criteria: Single Family Zones

In reviewing a proposal to rezone an area to a single family zone, the following criteria shall also be considered:

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A. The locational criteria for single family zones includes the following:

1. Areas which consist of blocks with at least seventy percent of the existing structures in single family residential use, or
2. Areas which are now designated by an adopted neighborhood plan as appropriate for single family residential use, or
3. Areas which consist of blocks with less than seventy percent of the existing structures in single family residential use but in which an increasing trend toward single family residential use can be demonstrated, for example:
  - a) The construction of single family structures in the last five years has been increasing proportionately to the total number of constructions for new uses in the area; or
  - b) The area shows an increasing number of improvements and rehabilitation efforts to single family structures; or
  - c) The number of existing single family structures has been very stable in the last five years; or
  - d) The area's location is topographically and environmentally suitable for single family residential developments.

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B. An area which meets at least one of the locational criteria should also satisfy the following size criteria in order to be designated as a single family zone:

1. The area proposed for rezone area should be comprised of fifteen contiguous acres or more, or should abut an existing single family zone.
2. If the area proposed for rezone contains less than fifteen contiguous acres, and does not abut an existing single family zone, then it should demonstrate strong or stable single family residential use trends or potentials such as:
  - a) That the construction of single family structures in the last five years has been increasing proportionately to the total number of constructions for new uses in the area; or
  - b) That the number of existing single family structures has been very stable in the last five years; or
  - c) That the area's location is topographically and environmentally suitable for single family structures; or
  - d) That the area shows an increasing number of improvements or rehabilitation efforts to single family structures.

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C. Boundaries

In establishing boundaries for single family zones, the following elements shall be considered:

1. Natural features such as lakes, streams, ravines, and shorelines;
2. Freeways, expressways and other major traffic arterials;
3. Platted lot lines;
4. Halfblocks at the edges of single family zones which have more than fifty percent single family structures, or portions of blocks on an arterial which have a majority of single family structures shall generally be included. This shall be decided on a case-by-case basis, but the policy will be to favor including them.

23.34.34 Transition

Pending adoption of specific criteria for other than single family zones, the general criteria of Section 23.34.28 and the adopted Land Use Policies or comprehensive plan policies shall pertain to requests for changes to the respective zones.

[22.34.36 -- 22.34.56 Reserved]

Part 2

Authorized Uses and Development Standards

CHAPTER 23.40

COMPLIANCE WITH REGULATIONS REQUIRED; EXCEPTIONS

23.40.02 Conformity With Regulations Required

No structure or premises shall hereafter be used or occupied and no structure or part of a structure shall be erected, moved,

AMENDED ORD.  
110669

1 reconstructed, extended, enlarged or altered, except in confor-  
2 mity with the regulations specified in Title 24 or this chapter  
3 for the zone and overlay district, if any, in which it is, or  
will be located.

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5 AMENDED ORD,  
110664 23.40.10 [Reserved for Design Departure]

6 AMENDED ORD,  
110669 23.40.20 Variances

7 A. Variances may be sought from the provisions of Title 24  
8 or the provisions of Subtitle IV of this Land Use Code,  
9 as applicable except for the establishment of a use  
10 which is otherwise not permitted in the zone in which  
it is proposed.

11 Applications for prohibited variances shall not be  
12 accepted for filing.

13 B. Variances are authorized by the Director and are  
14 included as an element of the Master Use Permit.  
15 However, at the discretion of the applicant,  
16 variances which are sought as part of a rezone pro-  
17 cedure or council conditional use may be filed with  
18 the respective application and decided by the  
Council.

19 C. Variances from the provisions or requirements of  
20 this Land Use Code shall be authorized only when  
21 all the following facts and conditions are found to  
22 exist:

- 23 1) Because of unusual conditions applicable to  
24 the subject property, including size, shape,  
25 topography, location or surroundings, which

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were not created by the owner or applicant,  
the strict application of this Land Use Code  
would deprive the property of rights and pri-  
vileges 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 provisions or requirements of this Land Use Code would cause undue and unnecessary hardship.
- 5) The requested variance would be consistent with the spirit and purpose of the Land Use Code.

D. 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.

E. Upon authorization, variances shall remain in effect as follows:

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Approval Granted

Expiration Date

1. Access or lot area minimums modified as part of short plat approval  
Permit to run with land in perpetuity as recorded with King County
2. Development Standards Modified in Separate Master Use Permit pursuant to Sec. 23.76.10(B) or as part of a rezoning procedure  
Two years from date of permit issuance or until the development standard from which the variance was granted is amended, whichever is sooner. If a use approval is granted within this two year period, the variances' expiration date shall be extended until the expiration date established for the use approval
3. Development standards modified in Master Use Permit granting both variance and use approval or as part of a council conditional use  
Section 23.76.48 pertains (construction or substantial progress toward construction must be undertaken within two years after issuance of the permit)

CHAPTER 23.42

GENERAL USE PROVISIONS

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23.42.10 Identification of Principal Permitted Uses

Principal uses not listed in Subtitle IV, Part 2 of this Land Use Code or in Title 24 shall be prohibited. If a use is not identified in this Part or in Title 24, the Director may determine that a proposed use is substantially similar to other uses permitted in the respective zones and should also be permitted.

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23.42.20 Accessory Uses

Accessory uses permitted in each zone shall be considered in the same process as their corresponding principal uses. Unless the Code expressly permits an accessory use as a principal use,

1 a use permitted only as an accessory use shall not be permitted  
2 as a principal use. The Director shall determine whether uses  
3 not listed as accessory uses are customarily incidental to a  
4 principal use, and shall also determine whether any accessory use  
5 on the lot is incidental to the principal use on the same lot.

6 23.42.40 Temporary Uses

7 The Director may grant, deny, or condition applications for  
8 temporary use authorization which are in keeping with the spirit  
9 and purpose of the Land Use Code.

10 A. Temporary Three Week Use

11 1. A Master Use Permit for any use which is to last  
12 no longer than three weeks and does not involve the  
13 erection of a permanent structure may be authorized  
14 under the following conditions:

- 15 a) The use shall not be materially detrimental  
16 to the public welfare, and  
17 b) The use shall not be injurious to property  
18 in the vicinity.

19 2. The Director may impose conditions to insure com-  
20 patibility with adjacent uses and structures and  
21 to mitigate adverse impacts.

22 B. Temporary Uses For Up to Six Months

23 1. A Master Use Permit for any use of premises for a  
24 period of up to six months which does not involve  
25 the erection of any permanent structure may be  
26 granted by the Director.

27 2. In granting, conditioning, or denying permits for  
28 temporary uses, the considerations recited in

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Section 23.42.40(A) shall pertain.

C. Boatbuilding Shelters

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 year. One year extensions may be granted by the Director for a period not to exceed four years. The permit is subject to the following development standards:

1. The boatbuilding shelter shall not detract from the general appearance of the neighborhood.
2. The structure, though temporary, shall be sturdy enough to withstand inclement weather conditions.
3. 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.

CHAPTER 23.44

RESIDENTIAL, SINGLE FAMILY

23.44.02 Applicability of Provisions

This Chapter details those authorized uses and their development standards which are or may be permitted in the three single family residential zones: SF 9600, SF 7200, and SF 5000.

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23.44.06 Principal Uses Permitted Outright

The following principal uses shall be permitted outright in single family zones.

A. Single Family Dwelling Unit

One single family dwelling unit shall be permitted on a lot.

B. Floating Homes

Floating homes shall be permitted uses in single family zones.

C. Boarders or Lodgers

The renting of rooms by a resident family to not more than two non-transient boarders and/or lodgers shall be permitted.

D. Existing Cemetery

Existing cemeteries shall be permitted to continue in use. No new cemeteries shall be permitted and existing cemeteries shall not be expanded in size.

E. Public or Private Parks

F. Public Playgrounds

G. Existing Railroad Right-of-Way

H. Uses in Existing or Former Public Schools

1. Daycare centers, preschools, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers or similar uses shall be permitted in existing or former public schools.

2. Other nonschool uses shall be permitted in existing or former public schools pursuant to procedures

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established in Ch. 23.78, The Establishment of  
Criteria for Joint Use or Reuse of Schools.

3. Additions to existing public schools may be made only when the proposed use of the addition is a public school.

23.44.08 Development Standards for Uses Permitted Outright

A. General Provisions

1. The following development standards apply to principal and accessory uses permitted outright in single family zones.
2. Floating homes shall be subject only to the parking requirements imposed by this subsection and Ch. 24.60.
3. An exception from one specific standard does not relieve the applicant from compliance with any other standard.

B. Lot Requirements

1. Minimum Lot Area

The minimum lot area shall be:

<u>S.F. Zone</u>	<u>Minimum Lot Area Required</u>
S.F. 9600	9600 sq. ft.
S.F. 7200	7200 sq. ft.
S.F. 5000	5000 sq. ft.

2. Exceptions from Minimum Lot Area

A single family dwelling unit may be established on a lot which does not satisfy the minimum lot area requirements of its zone, if:

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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.

b) The lot area deficit was 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 percent of the minimum required in the zone.

c) A lot below the minimum lot area may be created by short subdivision subdivision or lot boundary adjustment when the lot to be created will be at least seventy-five percent of the minimum required lot area and be at least eighty 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.

3. Maximum Lot Coverage

The maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five percent of the lot area or one thousand seven hundred fifty square feet, whichever is greater.

4. Lot Coverage Exceptions

a) Corner Lots

3 For the purpose of computing the lot  
4 coverage only, the width of a corner lot  
5 or of a lot where a side lot line  
6 abuts upon a street or alley may be  
7 increased by one-half the width of the  
8 abutting side street or alley. The total  
9 lot area may not be increased by more than  
10 twenty-five percent.

b) Special Structures

11 The following structures shall not be counted  
12 in lot coverage calculations.

13 i. Access Bridges

14 Uncovered, unenclosed bridges of any  
15 height necessary for access and five  
16 feet or less in width.

17 ii. Barrier Free Access

18 Ramps or other access for the  
19 disabled or elderly meeting  
20 Washington State regulations and  
rules for barrier free access.

21 iii. Decks

22 Decks or parts of a deck which are  
23 eighteen inches or less above the  
24 existing grade.

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iv. Freestanding Structures.

Fences, freestanding walls,  
bulkheads, signs, and other similar  
structures.

v. Underground Structures

An underground structure, or underground  
portion of a structure, may occupy any  
part of the entire lot.

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C. Height Limits

1. Maximum Established

The height of any structure shall not exceed  
thirty feet unless the structure is located  
between two abutting single family structures,  
one or more of which exceeds thirty feet,  
in which case the height limit shall be the  
average height of the abutting single family  
residences. The methods of determining  
height and height averages are detailed in  
Measurements, Chapter 23.86.

2. Special Features

a. Pitched Roofs

The ridge of a pitched roof on a  
principal structure may extend up to  
five feet above the thirty-foot  
height limit. All parts of the roof  
above the height limit must be  
pitched at a rate of not less than three  
to twelve. (Exhibits 44A, B)

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b. Sloped Lots

On sloped lots, additional height of the wall along the lowest elevation of the site shall be permitted. The height of the wall may extend a distance equal to the percent of the slope divided by six feet. The wall on the uphill portion of a sloped lot shall not exceed thirty feet in height at any point, except when permitted by the pitched roof provisions of this subsection. (Exhibit 44C)

When the downhill portion of a sloped lot fronts on a street and the required front yard exemption in subsection 23.44.08D1 is claimed, the permitted height of the wall along the lowest elevation of the site shall be reduced one foot for each foot of exemption claimed.

3. Height Limit Exemptions

a. Radio and Television Aerials and Flagpoles

Except in the Airport Height District, Ch. 23.74, radio and television aerials and flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line than fifty percent of their height above existing grade, or, if

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attached only to a roof, no closer than fifty percent of their height above the roof portion where attached.

b. Other Features

Open rails, planters, skylights, and chimneys may exceed the height limits by four feet or may extend four feet above the ridge of a pitched roof.

D. Yards

Yards are required for every lot in a single family residential zone. A yard which is larger than the minimum size required may be provided.

- 1. The front yard shall be either the average of the front yards of the single family structures on either side or twenty feet, whichever is less.

On any lot where the natural gradient or slope, as measured from the front line of the lot for a distance of sixty feet or the full depth of the lot, whichever is less, is in excess of thirty-five percent, the required front yard shall be either twenty feet less one foot for each one percent of gradient or slope in excess of thirty-five percent or the

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average of the front yards on either side, whichever is less.

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.

2. Rear Yards

The rear yard shall be twenty-five feet. The rear yard for a lot having a depth of less than one hundred five feet may be reduced to not less than twenty percent of the lot depth, but in no case less than ten feet.

When the required rear yard abuts upon an alley along the rear lot line, the rear yard depth shall be measured to the centerline of the alley, provided that at no point shall the principal structure be closer than five 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 feet in width, the rear yard need not exceed the depth of twenty feet.

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3. Side Yards

The side yard shall be five 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 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.

4. Exceptions from Standard Yard Requirements

a. Certain Accessory Structures

Any accessory structure may be constructed up to a rear or side yard property line which abuts the rear or side yard of another 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.

b. Side Yard Exception for Easement

The side yard for a single family structure may be less than five feet

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along one side lot line if an easement is provided along the side lot line of the abutting lot, sufficient to leave a ten foot separation between the two principal structures of the two lots.

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. No principal structure shall be located in the easement, except that the eaves of a principal structure may project a maximum of eighteen inches into the easement.

c. Certain Additions

Certain additions may extend into required yard when the single family structure has a wall, sixty percent or more of which extends into a required yard. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built. They may

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extend up to the height limit and may include basement additions, if one of the following conditions are met:

Side yard: When it is a side wall, it is at least three feet from the side property line;

Rear yard: When it is a rear wall, it is at least twenty feet from the rear property line or centerline of an alley abutting the rear property line;

Front yard: When it is a front wall, it is at least fifteen feet from the front property line. (See Exhibit 44D)

d. Uncovered Porches

Uncovered, unenclosed porches or steps may project into any required yard, provided that they are no higher than four feet on average above existing grade, no closer than three feet to any side lot line; no wider than six feet, and project no more than six feet into required front or rear yards.

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e. Special Features of a Structure  
Unless otherwise permitted in this Chapter, special features of a structure shall project no more than eighteen inches into any required yard. Cornices, eaves and sun shades with associated gutters shall be allowed to project into southern front or rear yards not more than six feet to provide shade for either solar collectors or windows which face within thirty degrees of true south.

f. Attached Carports, Garages, Covered Unenclosed Deck or Roofs Over Patios in Rear Yards

(i) Any attached carport, attached garage or covered, unenclosed deck or roofs over patios may extend into the required rear yard, but shall not be within twelve feet of the center line of any alley, nor within twelve feet of any rear lot line which is not an alley lot line, nor closer than five feet to any other accessory structure.

(ii) Attached or detached carports, garages, covered, unenclosed decks or roofs over patios,

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other accessory structures and nonconforming sections of principal structures are limited to a maximum combined coverage of forty 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.

(iii) On through lots less than one hundred feet in depth, an accessory garage shall be permitted to locate in one of the front yards.

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

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prevailing character and set-back patterns of the block.

g. Access Bridges

Uncovered, unenclosed bridges of any height, necessary for access and five feet or less in width, are permitted in required yards except that in side yards an access bridge must be at least three feet from any side lot line.

h. Barrier-Free Access

Access facilities for the disabled and elderly meeting Washington State rules and regulations for barrier free access are permitted in any required yards.

i. Freestanding Structures

Fences, freestanding walls, bulkheads signs and similar structures six feet or less in height above existing high ground level may be erected in any required yard. When located in the shoreline setbacks or in view corridors in the Shoreline District as regulated in Ch. 24.60, these structures shall not obscure views protected by Ch. 24.60 and

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the Director shall determine the permitted height.

j. Decks in Yards

Decks no greater than eighteen inches on average above existing grade may extend into required yards, but not within five feet of any lot line. If a deck is adjacent to a fence or freestanding wall, the deck may extend to that fence or wall provided that the height of the deck is no less than three feet from the top of the fence or wall. The fence or wall shall be no higher than six feet.

k. 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, Ch. 25.08 are not violated. Any heat pump or similar equipment shall not be located within three feet of any lot line.

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23.44.10 Accessory Uses Permitted Outright

Accessory uses customarily incidental to principal uses are permitted outright as provided below.

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A. General Development Standards

1. The general development standards for single family zones, Section 23.54.08, apply to accessory uses unless the general standards are specifically modified.
2. All accessory uses and structures must be located on the same lot as the principal use or structure unless specifically modified in this Section.
3. Structures no more than twelve feet in height, and no more than one thousand square feet in area may be erected in a rear yard at least five feet from the principal structure and at least twelve feet from the center of an alley, except as specifically modified in this Section. These standards shall also apply to structures located in required front yards of through lots.
4. On a reverse 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 feet from the key lot's side lot line unless the provisions of 23.44.08D4 apply.

B. Parking

Parking shall be required as an accessory use to a principal use located in a single family zone

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as provided below.

1. Elimination of Spaces

No existing required parking shall be eliminated unless at least an equal number of spaces serving the uses on the lot are provided.

2. Number of Spaces Required

a) A minimum of one offstreet parking space is required for each single family structure including a floating home. When an existing single family structure was legally constructed without offstreet parking, no parking requirement shall be imposed when the structure is expanded or renovated.

b) The number of spaces required for uses authorized in existing or former public schools shall be as established for such uses in Section 23.44C(11).

c) The number of spaces required for administrative conditional uses is identified in Section 23.44.14B(4) (special residences) and Section 23.44.14C(11) (institutions.)

3. Parking On Lot of Principal Use

a) Except as otherwise provided in this subsection, accessory parking shall be located on the same lot as the principal use.

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b) Parking accessory to a floating home may be located on another lot if within six hundred feet of the residence.

c) Parking accessory to a single family structure existing on the effective date of this provision may be established on another lot if all the following conditions are met:

- There is no vehicular access to permissible parking areas on the lot.
- Any garage constructed is for no more than two two-axled or two up to four-wheeled vehicle.
- The garage is located and screened or landscaped as required by the Director, who shall consider development patterns of the block or nearby blocks.
- The garage lot is within the same block or across the alley from the principal use lot.

4. Location of Parking On Lot

- a) Parking shall not be located in the required front yard except as provided in subsection 5.
- b) Parking may be located within the principal structure or in the side or rear yard except a required side yard abutting a street or the first ten feet of a required rear yard abutting a street.

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c) Parking on planting strips is prohibited.

5. Exceptions to Location Requirements

a) Lots With Uphill Front Yards

Accessory parking for one, two axle or one up-to-four wheeled vehicle may be cut into a required front yard when there is no surfaced alley abutting the lot if the front yard grade where the parking will be located is more than six feet above the sidewalk or street grade.

b) Lots With Downhill Front Yards

Accessory parking for one two-axle or one up-to-four wheeled vehicle may be located in a required front yard when (a) the finished grade slopes downward from the street lot line which the parking faces; and (b) the lot has a vertical drop of at least twenty feet in the first sixty feet.

c) Lots With Uphill or Downhill Front Yards Fronting on Streets Which Prohibit Parking

When lots with either uphill or downhill front yards are located on streets with twenty-four hour parking restrictions on both sides of the street, accessory parking may be located in the front yard to accommodate two two-axle or two up-to-four wheeled vehicles.

6. Access

a) Vehicular access to parking from an improved street, alley or easement is required.

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- b) Access to parking is permitted through the required front yard only if the Director determines that one of the following conditions exist:
  - There is no adjacent alley; or
  - Natural or existing manmade topography does not permit alley access; or
  - A portion of the alley abuts a nonresidential zone; or
  - The alley is used for loading or unloading by an existing nonresidential use.

c) The width of access to parking shall be limited to that necessary for entrance to parking spaces.

d) Where access to required parking spaces passes through a required yard, automobiles, motorcycles and similar vehicles may be parked on the access. Trailers, boats, recreational vehicles or similar equipment shall not be parked in any required yard abutting a street or on any access which passes through a required yard provided that when a rear yard abuts a street, the vehicles shall be prohibited from parking in the first ten feet of the rear yard abutting the street.

7. Curb Cuts

Curb cuts for vehicular access to lots with street frontage of eighty feet or less shall be limited to one ten foot curb cut per principal use. On lots

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with street frontage greater than eighty feet, curb cuts shall be limited to one twenty foot curb cut or two ten foot curb cuts per principal use. The Director may reduce the required width of curb cuts to not less than ten feet in cases where two principal uses share a common driveway or where the modifications would improve pedestrian safety and traffic flows.

C. 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.

1. Private, permanent swimming pools, hot tubs and other similar uses over eighteen inches above existing grade are subject to the development standards for accessory uses.
2. Private, permanent swimming pools, hot tubs and other similar uses projecting not more than eighteen inches above existing grade shall not be counted in lot coverage.
3. Private, permanent swimming pools, hot tubs and other similar uses may be placed in a required front or rear yard provided that:

No part of the structure shall project more than eighteen inches above existing lot grade in a required front yard; and

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No pool shall be placed closer than five feet to any front or side lot line.

4. All pools shall be enclosed with a fence, or located within a yard enclosed by a fence, not less than four feet high and designed to resist the entrance of children.

D. Solar Collectors

Solar collectors are permitted as an accessory use subject to the following development standards.

1. Freestanding solar collectors, or those projecting beyond the principal or accessory structure to which they are attached, which meet minimum standards and maximum size limits as determined by the Director, shall not be counted in lot coverage calculations.
2. Solar collectors attached to principal use structures may exceed the height limits of single family zones by four feet or extend four 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 feet above the height limit established for the zone (Exhibit 44E). A solar collector which extends 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 21, at noon, any more than would a structure built to the maximum permitted height and bulk.

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3. Solar collectors and solar greenhouses may be located in required yards facing within forty-five degrees of true south according to the following conditions:

- a. In a side yard, no closer than three feet from the side property line; or
- b. In a rear yard, no closer than fifteen feet from the rear property line unless there is a dedicated alley, in which case the solar collector shall be no closer than fifteen feet from the center line 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 feet may extend into the front yard up to six feet but shall not be located any closer than twelve feet from the front property line unless front yard averaging as established in Measurements, Section 23.86.10 permits a lesser front yard.

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E. Keeping of Animals

The keeping of small animals, farm animals, domestic fowl and bees is permitted in single family zones subject to the following standards.

1. Small Animals

Up to three small animals per single family

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residential structure may be kept in single family zones.

Four small animals are permitted on lots of at least twenty thousand square feet. One additional small animal is permitted for each five thousand square feet of lot area in excess of twenty thousand square feet.

Accessory structures, including kennels, for four or more animals must be at least ten feet from any other residentially zoned lot.

2. Domestic Fowl

Up to three domestic fowl may be kept on any lot in addition to the small animals permitted in the preceding subsection. For each one thousand square feet of lot area in excess of the minimum lot area required for the zone one additional domestic fowl may be kept.

3. Farm Animals

Cows, horses, sheep and other similar farm animals are permitted only on lots of at least twenty thousand square feet. The keeping of swine is prohibited.

- a. One farm animal for every ten thousand square feet of lot area is permitted.
- b. Farm animals and structures housing them must be kept at least fifty feet from any residentially zoned lot.

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4. Beekeeping

Beekeeping is permitted outright as an accessory use, when registered with the State Department of Agriculture, provided that:

- a) No more than four hives, each with only one swarm, shall be kept on lots of less than ten thousand square feet.
- b) Hives shall not be located within twenty-five feet of any property line except when situated eight 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 feet above the adjacent existing lot grade and behind a solid fence or hedge six feet high parallel to any property line within twenty-five feet of a hive and extending at least twenty feet beyond the hive in both directions.

F. Home Occupations

A home occupation of a resident person is permitted in a single family dwelling subject to the following development standards.

- 1. The occupation shall be clearly incidental to the use of the property as a dwelling.
- 2. Commercial deliveries and pickups shall be limited to one per day Monday through Friday. No commercial deliveries or pickups shall be permitted on Saturday, Sunday or federal holiday.

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- 3. The address of the home occupation shall not be given in any advertisement.
- 4. The occupation may be conducted only within the principal structure and shall not require internal or structural alterations. To preserve the residential appearance of the structure, there shall be no evidence of the occupation from the exterior of the structure.
- 5. Total rated capacity of mechanical equipment used for the occupation shall not exceed three horsepower.
- 6. Not more than one person who is not a resident of the dwelling may work in the home occupation whether or not compensated.
- 7. If the home occupation is a family day care home, it must be instituted and operated in accordance with State law.

G. Open Wet Moorage for Private Pleasure Craft  
Piers and floats for open wet moorage of private pleasure craft are permitted as regulated by the Shorelines District Ch. 24.60.

H. Amateur Radio Devices  
Accessory amateur radio devices are permitted in single family zones under the following development standards.

- 1. The maximum height of the tower shall be no more than fifty feet above existing grade. Cages and antennae may extend to a maximum

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additional fifteen feet.

2. The base of the tower shall be located at a distance from any other lot which is at least one-half the height of the total structure, including tower, cage and antenna.

I. Illuminated or Non-Illuminated Signs

The following illuminated or non-illuminated signs are permitted in single family zones subject to the following development standards.

1. Electric, illuminated or non-illuminated signs bearing the name of the occupant are permitted in single family zones when their dimensions do not exceed sixty-four square inches. Temporary non-illuminated real estate for sale or rent signs are permitted when their dimensions do not exceed eight square feet, and are not painted with light-reflecting paint. Temporary political yard signs for political candidates are permitted according to provisions of the Fair Campaign Practices Ordinance, Ch. 2.04. Large signs as required by Ch. 23.76 shall be permitted.

2. No new business sign is permitted.

Existing business signs for nonconforming uses may be replaced provided that:

a) Maximum total area of sign faces shall be one hundred seventy square feet, and maximum area of the face of any single sign shall be eighty-five square feet.

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b) Maximum height of any portion of a sign shall be twenty-five feet above existing lot grade at the base of sign.

c) The sign shall be permanent, stationary and nonflashing. No pennants, banners, bunting, string lights or decoration shall be permitted.

3. No sign of any kind, other than one designating an entrance, exit, condition of use, a business sign on the face of a nonconforming use, or a sign on an institution, shall be maintained on a parking area which faces any residential lot. Permitted signs shall not exceed eight square feet in area. Only one sign is permitted for each entrance or exit.

4. No sign shall be permitted to obscure vision within twenty feet of intersections or driveways.

5. The source of light for an illuminated sign shall be shielded so that direct rays from the light are not visible except on the lot where the sign is located.

J. Columbariums, Garden Wall Crypts and Mausoleums  
Columbariums, garden wall crypts and mausoleums are permitted only as accessory to existing cemeteries and subject to the following development standards in addition to the general development standards for accessory uses:

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1. No interment openings shall abut or be directly across the street from property other than cemetery property.
2. Any border between structures and the property line shall be landscaped and maintained by the owner in good condition.

K. Uses Accessory to Parks and Playgrounds

1. The following accessory uses shall be permitted in any park when within a structure or on a terrace abutting the structure:
  - a. The sale and consumption of beer during daylight hours;
  - b. 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 feet from any lot in a residential zone the use shall be completely enclosed.

2. 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 facility located no closer than one hundred feet from any lot in a residential zone and separated from other public activity areas and zoo buildings by at least fifty feet.

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- 3. 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:
  - a) Any active play area shall be located thirty feet or more from any lot in a single family zone.
  - b) Garages and service or storage areas shall be screened from view from abutting lots in residential zones.

23.44.14 Administrative Conditional Uses

A. General Provisions

- 1. Only those uses identified in this Section as conditional uses may be authorized as conditional uses in single family zones. The Master Use Permit process shall be used to authorize these uses.
- 2. Unless otherwise specified in this Section, conditional uses shall meet the development standards for uses permitted outright in Sec. 23.44.08.
- 3. 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.

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4. In authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

5. The Director shall issue written findings of fact and conclusions to support the Director's decision.

B. Special Residences

Special residences including nursing homes licensed by the State or convalescent homes, group homes or halfway houses are permitted as conditional uses subject to the following modifications of development standards:

1. Dispersion

- a) A special residence shall not be established or expanded on a lot which is within six hundred feet of any other special residence in a residential zone.
- b) No special residence shall be established in an area where it would increase the number of special residences located within a one-half mile radius from the proposed residence to more than five.
- c) A proposed new or expanding special residence which does not meet the dispersion criteria may be permitted by the Director upon a determination that the intent of the criteria is achieved because of the presence of physical elements such as bodies of water, large open spaces,

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or topographical breaks or other elements such as arterials, freeways or non-residential uses, which provide substantial separation from other existing special residences. In that case, the Director's determination may permit both the expansion of the structure and/or the number of beds.

2. Maximum Number of Residents

No special residence permitted in a single family zone shall house more than fifteen persons, including resident staff.

3. Bulk and Siting

In addition to the development standards for uses permitted outright in Sec. 23.44.08, the following lot coverage limits shall apply:

a) New Construction

The lot coverage of the residence and its accessory structures shall be a maximum of thirty-five percent of lot area or five thousand square feet, whichever is less.

b) Existing Structures

When a special residence is an existing structure, the existing structure may be expanded to the limits established in 3a. A special residence may be established in a nonconforming structure.

4. Offstreet Parking Required

a) For group homes and halfway houses one parking space for each two full-time staff plus one

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for each five residents is required. In addition, one space for each vehicle generally associated with the residence or operated on a daily basis in connection with the residence shall be required.

The Director may waive some or all of the parking requirements after finding that the residents will own or operate fewer vehicles than the general population and that the special residence will be occupied by the same or similar residents over a long term.

b) For a nursing or convalescent home, one parking space for each two staff doctors plus one for each three employees plus one for each six beds is required.

5. 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 special residence, along with onsite parking areas and facilities; outdoor recreational areas; trash and refuse storage areas; ventilating mechanisms and other noise or odor generating equipment, fixtures or facilities. The special residence shall be designed and operated so that the standards of the Noise Ordinance, Ch. 25.08 shall be met. In order to mitigate identified noise and/or odor impacts, the Director may require measures such as

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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.

6. Landscaping

Landscaping compatible with neighboring residential properties shall be required. Additional landscaping may be required to reduce the potential for erosion or excessive storm water runoff; to minimize the coverage of the site by impervious surfaces; to screen the parking of the special residence from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the special residence.

Required landscaping plant material 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.

7. Light and Glare

Lighting shall be shielded or directed away from adjacent residentially zoned lots. The Director may require that the area and intensity of illumination, the location or angle of illumination be limited.

C. Institutions

1. Institutions Identified

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The following institutions may be permitted as conditional uses in single family zones.

- Community Center
- Day Care Center
- Public or Private Schools
- Religious Facility
- Public or Private Library
- Other Similar Institutions

The following institutions are prohibited in single family zones.

- Hospitals
- Colleges and Universities
- Museums
- Private Clubs

2. Major Institutions

The provisions of this Section shall not apply to major institutions. An institution shall be considered a major institution when:

- a) Its presence dominates an area due to the intensity of use as indicated by the number of clients, patients or students; number of staff or traffic generated by clients, staff and visitors; or
- b) The land owned and occupied by the institution is more than five acres, or planned expansion would cause it to exceed five acres, and the institution seeks to expand.

All major institutions shall be so designated and their boundaries approved by the Council.

3. General Provisions

New or expanding institutions in single family

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zones which are not designated as major institutions shall meet the development standards for uses permitted outright in Section 23.44.08 unless modified elsewhere in this Subsection.

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 acres. Until it constitutes a major institution, an institution campus may be established or expanded beyond two and one-half acres if the property proposed for the expansion is substantially vacant land.

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.

4. Dispersion

The lot line of any proposed new or expanding institution shall be located six hundred feet or more from any lot line of any other institution in a residential zone.

A proposed institution which does not meet the dispersion criteria may be permitted by the Director upon determination that the intent of the criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements

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such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.

5. 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.

6. 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.

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7. 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; onsite parking; outdoor recreational areas; trash and refuse storage areas; ventilating mechanisms, sports facilities and other noise and odor generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance Ch. 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.

8. Landscaping

Landscaping shall be required to integrate the institution with adjacent areas; reduce the potential for erosion or extensive storm water 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.

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Maintenance of landscaped areas shall be the continuing responsibility of the owner.

9. 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.

10. Bulk and Siting

a) Lot Area

If the proposed site is more than one acre in size, the Director may require the following and similar development standards:

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.

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

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to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.

b) Yards

Yards of institutions shall be as required for uses permitted outright in Sec. 23.54.08, provided that, no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten feet to the side lot line. The Director may permit yards less than ten feet but not less than five 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.

c) Institutions Located on Lots in More Than One Zone Classification

For lots which include more than one zone classification, single family zone provisions shall apply only to the single family zoned lot area involved.

d) Height Limit

A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or a spire, may extend an additional twenty-five feet above the height limit.

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e) Facade Scale

If any facade of a new or expanding institution exceeds thirty 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.

11. Signs

An institution may have up to one double-faced identifying sign on each street frontage. Signs shall not exceed fifteen square feet per face.

12. Parking and Loading Berth Requirements

a) Quantity of Offstreet Parking

(i) Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single occupancy vehicles shall be encouraged.

(ii) Minimum parking requirements for certain types of institution uses shall be as follows:

Community center - One parking space for each eighty square feet of a main auditorium or other assembly room.

Day care center - One parking space per ten children or one space per teacher, whichever is greater; and one loading space for each twenty children.

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Public and private schools - One parking space for each eighty square feet of main auditorium or other public assembly room. In the absence of an auditorium or assembly room, one space for each staff member.

Religious facility - One parking space for each eighty square feet of nave, main auditorium, or other public assembly room.

Theater, auditorium or assembly hall accessory to an institution (excluding schools, community centers) - One space for each one hundred square feet of floor area.

Stadium, indoor or outdoor sports facilities with sports spectator assembly areas - One space for each one hundred square feet of spectator assembly area.

(iii) The Director may modify the parking standards imposed in this Section on a case by case basis using the information contained in the transportation plan prepared pursuant to subsection 13. The modification shall be based on adopted City policies and shall:

- 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
- not cause undue traffic through residential streets nor create a serious safety hazard.

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b) Parking Design

Parking access and parking shall be designed as provided in Design Standards for Access and Offstreet Parking, Ch. 23.64.

c) Loading Berths

The quantity and design of loading berths shall be as provided in Design Standards for Access and Offstreet Parking, Ch. 23.64.

13. Transportation Plan

A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand square feet of structure area and/or are required to provide an additional twenty 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.

a) 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;

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extent of traffic congestion; types and numbers of vehicles associated with the institution; and mitigating measures to be taken by the applicant.

b) 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.

c) Parking overflow

Number of vehicles expected to park on neighboring streets; percentage of onstreet 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.

d) Safety

Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity.

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e) 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.

D. Planned Residential Development (PRD)

Planned residential developments may be permitted as a conditional use in single family zones subject to the following provisions:

1. Site Requirements  
The minimum lot area for a PRD shall be two acres.
2. Benefits Provided  
A proposed PRD shall provide one or more of the following elements or include other elements which further an adopted City policy and provide a demonstrable public benefit.
  - a) Preservation or enhancement of natural features;
  - b) Low income housing;
  - c) Utilization of opportunities for solar exposure;
  - d) Usable open space, recreation, day care or meeting facilities for the surrounding community.
3. Number of Dwelling Units Permitted  
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 the

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single family zone in which the PRD is located. For PRD's which include more than one zone, the number of dwelling units shall be calculated based on the proportion of lot area in each of the involved residential zones.

A twenty percent increase in the number of dwelling units allowed on a PRD site will be permitted.

3. Type of Dwelling Units Permitted

Dwelling units in a PRD may be any combination of detached or attached Lowrise One ground related housing types as long as all other development standards of this Section are met.

4. Siting and Subdivision

a) The Director may approve, deny or require alternate spacing or placement of structures and related parking areas, or may exclude land of steep slope which is designated environmentally sensitive in Sec. 23.62.02 from the land used to calculate the density allowed in the PRD. The Director may also exclude extraneous lots or lots with uneven boundaries from consideration in the PRD dependent on related topographical conditions and the extent to which the lots would disrupt adjacent improved residentially zoned lots.

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- b) The site may be subdivided into lots of less than the minimum size required in the zone(s) in which the site is located.
- c) When a site plan for a proposed PRD indicates that lots for each dwelling structure will be less than the required lot area of the zone(s), the Director shall require an area of common usable open space.
- d) In addition to required open space, each residential structure located on a lot of less than four thousand square feet shall provide a minimum of two hundred and fifty square feet of private usable open space, fifty percent of which is visually screened from adjacent residences.

5. Yards

Yards shall be required for residential structures within a PRD.

a. Yards Abutting Single Family Lots

Front yards abutting single family zoned lots shall be the average of the front yards of the abutting single family residences or twenty feet, whichever is less. Side yards abutting single family zoned lots shall be five feet. No dwelling unit on a PRD shall be closer than twenty-five feet to the rear lot line of abutting single family zoned lots.

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b. Yards Not Abutting Single Family Lots  
Required yards between structures in the PRD shall vary depending on the design of the facing facades. The purpose is to provide a sense of privacy, and to mitigate the effects of shadows between buildings. Where there is no principal access or entrance to units on either facade of facing structures, the minimum setback between structures shall be ten feet. Where only one of two facing facades has a principal access or entrance to the structure, the required setback between those two facades shall be fifteen feet. Where both structure facades facing each other have principal access or entrance to units on the same side, the required setback between the two facades shall be twenty-five feet.

The Director may increase or decrease the minimum required yards in order to preserve or enhance topographical conditions, adjacent uses and the layout of the project.

6. Landscaping  
The Director shall require landscaping along some or all exterior lot lines of a PRD to minimize the effect of the PRD on adjacent uses. The Director may require the retention of

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existing mature landscaping. In addition, landscaping may be required to reduce the potential for erosion or excessive storm water runoff; reduce the site coverage by impervious surfaces; and screen the parking from view from adjacent residentially zoned lots and the street. Plant species shall be compatible with surrounding flora. Landscaping shall be the continuing responsibility of the owner.

E. Use of Landmark Structures

1. The Director may authorize a use not otherwise permitted in the zone within a structure designated as a "Landmark," pursuant to the Landmark Preservation Ordinance, Chapter 25.12, subject to the following development standards.

- a. The use shall be compatible with the existing design and/or construction of the structure without significant alteration; and
- b. 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 "Landmark" in a reasonably good physical condition; and
- c. The use shall not be detrimental to other properties in the zone or vicinity or to the

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public interest.

d. A certificate of approval for the proposed use has been obtained from the Landmarks Board

2. The Director may reduce or waive the minimum accessory offstreet parking requirements for a use allowed in a "Landmark", provided, that in making any reduction or waiver, the Director shall assess area parking needs.

The Director may require the applicant to conduct a survey of onstreet and offstreet parking availability. The Director may also consider the types and scale of uses proposed or practical in the subject "Landmark". 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 operations; the controls imposed by landmark designation; and any other factor or factors considered relevant in determining parking impact.

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F. Structures Unsuitable to Uses Permitted Outright

1. Uses not otherwise permitted in the zone may be permitted in structures unsuitable to uses permitted outright in single family zones. The determination that a use may be permitted shall be based on the following factors:

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- a) The design of the structure is not suitable for conversion to a use permitted outright in a single family zone; and
- b) The structure contains more than four thousand square feet; and
- c) The proposed nonconforming use will provide a public benefit.

2. 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.

3. In the case of an existing or former public school, permissible nonconforming uses shall be established only pursuant to procedures for establishing criteria for joint use or reuse of public schools in Sec. 23.78 of this Land Use Code.

G. 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:

- 1. It is to be located on an existing parking lot;
- 2. 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

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3. 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.

H. Certain Nonconforming Uses  
Nonconforming uses which are authorized pursuant to Sec. 23.44.24D may be permitted as a conditional use.

AMENDED ORD. 110669 23.44.16 Uses Accessory to Administrative Conditional Uses

A. General Provisions

1. Any use which is permitted because it is customarily incidental to a principal use permitted outright is also permitted as accessory to uses permitted conditionally unless otherwise specified in this Section.
2. Accessory conditional uses are subject to the development standards for accessory uses permitted outright unless otherwise specified in this Section.

B. Specific Development Standards

1. Swimming Pool Not Accessory to a Single Family Structure  
One parking space is required for each one hundred fifty square feet of public pool area.
2. Congregate Housing  
One parking space is required for each three rooms or one for each six beds, whichever is greater.

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3. Gymnasiums, Dining Facilities and Social Gathering Areas

One parking space is required for each eighty square feet of floor area or one space for each employee, whichever is greater.

4. Offices

One parking space is required for each employee.

C. Additional Uses Permitted

1. Heat recovery incinerator

The Director may permit a heat recovery incinerator as an accessory use to institutions and public facilities subject to the following conditions:

- a. The incinerator shall be located on the same lot as the institution or public facility.
- b. The use shall be located no closer than one hundred feet to any property line unless completely enclosed within a structure.
- c. 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.
- d. Adequate control measures for insects, rodents and odors shall be maintained continuously.

2. Recycling collection stations

The Director may permit recycling collection stations as accessory uses to institutions and

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public facilities. These recycling collection stations shall be maintained in good condition by the respective institution or public facility.

23.44.20 Council Approval of Public Facilities

A. Identification of Facilities

The location or expansion of the following public facilities in single family zones may be permitted only with Council approval. Location or expansion of these facilities in a single family zone must be shown to satisfy a public necessity.

<u>Permitted Public Facilities</u>	<u>Prohibited Public Facilities</u>
Police Precinct Station	Jail
Fire Station	Metro Operating Base
Public Boat Moorage	Park and Ride Lots
Utility Services Uses	Sewage Treatment Plants
	Solid Waste Transfer Station
	Animal Control Shelter
	Post Office Distribution Center
	Other Similar Uses

B. Development Standards

Public facilities shall be developed according

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to the development standards applicable to institutions, Sec. 23.44.14(C) unless the Council determines that a particular requirement must be waived or relaxed.

C. Uses Accessory to a Public Facility

Any use permitted elsewhere in this Chapter as accessory to a permitted outright principal use or as an administrative conditional use is also permitted as an accessory use to a public facility unless otherwise specified in this Subtitle.

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23.44.24 Nonconforming Uses

A. Any legally established nonconforming use existing on the effective date of this provision which does not conform to the applicable requirements of the Land Use Code may be continued subject to the provisions of this Section.

B. Existing non-single family residential uses may be converted to single family residential use even if the structure does not conform to development standards. The configuration and bulk of converted structures may be altered, provided that the alteration shall conform to the development standards for single family residential structures.

C. Legally established multi-family residential structures may be improved, renovated and structurally altered but shall not be expanded except as necessary to improve access for the elderly and disabled or to

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make changes required for health or safety.

Increasing the number of residential dwelling units in these structures is prohibited. Multi-family residential uses may not be changed to non-residential use.

D. Except as provided in C above, legally established nonconforming uses may be changed to other nonconforming uses by an administrative conditional use authorization so long as the Director finds that the new use is no more detrimental to property in the zone and vicinity than the existing use. This determination shall be based on the following factors:

1. The zone in which both the existing use and new use are first allowed;
2. The number of employees and clients associated with the proposed use;
3. The relative parking, traffic, light, glare, noise, odor and similar impacts of the two uses.

If the new use is permitted, the Director may require additional mitigating measures including but not limited to landscaping; sound barriers or fences; mounding or berming; adjustments to yards or parking development standards; design modification; or setting hours of operation for outdoor recreation areas.

E. A nonconforming use which is destroyed by fire or other act of nature may be resumed provided it meets the requirements of Section 23.44.26D.

23.44.26 Nonconforming Structures

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- A. Legally established structures existing as of the date of adoption of this Land Use Code which are not in conformance with one or more of the development standards for single family zones shall be prohibited from expanding in any manner which increases the extent of nonconformity, unless otherwise specified.
  - B. Existing structures which are above the height limit may 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 shall not be converted into a flat roof or the slope of the roof lowered below a three in twelve pitch.
  - C. An existing legally established nonconforming accessory structure or part of a principal structure located in a yard which is required by this Land Use Code may be renovated or replaced, but may not be expanded beyond its former dimensions.
  - D. If a legally established nonconforming structure is destroyed by fire or other act of nature it may be rebuilt to those configurations existing immediately prior to the time the structure was destroyed.

22 [Ch. 23.45 - 23.53 Reserved for Multi-family, etc.]  
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CHAPTER 23.54

DESIGN STANDARDS FOR ACCESS AND OFFSTREET PARKING

23.54.10 Parking Space Standards

Offstreet parking spaces shall conform to the following design standards:

A. Five or fewer parking spaces

1. Space dimensions

- a. The minimum space dimension for a full size vehicle shall be equal to eight and one half feet in width and nineteen feet in length.
- b. The minimum space dimension for a compact size vehicle shall be equal to eight feet in width and sixteen feet in length.
- c. No wall, post, guardrail or other obstruction shall be permitted within five feet of the center line of a parking space.

2. Ingress and egress

Except for spaces accessory to a single family structure, ingress to and egress from each parking space shall be provided which does not require moving another vehicle or backing more than fifty feet. Tandem parking may be permitted for fleet vehicles.

a. Parking aisles

- (1) Parking aisles shall be no less than ten feet wide.

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(2) The minimum turning path radius shall be eighteen feet. All parking spaces shall be so arranged that ingress and egress is possible without backing over a sidewalk or sidewalk area except as specified in item (3) and (4) below.

(3) Parking spaces requiring vehicles to back into an alley shall be set back a minimum of twelve feet from the center of the alley.

(4) No more than two parking spaces accessory to a single family residence shall be allowed which require the vehicle to back into the street.

b. Access to Parking

The width of access to parking shall be limited to that necessary for entrance to or exit from parking spaces.

c. Curb cuts

(1) For lots with street frontage of eighty feet or less, a maximum of one ten foot wide curb cut shall be permitted.

(2) For lots with street frontage greater than eighty feet, a maximum

1 of two ten foot wide curb cuts or  
2 one twenty foot wide curb cut per  
3 development shall be permitted.

4 B. More than five parking spaces

5 1. Parking dimensions

6 Whenever there are five or more parking spaces  
7 developed on a lot, any required offstreet  
8 parking area which includes more than five  
9 parking spaces shall be developed according to  
10 the requirements of Exhibit 54A.

11 2. Space dimensions

- 12 a. The minimum space for a full  
13 size vehicle shall be eight and  
14 one-half feet in width and nineteen feet  
15 in length.
- 16 b. The minimum space dimension for a compact  
17 vehicle size shall be equal to eight feet  
18 in width and sixteen feet in length.
- 19 c. No wall, post, guardrail or other  
20 obstruction shall be permitted within  
21 five feet of the center line of a parking  
22 space.

23 3. Ingress and egress

- 24 a. Except for spaces accessory to a single  
25 family structure, ingress to and egress  
26 from each parking space shall be provided  
27 which does not require moving another  
28 vehicle or backing more than fifty feet.  
Tandem parking may be permitted

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by the Director. All parking spaces shall be arranged so that ingress and egress are possible without backing over a sidewalk or sidewalk area. All parking spaces within a parking area shall be internally accessible to one another without re-entering adjoining public streets.

- b. Turning and maneuvering spaces shall be located entirely on private property, except that an alley may be credited as aisle space.
- c. Parking spaces requiring vehicles to back into an alley shall be set back a minimum of ten feet from the center of the alley.
- d. Turning path width  
The minimum turning path radius shall be eighteen feet. Parking with thirty parking spaces or fewer shall provide an access aisle of ten feet minimum along the turning path.

Parking with more than thirty parking spaces shall provide an access aisle of ten feet minimum along the turning path for one-way traffic or access aisle of twenty feet minimum along the turning path for two-way traffic as illustrated in Exhibit 54B.

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e. Maximum grade curvature of any area used for vehicle travel or storage shall not exceed the dimensions in Exhibit 54C.

D. Truck loading/unloading berths

Development standards for truck loading/unloading berths shall be as follows:

1. Each berth shall be not less than ten feet in width and twenty-five feet in length.
2. Space for the berth may occupy all or any part of any required yard when uncovered.
3. No berth shall be located less than twenty-five feet from any other lot in any single family or multi-family zone unless wholly within a completely enclosed structure.
4. Direct access to the berth from a street shall be permitted only when no usable alley or other means of direct access is available.
5. Access to offstreet loading berths across street sidewalks shall be subject to the approval of the Director of Engineering.

E. Offstreet bus parking

Bus parking spaces shall be thirty feet in width and forty feet in length. Buses parked en masse shall not be required to have adequate ingress and egress from each parking space.

23.54.20 Easements

Where a lot does not abut a surfaced or platted alley, or a street, access to parking shall be provided to

1 a street by an easement meeting the following criteria:

2 A. Single family zones

3 1. Serving one single family structure

4 a. Easement width - ten feet.

5 b. Curb cut from street to easement - one,  
6 no more than ten feet wide.

7 c. Length - no maximum length; however, if  
8 over one hundred fifty feet, a vehicle  
9 turnaround approved by the Director  
shall be provided.

10 2. Serving at least two but fewer than five  
11 single family structures:

12 a. Easement width - sixteen feet.

13 b. Curb cut from street to easement - no  
14 more than twenty feet wide.

15 c. Surface - the easement shall provide a  
16 surfaced roadway to a minimum width of  
sixteen feet.

17 d. Length - no maximum length; however, if  
18 over four hundred feet, a fire hydrant  
19 may be required if determined necessary  
20 by the Director.

21 e. Turnaround - one turnaround approved  
22 by the Director shall be provided unless  
23 the easement extends from street to street.

24 3. Serving at least five but fewer than ten  
25 single family structures:

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In addition to the requirements of subsection A2, no principal structure shall be located closer than five feet to an easement used for vehicular access, or the minimum yard distance from the easement, whichever is greater.

- 4. Serving ten or more single family structures:
  - a. Easement width - thirty-two feet.
  - b. Curb cut - no more than twenty-four feet wide.
  - c. Surface - the roadway shall be surfaced to a minimum width of twenty-four feet.
  - d. Length - no maximum length; however, if over four hundred feet, a fire hydrant may be required if determined necessary by the Director.
  - e. Turnaround - one turnaround approved by the Director shall be provided unless the easement extends from street to street.
  - f. Sidewalk - one sidewalk approved by the Director shall be provided, extending the length of the easement.
  - g. Easement setback - no principal structure shall be located closer than ten feet from an easement.

[B. Multi-family residential zones Reserved]

23.54.30 Sight Triangle

The area on both sides of a driveway shall be kept clear of any obstruction for a distance of ten feet from the

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intersection of the driveway with the sidewalk (curb intersection if no sidewalk), as illustrated in Exhibit 54D.

Part 3 Overlay Districts

CHAPTER 23.56

General Provisions

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 assist in the redevelopment and rehabilitation of declining areas of the City; 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 Land Use Maps, Ch. 23.32, is subject both to its zone classification regulations and to the 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.

C. Pending the complete transition from Title 24 to Title 23, both Title 24 and this Part of Title 23 will contain certain overlay district regulations.

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CHAPTER 23.60  
SHORELINE DISTRICT

[Reserved]

CHAPTER 23.62  
ENVIRONMENTALLY SENSITIVE AREAS

23.62.02 Establishment of Areas

- A. Environmentally sensitive areas are established on the Land Use Maps, Ch. 23.32, Exhibit A.
- B. The areas designated as environmentally sensitive include and are limited to:
  - 1. Areas of steep slopes which are: (1) known slide areas identified by documented history; or (2) potential slide areas based on documented geological characteristics; or (3) steep slopes of 50% or more;
  - 2. Flood prone areas as defined and designated as to location by the Flood Insurance Administration of the United States Department of Housing and Urban Development;
  - 3. All areas extending landward for 100 feet in all directions as measured on a horizontal plane from the ordinary high water mark of Thornton Creek, Longfellow Creek, Piper's Creek, Bitter Lake and Haller Lake;
  - 4. Areas subject to instability due to peat deposits and/or landfills as defined and designated as to location by the Department of Engineering.

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C. Development proposals involving property located in the environmentally sensitive areas are subject to special environmental review under the Master Use Permit process, Chapter 23.76 and pursuant to the provisions of Sec. 25.04.070.

CHAPTER 23.64  
AIRPORT DISTRICT

23.64.02 Purpose

The purpose of the Airport Height District is to insure a safe and unobstructed takeoff and landing approach path.

23.64.06 Regulations

- A. For the purposes of this section, land in the vicinity of major airports is hereby divided into approach areas, transition areas and turning areas, all as designated and shown on the Land Use Maps, Exhibit A.
- B. No structure shall be erected, altered or maintained, nor shall any tree be allowed to grow in any area created by this section to a height in excess of the height limit established for such areas.
- C. The maximum height permitted is as follows: (1) in approach areas - to the height of the inclined plane of the approach areas, as shown on the Airport Height Map; (2) in transition areas - to the height of the inclined plane of the transition areas, as shown on the Airport Height Map; (3) in

1 the turning area - one hundred fifty feet above the  
2 datum plane or sixty feet above the existing lot grade  
3 at the structural site, whichever is greater, pro-  
4 vided that a greater height may be authorized by  
5 the Director when satisfied that the increased  
6 height will not present an unreasonable hazard to  
7 aviation safety.

8 D. The datum plane for the measurement of the maximum  
9 permitted heights in approach areas shall be the  
10 elevation of the base lines indicated on the  
11 Airport Height Map. The datum plane for the tran-  
12 sition area and the turning areas shall be the  
13 established elevation of the airport as indicated  
14 on the Airport Height Map.

15 E. In no event shall these provisions be read to  
16 preclude construction or the alteration of a struc-  
17 ture to the height of thirty-five feet above the  
18 existing grade of the lot if otherwise authorized.

19 CHAPTER 23.66

20 SPECIAL REV. W DISTRICTS

21 [Reserved]

22 Subtitle V Administration

23 Part 1 Land Use Approval Procedures

24 CHAPTER 23.76

25 MASTER USE PERMIT PROCESS

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23.76.02 Purpose

The Master Use Permit Process incorporates procedures designed to promote informed public participation in discretionary land use decisions, eliminate redundancy in application submittal requirements, and minimize delays in appeals of land use decisions.

23.76.06 Master Use Permit Required

A Master Use Permit is required for each of the following Department approvals:

1. Short subdivisions and lot boundary adjustments
2. Establishment of use including outright permitted use, conditional use, change of use and temporary use
3. Variances; special exceptions
4. Reserved for Design Departure]
5. Certain street use decisions
  - a. Curb cuts for access to parking.
  - b. Additional onstreet parking
  - c. Sidewalk cafes
  - d. Street landscaping associated with development proposals
  - e. Structural overhangs
  - f. Areaways
6. Shoreline decisions
  - a. Shoreline substantial development
  - b. Shoreline variance
  - c. Shoreline conditional use
7. Determinations pursuant to RCW 43.21C (SEPA) which are for approvals listed above, and for building,

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demolition, grading and other construction approvals requiring SEPA review.

23.76.10 Application for a Master Use Permit

- A. Anyone seeking one or more approvals identified in Section 23.76.06 shall file a Master Use Permit application on a form provided by the Director.
- B. All necessary approvals for a project shall be included in the same application. At the applicant's discretion, a separate Master Use Permit application may be filed for a variance, and/or lot boundary adjustment or short subdivision approval if no SEPA review is required for the project or if environmental review is necessary only because of the project's location (e.g., in an environmentally sensitive area).
- C. An application for a Master Use Permit shall be made by or on behalf of the property owner, lessee, contract purchaser, or authorized agent of the property owner.
- D. All applications shall contain the submittal information detailed in this Code. Street use components of applications shall contain the information required in the Street and Sidewalk Code Title 15.
- E. All applications shall be accompanied by payment of the applicable filing fees as established in

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the Permit Fee Ordinance, Ch. 22.900.

F. An application shall be considered abandoned and void if the applicant has failed without justification to supply all required information or data within three days of a written request for it. The Director may extend the period of submission if it is determined that the delay was not the fault of the applicant.

23.76.14 Notice of Application

A. Except as provided in Subsection E, the Director shall provide notice of receipt of the application. The notice shall include 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. Comments shall be filed with the Director by five o'clock p.m. of the fourteenth calendar day following notice of receipt of the application. When the last day of the comment period so computed is a Saturday, Sunday or federal or City holiday, the comment period shall run until five o'clock p.m. on the next business day. The public comment period for any application which includes a shoreline development approval shall be thirty days.

B. When a Master Use Permit application includes more than one approval, notice requirements shall be consolidated and the broadest applicable notice requirements imposed.

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- C. Notice of the application shall be provided by the Director in the following manner:
  - 1. Short Plat, sidewalk cafes, structural building overhangs, areaways: four placards posted on or near the site, general mailed release.
  - 2. Variances, administrative conditional use: four placards posted on or near site, general mailed release, mailed notice.
  - 3. Substantial development permit, shoreline variance, shoreline conditional use: four placards posted on or near site, general mailed release, publish notice in City official newspaper once each week for two consecutive weeks.
  
- D. When a project is subject to environmental review, early project notice shall be provided in a general mailed release. In addition, a large sign shall be posted by the applicant on the site at least fourteen days prior to a threshold determination of significance (DS) or non-significance (DNS). By rules adopted pursuant to the Administrative Code, Sec. 3.06.020, the Director may establish exemptions to the large sign requirement.
  
- E. No notice of application is required for a temporary three week use or for the following Master Use Permit approvals if they are determined to be exempt from SEPA.
  - 1. Establishment or change of use permitted outright.

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2. Curb cuts; landscaping associated with development proposals; additional on-street parking.
3. Lot boundary adjustments.

23.76.18 Notice of Draft EIS

Notice of the availability of a draft environmental impact statement (draft EIS) prepared for a Master Use Permit and of the thirty-five day period during which the Department will accept comments shall be published in the City official newspaper. Mailed notice shall be sent and notice shall be included in a general mailed release.

23.76.20 Public Hearings

A. Draft EIS

1. A public hearing shall be held by the Department on all draft EIS's. In the Director's discretion, the hearing shall be held near the site of the proposed project.
2. Notice of public hearing on a draft EIS shall be given in the same notice as the notice for availability of the draft EIS. Notice shall be given at least twenty-one days prior to the date of the public hearing.

B. Shoreline Decisions

1. If a Master Use Permit includes a shoreline substantial development approval, the Director may provide for a public hearing on the application when:
  - (a) The proposed development has broad public significance;

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- (b) Fifty or more persons file a written request for a hearing not later than the thirtieth day following the date of final publication of notice of the application;
- (c) The cost of the proposed development, exclusive of land, will exceed five hundred thousand dollars; or
- (d) The proposed development will require a shoreline conditional use or a shoreline variance or other extraordinary relief from the provisions of the Shorelines District, Ch. 23.60.

2. Notice of a public hearing conducted by the Director on a shoreline substantial development shall be provided at least twenty days prior to the date of hearing by mailed notice and general mailed release.

23.76.24 Director's Decision on Master Use Permit

A. Master Use Permit Review Criteria

The Director shall grant, deny, or condition approval of a Master Use Permit based on the applicant's compliance with the SEPA Policies Ch. 25.04, Subchapter III and with the substantive requirements applicable to the specific approval effective at the time the Director issues a decision.

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B. Timing

When an environmental impact statement has been required, the Master Use Permit decision shall not be issued prior to seven days from the issuance of the final environmental impact statement.

23.76.30 Appeal of Master Use Permit

Only the following discretionary decisions made on a Master Use Permit shall be subject to appeal:

- A. Determination that an EIS is not required;
- B. Determination that an EIS is adequate;
- C. Shoreline substantial development permits, shoreline variances, shoreline conditional uses;
- D. Variances; special exceptions;
- [E. Reserved for Design Departure]
- F. Conditional uses; temporary uses for more than three weeks;
- G. Short plats;
- H. The following street use decisions:
  - 1. Structural building overhangs;
  - 2. Areaways;
  - 3. Sidewalk cafes;
- I. Granting, conditioning, or denying a Master Use Permit pursuant to the SEPA guidelines, Ch. 25.04, Subchapter I and the policies for implementation of SEPA guidelines, Ch. 25.04, Subchapter III.

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23.76.32 Notice of Appealable Decisions

The Director shall compile a list of the Master Use Permit decisions made by the Director which are appealable. The list shall be published in the City official newspaper within seven 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 general mailed release. Notice shall also be mailed to each applicant and to interested persons who have requested specific notice in a timely manner.

Any shoreline decision in a Master Use Permit shall also be filed by the Director with the Department of Ecology and the Attorney General.

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 action taken by the Director. The notice shall also state that the decision is subject to appeal and shall describe the appropriate appeal procedure.

23.76.36 Procedures For Filing Appeals

- A. 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 the Master Use Permit decision must be filed by the appellant with the Shorelines Hearings Board in accordance with the provisions of the Shoreline

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Management Act of 1971 (RCW Chapter 90.58) and the rules established under its authority (WAC 173-14).

B. All appealable Master Use Permit decisions other than shoreline decisions as identified in Subsection A, shall be filed with the Hearing Examiner subject to the following:

1. Standing. All appealable Master Use Permit decisions may be appealed by any person, significantly affected by or interested in the permit.
2. Time of Filing. Appeals shall be filed with the Hearing Examiner by five o'clock p.m. of the fourteenth 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 o'clock p.m. on the next business day. The appeal shall be in writing and shall clearly identify the approval(s) being appealed. Specific objections to the Director's decision and the relief sought shall be stated. In form and content, the appeal shall conform with the rules of the Hearing Examiner.
3. Consolidated Appeals. All appeals of a Master Use Permit shall be considered together in a consolidated hearing.

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4. Pre-hearing Conference. On the Hearing Examiner's motion, 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 at least twenty days prior to the scheduled hearing date to parties of record and those requesting notice of the specific hearing. Notice shall also be included in a general mailed release.
6. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner shall entertain issues cited in the appeal which relate to procedural irregularities, compliance with substantive criteria, the adequacy of the environmental documentation upon which the decision was made, or failure to properly condition or deny a permit based on disclosed environmental impacts.
7. Standard of Review. The Director's decision shall be given substantial weight, except that, for any decision which includes determinations on a variance or conditional use, that part of the Director's decision shall be given no deference.

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8. The Record. The record shall be established at the Hearing Examiner hearing. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony or written argument.

9. Hearing Examiner's Decision. The Hearing Examiner shall issue a decision within fourteen 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.

10. Notice of Hearing Examiner Decision.

Notice of the Hearing Examiner's decision shall be mailed on the same date of the decision to the parties of record and to all those requesting notice, and shall contain information regarding appeal procedures, if any.

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23.76.40 Vesting of Land Use Approvals

No land use regulation which becomes effective after the issuance of the Director's decision on a valid Master Use Permit shall apply to that Master Use Permit. The decision shall be deemed issued on the date that notice of the decision is published, if an appealable decision, or the date authorized if the permit decision is not appealable.

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23.76.44 Suspension or Revocation of a Master Use Permit

A. A Master Use Permit may be revoked or suspended by the Director if any of the following conditions are found:

- a. The permittee has developed the site in a manner not authorized by the permit; or
- b. The permittee has not complied with the conditions of the permit; or
- c. The permittee has secured the permit with false or misleading information; or
- d. 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. A written stop work order shall then 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 all violations and deficiencies have been rectified.

C. Appeals of Permit Suspension or Revocation

- 1. Persons who receive a stop work order may appeal the order to the Hearing Examiner. Appeals shall be filed with the Hearing Examiner by five o'clock p.m. of the fourteenth 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 o'clock p.m. on the next business day.

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- 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 days prior to hearing by written notice to the permittee.
- 4. The Hearing Examiner decision shall be issued within fourteen days following the hearing.

D. The Hearing Examiner shall give notice of the decision in writing to the permittee and to persons who have made a request in a timely manner. For permits which include a shoreline decision, the Hearing Examiner decision shall also be sent to the Department of Ecology and the Attorney General.

E. Any shoreline approval of a Master Use Permit so suspended or revoked may be further appealed to the state Shoreline Hearings Board consistent with WAC RCW 90.58.180(1).

23.76.48 Expiration of Master Use Permit

Construction or substantial progress towards construction of a project for which a Master Use Permit has been granted shall be undertaken within two years after issuance of the permit. Substantial progress towards construction shall include, but not be limited to, the arranging of financing, selection of contractors and subcontractors, purchase of materials involved in development, securing of other permits and licenses, or site preparation. The time

1 during which pendency of litigation related to the permit made it  
2 reasonable not to pursue construction shall not be included in the two  
3 year period. The Director may extend the two year time period for a  
4 maximum of two additional years. An extension may be granted upon a  
5 showing of good cause, including such factors as the inability to  
6 expeditiously obtain other governmental permits which are required  
7 prior to the start of construction.

8 CHAPTER 23.78

9 ESTABLISHMENT OF CRITERIA FOR JOINT USE

10 OR REUSE OF SCHOOLS

11  
12 23.78.02 Application for Establishment of Criteria

- 13 A. The Seattle School District or other owner of a public school  
14 structure may apply for the establishment of criteria for  
15 nonschool use of an existing or former public school struc-  
16 ture. Application shall be made to the Director who shall  
17 forward it to the Director of DCU.
- 18 B. On receipt of an application, the Director of DCD shall con-  
19 vene a School Use Advisory Committee (SUAC) to secure the  
20 comments of the public and make recommendations for school  
21 use criteria for the school. The committee shall operate  
22 pursuant to rules promulgated by the Director of DCD.  
23 The committee shall consist of the following:
- 24 1. A representative of the City selected by the Director of  
25 DCD, to act as chairperson;

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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 persons residing or owning property within three hundred feet of the school site, selected by the Director of DCD 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 non-school uses) is contemplated by the application; or a representative of the neighborhood, selected by the Director of DCD, 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 DCD;
6. A representative at large selected by the Joint Advisory Commission on Education (JACE); and
7. A representative of the Department shall be invited to sit as a non-voting member.

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23.78.06 Notice Provided

Notification of the application and formation of a SUAC and the first meeting of the SUAC shall be provided by mailed notice, general mailed release, and four placards posted on or near the site; and publishing in a newspaper of substantial local circulation. If there is an existing parents' organization, notice shall be given through their regular processes.

23.78.10 SUAC Responsibilities

The SUAC shall:

- A. Conduct a minimum of three public meetings within a ninety 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 DCD no later than ninety days after its first meeting unless a ten day extension is requested, in writing, by a majority of the SUAC and granted by the Director of DCD.

23.78.14 Duties of Director of DCD

1 A. The Director of DCD shall establish final use criteria  
2 and permitted uses for the school structures and grounds  
3 based on the SUAC's recommendations within ten days of  
4 the receipt of the recommendations. If the Director of  
5 DCD modifies the recommendations of the SUAC, the  
6 reasons for the modification shall be put forth in  
7 writing.

8 B. Notification of the Director of DCD's decision shall be  
9 published in the City official newspaper within seven  
10 days of the date the decision is made. Notice,  
11 including the date of its publication, shall also be  
12 posted in a conspicuous place in DCD and shall be  
13 included in the general mailed release. Notice of  
14 the decision shall also be mailed on the date of the  
15 decision to the applicant, and to persons who  
16 have requested specific notice in a timely manner.

17 The notice of the decision shall state the address of  
18 the school and briefly state the decision made by the  
19 Director of DCD. The notice shall also state that the  
20 school use criteria are subject to appeal and shall  
21 describe the appropriate appeal procedure.

22 23.78.10 Appeal of Use Criteria

23 A. Any person substantially affected by or interested in  
24 the use criteria may appeal the decision to the Hearing  
25 Examiner within a period extending to five o'clock p.m.  
26 of the fourteenth calendar day following the date of  
27 publication of the use criteria decision. When the last  
28 day of the appeal period so computed is a Saturday,  
Sunday, or federal or City holiday, the appeal period  
shall run until five o'clock p.m. the next business day.

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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 Permit Fee Ordinance, Ch.22.900.

C. The Hearing Examiner shall consider the appeal in accordance with the procedure established for hearing contested cases in the Administrative Code, Ch. 3.02. Notice shall be given not less than twenty 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 DCD. The interpretation of the Director of DCD 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 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 DCD's decision either in whole

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or in part. The Hearing Examiner may also remand the decision to the Director of DCD for further consideration.

The decision of the Hearing Examiner shall be final and the applicant, appellant and Director of DCD shall be bound by it.

23.78.14 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, Ch. 23.14, 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.

CHAPTER 23.80

DECISIONS REQUIRING COUNCIL APPROVAL

23.80.10 Council Conditional Use

A. Application

1. An application for a Council conditional use may be filed with the City Clerk by or on behalf of any City department, property owner, a lessee, or a contract purchaser. The application shall be transmitted to the Council by the City Clerk. The Council shall send the application to the Director.
2. Variances which are part of a project which requires Council conditional use approval

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may be decided by the Council together with the proposal as a whole. Requests for these variances shall be included in the general application for a Council conditional use.

3. Applications shall contain the submittal information required by the Director including information sufficient to make environmental documentation determinations.

4. Applications shall be accompanied by payment of the filing fee as set forth in the Permit Fee Ordinance, Ch. 22.900.

B. Early Notice of Application

The Director shall require that notice of a Council Conditional Use, if subject to environmental review, be given at least fourteen days prior to a threshold determination of environmental significance (DS) or non-significance (DNS). A large sign shall be posted on the project site by the applicant, or by the responsible City department in the case of a Council approval for a major City facility and given in a general mailed release.

C. Report of the Director

The Director shall prepare a written report on applications for Council conditional uses and any associated variances.

The report shall include the recommendations or comments of any affected departments of the City and of other governmental agencies having an interest in the applica-

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tion. The report shall contain an evaluation of the proposal, and the Director's recommendation to the Hearing Examiner.

D. Hearing Examiner Hearing

1. The Hearing Examiner shall conduct a public hearing on the application, which shall constitute a hearing by the Council.
2. Notice of Hearing Examiner hearing shall be made at least thirty days before the hearing, by four placards posted on or near the site and mailed notice. Notice shall also be published in the City's official newspaper and in the general mailed release. Interested civic groups shall also be notified as provided by the Rules of the Hearing Examiner.
3. The Director's report shall be made available at the Department to the public not less than seven days prior to the hearing.
4. Written comments on the application and/or the Director's report may be sent to the Department or the Hearing Examiner before the conclusion of the hearing.
5. From the information gained at the hearing including the timely written comments and from the report of the Director, the Hearing Examiner shall submit recommendations based on written findings and conclusions to the Council within fourteen days after the hearing

1 is closed. On the same date, copies of the  
2 recommendation, findings, and conclusions  
3 shall be mailed to the applicant, to all per-  
4 sons testifying or submitting information at  
5 the hearing and to all those who request a  
6 copy in a timely manner.

7 D. Council Consideration of Hearing Examiner's  
8 Recommendation

- 9 1. Any person substantially affected by  
10 or interested in the Hearing Examiner's recom-  
11 mendation may submit a petition in writing to  
12 the Council requesting further consideration  
13 of the recommendation. Petitions shall be filed  
14 filed with the Council by five o'clock p.m. of the  
15 fourteenth calendar day following the date of the  
16 Hearing Examiner's recommendation. When the last  
17 day of the petition period so computed is a  
18 Saturday, Sunday, or federal or City holiday, the  
19 petition period shall run until five o'clock p.m.  
20 on the next business day. The petition shall  
21 clearly identify specific objections to the  
22 Hearing Examiner's recommendation and the relief  
23 sought.
- 24 2. If there is no petition for further con-  
25 sideration, Council action shall be based on  
26 the record established by the Hearing Examiner  
27 hearing.
- 28 3. If the Council examines the record and determines  
that a factual error exists in the record, the

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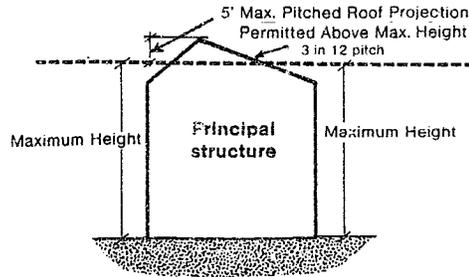
Council may:

- (1) Remand the petition, if any, and record to the Director for further consideration and report; or
  - (2) Direct the Hearing Examiner to hold another hearing limited to the perceived factual error and to reconsider the Hearing Examiner's recommendation, if appropriate; or
  - (3) Enter new findings of fact into the record.
4. If the Council examines the record and determines that important information is missing from the record, the Council may:
- (1) Remand the petition, if any, and record to the Director for further consideration and report concerning the new information; or
  - (2) Direct the Hearing Examiner to hold another hearing to consider the new information; or
  - (3) Open the record to receive the new information and to receive comment from parties of record regarding the new information.
5. Council's consideration shall be based upon the record supplemented as appropriate pursuant to D 3 and/or 4. The Council may allow oral or written arguments based on the record at its public meeting.
6. If the Council examines the petition and the record and determines that the recommendations of the Hearing Examiner are based on an error in judgment

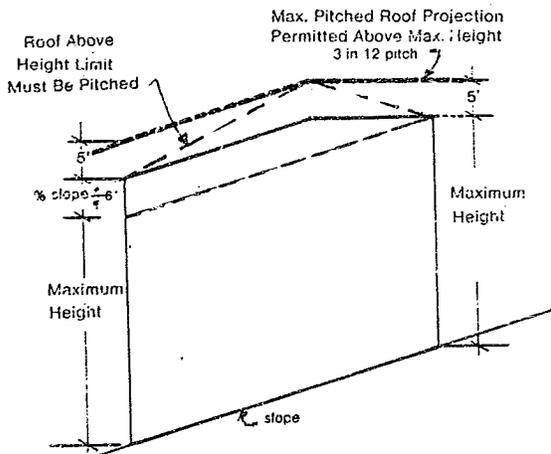
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or conclusion, it may take action contrary to the recommendation of the Hearing Examiner.

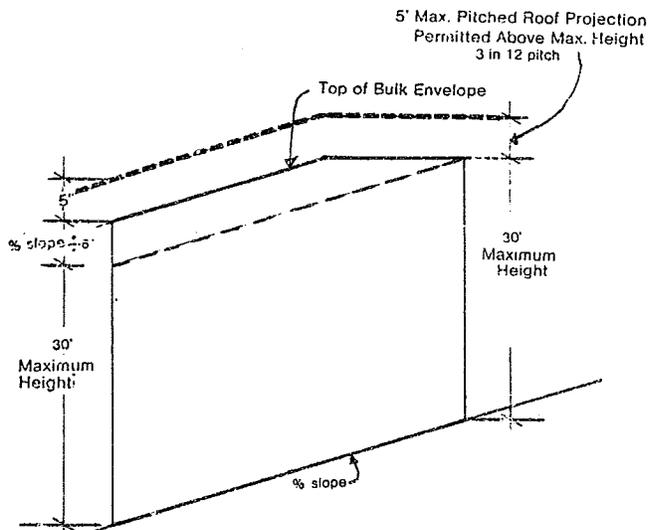
- 7. The Council shall adopt written findings and conclusions in support of its decision.
- 8. A copy of the Council's decision shall be transmitted to the City Clerk who shall send a copy to the Director, the Hearing Examiner and all parties of record. The Director shall be bound by and incorporate the terms and conditions of the Council's decision in the permit to the applicant when a permit is authorized.



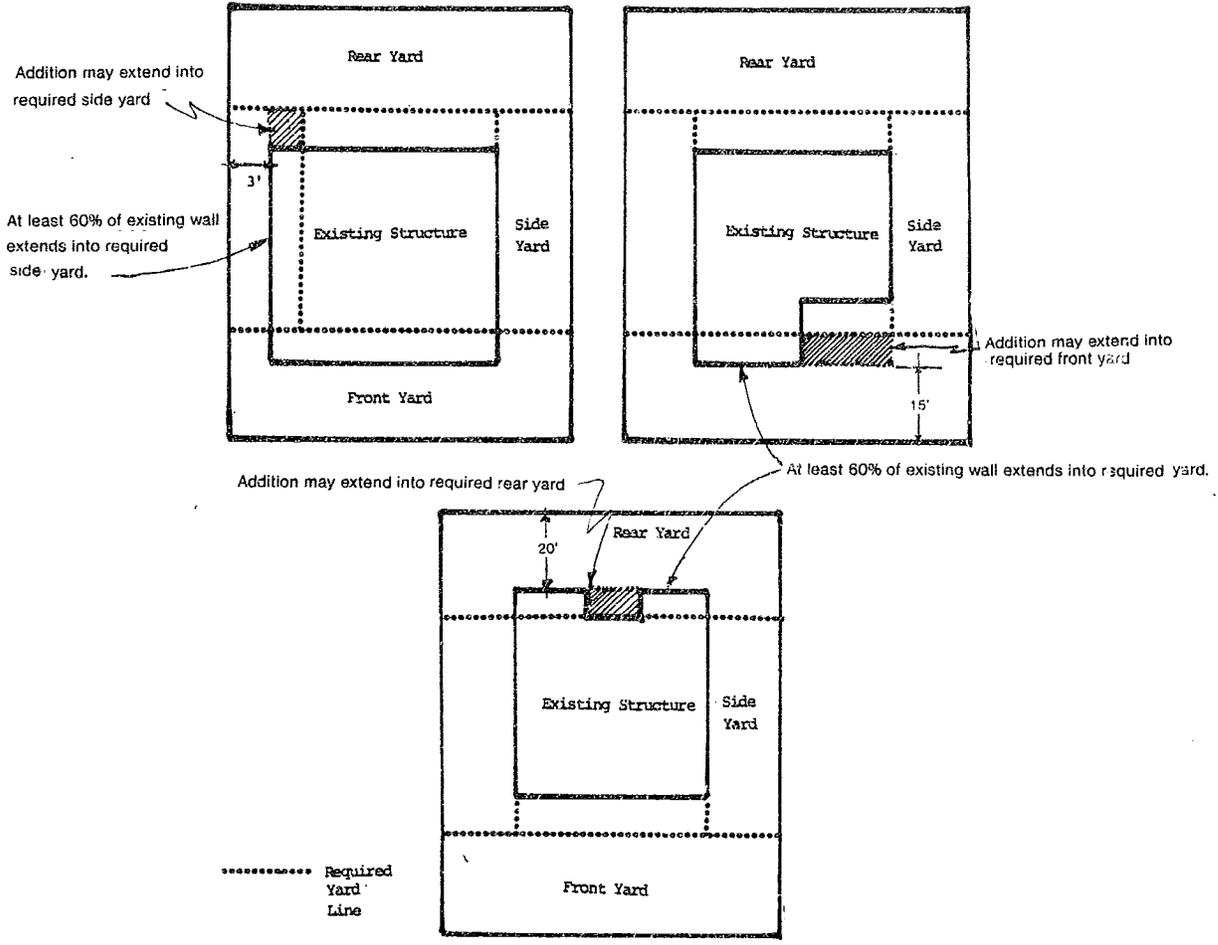
**Exhibit 44A:** Pitched Roof Provision  
Flat site



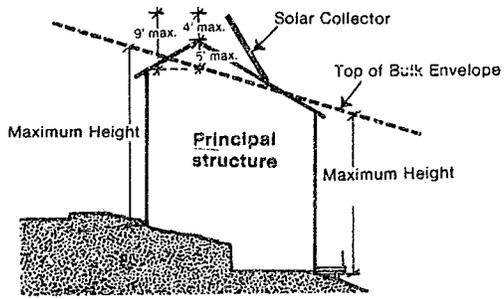
**Exhibit 44B:** Pitched Roof Provision  
Sloping site



**Exhibit 44C:** Measurement of Maximum Height  
Limit for Sloping Sites



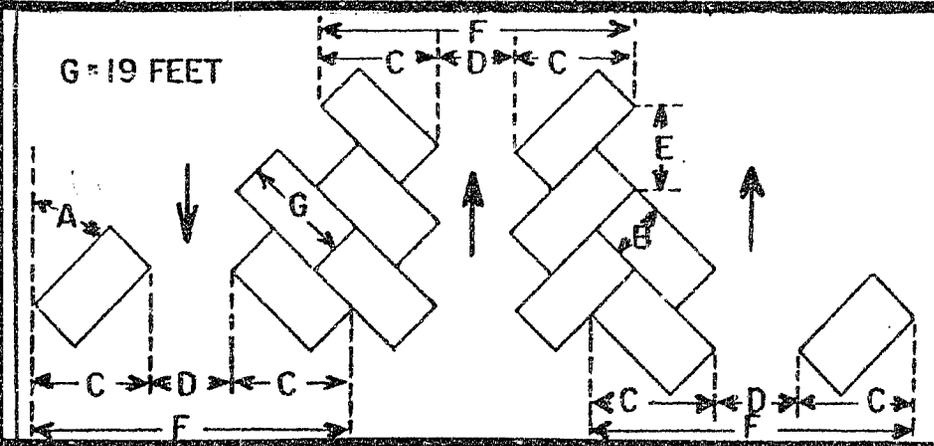
**Exhibit 44D:** Permitted additions into required yards for existing single family residences.



**Exhibit 44E:** Pitched Roof With Solar Collectors

EXHIBIT 54A Parking Area Dimensions

A Parking Angle	B STALL WIDTH	C STALL DEPTH	D AISLE WIDTH		E CURB LENGTH PER CAR	F (1) UNIT WIDTH	
			1 WAY TRAFFIC	2 WAY TRAFFIC		1 WAY TRAFFIC	2 WAY TRAFFIC
0°	6.0*	8.0*			20.0*	28.0**	36.0**
	8.5	8.5	12.0	20.0	23.0	29.0	37.0
20°	8.0*	13.0*			23.4*	37.0**	46.0**
	8.5	14.5	11.0	20.0	24.9	40.0	49.0
	9.0	15.0	11.0	20.0	26.3	41.0	50.0
	9.5	15.5	11.0	20.0	27.8	42.0	51.0
30°	8.0*	14.9*			16.0*	40.9**	49.9**
	8.5	16.9	11.0	20.0	17.0	44.8	53.8
	9.0	17.3	11.0	20.0	18.0	45.6	54.6
	9.5	17.8	11.0	20.0	19.0	46.6	55.6
40°	8.0*	16.4*			12.5*	44.8**	52.8**
	8.5	18.7	12.0	20.0	13.2	49.4	57.4
	9.0	19.1	12.0	20.0	14.0	50.2	58.2
	9.5	19.5	12.0	20.0	14.8	51.0	59.0
45°	8.0*	17.0*			11.3*	46.4**	53.9**
	8.5	19.4	12.5	20.0	12.0	51.3	58.8
	9.0	19.8	12.0	20.0	12.7	51.6	59.6
	9.5	20.1	12.0	20.0	13.4	52.2	60.2
50°	8.0*	17.4*			10.4*	47.3**	54.8**
	8.5	20.0	12.5	20.0	11.1	52.5	60.0
	9.0	20.4	12.0	20.0	11.7	52.8	60.8
	9.5	20.7	12.0	20.0	12.4	53.4	61.4
60°	8.0*	17.9*			9.2*	53.2**	55.7**
	8.5	20.7	17.5	20.0	9.8	58.9	61.4
	9.0	21.0	17.0	20.0	10.4	59.0	62.0
	9.5	21.2	16.5	20.0	11.0	58.9	62.4
10.0	21.5	16.0	20.0	11.5	59.0	63.0	



(1) Sixty feet may be substituted for required unit width on lots where the available width is in 60 foot whole multiples. Forty feet may be used for a single parking bay (row), at 90 degrees and a two way traffic when only a single 40 foot lot is available. In both cases, a minimum nine and one-half foot stall width shall be provided.

\*For use with compact cars only.

\*\*Any bays which contain combined compact and normal spaces shall be designed for normal spaces.

EXHIBIT 54B MINIMUM TURNING PATH WIDTH

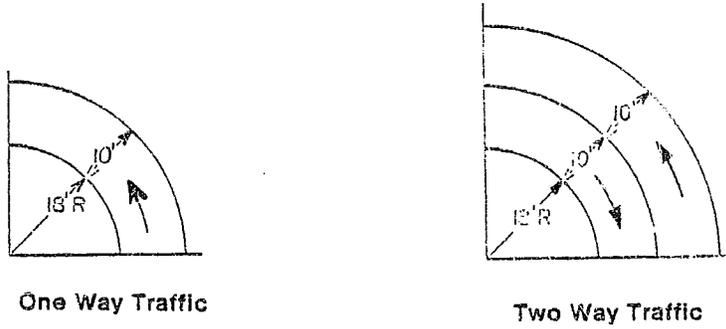
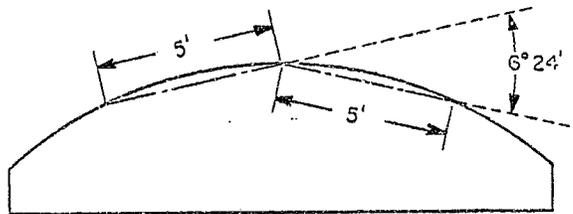
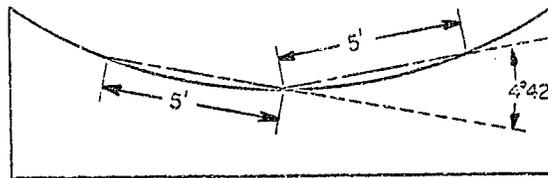


EXHIBIT 54C MAXIMUM GRADE CURVATURE



Crest Vertical Curve



Sag Vertical Curve

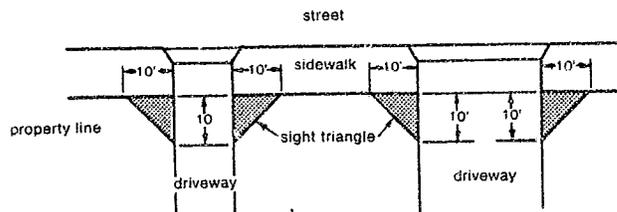
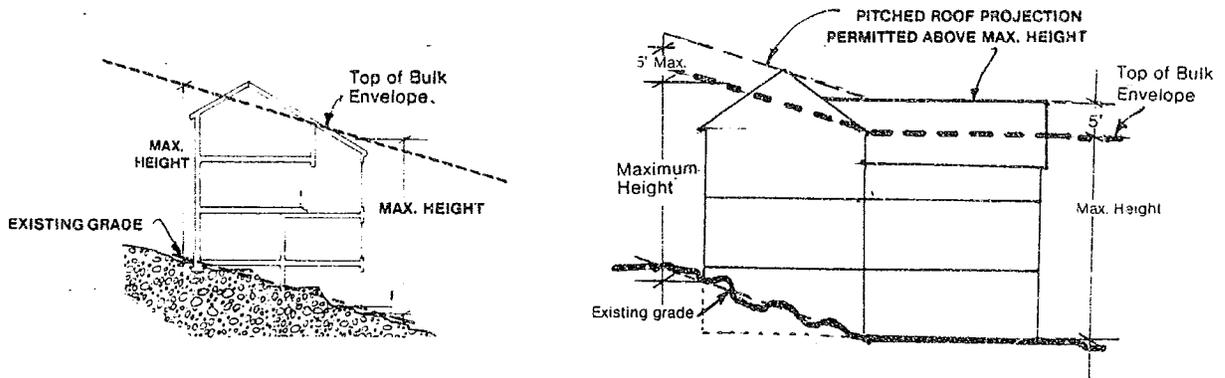
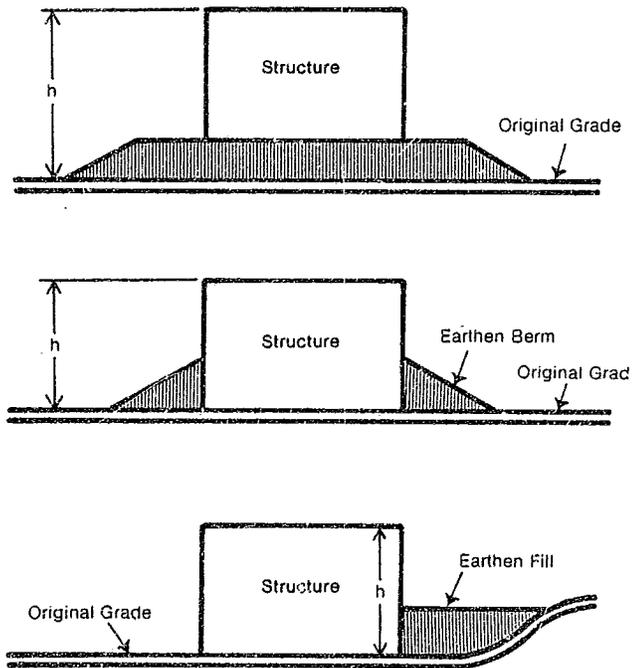


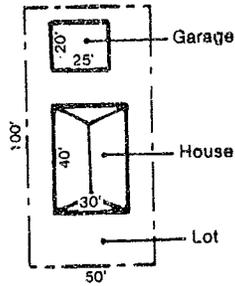
EXHIBIT 54D - SIGHT TRIANGLE



**Exhibit 86 A** : Measurement of Maximum Height Limit



**Exhibit 86B** : Artificial Grades and Fills Which Gain a Height Advantage or Hide True Height Are Not Permitted



**Total Lot Area**  
=5,000 sq. ft.

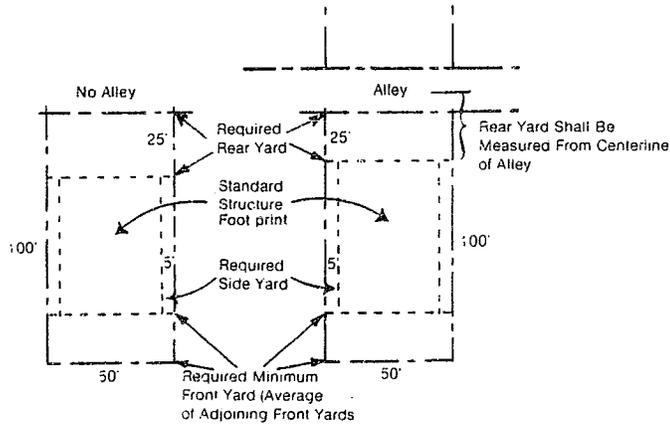
**House Area**  
=1,200 sq. ft.

**Garage Area**  
=500 sq. ft.

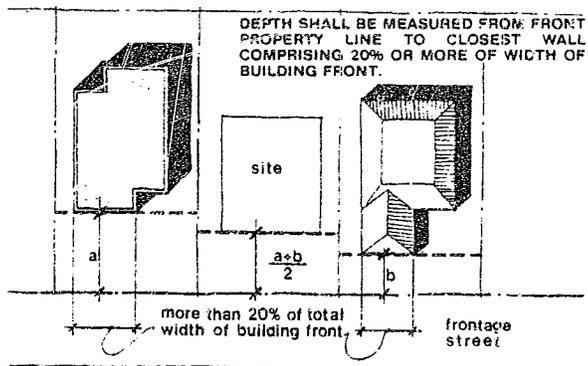
$(1,700 \text{ sq. ft.} / 5,000 \text{ sq. ft.}) \times 100\%$   
=34%

**Total Lot Coverage**  
=34%

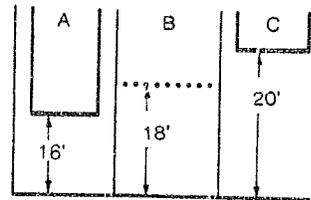
**Exhibit 86 C:** Lot Coverage



**Exhibit 86D:** Standard Required Yards (RS zone example)

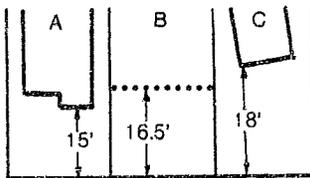


**Exhibit 86E(1):** Determination of Frontyard Setback



Required minimum front yard for Lot B determined as follows:

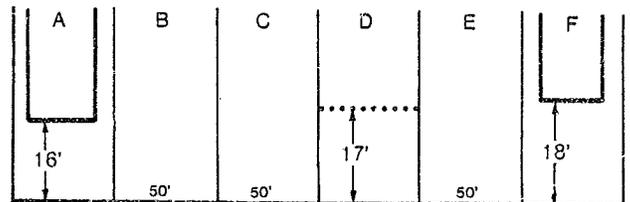
1. Front yard, Lot A = 16'
2. Front yard, Lot C = 20'
3. Average front yard = 18'
4. Required minimum front yard for Lot B = 18'



Minimum required front yard for Lot B:

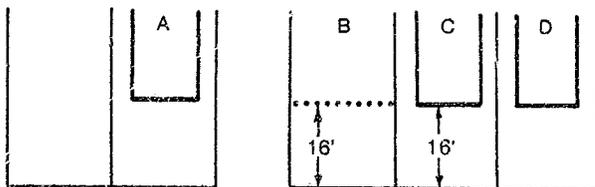
1. Front yard, Lot A = 15'
2. Front yard, Lot C = 18'
3. Average front yard = 16.5'
4. Required minimum front yard for lot B = 16.5'

**Exhibit 86E(2):**  
Calculating Minimum Required Front Yard,  
Unusual Front Walls

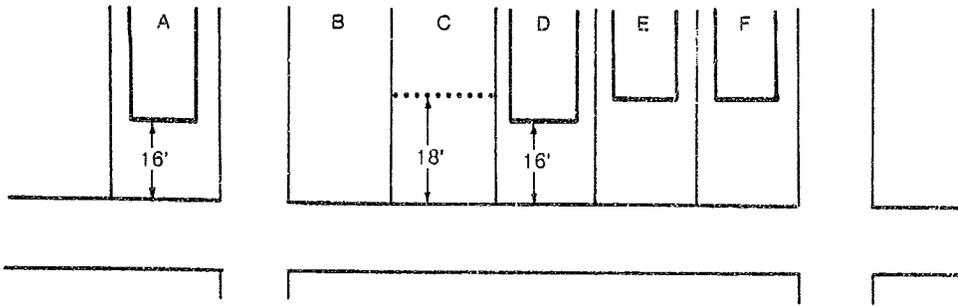


**Exhibit 86E(3):** Minimum Required Front Yards,  
Adjoining Lots Unimproved

Minimum required front yard for Lot D =  $(16 + 18)/2 = 17'$   
(lots B, C, and E unimproved)

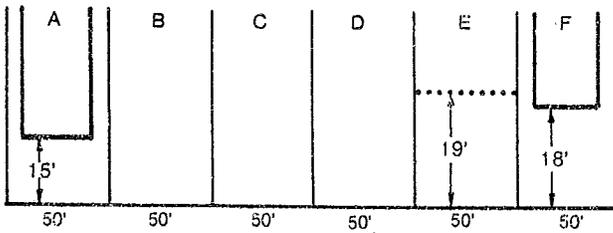


**Exhibit 86E(4):** Corner Lot  
Minimum required yard, Lot B:  
(Front yard facing south) = 16'



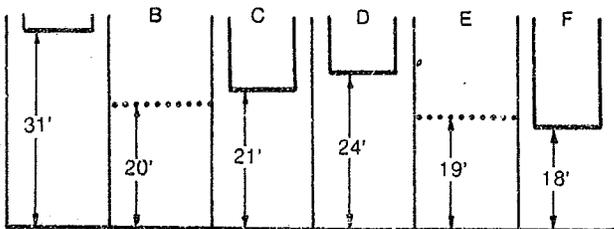
**Exhibit 86E(5): Corner Lot**

1. Front yard, Lot D = 16'.
2. Lot B unimproved.
3. Lot A not on same block front.
4. Use 20' for averaging purposes on west side.
5. Minimum required front yard, Lot C =  $(20 + 16)/2 = 18'$ .



**Exhibit 86E(6): Minimum Required Front Yards, Adjoining Lots Unimproved**

1. Front yard Lot F = 18'
2. Lots B, C, D unimproved.
3. Use 20' for averaging purposes on west side.
4. Minimum required front yard, Lot E =  $(20 + 18)/2 = 19'$



**Exhibit 86E(7):**

1. Minimum required front yard, Lot B =  $(20 + 20)/2 = 20'$ .
2. Minimum required front yard, Lot E =  $(20 + 18)/2 = 19'$ .

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AMENDED - ORD.

110669

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CHAPTER 23.84

3

Definitions

4

In the construction of this Land Use Code, the definitions contained in this section shall pertain, unless the context clearly indicates otherwise. Words used in the present tense shall include the future, words used in the singular number shall include the plural number, and the plural the singular.

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23.84.02 "A"

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Abut

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To border upon.

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Access bridge

AMENDED - ORD.

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13

A structure which is designed and necessary for pedestrian access to a principal or accessory structure.

14

15

Accessory conditional use

16

See conditional accessory use.

17

Accessory structure

18

A structure which is incidental to the principal structure.

19

Accessory use

20

A use that is incidental to the principal use.

21

Adjacent

22

Near but not necessarily touching.

23

Administrative conditional use

24

See conditional use.

25

Advertising sign

26

See sign, advertising.

27

28

1

Airport Height District

2

Land so designated and shown on the Land Use Map  
entitled Exhibit "A".

3

Aisle

4

A passageway for vehicles within a parking facility  
or area, other than an access to parking.

5

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AMENDED ORD.  
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Alley

7

A strip of land dedicated to public use, providing vehi-  
cular and pedestrian access to the rear or side of  
properties which abut and are served by a public street.

8

9

Animal control shelter

10

A structure maintained and operated primarily for  
the impounding, holding and/or disposal of lost,  
stray, unwanted, dead or injured animals.

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Apartment

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A multi-family structure in which one or more of  
the dwelling units is not ground-related.

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Areaway

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Arterial, principal

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A street so designated in Ch. 11.18. Principal  
arterials are characterized by heavy traffic volume,  
emphasis on inter-community travel and strong priority  
of traffic flow over access to abutting property.

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23.84.04 "B"

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Balcony

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See deck and ledge.

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Bay window

3

A window comprised of three or more planes oblique to each other and projecting beyond a structure face.

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Binding site plan

6

[Reserved]

7

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Block

9

A block consists of two facing block fronts bounded on two sides by alleys or rear property lines and on the other two sides by the center line of platted streets, with no other intersecting streets intervening (See Diagram).

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Block face

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See block front.

15

Block front

16

The frontage of property along one side of a street bound on three sides by the center line of platted streets and on the fourth side by an alley or rear property lines (see diagram).

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Boarding house

20

See congregate housing.

21

Bridge, access

22

See access bridge.

23

Building

24

See structure.

25

Bulk

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The size, mass, or volume of a structure as determined by a combination of its height, width, and

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depth. Bulk regulations control the size and shape of structures in relation to the lot.

Business sign

See sign, business.

23.84.06 "C"

Carpool

A highway vehicle with a seating capacity of less than eight persons, including the driver, which is used primarily to convey a group of three or more employees between home and work.

Carport

A private garage which is open to the weather on at least forty percent of the total area of its sides. (See also garage.)

Church

See religious facility.

Club, private

See private club.

College

A post-secondary educational institution granting associate, bachelor and/or graduate degrees.

Commercial pickup and delivery

The pickup and delivery of goods or merchandise by, or for, a business or its designated agents.

Common community space, interior

An indoor area of such location, size and shape as to provide space for the common recreational pursuits of those residing within the residential development of which it is a part.

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Community center

A structure and related grounds used for non-profit social, civic or recreational purposes and owned and operated by a private non-profit organization or public agency serving in the community in which it is located and open to the general public on equal basis and where no activities, other than the rental of the center to other non-profit social, civic, recreational or religious organizations, are carried out for gain.

Community club

See community center.

Community Development Director

The Director of the Department of Community Development.

Conditional accessory use

Uses which are accessory to the principal use where the principal use is allowed only as a conditional use.

Conditional use

Uses which may be permitted as principal or accessory uses when authorized by the Director of the Department of Construction and Land Use (administrative conditional use) or by the Council (Council conditional use) pursuant to specified standards.

Congregate housing

A dwelling unit, such as a fraternity, boarding house, monastery, or dormitory, where meals and/or

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room or lodging are provided for nine or more non-transient persons.

Convalescent home

See nursing home.

Council

The City Council of The City of Seattle.

Council conditional use

See conditional use.

Cul-de-sac

A street closed at one end by a circular drive of sufficient radius for automotive vehicles to be turned around without backing up.

Curb cut

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 street frontage in front of the driveway shall be considered the curb cut.

23.84.08 "D"

Day care center

A facility operated by any person or organization which regularly provides care to a group of children in other than a family setting for less than twenty-four hours a day, whether for compensation or not. (See also family day care home.)

DCD

The Department of Community Development.

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Deck

A platform extending more than eighteen 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

The deliberate appropriation of land by an owner for any general and public uses, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been appropriated.

Department

The Department of Construction and Land Use.

Depth

See structure depth.

Director

The Director of the Department of Construction and Land Use.

Dispersion criteria

Standards regulating the maximum concentration of and/or minimum distance between particular uses in an area.

Duplex

A single structure containing two dwelling units.

Dwelling unit

A room or rooms located within a structure, designed, arranged, occupied or intended to be occupied by not more than one family and permitted

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roomers or boarders, as living accommodations independent from any other family. The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

23.84.10 "E"

Easement

A grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes.

Edge

The boundary between two kinds of areas that are identified by the uses within them, degree of activity, topography or other special characteristics.

Existing Lot Grade

See Lot grade, existing.

23.84.12 "F"

Facade

Any exterior wall of a structure.

Facility

See public facility.

Family

A non-profit housekeeping unit consisting of any number of related persons, eight or fewer non-related, non-transient persons or eight or fewer related and non-related, non-transient persons other than fraternities, sororities, boarding houses or groups occupying a club. (Compare congregate housing, group home)

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Family day care home

A dwelling unit occupied by a family in which a child or children are regularly received for care and supervision for periods of less than twenty-four hours per day in lieu of care in their homes, whether or not compensation is given or received for the care and supervision.  
(Compare day care center.)

Flat

A dwelling unit in a multi-family structure which is located entirely on one level.

Floating home

A single dwelling unit constructed on a float, which is moored, anchored or otherwise secured in waters.

Floor area, gross

See gross floor area.

Food preparation area

A room or portion of a room designed, arranged, intended or used for cooking or otherwise making food ready for consumption.

Fraternity

See congregate housing.

23.84.14 "G"

Garage, private

See parking garage

General mailed release

An information mailing to the individuals and groups on a master mailing list as may be established by the Department.

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Grade

See lot grade.

Greenbelt

Greenbelts are areas either publicly or privately owned which the Council has designated in the Urban Greenbelt Plan (Resolution 25670) to be left primarily in their natural state. These areas are intended to provide or encourage permanent buffers between incompatible land uses, prevent development of environmentally sensitive areas and maintain areas of natural habitat for wildlife.

Gross floor area

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

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 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

A structure containing only ground-related dwelling units.

Group home

A group residence operated for the purpose of providing

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family-like domiciliary care for a group of nine or more non-transient persons who are unable to care for themselves, but do not receive medical, nursing, psychiatric or psychological treatment in the facility. Group homes do not include transitional facilities or facilities intended to provide rehabilitation or social adjustment.

23.84.16 "H"

Halfway house

A group residence operated with full-time supervision for housing resident persons who, by reason of their mental or physical disability, addiction to drugs or alcohol or family and social adjustment problems, require a transitional non-medical treatment program for rehabilitation and social readjustment. For the purposes of this Land Use Code, a non-medical treatment program consists of counseling, vocational guidance, training, group therapy and other similar rehabilitative services for residents of the halfway house, but does not include drug and/or alcohol detoxification. Monitoring the taking of prescription medication shall be permitted. Facilities for programs providing alternatives to imprisonment, including prerelease, work-release and probationary programs which are under the supervision of a court, state or local agency are included in this definition.

Hearing Examiner

The official appointed by the Council and designated as the Hearing Examiner, or that

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person's designee (deputy Hearing Examiner, Hearing Examiner Pro Tem, etc.)

Heat Recovery Incinerator

An accessory facility designed for the conversion of at least one ton per day of solid waste into useful energy, together with storage and handling bins and machinery required for its operation.

Hipped roof

See pitched roof.

Home for the Retired

See Group home.

Home occupation

Non-residential 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.

Hospital

An institution which provides accommodations, facilities and services over a continuous period of twenty-four 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.

Household

See family.

Housing Assistance Plan

A document adopted by the Council providing a

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general overview of Seattle's housing needs and the assistance the City will provide to address those needs.

23.84.18 "I"

Illuminated sign  
See sign, illuminated.

Infill development

Development consisting of either: (1) construction on one or more lots in an area which is mostly developed, or (2) new construction between two existing structures.

Institution

A structure and related grounds used for the operation of a public or private organization providing educational, medical, religious or recreational services to the community, including retail and professional services and clinics which are accessory to the principal use.

23.84.20 "J"

Jail

A public facility for the incarceration of persons under warrant, awaiting trial on felony or misdemeanor charges, 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.

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23.84.22 "K"

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Kitchen

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See food preparation area.

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23.84.24 "L"

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Landmark structure

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A structure designated as a Landmark, pursuant to the Landmark Preservation Ordinance, Ch. 14.12.

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Landscape

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To plant with vegetation in the form of hardy trees, shrubs, or grass or evergreen ground cover maintained in good condition. Landscaping may include flowerbeds, walkways, ornamental objects such as fountains, sculptures and other similar objects designed and arranged to produce an aesthetically pleasing effect, provide a visual barrier, screen undesirable views, reduce storm water runoff and/or erosion, and provide an acoustical barrier. The area landscaped is determined by the coverage of the plantings or other features.

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Large sign

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See Sign, large.

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Ledge

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A cantilevered or posted platform extending no more than eighteen inches from a structure.

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Loading berth

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An offstreet space for the temporary parking of a vehicle while loading or unloading merchandise or materials and which abuts on a street, alley or easement.

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Lot

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

The total area of the horizontal plane within the lot lines of a lot (see diagram).

Lot coverage

That portion of a lot occupied by the principal structure and its accessory structures, expressed as a percentage of the total lot area (see diagram).

Lot depth

The horizontal distance between the front and rear lot lines.

Lot grade, existing

The natural surface contour of a lot, including minor surface adjustments to the surface of the lot in preparation for construction.

Lot line, front

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.

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Lot line, rear

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A lot line which is opposite and most distant from the front lot line.

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Lot line, side

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Any lot line not a front lot line or a rear lot line.

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Lot line, side street

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A lot line, other than the front lot line, abutting upon a street.

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Lot lines

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The property lines bounding a lot.

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Lot width

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The mean horizontal distance between side lot lines measured at right angles to the lot depth.

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Lot, corner

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A lot situated at the intersection of two streets, or bounded on two 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 degrees.

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Lot interior

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A lot other than a corner lot.

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Lot, key

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The first lot to the rear of a reversed corner lot whether or not separated by an alley.

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Lot, reversed corner

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A corner lot, the side street lot line of which is substantially a continuation of the front lot line

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of the lot to its rear, whether or not separated by an alley.

Lot, through

A lot abutting on two streets which are parallel or within fifteen degrees of parallel with each other.

(See Lot Types diagram)

Lot, waterfront

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.

Low income housing

Dwelling units which are or will be occupied only by persons whose income does not exceed a designated percent of the Seattle area median income, as set by the Director.

Lowrise I housing

Housing permitted according to standard development requirements in Lowrise 1 zones.

23.84.24 "M"

Mailed notice

Notice mailed to all property owners, commercial leasees

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and all residents of the area within three hundred feet of the boundaries of a specific site; provided, that in the downtown area bounded by Denny Way, Interstate 5, South Royal Brougham Way and Elliott Bay, mailed notice shall mean notice mailed to owners, lessees and building managers on the project site and to property owners and building managers within three hundred feet of a specific site and the posting of two placards at each of the four intersections around the site.

Master Use Permit

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.

Moderate income housing

Dwelling units which are or will be occupied only by persons whose income does not exceed the Seattle area median income, as determined by the Director.

Modulation

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 (see diagram).

Multi-family structure

A structure or portion of a structure containing two or more dwelling units.

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Multi-family structure for low income elderly

A multi-family dwelling in which at least ninety per-  
cent of the dwelling units are occupied by one or  
more persons sixty-two or more years of age who  
have incomes not exceeding income limits for low  
rent public housing for one and two person families  
as established by the Seattle Housing Authority.

Museum

A non-profit, non-commercial institution operated  
as a repository or a collection of natural, scien-  
tific or literary objects of interest or works of  
art.

23.84.26 "N"

Neighborhood Plan

A plan adopted by the Council which has been  
developed to guide neighborhood growth and develop-  
ment and deal with other neighborhood related  
issues such as housing, institutions, transpor-  
tation, economic development and other community  
development activities.

Non-conforming structure

A structure which was lawful when established which  
does not now conform to the development standards of the  
zone in which it is located.

Non-conforming use

A use of land or structure which was lawful when  
established and which does not conform to the use regu-  
lations of the zone in which it is located.

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Nursing home

A group residence, licensed by the State, which 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.

23.84.28 "O"

Open space, usable

An open space which is of appropriate size, shape, location and topographic siting to provide landscaping, pedestrian access or opportunity for outdoor recreational activity. Parking areas and driveways are not usable open spaces.

Open space, usable, private

Usable open space which is intended to be used only by the occupants of one ground-related dwelling unit.

Ornamental feature

Decorative objects such as lintels, cornices and sunshades extending from a structure.

23.84.30 "P"

Park

Public open space, and associated structures, permanently dedicated to recreational, aesthetic, educational or cultural use and generally characterized by its natural and landscaped features.

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Park and Pool Lot

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Areas within existing, underutilized parking lots where commuters park their cars free of charge and join together in carpools or vanpools for the ride to work and back.

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Private garage

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An accessory structure or an accessory portion of the principal structure, designed or used for the shelter or storage of vehicles owned or operated by the occupants of the principal structure. (See carport.)

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Person

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Any individual, partnership, corporation, association, public or private organization of any character.

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Parking area

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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 occupants of the premises, clients, customers or employees.

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Parking facility

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A structure for parking or storage of vehicles. A parking facility may be accessory to a principal use or structure on a lot or may be the principal structure on a lot.

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Parking screen

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A screen that effectively obscures view of offstreet parking from the public right-of-way or private lots. (See also screen.)

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Parking space

Area for the parking of one vehicle within a parking facility or parking area, exclusive of drive-ways, ramps, and office and work areas.

Party of Record

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.

Pedestrian orientation

A condition in which the location of and access to structures, types of uses permitted at street level, and store front design are based on needs of persons on foot.

Pitched roof

Any non-horizontal roof

Placard

A highly visible notice at least eleven by fourteen inches in size with headings which can be read from a distance of seventy-five feet by persons of normal visual acuity.

Planned residential development (PRD)

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

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which incorporates design review.

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Planting strip

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That part of a dedicated street right-of-way  
between the sidewalk and the street.

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Plat

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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.

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Porch

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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 door-  
way to the structure. A porch may be connected to  
a deck. (See also deck.)

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Preliminary plat

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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.

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Principal structure

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The structure housing one or more principal uses as  
distinguished from any separate structures housing  
accessory uses.

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Principal arterial

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See arterial, principal.

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Principal use

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The main use conducted on a lot, dominant in area,

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extent or purpose to other uses which may also be on the lot.

Private club

A structure and related grounds used for athletic, social or recreational purposes and owned and operated by a private nonprofit organization, membership to which is by invitation and election according to qualifications in the club's charter or bylaws and the use of which is primarily restricted to members and their guests.

Private usable open space

See open space, usable, private.

Public boat moorage

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 facility

One which is owned, operated or franchised by a unit of general or special purpose government for public purposes.

Public utility service use

Uses such as, or similar to, telephone exchange stations, communication transmission stations and static transformers and booster stations.

23.84.32 "R"

Recreational vehicle

A wheeled vehicle designed for temporary occupancy with self-contained utility systems and not

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requiring a separate highway movement permit for highway travel. A recreational vehicle is not a dwelling unit.

Recycling Collection Station

A structure or container for the collection and temporary storage, but not the processing, of recyclable materials only. This definition does not include a junk yard.

Religious facility

A church, temple, mosque, synagogue or other structure, together with its accessory structures, used primarily for religious worship.

Retirement home

See Group home.

Rezone

An amendment to the Official Land Use Map to change the zone classification of an area.

Rooftop feature

Any parts of or attachments to the structure which project above a roofline and which may or may not be exempt from zoning height limitations.

Rules

Administrative regulations promulgated and adopted pursuant to this Land Use Code and the Administrative Code.

23.84.36 "S"

Sanitarium

See hospital.

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Scale

The spatial relationship among structures along a street or block front, including height, bulk and yard relationships.

School, public or private

A structure primarily used for systematic academic instruction, excluding post-secondary colleges and universities.

Screen

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.)

SEPA

The State Environmental Policy Act.

Setback

The required distances between every structure and the lot lines of the lot on which it is located.

Short Plat

A map or representation of a short subdivision.

Short subdivision

The division or redivision of land into four 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 purpose of sale or lease of townhouse units.

Sight triangle

The area on both sides of a driveway which must be

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clear of any obstruction to permit optimal visibility from the driveway to the sidewalk and street.

Sign

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

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, business

A sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered on the lot where the sign is located.

Sign, electric

Any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

Sign, illuminated

An electric sign or a sign designed to reflect artificial light from a source.

Sign, large

A sign four by eight feet constructed of a durable material.

Single family dwelling unit

A detached structure containing one dwelling unit and

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having a permanent foundation.

Solar access

The amount of unrestricted sunlight which reaches a structure, or portion thereof.

Solar collector

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

A structure or portion of a structure which uses glass or similar glazing material to collect direct sunlight for space heating purposes.

Sorority

See congregate housing.

Special residence

A group home, nursing home or halfway house.

Story

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

A public or private right-of-way which is intended to provide or which provides a roadway for vehicular circulation or principal means of vehicular access to abutting properties and which also includes

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space for utilities, pedestrian walkways and drainage.

Streetscape

The visual character of a street as determined by various elements such as structures, landscaping, open space, natural vegetation and view.

Structural alterations

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

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, flower bed frames and such minor incidental improvements.

Structure depth

That dimension of a structure extending between the front and rear lot lines.

Structure width

That dimension of a structure extending between side lot lines.

Structure, accessory

See accessory structure.

Structure, detached

A structure having no common or party wall with another structure.

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Structure, non-conforming

See non-conforming structure.

Structure, principal

See principal structure.

Structure, single family

See single family dwelling unit.

Subdivision

The division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease and transfer of ownership.

Substandard size lot

A lot which contains less than the minimum size required for the zone in which it is located.

23.84.38 "T"

Tandem parking

One car parked behind another and aisles are not provided.

Tonographic break

A separation of two areas by an abrupt change in ground elevation.

Townhouse

A form of ground-related housing in which individual dwelling units are attached along at least one common wall to at least one other dwelling unit. Each dwelling unit occupies space from the ground to the roof and has direct access to private open space.

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23.84.40 "U"

Underground

Entirely below the surface of the earth excluding access.

University

See college.

Usable open space

See open space, usable.

Use

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.

23.84.42 "V"

Vacation (of public right-of-way)

An action taken by Council which terminates or extinguishes a right-of-way easement when it is no longer necessary for a public right-of-way.

Vanpool

A highway vehicle with a seating capacity of eight to fifteen persons, including the driver, which is used primarily to transfer a group of three or more employees between home and work.

Variance

Relief from certain provisions of the Land Use Code authorized by the Director or Council

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after determining that the criteria established  
for the granting of variances have been satisfied.

23.84.44 "W"

Wall, exterior

An upright member of a structure which forms the  
boundary between the interior and exterior of that  
structure; when there is no wall, the plane between  
the supports.

Width, structure

See structure width.

Work release center

See halfway house.

23.84.46 "Y"

Yard

See yard; front, side, rear.

Yard, front

An area unobstructed by structures 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

An area unobstructed by structures 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 spe-  
cified for each zone.

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Yard, side

An area unobstructed by structures from the ground upward between the front yard (or front lot line if no front yard is required) and the rear (or rear lot line of 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.

23.84.48 "Z"

Zero lot line construction

A structure, or structures, sited on one or more lot lines with no yard.

Zone

A portion of the City designated on the Official Land Use Map of The City of Seattle within one of the land use classifications.

CHAPTER 23.86  
MEASUREMENTS

23.86.02 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. When any measurement technique results in fractional requirements, any fraction up to and including one-half of the applicable unit of measurement

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shall be disregarded and fractions over one-half shall require the next higher full unit of measurement.

23.86.04 Signs

- A. For a sign which is an independent structure, the entire visible display of the sign, exclusive of support devices, shall be included in area calculations.
- B. 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 right angles that are placed at opposite centers of the graphic and/or worded message.
- C. 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.
- D. Only message conveying text shall be included. Decorative graphics not conveying a readily apparent message are not counted in the area of the sign.

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23.86.06 Structure Height

- A. Height measurement technique
  - 1. The height shall be measured at the exterior walls of the structure. Measurement shall be taken at each exterior wall from the existing grade to a plane essentially parallel to the existing grade. For determining structure height, the exterior wall

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shall include a plane between supporting members and between the roof and the ground. The vertical distance between the existing grade and the parallel plane above it shall not exceed the maximum height of the zone.

2. No part of the structure, other than those specifically exempted or excepted under the provisions of the zone shall extend beyond this plane.
3. 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.
4. Artificial grades created to gain a height advantage or to hide the true height of a structure shall be prohibited. In those cases where artificial grades have been created, height shall be measured from existing grade as determined by the Director. (Exhibit 86B).

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B. Height Averaging for Single Family Zones

In a single family zone, the average elevation of the nearest residential structures on either side of a lot may be, at the applicant's option, used to establish the height limit for 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 residential

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structures on each side of the lot, and shall be within one hundred feet 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 pitch, the elevation to be used for averaging shall be the highest point of that structure's roof minus five feet.
  - b. If the nearest structure on either side has a flat roof, or a roof with a pitch of less than three in twelve, 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 sections) shall not be included in elevation calculations.
  - d. The two elevations obtained from steps 2.a. and/or 2.b. shall be averaged to derive the height limit for the lot. This height limit shall be the difference in elevation between the midpoint of the front lot line and the average elevation derived from 2.a. and/or 2.b.

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e. The height measurement technique used for the lot shall then be the City's standard measurement technique, Section 23.86.06A.

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3. When there is no residential structure within one hundred feet on a side of the lot, or when the nearest residential structure within one hundred feet 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 plus the elevation of the mid-point of the lot's front lot line, except when the lot is a corner lot.

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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 that structure is within one hundred feet of the side lot line of the lot and that both front yards face the same street.

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5. In no case shall the height limit established according to these height averaging provisions be greater than forty feet.

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6. Lots using height averaging to establish a height limit shall be eligible for the pitched roof provisions of Section 23.44.08C2.

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23.86.08 Lot Coverage

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Lot coverage shall be calculated in accordance with Exhibit 86C.

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23.86.10 Yards

A. Measuring Required Yards

Required yards dimensions shall be horizontal distances, measured perpendicular to the appropriate lot lines. (Exhibit 86D)

For lots with no street frontage, the applicant may designate the front lot line.

B. Front Yards

1. Determining Front Yard Requirements (Exhibit 86E(1)-(7))

Front yard requirements are presented in the standard development requirements 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 principal structures and front lot lines of the nearest principal structures on each side of the lot. 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.
- b) The yards used for front yard averaging shall be on the same block front as the lot, and shall be the front yards

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of the nearest principal structures within one hundred feet of the side lot lines of the lot.

- c) For averaging purposes, front yard depth shall be measured from the front lot line to the nearest wall comprising twenty percent or more of the width of the front facade of the principal structure. Attached garages and enclosed porches shall be considered part of the principal structure for measurement purposes. Decks, unenclosed porches with or without roofs, eaves, posts, attached solar collectors, and other similar parts of the structure shall not be considered part of the principal structure.
- d) When the first principal structure within one hundred feet of a side lot line of the lot is not on the same block front or when there is no principal structure within one hundred feet of the side lot line, the yard depth used for averaging purposes on that side shall be:
  - (1) Single family zones: twenty feet.
  - [(2) Reserved for Multi-family zones:]
- e) When the front yard of the first principal structure within one hundred feet of the side lot line of the lot exceeds twenty

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feet, the yard depth used for averaging purposes on that side shall be twenty feet.

f) 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.

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 feet in length, parallel to and at a maximum distance from the

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front lot line. For those portions of the rear lot line which are essentially parallel to the front lot line, Section 2 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 feet in length, parallel to and at a maximum distance from a line drawn between the endpoints of the curve.

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.

Part 3 Implementation

CHAPTER 23.88

RULES; INTERPRETATION

23.88.10 Rulemaking

The Director may promulgate rules consistent with this Title pursuant to the authority granted in Section 3.06.020 and pursuant to the procedures established for rulemaking in the Administrative Code, Chapter 3.02.

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23.88.20 Land Use Interpretations

- A. A decision by the Director as to the meaning, application, or intent of any provision of this Land Use Code as it relates to a specific piece of property is known as an "interpretation". An interpretation may be requested in writing by any person or may be initiated by the Director.
- B. If there is public notice of a project, the request for an interpretation concerning a specific project shall be made before the expiration of any applicable appeal period. When a project requires no public notice, a request for interpretation may be made at any time.
- C. Notice of a request for interpretation shall be provided by the posting of four placards on or near the site and in the general mailed release. The notice shall include a statement that any person who desires to submit comments on the application or who requests notification of the decision may submit comments or requests in writing within fourteen days of the posting of notice.
- D. Notice that a code interpretation has been made shall be published in the City official newspaper within seven 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 office of the Department and shall be included in the general mailed release. Notice shall also be mailed on the date of publication to the applicant, property owner, and to interested persons who have requested specific notice in a timely manner.

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The notice of the Director's decision shall state the address of the property and briefly state the decision made by the Director. The notice shall also state that the interpretation is subject to appeal and shall describe the appropriate appeal procedure.

E. The Director's Interpretation May Be Appealed Subject to the Following:

1. Any person significantly affected by or interested in a code interpretation may appeal to the Hearing Examiner within a period extending to five o'clock p.m. of the fourteenth calendar day following the date of publication of the interpretation. When the last day of the period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five o'clock p.m. on the next business day. The appeal shall be in writing and shall state specifically why the applicant believes the interpretation to be incorrect.
2. Appeals of code interpretations shall be accompanied by payment of a filing fee as established in the Permit Fee Ordinance, Ch. 22.900.
3. The Hearing Examiner shall consider the appeal in accordance with the procedure established for hearing contested cases in the Administrative Code, Ch. 3.02. Notice of the hearing date shall be given not less than twenty days prior to hearing.

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4. 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.
5. All appeals shall be decided within fourteen days of the close of the record before the Hearing Examiner.
6. The decision of the Hearing Examiner may affirm, reverse or modify the Director's interpretation either in whole or in part. The Hearing Examiner may also remand the interpretation to the Director for further consideration. The decision of the Hearing Examiner shall be final, and the applicant, appellant and Director shall be bound by it.

CHAPTER 23.90

ENFORCEMENT OF THE LAND USE CODE

23.90.02 Violations

- A. It is a violation of this Land Use Code to use or cause to be used any structure or land, or to construct,

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locate, or cause to be constructed or located any structure within the City of Seattle without first obtaining the permits or authorizations required by the Land Use Code for the respective use, location, or construction.

B. It is a violation of this Land Use Code to use or cause to be used any structure or land, or to construct, locate or cause to be constructed or located any structure within the City of Seattle in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this Land Use Code, provided that the terms or conditions are explicitly stated on the permit or the approved plans.

C. It is a violation of this Land Use Code to remove or deface or remove any sign, notice, complaint, or order required by or posted in accordance with this Land Use Code.

D. It is a violation of this Land Use Code to misrepresent any material fact in any application, plans or other information submitted to obtain any land use authorization.

23.90.08 Duty to Enforce

A. It shall be the duty of the Director to enforce the Land Use Code. The Director may call upon the police, fire, health or other appropriate City departments to assist in enforcement.

B. Upon presentation of proper credentials, the Director or duly authorized representative of the Director may, with

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the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued 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 or occupier of the land and buildings within the scope of this Code. 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.

23.90.12 Investigation and Notice of Violation.

A. The Director shall investigate any structure or use which, in the Director's opinion, fails to comply with the standards and requirements of this Land Use Code.

B. If after investigations the Director determines that the standards or requirements have been violated, the Director shall have a notice of violation served upon the owner, tenant or other person responsible for the condition. The notice shall be served by personal service, registered mail, or certified mail with return receipt requested addressed to the last known address of the owner, tenant, or other person responsible. The

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notice of violation shall be posted at a conspicuous place on the property. It shall state separately each violation of the standards of requirements, and what corrective action is necessary to comply with the standards or requirements. A reasonable time for compliance shall also be set and posted in the notice, together with appeal procedures.

- C. The notice of violation shall not be amended by the Director to include additional violations as a result of any reinspection for compliance or other purpose except upon a clear showing that the amendment is necessary to the protection of public safety, health and general welfare and that any additional violation did not exist or could not reasonably have been discovered at the time of original inspection.

23.90.14 Time to Comply

When calculating a reasonable time for compliance, the Director shall take these criteria into consideration:

- A. The type and degree of violation cited in the notice;
- B. The intent of a responsible party to comply if the intent has been expressed to the Director;
- C. The procedural requirements for obtaining a permit to carry out corrective action;
- D. The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and

1 E. Any other circumstances beyond the control of the  
2 responsible party.

3 Unless a request for hearing before the Director or Hearing  
4 Examiner is made in accordance with Sections 23.90.16 or 23.90.18  
5 of this Land Use Code, the notice of violation shall become the  
6 final order of the Director. A copy of the notice shall be filed  
7 with the Department of Records and Elections of King County.

8 23.90.16 Hearing before the Director

9 Any party affected by a notice of violation issued by the  
10 Director may request in writing a hearing before the Director for  
11 reconsideration of the notice. The request shall be filed with  
12 the Director by five o'clock p.m. of the twentieth calendar day  
13 following service of the notice. When the last day of the period  
14 so computed is a Saturday, Sunday or federal or City holiday, the  
15 period shall run until five o'clock p.m. on the next business  
16 day. Upon receipt of a written request, the Director shall  
17 notify the affected party and any other persons served with a  
18 copy of the notice of violation of the time and place set for the  
19 hearing. The hearing shall be held no sooner than ten days nor  
20 more than thirty days from receipt of the written request. The  
21 Director shall conduct the hearing according to rules adopted  
22 pursuant to the Administrative Code, Ch. 3.06.

23 After the hearing, the Director, or authorized representative of  
24 the Director, shall issue a final order sustaining, modifying or  
25 withdrawing the notice of violation based on whether there has  
26 been compliance with the standards and requirements of the Land  
27 Use Code. The final order shall be served and posted in the same  
28 manner as the notice of violation.

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23.90.18 Appeal to Hearing Examiner

A. Any party affected by the final order may file a written notice of appeal with the Hearing Examiner stating in what respects the notice is erroneous and the specific grounds upon which the party affected relies for the reversal or modification of the order. The appeal shall be filed with the Hearing Examiner by five o'clock p.m. of the fourteenth calendar day following issuance of the final order of notice of violation. When the last day of the appeal period so computed is a Saturday, Sunday federal or City holiday, the appeal period shall run until five o'clock p.m. on the next business day. The notice of appeal shall be accompanied showing payment by the appellant of a filing fee as established in the Permit Fee Ordinance, Ch. 22.900.

B. Notice of the hearing shall be given not less than twenty days prior to the hearing. The Hearing Examiner's decision shall be given within fourteen days after the hearing. The Hearing Examiner may affirm, reverse, or modify the Director's notice; provided, that the Director's notice shall be deemed to be prima facie correct and the burden of establishing the contrary shall be upon the appellant.

C. The Hearing Examiner's written decision containing findings of fact and conclusions of law shall be mailed to the parties of record. The Hearing Examiner's decision shall be the final City decision.

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23.90.20 Extension of Compliance Date

An extension of time for compliance with a final order may be granted in writing by the Director upon receipt of a written request filed with the Director by any party affected not later than fifteen days prior to the date set for compliance in the final order. The Director may without a written request grant an extension of time after finding that required actions have been started and that the work is progressing at a satisfactory rate.

23.90.24 Civil Penalty

A. In addition to any other sanction or remedial procedure which may be available, any person failing to comply with a final order issued by the Director or Hearing Examiner under this subchapter shall be subject to a cumulative penalty in the amount of twenty-five dollars per day for each violation from the date set for compliance until the order is complied with provided that:

1. At the end of one year from the date set for compliance the penalty shall increase to one hundred dollars per day and shall be increased by an additional one hundred dollars per day for each successive year;
2. For violations of conditions imposed to mitigate the negative impacts of construction, the penalty shall be five hundred dollars for each violation and for each day of continued violation of conditions.

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B. The penalty imposed by this Section shall be collected by civil action brought in the name of the City and commenced in the Municipal Court. The Director shall notify the City attorney in writing of the name of any person subject to the penalty and the amount of the penalty and the City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.

The violator may show as full or partial mitigation of liability:

1. That the violation giving rise to the action was caused by the willful act, or neglect, or abuse of another; or
2. That correction of the violation was commenced promptly upon receipt of 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.

23.90.28 Criminal Penalties

A. Anyone violating or failing to comply with any of the provisions of this Land Use Code and who within the past five years has had a judgment against them pursuant to Sec. 23.90.24 shall upon conviction thereof be fined in a sum not exceeding five hundred dollars or imprisoned in the City Jail for a term not exceeding one

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hundred eighty days or may be both so fined and imprisoned. Each day that any one shall continue to violate or fail to comply with any of the provisions of this Land Use Code shall be considered a separate offense.

B. The following penalties are imposed under the state platting statute, RCW 58.17:

1. Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of Subtitle III relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of Subtitle III, shall be deemed a separate and distinct offense.

2. Any person who violates any court order or injunction issued pursuant to this subsection shall be subject to a fine of not more than five thousand dollars or imprisonment for not more than ninety days or both.

23.90.30 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 this Land Use Code when civil or criminal penalties are inadequate to effect compliance.

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CHAPTER 23.94

AMENDMENTS TO THE LAND USE CODE

23.94.10 Petition for Amendment

- A. A petition to amend the text of the Land Use Code may be filed with the City Clerk by any person. Upon filing, the petition shall be transmitted to the Council. The Council shall refer each petition to the Director for a recommendation.
- B. There shall be no fee for a requested text amendment to the Land Use Code.
- C. The Director shall prepare a written report for the Council which shall include the recommendations or comments of other City departments and of other governmental agencies having an interest in the petition. The report shall contain an analysis of the proposed text amendment, specifying how it would further the goals and objectives of Seattle's land use policies, the Land Use Code, and other applicable official policies and objectives of the City. It shall also state the Director's recommendation to the Council.
- D. After receiving the findings, conclusions and recommendations in the report of the Director, the Council shall hold a public hearing on the proposed text amendment.

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- E. Notice of the Council hearing shall be published in the City official newspaper and circulated in a general mailed release at least thirty days prior to the hearing.
- F. The Council shall consider the Director's report and testimony from the public hearing in its decision on the proposed text amendment.
- G. If a petition for an amendment to the text of the Land Use Code is denied by the Council after public hearing, no identical or substantially the same amendment shall be considered until twelve months have passed since the filing of the denial of the petition.

23.94.20 City Initiated Amendments

- A. The Council or any other City department may initiate an amendment to the text of the Land Use Code by referring a proposal to the Director for a report and recommendation.
- B. The proposed amendment shall be subject to the procedure established in 23.94.10 (C) - (G).

23.94.30 Shoreline District Amendments

Any text amendment to the Shoreline Management District, Chapter 24.60 is effective only upon approval of such amendment by the Department of Ecology pursuant to WAC 173-19-060.

CHAPTER 23.100

LAND USE CODE SEVERABLE

23.100.010 Land Use Code Severable

The Land Use Code is declared to be severable. If any section, subsection, paragraph, clause or other portion or 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, use or structures shall not be affected.

Section 2. The following chapters and sections of Title 24 are repealed; provided, such repeal shall not affect any right accrued, any time limit for compliance, any penalty incurred, or any proceeding commenced under or by virtue of the repealed provisions.

Chapter 24.10  
Chapter 24.16  
Chapter 24.18  
Chapter 24.20  
Chapter 24.22  
Chapter 24.72  
Chapter 24.84  
Section 24.06.040  
Section 24.12.040  
Section 24.12.050  
Section 24.12.060  
Section 24.62.030  
Section 24.62.100  
Section 24.68.080  
Section 24.74.022  
Section 24.74.030  
Section 24.74.040  
Section 24.74.130

Section 3. Section 24.12.010 is amended to read as follows:

24.12.010 Zones Generally

Zones regulated by this subtitle shall be as set forth in Section[s] 4.12.020.

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Section 4. Section 24.12.020 is amended to read as follows:  
24.12.020 Zone classifications.

For the purpose of this subtitle, The City of Seattle is divided into [~~twenty-two~~] zone classifications designated as follows:

<u>Zones</u>	<u>Abbreviated Designator</u>
<del>(Single family Residence)</del>	<del>(RS 9600)</del>
<del>(Low Density Zone)</del>	
<del>(Single family Residence)</del>	
<del>(Medium Density Zone)</del>	<del>(RS 7200)</del>
<del>(Single family Residence)</del>	
<del>(High Density zone)</del>	<del>(RS 5000)</del>
<del>(Residence Waterfront Zone)</del>	<del>(RW)</del>
Duplex Residence	
Medium Density Zone	RD 7200
Duplex Residence	
High Density Zone	RD 5000
Multiple Residence	
Lowest Density Zone	RM 1600
Multiple Residence	
Low Density Zone	RM 800
Multiple Residence	
High Density Zone	RM 350
Multiple Residence	
High Density Variable	
Height Zone	RMV 200
Multiple Residence	
High Density Variable	
Height Zone	RMV 150
<del>[Multiple Residence -- Mixed]</del>	
<del>[Density Zone]</del>	<del>RM-MD]</del>
Neighborhood Business Zone	BN
Intermediate Business Zone	BI
Community Business Zone	BC
Metropolitan Business Zone	BM
Metropolitan Commercial Zone	CM
Metropolitan Commercial Zone	
<u>Multiple Residence - Mixed Density Zone</u>	<u>RM-MD</u>
Temporary	CMT
General Commercial Zone	CG
Manufacturing Zone	M
General Industrial Zone	IG
Heavy Industrial Zone	IH

Section 5. Chapter 24.14, General Provisions, is amended to include Section 24.12.05 to read as follows:

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24.14.05 Applicability of this Subtitle - Transition to Land Use Code

- A. No provisions of this subtitle except the provisions of Chapters 24.60 (Shoreline Master Program Regulations) and 24.68 (Special Review Districts) shall apply to any use located in a SF zone regulated pursuant to Title 23.
- B. Any provision in Chapter 24.14 through Chapter 24.58 which establishes a required distance of a use from an R or RS zone shall be read also to apply to any SF zone established and regulated in Chapter 23.44.
- C. All references in Chapter 24.24 through Chapter 24.58 to repealed section 24.16.030 and the miscited Chapter 24.74 pertaining to principal conditional uses permitted by Council shall be read as referring to Section 23.44.20 and Chapter 23.80 respectively.
- D. All references in Chapter 24.24 through Chapter 24.58 to repealed Section 24.16.070 pertaining to accessory conditional uses shall be read as referring to Section 23.44.16.

Section 6. Section 24.24.010 is amended to read as follows:

24.24.010 Principal uses permitted outright.

The following uses are permitted:

- A. ~~(RS)~~ SF 7200 principal uses permitted outright as specified and regulated in ~~(Chapter 24.18)~~ Chapter 23.44 unless modified in this chapter;

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B. The following uses provided any building or active play area shall be located thirty feet or more from any other lot in a SF Zone and twenty feet or more from any other lot in any other R Zone:

1. Public and private graded schools for academic instruction, including:

a. Accessory dormitories, gymnasiums, dining facilities, offices and other similar accessory buildings on the same premises,

b. Accessory public and private day care centers (as governed by state and local regulations), community programs for the elderly, community cultural enrichment activities and other similar accessory uses.

2. Public playgrounds and public community centers; public parks, including customary buildings and activities, provided that garages and service or storage areas accessory to parks shall be located one hundred feet or more from any other lot in a SF or an R Zone and shall be completely obscured from view from such lots,

3. Publicly owned boat moorages, operated under public jurisdiction for private pleasure craft.

4. Non-school principal uses within existing or former public school buildings when authorized as a special exception by the Department of Community Development, or Hearing Examiner on appeal, in accordance with Chapter 23.78.

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C. Churches providing any building or active play area is located at least twenty feet from any other lot in a SF Zone, and fifteen feet or more from any other lot in any other R Zone.

[B-] D. Duplex dwellings;

[C-] E. Three-family dwelling (triplexes) subject to the following conditions:

The minimum lot area shall be nine thousand square feet, and Section 24.62.050 shall not apply.

Section 7. Section 24.24.040G is amended to read as follows:

24.24.040 Principal Conditional Uses Permitted by Hearing Examiner or Board.

The following uses are permitted when authorized by the Hearing Examiner or Board after public hearing and in accordance with the provisions of Chapter 24.70:

\* \* \*

G. Halfway houses as specified and regulated in Section ~~(24.16.040)~~ 23.44.14 except that no lot so used shall be less than eight thousand square feet in area, and no lot so used shall be less than six hundred feet from any other such use.

Section 8. Section 24.24.050 A and D are amended to read as follows:

24.24.050 Accessory uses permitted outright.

The following accessory uses are permitted:

A. (RS) SF 7200 accessory uses, except private stables and the maintenance of domestic fowl as specified and regu-

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lated in Chapter ~~(24.18)~~ 23.44.10 unless modified in this chapter;

\* \* \*

D. Office of a resident physician, dentist, architect, engineer, or lawyer within his dwelling provided not more than one person, not a resident in the dwelling is employed in such office, otherwise subject to the conditions as stipulated in Section ~~(24.16.050)~~ 23.44.10F;

Section 9. Section 24.30.100 B and C are amended to read as follows:

24.30.100 Accessory Conditional Uses Permitted by the Director

The following uses are permitted when authorized by the Director in accordance with Chapter 24.74:

\* \* \*

B. Parking areas accessory to permitted uses in an abutting RMH, B or C Zone under conditions specified in Section 24.64.170; parking areas accessory to permitted uses when not located on the lot of the principal building under conditions specified in Section 24.64.160;

C. [~~Accessory conditional uses as set forth in Section 24.16.070A, C and D,~~] Accessory uses customarily incidental to the administrative conditional uses permitted in Section 23.44.14.

Section 10. Section 24.32.090 B and C are amended to read as follows:

24.32.090 Accessory Conditional Uses Permitted by the Director

The following uses are permitted when authorized by the Director in accordance with Chapter 24.24:

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\* \* \*

B. Parking areas accessory to permitted uses in an abutting RMH, B or C Zone under conditions specified in section 24.64.170; parking areas accessory to permitted uses when not located on the lot of the principal building under conditions specified in Section 24.64.160;

C. [~~Accessory conditional uses as set forth in Section 24.16.070A, C and D,~~] Accessory uses cutomarily incidental to the administrative conditional uses permitted in Section 23.44.14.

Section 11. Section 24.60.010 is amended to read as follows:

24.60.010 Definitions generally.

For the purposes of this chapter, certain terms and words are defined. The definitions established in this subchapter are in addition to definitions contained in Chapters 24.08 and 23.20, which are also applicable to this chapter.

Section 12. Section 24.60.140 is amended to read as follows:

24.60.140 Open space.

"Open space" means any part of a lot unobstructed from the ground upward except as specified in Sections 24.62.080 through 24.62.160 or Section 23.44.08(D) as appropriate.

Section 13. Section 24.60.285 is amended to read as follows:

24.60.285 Regulations supplemental.

The Shoreline District shall be superimposed upon and modify the existing zoning classifications in the Shoreline District. the regulations of this chapter are supplemental to regulations of this subtitle and Title 23 otherwise applicable to property in the existing zones, which shall continue to apply; provided that

1 in case of irreconcilable conflict, the provisions of this  
2 chapter shall apply.

3 Section 14. Section 24.60.315 is amended to read as follows:  
4 24.60.315 Application only to new development.

5 The regulations of this chapter shall apply only to the  
6 development undertaken in the Shoreline District after adoption  
7 of this chapter; provided, the limitations of Sections 24.14.030  
8 through 24.14.070 of this subtitle or the non-conforming develop-  
9 ment provisions applicable in the zone in which the property is  
10 located, shall apply to existing non-conforming developments,  
11 and provided further, that all signs in the Shoreline District  
12 which do not conform to the provisions of this chapter shall be  
13 discontinued within a period of from three to seven years from  
14 the effective date of this chapter in accordance with an amor-  
15 tization schedule established by the Superintendent pursuant to  
16 Section 28 of Ordinance 102929 and based upon the age, condition,  
17 cost and remaining useful life of the sign.

17 Section 15. Section 24.60.365 is amended to read as follows:  
18 24.60.365 Environments established.

19 The foregoing environment classifications and the boundaries  
20 of such environments are established as shown on Exhibit E-2,  
21 which shall be superimposed upon and modify [~~the Official Zoning~~  
22 ~~Map of The City of Seattle as described in this chapter]~~ the  
23 Official Land Use Map as established in Chapter 23.32.

24 Such exhibit and all amendments thereto shall  
25 be filed in the office of the City Clerk. Such classifica-  
26 tions and boundaries may be amended from time to time in the  
27 same manner as for map amendments in Chapter (24.72) 23.34,

1  
2 subject to such approval by the Department of Ecology as may  
3 be provided by law.

4 Section 16. Section 24.60.615A is amended to read as  
5 follows:

6 ~~AMENDED - ORD.~~  
7 110669  
8 24.60.615 Offstreet parking-Principal and accessory.

9 A. General Parking Policies.

- 10 1. Required parking spaces and loading berths as  
11 accessory uses shall be provided for principal uses  
12 in the Shoreline District as required by Chapter  
13 24.64 or Chapters 23.44 and 23.54 as appropriate,  
14 except that such requirements may be waived or  
15 modified at the discretion of the Director if  
16 alternative means of transportation will adequately  
17 serve the proposed development in lieu of such  
18 offstreet parking and loading requirements.  
19 Accessory parking requirements shall be waived in  
20 the US/CW environment where offstreet parking to  
21 serve the proposed uses is available within eight  
22 hundred feet of the proposed development.  
23 2. If the number of parking spaces for a proposed  
24 substantial development which are required by  
25 Chapter 24.64 or Chapters 23.44 and 23.54 as  
26 appropriate or proposed by the applicant will  
27 adversely affect the quality of the shoreline  
28 environment, the Director shall direct that the  
plans for the development be modified to eliminate  
or ameliorate such adverse effect.

Section 17. Section 24.60.765A is amended to read as follows:  
24.60.765 Private, nonprofit yacht or boat clubs.

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2 A. Buildings and facilities for yacht or boat clubs which  
3 are incorporated, nonprofit, fraternal organizations limited to  
4 pleasure boat and pleasure yachting activities and not selling  
5 alcoholic beverages to the public, together with covered and non-  
6 covered moorage and other accessory uses customarily incidental  
7 thereto, as permitted in the UR environment. ~~(only where the~~  
8 ~~underlying zone is RW, subject to the conditions and restrictions~~  
9 ~~set forth in Section 24.22.010B.)~~

9 \* \* \*

10 Section 18. Section 24.62.010 is amended to read as follows:  
11 24.62.010 Application.

12 Bulk regulations as provided in Chapters ~~(24.16)~~ 24.24  
13 through 24.62 inclusive shall be subject to the special require-  
14 ments and exceptions set forth in this chapter, and the Building  
15 Code.

16 Section 19. Section 24.62.040 is amended to read as follows:  
17 24.62.040 Exceptions to Height Limits.

18 The following type of structures or structural parts shall  
19 not be subject to a height limitation except in airport areas  
20 as specified in ~~[Section 24.62.030:]~~ Chapter 23.64:

21 Section 20. Section 24.68.020 is amended to read as follows:  
22 24.68.020 Procedure to establish, alter, or abolish special  
23 review districts.

24 A petition or proposal to establish, alter or abolish a spe-  
25 cial review district shall be filed and considered in the same  
26 manner as provided in Chapter ~~(24.72)~~ 23.34 for zoning map amend-  
27 ments. A petition or proposal to establish a special review  
28 district shall include a statement of purpose. The boundaries of

1 a special review district shall be indicated on the [~~Official~~  
2 ~~Zoning Map (of the city)~~] Official Land Use Map of the City.

3 Section 21. Section 24.68.030A is amended to read as follows:  
4 24.68.030 Development regulations.

5 A. The Council may include development regulations in the  
6 ordinance which establishes a special review district.  
7 If development regulations are not included, the Special  
8 Review Board may consider and after at least one public  
9 hearing, recommend development regulations for the spe-  
10 cial review district to the Commission, which shall make  
11 further recommendations to the Council. If the Special  
12 Review Board fails to recommend development regulations  
13 within ninety days after having been appointed and  
14 organized, the Director shall prepare proposed develop-  
15 ment regulations and recommend such controls to the  
16 Commission, except where the ordinance establishing the  
17 special review district includes such development regu-  
18 lations. The Council shall consider proposed develop-  
19 ment regulations in the same manner as provided in  
20 (~~Section 24.72.70 for Zoning Ordinance text~~) Chapter  
21 23.94 amendments.

22 Section 22. This ordinance shall take effect and be in force  
23 upon adoption by ordinance of the Official Land Use Map provided  
24 that any amendments to Chapter 24.60 shall be effective only upon  
25 approval by The State Department of Ecology.  
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(To be used for all Ordinances except Emergency.)

Passed by the City Council the 11<sup>th</sup> day of January, 1982  
and signed by me in open session in authentication of its passage this 11<sup>th</sup> day of  
January, 1982.

*James D. Williams*  
President of the City Council.

Approved by me this 21<sup>st</sup> day of January, 1982.

*Charles Roper*  
Mayor.

Filed by me this 21<sup>st</sup> day of January, 1982.

*Trina Hill*  
Attest: City Comptroller and City Clerk.

(SEAL)

Published.....

By Theresa Dumbaw  
Deputy Clerk.

# The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported  
and Adopted

Your Committee on *Urban Development  
& Housing*

JAN 11 1982

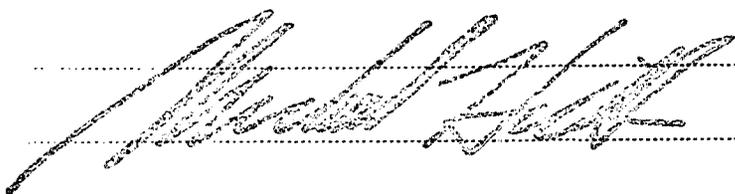
to which was referred

C.B. 102698 Relating to land use; establishing a new Title 23 in the Seattle Municipal Code to be known as the Land Use Code; amending Sections 24.12.010, 24.12.020, 24.24.010, 24.24.040, 24.24.050, 24.30.100, 24.32.090, 24.60.010, 24.60.140, 24.60.285, 24.60.315, 24.60.365, 24.60.615, 24.60.765, 24.62.010, 24.62.040, 24.68.020, and 24.68.030 of Title 24; adding a new Section 24.14.05 and repealing Chapters 24.10, 24.16, 24.18, 24.20, 24.22, 24.72, 24.84, and Sections 24.06.040, 24.12.040, 24.12.050, 24.12.060, 24.62.030, 24.62.100, 24.68.080, 24.74.022, 24.74.030, 24.74.040, and 24.74.130 of Title 24.

Recommends that same DO PASS AS ENGROSSED

Chairman

Chairman



Committee

Committee

C-312

# Affidavit of Publication

## City of Seattle

### NOTICE

Distribution by the Seattle City Clerk's Office of free copies of the City's new Single- and Multi-Family Land Use Codes will cease as of January 1, 1983. Any person wishing a free copy of the Codes may pick one up in Room 101 of the Seattle Municipal Building, 600 Fourth Avenue, Monday-Friday, 8:00 a. m. to 5:00 p. m.

Date of publication, December 9, 1982. (C-312)

## 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 his newspaper. The Daily Journal of Commerce was on the 2th 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 .....

### Legal Notice

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was published on December 9, 1982  
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*B. Blair*  
.....  
Subscribed and sworn to before me on

December 9, 1982  
.....

*Richard C. Simms*  
.....  
Notary Public for the State of Washington,  
residing in Seattle.