

ORDINANCE No. **110669**

COUNCIL BILL No. **103115** *WP*

AN ORDINANCE relating to land use; amending Sections 23.04.10, 23.12.30, 23.22.52, 23.40.040, 23.40.02, 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, 34.84.02, 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 and remove ambiguities in the Land Use Code and renumbering the section and subsection numbers of Chapter 23.44

COMPTROLLER FILE No. _____

Introduced: JUN 21 1982	By: EXECUTIVE REQUEST
Referred: JUN 21 1982	To:
Referred:	To:
Referred:	To:
Reported: JUL 6 1982	Second Reading: JUL 6 1982
Third Reading: JUL 6 1982	Signed: JUL 6 1982
Presented to Mayor: JUL 7 1982	Approved: JUL 16 1982
Returned to City Clerk: JUL 16 1982	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Ord. 110669 Amendments & Re to

- Ord. 110939 -Amends Sec 5 to identify Exhibit A adopted therein as the Official Land Use Map for all zones of the City & correcting mapping errors on the map.
- Ord. 111170 - AmendsPlat 64W, Page 155 of the Official Land Use Map, to rezone certain property located on the east side of So. Maynard Ave. at So. Brandon St. from Duplex Residence High Density (RD 5000) Zone to General Industrial (IG) Zone & accepting a Property Use & Development Agreement in connection therewith. (C.F. 291392 - Pet of Union Pacific Employee Credit Union.)
- Ord. 111300 -Amends Plat 29E, Page 90, to rezone certain property located on both sides of Eighth Ave. N., between Hayes & Garfield Sts. from (M) Zone to (BC) Zone. (Pet of Russell Keyes, R.K. Investments; C.F.291758).

ORDINANCE 110669

AN ORDINANCE relating to land use; amending Sections 23.04.10, 23.12.30, 23.22.52, 23.40.040, 23.40.02, 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 and remove ambiguities in the Land Use Code and renumbering the section and subsection numbers of Chapter 23.44.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.04.10 is amended to read as follows:

* * *

C. Existing Planned Unit Developments

Planned Unit Developments (PUDs) in an SF or Multi-family zone regulated under Title 23 which were authorized pursuant to Section 24.66.040 et seq. shall be permitted to develop according to the specific terms of such authorizations. This shall include the opportunity to apply for an extension of time for completion of PUDs as provided in SMC 24.66.050(F). Upon completion of the PUDs, the provisions of Title 23, including all use and development standards, shall apply.

((E.))D. Special Transition Rule

* * *

3. A ~~((project))~~ proposal shall be considered by the Director to be substantially underway if:

- 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; provided that

1 if an applicant has elected under Section
2 23.76.10B to file separate applications,
3 only those specific approvals which are
4 sought prior to the effective date of
5 applicable provisions, shall be subject to
6 this rule; or

7 b) A building permit application including, if
8 appropriate, an environmental checklist,
9 has been filed; or

10 c) A draft Environmental Impact Statement
11 (EIS) has been approved by the Director for
12 publication.

13 ((D.)) E. Implementation

14 Section 2. Section 23.12.30 is amended to read as
15 follows:

16 23.12.30 Basis for Discretionary Decisions

17 The Land Use Policies or Comprehensive Plan component
18 as applicable shall be considered in making all discre-
19 tionary land use decisions in ((~~single family~~)) residential
20 zones regulated under Title 23 and in all other zones
21 where reliance on the Land Use Policies is specifically
22 made a criterion in the decisions. They shall also be
23 considered by the Director in the promulgation of rules,
24 decisions upon request for an interpretation, and the
25 determination of what constitutes a similar use where
26 authorized.

27 Section 3. Subsection 23.22.52C is amended to read as
28 follows:

* * *

29 C. Convenient access to every lot by way of a dedicated
30 street or permanent appurtenant easement as required in
31 Section 23.54.10 shall be provided. Roads not dedicated to
32 the public must be clearly marked on the face of the plat.
33 Subdivisions adjacent to navigable bodies of water shall

1 contain dedications for public access to the bodies of water
2 unless the Council determines that the public interest will not
3 be served by the dedication. The dedication shall be to the
4 low water mark and shall include easements for pedestrian
5 traffic at least ten feet wide parallel to and bordering the
6 high water mark.

7 Section 4. Subsection 23.24.040A is amended to read as
8 follows:

9 23.24.040 Criteria for approval

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

13 1. Conformance to the applicable Land Use Policies
14 and Land Use Code provisions;

15 2. Adequacy of access for vehicles, utilities,
16 and fire protection ((7)) as provided in Section 23.54.10;

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

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

21 * * *

22 Section 5. That certain set of sectional maps identified
23 as Official Land Use Map, Exhibit A, filed with the City
24 Clerk on June 21, 1982, which is a neat copy of the zone
25 classifications for single family zones and multi-family
26 residential areas zones adopted by Section 2 of Ordinance
27 110570, is hereby adopted as the Official Land Use Map
28 for these residential zones as contemplated by Section
23.32.16 of the Seattle Municipal Code in place of the
set of maps adopted by Section 2 of Ordinance 110570.

1 Section 6. Section 23.40.02 is amended to read as follows:

2 23.40.02 Conformity With Regulations Required

3 No structure or premises shall hereafter be used or
4 occupied and no structure or part of a structure shall be
5 erected, moved, reconstructed, extended, enlarged or
6 altered, except in conformity with the regulations specified
7 in Title 24 or this (~~chapter~~) Title for the zone and
8 overlay district, if any, in which it is, or will be
9 located. Changes to existing structures may be permitted
10 which make the structures nonconforming if the changes are
11 required by law for reasons of health and safety.

12 Section 7. Section 23.40.04 is added to read as follows:

13 23.40.04

14 No minimum lot area, required yard, or other open
15 space existing on or after July 24, 1957, shall be reduced
16 in area or dimension below the minimum required by this
17 Land Use Code, nor shall any existing minimum lot area,
18 required yard, or other open space less than the minimum
19 required by this Land Use Code be further reduced, nor
20 shall any required open space be used as the minimum lot
21 area, required yard, offstreet parking or loading area for
22 another structure or building except as specifically
23 provided herein.

24 Section 8. Section 23.40.20 is amended to read as
25 follows:

26 23.40.20 Variances

- 27 A. Variances may be sought from the provisions of
28 Title 24 or the provisions of Subtitle IV, Parts 2
and 3 of this Land Use Code, as applicable except
for the establishment of a use which is otherwise
not permitted in the zone in which it is proposed.

1 Applications for prohibited variances shall not be
2 accepted for filing.

3 B. Variances are authorized by the Director and are
4 included as an element of the Master Use Permit.
5 However, at the discretion of the applicant,
6 variances which are sought as part of a rezone pro-
7 cedure or council conditional use may be filed with
8 the respective application and decided by the
9 council.

10 C. Variances from the provisions or requirements of
11 this Land Use Code or Title 24 shall be authorized
12 only when all the following facts and conditions
13 are found to exist:

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

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

28 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 appli-
cation 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 and adopted land use policies or
Comprehensive Plan component, as applicable.

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.

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

<u>Approval Granted</u>	<u>Expiration Date</u>
1. <u>Access, yard, setback, open space or lot area minimums modified as part of short plat or lot boundary adjustment approval.</u>	Permit to run with land in perpetuity as recorded with King County
2. Development Standards Modified in Separate Master Use Permit pursuant to § 23.76.10(B) or as part of a rezone procedure	Two years from date of permit issuance or until the development standard from which the variance was granted is amended <u>to be more stringent, whichever is sooner.</u> 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)

18 Section 9. Section 23.42.10 is amended to read as
19 follows:

20 23.42.10 Identification of Principal Permitted Uses

21 Principal uses not listed in the respective zones of
22 Subtitle IV, Part 2 of this Land Use Code or ~~((4))~~ of
23 Title 24 shall be prohibited in those zones. If a use is
24 not identified in this Part or in Title 24, the Director
25 may determine that a proposed use is substantially similar
26 to other uses permitted in the respective zones and should
27 also be permitted.

1 Section 10. Section 23.42.20 is amended to read as
2 follows:

3 23.42.20 Accessory Uses

4 Except when specifically stated, permitted uses
5 accessory to principal uses permitted outright, shall
6 be permitted outright, and uses accessory to
7 principal conditional uses shall be permitted as
8 accessory conditional uses. ((Accessory uses
9 permitted in each zone shall be considered
10 in the same process as their corresponding principal
11 uses.))

12 Unless the Code expressly permits an accessory use as
13 a principal use, a use permitted only as an accessory use
14 shall not be permitted as a principal use. The Director
15 shall determine whether uses not listed as accessory uses
16 are customarily incidental to a principal use, and shall
17 also determine whether any accessory use on the lot is
18 incidental to the principal use on the same lot.

19 Section 11. Section 23.44.06 is amended to read as
20 follows:

21 23.44.06 Principal Uses Permitted Outright

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

24 A. Single Family Dwelling Unit

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

27 B. Floating Homes

28 Floating homes shall be permitted uses in single
family zones.

29 ((C. ~~Boarders or Lodgers~~

30 ~~The renting of rooms by a resident family to not more~~
31 ~~than two nontransient boarders and/or lodgers shall~~
32 ~~be permitted.))~~

1 ((D))C. Existing Cemetery

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

5 ((E))D. Public or Private Parks, including customary
6 buildings and activities, provided that garages and
7 service or storage areas accessory to parks shall be
8 located one hundred feet or more from any other lot
9 in a residential zone and shall be obscured from
10 view from such lot.

11 ((F))E. Public Playgrounds

12 ((G))F. Existing Railroad Right-of-Way

13 ((H))G. Uses in Existing or Former Public Schools

- 14 1. Daycare centers, preschools, public or private
15 schools, educational and vocational training for
16 the disabled, adult evening education classes,
17 nonprofit libraries, community centers,
18 community programs for the elderly or similar
19 uses shall be permitted in existing or former
20 public schools.
- 21 2. Other nonschool uses shall be permitted in
22 existing or former public schools pursuant to
23 procedures established in Ch. 23.78, The
24 Establishment of Criteria for Joint Use or Reuse
25 of Schools.
- 26 3. Additions to existing public schools may be made
27 only when the proposed use of the addition is a
28 public school.

Section 12. Section 23.44.08 is amended to read as follows:

23.44.08 Development Standards for Uses Permitted Outright

20 A. General Provisions

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

B. Lot Requirements

* * *

1 4. Lot Coverage Exceptions

2 ((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 abuts~~
6 ~~upon a street or alley may be increased~~
7 ~~by one-half the width of the abutting side~~
8 ~~street or alley. The total lot area may~~
9 ~~not be increased by more than twenty-five~~
10 ~~percent.))~~

11 a) Lots abutting alleys and corner lots

12 For the purpose of computing the lot
13 coverage only:

14 i. The area of a corner lot where a side
15 lot line abuts upon a street may be
16 increased by one-half the width of the
17 abutting side street.

18 ii. The area of a lot with alley or alleys
19 abutting any lot line may be increased
20 by one-half the width of the abutting
21 alley or alleys.

22 iii. The total lot area for any lot may not
23 be increased by the provisions of this
24 section by more than twenty-five
25 percent.

26 b) Special Structures

27 The following structures shall not be
28 counted in lot coverage calculations.

i. Access Bridges

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

ii. Barrier Free Access

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

iii. Decks

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

iv. Freestanding Structures and Bulkheads

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

1 v. Underground Structures

2 An underground structure, or under-
3 ground portion of a structure, may
4 occupy any part of the entire lot.

5 C. Height Limits

6 1. Maximum Established

7 (~~The height of any structure shall not exceed~~
8 ~~thirty feet unless the structure is located~~
9 ~~between two abutting single family structures,~~
10 ~~one or more which exceeds thirty feet, in which~~
11 ~~case the height limit shall be the average~~
12 ~~height.))~~

13 The maximum permitted height for any structure
14 shall not exceed the greater of the following:

15 a. Thirty feet

16 b. The average height of the two single
17 family structures which the subject
18 structure abuts if one or both of the
19 abutting structures exceed thirty feet
20 ((of the abutting single family
21 residences)). The methods of determining
22 height and height averages are
23 detailed in Measurements, Ch. 23.86.

24 2. Special Features

25 a. Pitched Roofs

26 The ridge of a pitched roof on a principal
27 structure may extend up to five feet above
28 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)

b. Sloped Lots

((~~On sloped lots, additional height of the~~
~~wall along the lowest evaluation 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))~~)

Additional height shall be permitted for
sloped lots, at the rate of one foot for
each six percent of slope. The additional
height shall be permitted on the downhill

1 side of the structure only, as described in
2 the measurements portion of this Land Use
3 Code.

4 When the downhill portion of a sloped lot
5 fronts on a street and the required front
6 yard exemption in subsection 23.44.08(D)(1)
7 is claimed, the permitted height of the
8 wall along the lowest evaluation of the
9 site shall be reduced one foot for each
10 foot of exemption claimed. In no case,
11 shall the height of the wall be required to
12 be less than thirty feet.

13 D. Yards

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

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

21 On any lot where the natural gradient or slope,
22 as measured from the front line of the lot for a
23 distance of sixty feet or the full depth of the
24 lot, whichever is less, is in excess of thirty-
25 five percent, the required front yard shall be
26 either twenty feet less one foot for each one
27 percent of gradient or slope in excess of
28 thirty-five percent or the 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.))~~

The minimum required rear yard for a lot having
a depth of less than one hundred and five feet
shall be twenty percent of the lot depth and in
no case less than ten feet.

When the required rear yard abuts upon an
alley along a (~~the rear~~) lot line,
(~~the rear yard depth shall be measured~~
~~to the centerline of the alley,~~) the
center line of the alley between the side

1 lot lines extended shall be assumed to be a
2 lot line for purposes of the rear yard pro-
3 visions, provided that at no point shall
4 the principal structure be closer than five
5 feet to the alley.

6 When a lot in any single family zone abuts at
7 the rear lot line upon a public park,
8 playground, or open water, not less than fifty
9 feet in width, the rear yard need not exceed the
10 depth of twenty feet.

11 3. Side Yards

12 The side yard shall be five feet.

13 In the case of a reverse corner lot, the key lot
14 of which is in a single family zone, the width
15 of the side yard on the street side of the
16 reversed corner lot shall be not less than ten
17 feet.

18 When the side yard of a lot borders on an alley,
19 a single family structure may be located in the
20 required side yard, provided that no portion of
21 the structure may cross the side lot line.

22 4. Exceptions from Standard Yard Requirements

23 a. Certain Accessory Structures

24 Any accessory structure may be constructed
25 in a side yard (~~up to a rear or side yard~~
26 ~~property line~~) which abuts the rear or
27 side yard of another lot upon recording
28 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 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 prin-
cipal structure shall be located in the

1 easement, except that the eaves of a prin-
2 cipal structure may project a maximum of
3 eighteen inches into the easement.

4 c. Certain Additions

5 ~~((Certain additions may extend into required~~
6 ~~yard when the single family structure has a~~
7 ~~wall, sixty percent or more of which extends~~
8 ~~into a required yard.))~~ Certain additions
9 may extend into a required yard when the
10 existing single family structure is already
11 nonconforming with respect to that yard.
12 The presently nonconforming portion must
13 be at least sixty percent of the total
14 width of the respective facade of the
15 structure prior to the addition. The line
16 formed by the nonconforming wall of the
17 structure shall be the limit to which any
18 additions may be built. They may extend up
19 to the height limit and may include base-
20 ment additions. ~~((, if one of the following~~
21 ~~conditions are met.))~~ New additions to the
22 nonconforming wall or walls shall comply
23 with the following requirements:

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

27 Rear yard: When it is a rear wall, it is
28 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.

e. Special Features of a Structure

Unless otherwise permitted in this Chapter,
special features of a structure shall pro-
ject 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 pro-
vide 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 carports, attached garages or covered, unenclosed decks or roofs over patios are extensions of principal structures. They 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, nor exceed twelve feet in height.

Any detached garage or detached permitted accessory structure meeting the requirements of Section 23.44.10 may be located in a rear yard.

If a carport or garage has its vehicular access facing the alley, the carport or garage shall not be within twelve feet of the center line of the alley.

- ii. Attached or detached carports, garages, covered, unenclosed decks or roofs over patios, 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.

g. Garages in Front Yards of Through Lots

- ~~((iii.))~~ On through lots less than one hundred feet in depth, either an accessory garage structure or an extension of the principal structure containing a garage shall be permitted to locate in one of the front yards.

An extension of the principal structure shall be limited to twelve feet in height, measured at its front facade. An accessory structure shall be subject to the requirements of Section 23.44.10.

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.

1 If no pattern of garage location can be
2 determined, the Director shall determine
3 in which yard the accessory garage shall
4 be located based on the prevailing
5 character and setback patterns of the
6 block.

7 ((g))h. Access Bridges

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

14 ((h))i. Barrier-Free Access

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

19 ((i))j. Freestanding Structures and Bulkheads

20 Fences, freestanding walls, bulkheads, signs
21 and similar structures six feet or less in
22 height above existing high ground level may
23 be erected in any required yard. When
24 located in the shoreline setbacks or in
25 view corridors in the Shoreline District as
26 regulated in Ch. 24.60, these structures
27 shall not obscure views protected by Ch.
28 24.60 and the Director shall determine the
permitted height.

((j))k. 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 adja-
cent to a fence or freestanding wall, the
deck may extend to that fence or wall pro-
vided 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))l. Heat Pumps

Heat pumps and similar mechanical equip-
ment, not including incinerators, may be
permitted in required yards if the require-
ments 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.

1 Section 13. Section 23.44.10 is amended to read as follows:

2 23.44.10 Accessory Uses Permitted Outright

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

5 A. General Development Standards

- 6 1. The general development standards for single
family zones, Section 23.44.08, apply to
7 accessory uses unless the general standards
are specifically modified.
- 8 2. All accessory uses and structures must be located
on the same lot as the principal use or structure
9 unless specifically modified in this Section.
- 10 3. Any accessory structure located in a required
yard shall be separated from its principal
structure by a minimum of five feet.
- 11 4. Any accessory structure located in a required
yard shall not exceed twelve feet in height nor
one thousand square feet in area.

12 ~~((3. Structures no more than twelve feet in height,~~
13 ~~and no more than one thousand square feet in~~
14 ~~area may be erected in a rear yard at least~~
15 ~~five feet from the principal structure and at~~
16 ~~least twelve feet from the center of an alley,~~
17 ~~except as specifically modified in this Section.~~
~~These standards shall also apply to structures~~
~~located in required front yards of through~~
~~lots.))~~

- 18 ((4))5. On a reverse corner lot, no accessory structure
19 shall be located in that portion of the required
20 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 23.44.08 (D) (4) apply.

21 B. Parking

22 Parking shall be required ~~((as an accessory use to a~~
23 ~~principal use located in a single family zone))~~ as
provided below.

24 1. Elimination of Spaces

25 ~~((No existing required parking shall be elimi-~~
26 ~~nated unless at least an equal number of spaces~~
~~serving the uses on the lot are provided.))~~

1 Legally established parking spaces or
2 loading areas existing on or after July 24,
3 1957, that became required as accessory to a
4 principal use on or after July 24, 1957, may
5 not be eliminated unless at least an equal
6 number of spaces serving the use to which
7 they are accessory and meeting the require-
8 ments of this Code are provided.

9
10 2. Number of Spaces Required

- 11 a) A minimum of one offstreet parking space
12 is required for each single family struc-
13 ture including a floating home. When an
14 existing single family structure was
15 legally constructed without offstreet
16 parking, no parking requirement shall be
17 imposed when the structure is expanded or
18 renovated.
- 19 b) The number of spaces required for uses
20 authorized in existing or former public
21 schools shall be as established for such
22 uses in Section 23.44.14.C.12.
- 23 c) The number of spaces required for admini-
24 strative conditional uses is identified
25 in Section 23.44.14.B.4 (special
26 residences) and Section 23.44.14.C.12
27 (institutions); Section 23.44.14.F
28 (Structures Unsited to Uses Permitted
Outright) and Section 23.44.24.D
(Nonconforming uses).

3. Parking On Lot of Principal Use

- a) Except as otherwise provided in this sub-
section, accessory parking shall be
located on the same lot as the principal
use.
- 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 con-
ditions are met:
- There is no vehicular access to per-
missible parking areas on the lot.
 - Any garage constructed is for no
more than two two-axled or two up-to-
four wheeled vehicles.

1 - The garage is located and screened
2 or landscaped as required by the
3 Director, who shall consider develop-
4 ment patterns of the block or nearby
5 blocks.

6 - The garage lot is within the same
7 block or across the alley from the
8 principal use lot.

9 4. Location of Parking on Lot

10 a) Parking shall not be located in the
11 required front yard except as provided in
12 subsection 5.

13 b) Parking may be located within the prin-
14 cipal structure or in the side or rear
15 yard except a required side yard abutting
16 a street or the first ten feet of a
17 required rear yard abutting a street.

18 c) Parking on planting strips is prohibited.

19 5. Exceptions to Location Requirements

20 a) Lots With Uphill Front Yards

21 Accessory parking for one two-axle or
22 one up-to-four wheeled vehicle may be cut
23 into a required front yard when ~~((there~~
24 ~~is))~~ access through the required front
25 yard is permitted by 23.44.10.B.6 below
26 and ((no surfaced alley abutting the
27 lot)) if the front yard grade where the
28 parking will be located is more than
29 six feet above the sidewalk ((or street))
30 grade. When there is no sidewalk,
31 street grade shall be used. Both grades
32 will be as set by the Seattle
33 Engineering Department.

34 b) Lots With Downhill Front Yards

35 Accessory parking for one two-axle or one
36 up-to-four wheeled vehicle may be located
37 in a required front yard when (a) the
38 ~~((finished))~~ existing grade slopes down-
39 ward from the street lot line which the
40 parking faces; ((and)) (b) the lot has a
41 vertical drop of at least twenty feet in
42 the first sixty feet; and (c) access to
43 parking is permitted through the required
44 front yard by Sec. 23.44.10.B.6 below.

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

1 (~~(When lots with either uphill or downhill~~
2 ~~front yards are located on streets with~~
3 ~~twenty-four hour parking restrictions on~~
4 ~~both sides of the street, accessory parking~~
5 ~~may be located in the front yard to~~
6 ~~accommodate two two-axle or two up to four~~
7 ~~wheeled vehicles.))~~

8 Accessory parking for two two-axle or four-
9 wheeled vehicles may be located in either
10 uphill or downhill front yards as provided
11 in 5(a) or (b) above, if uninterrupted
12 parking for twenty four hours is not per-
13 mitted on both sides of the street within
14 a reasonable distance of the side lot line.
15 The Director may authorize a curbcut wider
16 than would be permitted under 23.54.30 if
17 necessary for access.

18 (d) Any accessory parking structure or extension
19 of the principal structure permitted under
20 this section shall not exceed twelve feet
21 in height measured at its front facade.

22 6. Access

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

25 b) Access to parking is permitted through the
26 required front yard only if the Director
27 determines that one of the following
28 conditions exists:

- There is no adjacent improved alley;
or
- ~~((Natural or e))~~ Existing ~~((manmade))~~
topography does not permit alley
access; or
- A portion of the alley abuts a non-
residential zone; or
- The alley is used for loading or
unloading by an existing nonresidential
use ~~((=))~~; or
- The location of the alley creates
a significant safety hazard

29 c) The width of access to parking shall be
30 limited to that necessary for entrance to
31 parking spaces. The minimum curb cut
32 shall be eight feet. The maximum
33 shall be as regulated in Section
34 23.54.30.

1 d) Where access to required parking spaces
2 passes through a required yard, automobile,
3 motorcycles and similar vehicles may be
4 parked on the access. Trailers, boats,
5 recreational vehicles or similar equipment
6 shall not be parked in any required yard
7 abutting a street or on any access which
8 passes through a required yard provided
9 that when a rear yard abuts a street, the
10 vehicles shall be prohibited from parking
11 in the first ten feet of the rear yard
12 abutting the street.

7. Curb Cuts

8 Curb cuts for vehicular access to lots with street
9 frontage of eighty feet or less shall be limited
10 to one ten foot curb cut per principal use. On
11 lots with street frontage greater than eighty feet,
12 curb cuts shall be limited to one twenty foot curb
13 cut or two ten foot curb cuts per principal use.
14 The Director may reduce the required width of curb
15 cuts to not less than ten feet in cases where two
16 principal uses share a common driveway or where
17 the modifications would improve pedestrian safety
18 and traffic flows.

* * *

D. Solar Collectors

15 Solar collectors are permitted outright as an accessory
16 use to any principal use permitted outright or to a
17 permitted conditional use subject to the following
18 development standards.

- 18 1. Freestanding solar collectors, or those projecting
19 beyond the principal or accessory structure to
20 which they are attached, which meet minimum
21 standards and maximum size limits as determined by
22 the Director, shall not be counted in lot coverage
23 calculations.
- 24 2. Solar collectors except solar greenhouses attached
25 to principal use structures may exceed the height
26 limits of single family zones by four feet or
27 extend(~~ed~~) four feet above the ridge of a pitched
28 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~~) exceeds the height
limit for single family zones shall be placed so
as not to shade an existing solar collector or
property to the north on January 21, at noon, any
more than would a structure built to the maximum
permitted height and bulk.

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

- 5 a. In a side yard, no closer than three feet
6 from the side property line; or
7
8 b. In a rear yard, no closer than fifteen
9 feet from the rear property line unless
10 there is a dedicated alley, in which case
11 the solar collector shall be no closer
12 than fifteen feet from the center line of
13 the alley; or
14
15 c. In a front yard, solar greenhouses which
16 are integrated with the principal struc-
17 ture and have a maximum height of twelve
18 feet may extend into the front yard up to
19 six feet but shall not be located any
20 closer than twelve feet from the front
21 property line unless front yard averaging
22 as established in Measurements, Section
23 23.86.10 permits a lesser front yard.

24 E. Keeping of Animals

25 The keeping of small animals, farm animals, domestic
26 fowl and bees is permitted outright as an accessory
27 use to any principal use permitted outright or to
28 a permitted conditional use subject to the
following standards.

* * *

29 I. ~~((Illuminated or Non-Illuminated))~~ Signs

30 The following ~~((illuminated or non-illuminated))~~
31 signs are permitted outright as an accessory use to
32 any principal use permitted outright or to a
33 permitted conditional use subject to the
34 following development standards.

- 35 1. Electric, externally illuminated or non-
36 illuminated signs bearing the name of the
37 occupant are permitted in single family zones
38 when their dimensions do not exceed sixty-four
39 square inches. Temporary non-illuminated real
40 estate for sale or rent signs are permitted
41 when their dimensions do not exceed eight
42 square feet, and are not painted with light-
43 reflecting paint. Temporary political yard
44 signs ~~((for political candidates))~~ are
45 permitted according to provisions of the Fair
46 Campaign Practices Ordinance, Ch. 2.24
47 ~~((2.04))~~. Large signs as required by Ch.
48 23.76 shall be permitted.

1 2. No new business sign is permitted.

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

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

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

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

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

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

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

* * *

Section 14. Subsection 23.44.14B is amended to read as
follows:

B. Special Residences

* * *

4. Offstreet Parking Required

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

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

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

12 c) Access and parking shall be designed as
13 provided in Chapter 23.54 of this Land
14 Use Code.

15 * * *

16 Section 15. Subsection 23.44.14D is amended to read as
17 follows:

18 D. Planned Residential Development (PRD)

19 Planned residential developments may be permitted
20 as ((a)) an administrative conditional use in
21 single family zones subject to the following
22 provisions:

23 * * *

24 8. Parking quantity

25 1. One off-street parking space per dwelling
26 unit is required.

27 2. Reductions to the quantity of parking
28 spaces provided may be made for: low-
income housing for the elderly and
disabled and the addition of residential
units to existing structures according
to Section 23.54.20, Parking Quantity
Exceptions.

3. Exceptions to the quantity of required
parking shall be permitted when residential
units are added to nonconforming uses and
structures, according to the provisions
of Sections 23.44.24 and 23.44.26
(Nonconforming Uses and Structures).

Section 16. Subsection 23.44.14F is amended to read as
follows:

F. Structures Unsited to Uses Permitted Outright

1. Uses not otherwise permitted in the zone may
be permitted in structures unsited to uses
permitted outright in single family zones.

1 The determination that a use may be permitted
2 shall be based on the following factors:

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

10 2. Parking requirements for uses permitted
11 under this section shall be determined
12 by the Director.

- 13 ((2))3. The Director may require measures to mitigate
14 impacts such as noise, odor, parking or traffic
15 impacts. Mitigating measures may include but
16 are not limited to landscaping, sound barriers,
17 fences, mounding or berming, adjustments to
18 development standards, design modifications or
19 setting hours of operation.

- 20 ((3))4. In the case of an existing or former public school,
21 permissible (~~nonconforming~~) uses other than
22 those permitted outright in the zone and their
23 development standards including parking require-
24 ments shall be established only pursuant to
25 procedures for establishing criteria for joint
26 use or reuse of public schools in Sec. 23.78 of
27 this Land Use Code.

28 Section 17. Subsection 23.44.16C is amended to read as
follows:

* * *

C. Additional Uses Permitted

1. Heat recovery incinerator

The Director may permit a heat recovery incin-
erator as an accessory use to institutions,
21 (~~and~~) public facilities, parks and playgrounds
22 subject to the following conditions:

- 23 a. The incinerator shall be located on the
24 same lot as the institution or public
25 facility.
26 b. An incinerator in a park or playground
27 shall be permitted only when a permanent
28 structure other than that which houses
the incinerator exists and the incinerator
abuts the structure.

- 1 ((b))c. The use shall be located no closer than
- 2 one hundred feet to any property line
- 3 unless completely enclosed within a
- 4 structure.
- 5 ((c))d. If not within a structure, the use shall
- 6 be enclosed by a view obscuring fence of
- 7 sufficient strength and design to resist
- 8 entrance by children.
- 9 ((d))e. Adequate control measures for insects,
- 10 rodents and odors shall be maintained
- 11 continuously.

2. Recycling collection stations

The Director may permit recycling collection stations as accessory uses to institutions and public facilities. These recycling collection stations shall be maintained in good condition by the respective institution or public facility.

Section 18. Subsection 23.44.20A is amended to read as follows:

23.44.20 Council Approval of Public Facilities

A. Identification of Facilities

The location or expansion of the following permitted 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

* * *

Section 19. Section 23.44.24 is amended to read as follows:

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. A nonresidential nonconforming use shall not be expanded or extended. A building containing a nonconforming use which is not residential shall not be expanded, extended or structurally altered except as otherwise required by law, except as provided in Section 23.44.24C below, or as necessary to improve access for the elderly and disabled.

((F))C. 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.

((G))D. 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 make changes required by law 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 nonresidential use.))~~

((B))E. Existing nonsingle 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.

F. Multi-family residential uses may not be changed to any nonresidential use which is not otherwise permitted in single family zones.

((D))G. ~~((1.))~~ Except as provided in C and E above, legally established nonconforming uses may be changed by an administrative conditional use authorization to other ~~((nonconforming))~~ uses otherwise not permitted in the zone. ~~((so long as))~~

1. ~~((1.))~~ The Director must find~~((s))~~ 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))a. The zones in which both the existing use and the new use are ~~((first))~~ allowed;

((2))b. The number of employees and clients associated with the proposed use;

1 ((3))c. The relative parking, traffic, light, glare,
2 noise, odor and similar impacts of the two
3 uses.

4 2. Parking requirements for uses permitted under
5 this section shall be determined by the Director.

6 3. If the new use is permitted, the Director may
7 require additional mitigating measures including
8 but not limited to landscaping, sound barriers or
9 fences, mounding or berming, adjustments to yards
10 or parking ((development)) standards, design
11 modification, or setting hours of operation.
12 ((for outdoor recreation areas.))

13 Section 20. Section 23.44.26 is amended to read as follows:

14 23.44.26 Nonconforming Structures

- 15 A. Legally established structures existing as of the
16 date of adoption of this Land Use Code which are not
17 in conformance with one or more of the development
18 standards for single family zones shall be prohibited
19 from expanding in any manner which increases the
20 extent of nonconformity, except as ((unless)) otherwise
21 specified in this Code or necessary to improve access
22 for the elderly and disabled or to make changes
23 required by law for health or safety.
- 24 B. Existing structures which are above the height limit
25 may add eaves, dormers, and/or clerestories to an
26 existing pitched roof provided the additions are
27 constructed below the highest point of the roof. An
28 existing pitched roof which is above the height limit
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 ((these)) the same or smaller configu-
ration((s)) existing immediately prior to the time
the structure was destroyed.

Section 21. Subsection 23.76.14C is amended to read
as follows:

23.76.14 Notice of Application

* * *

1 C. Notice of the application shall be provided by the
2 Director in the following manner:

- 3 1. Short Plat, six month temporary use((s)), sidewalk
4 cafe((s)), structural building overhang((s)),
5 areaway((s)): four placards posted on or near
6 the site, general mailed release.
- 7 2. Variance((s)), administrative conditional use,
8 special exception: four placards posted on or
9 ((~~not~~)) near the site, general mailed release,
10 mailed notice.
- 11 3. Substantial development permit, shoreline variance,
12 shoreline conditional use: four placards posted
13 on or near the site, general mailed release,
14 publish notice in City official newspaper once
15 each week for two consecutive weeks.

16 Section 22. Subsection 23.76.36B is amended to read
17 as follows:

18 * * *

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

23 * * *

- 24 7. Standard of Review. The Director's decision
25 shall be given substantial weight, except that,
26 for any decision which includes determinations
27 on a variance, ((~~or~~)) conditional use, or special
28 exception, that part of the Director's decision
shall be given no deference.

* * *

- 29 11. An appeal of any Hearing Examiner's decision
30 except those decisions appealable to the City
31 Council pursuant to Section 25.04.210, must be
32 filed in King County Superior Court within
33 fourteen days of the issuance of the decision.

34 Section 23. Section 23.84.02 is amended to read as follows:
35 23.84.02 "A"

36 * * *

1 Access bridge

2 A structure which is designed and necessary for
3 pedestrian access from an alley, street or
4 easement to a principal or accessory structure.

5 * * *

6 Alley

7 (~~(A strip of land dedicated to public use,~~
8 ~~providing vehicular and pedestrian access to the~~
9 ~~rear or side of properties which abut and are~~
10 ~~served by a public street.))~~

11 A public or private right-of-way which is intended
12 to provide or which provides a roadway for vehicular
13 and pedestrian access to abutting properties and
14 is generally located to the rear or side of those
15 properties.

16 * * *

17 Section 24. Section 23.84.30 is amended to add the
18 following:

19 * * *

20 Parking

21 Parking area or parking facility.

22 * * *

23 Section 25. Section 23.84.36 is amended to read as
24 follows:

25 * * *

26 Street

27 A public or private right-of-way which is intended
28 to provide or which provides a roadway for general
vehicular circulation or principal means of
vehicular access to abutting properties and which
includes space for utilities, pedestrian walkways
and drainage.

* * *

Section 26. Subsection 23.86.06B is amended to read
as follows:

* * *

B. Height Averaging for Single Family Zones

1 In a single family zone, the average elevation of the
2 nearest single family structures on either side of a
lot may be, at the applicant's option, used to establish
the height limit (~~for~~) of the principal structure on
that lot, according to the following provisions:

- 3 1. Each structure used for averaging shall be on the
4 same block front as the lot for which a height
5 limit is being established. The structures used
6 shall be the nearest (~~residential~~) single family
7 structure on each side of the lot, and shall be
8 within one hundred feet of the side lot lines of
9 the lot.
- 10 2. The height limit for the lot shall be established
11 by averaging the elevations of the structures
12 on either side in the following manner:
 - 13 a. If the nearest structure on either side has
14 a roof with at least a three in twelve pitch,
15 the elevation to be used for averaging shall
16 be the highest point of that structure's
17 roof minus five feet.
 - 18 b. If the nearest structure on either side has
19 a flat roof, or a roof with a pitch of less
20 than three in twelve, the elevation of the
21 highest point of the structure's roof shall
22 be used for averaging.
 - 23 c. Rooftop features which are otherwise exempt
24 from height limitations (Height exceptions
25 sections) shall not be included in elevation
26 calculations.
 - 27 d. The two elevations obtained from steps 2.a.
28 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~~) a
line parallel to the front lot line at the
required front setback and the average
elevation derived from 2.a. and/or 2.b.
 - e. The height measurement technique used for
the lot shall then be the City's standard
measurement technique, Section 23.86.06A.
3. When there is no (~~residential~~) single family
structure within one hundred feet on a side of
the lot, or when the nearest (~~residential~~)
single family 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 of
the abutting vacant lot. (~~except when the~~
~~lot is a corner lot.~~)

* * *

1 Section 27. Section 23.86.08

2 23.86.08 Lot Coverage and Depth

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

4 B. In Single Family zones, lot depth shall be the
5 length of the line extending between the front lot
6 line or front lot line extended and the rear lot
7 line or lines, or in the case of a through lot,
8 between the two front lot lines or lines extended.
9 This line shall be perpendicular to the front lot
10 line or front lot line extended. Where an alley
11 abuts the rear of the property, one half of the
12 width of the alley shall be included as a portion
13 of the lot for determining lot depth.

14 Section 28. Subsection 23.86.10B and C are amended to
15 read as follows:

16 * * *

17 B. Front Yards

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

20 Front yard requirements are presented in the
21 standard development requirements for each
22 zone. Where the minimum required front yard
23 is to be determined by averaging the setbacks
24 of structures on either side of a lot, the
25 following provisions shall apply:

- 26 a) The required depth of the front yard
27 shall be the average of the distance
28 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 of the
nearest principal structures within one
hundred feet of the side lot lines of the
lot.

- 1 c. For averaging purposes, front yard depth
2 shall be measured from the front lot line
3 to the ~~((nearest))~~ wall nearest to the
4 street comprising twenty percent or more
5 of the width of the front facade of the
6 principal structure. ~~((Attached garages
7 and))~~ Enclosed porches shall be considered
8 part of the principal structure for
9 measurement purposes. Attached garages
10 or carports permitted in front yards under
11 either Section 23.44.08D4g or 23.44.10B5,
12 ((Ø)) decks, unenclosed porches with or
13 without roofs, eaves, posts, attached solar
14 collectors, and other similar parts of the
15 structure shall not be considered part of
16 the principal structure for measurement
17 purposes.
- 18 d. In Single Family zones, when the first
19 principal structure within one hundred
20 feet of a side lot line of the lot is not
21 on the same block front, or does not pro-
22 vide its front yard on the same street,
23 or when there is no principal structure
24 within one hundred feet of the side lot
25 line, the yard depth used for averaging
26 purposes on that side shall be ((1) Single
27 family zones;)) twenty feet. ~~((12)~~
28 ~~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 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.

19 2. Sloped lots in single family zones

20 For lots in single family zones, reduction of
21 required front yard is permitted at a rate of
22 one foot for every percent of slope in excess
23 of thirty-five percent. For the purpose of
24 this provision the slope shall be measured
25 along the centerline of the lot. In the case
26 of irregularly shaped lots, the Director shall
27 determine the line along which slope is
28 calculated.

24 C. Rear Yards

25 Rear yard requirements are presented in the stan-
26 dard development requirements for each zone. In
27 determining how to apply these requirements, the
28 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 front lot line. Where an alley abuts the rear of the property, one half the width of the alley, between the side lot lines extended, shall be considered to be part of the lot for drawing this line. For those portions of the rear lot line which are essentially parallel to the front lot line, 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.
5. For a lot with an irregular shape or with an irregular front lot line not meeting conditions of 1 through 4 above, the Director shall determine the measurement of the rear yard.

* * *

Section 29. Subsection 23.90.18B is amended to read as follows:

* * *

- 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))~~ final order shall be deemed to be prima facie correct and the burden of establishing the contrary shall be upon the appellant.

* * *

1 Section 30. Section 24.14.05 is amended to read as
2 follows:

3 24.14.05 Applicability of this Subtitle - Transition
4 to Land Use Code

- 5 A. No provisions of this subtitle except the provisions
6 of Chapters 24.60 (Shoreline Master Program
7 Regulations) and 24.68 (Special Review Districts)
8 shall apply to any use located in a SF or Multi-
9 family zone regulated pursuant to Title 23.
- 10 B. Any provision in Chapter 24.14 through Chapter 24.58
11 which establishes a required distance of a use from an
12 R or RS zone shall be read also to apply to any SF or
13 Multi-family zone established and regulated (~~in~~
14 ~~Chapter 23.44.~~) pursuant to Title 23.
- 15 C. All references in Chapter 24.24 through Chapter 24.58
16 to repealed section 24.16.030 and the miscited Chapter
17 24.74 pertaining to principal conditional uses per-
18 mitted by Council shall be read as referring to Section
19 23.44.20 and Chapter 23.80 respectively.
- 20 D. All references in Chapter 24.24 through Chapter 24.58
21 to repealed Section 24.26.070 pertaining to accessory
22 conditional uses shall be read as referring to Section
23 23.44.16.

24 Section 31. Section 24.60.615 is amended to read as follows:

25 24.60.615 Offstreet parking-Principal and accessory

26 A. General Parking Policies

- 27 1. Required parking spaces and loading berths as
28 accessory uses shall be provided for principal
29 uses in the Shoreline District as required by
30 Chapter 24.64 or (~~Chapters 23.44 and 23.54~~)
31 the applicable chapters in Title 23, Subtitle
32 IV, as appropriate, except that such require-
33 ments may be waived or modified at the
34 discretion of the Director if alternative
35 means of transportation will adequately serve
36 the proposed development in lieu of such off-
37 street parking and loading requirements.
38 Accessory parking requirements shall be
39 waived in the US/CW environment where offstreet
40 parking to serve the proposed uses is available
41 within eight hundred feet of the proposed
42 development.

- 1 2. If the number of parking spaces for a proposed
2 substantial development which are required by
3 Chapter 24.64 or (~~Chapters 23.44 and 23.54~~)
4 the applicable chapters of Title 23, Subtitle
5 IV, as appropriate or proposed by the applicant
6 will adversely affect the quality of the
7 shoreline environment, the Director shall
8 direct that the plans for the development be
9 modified to eliminate or ameliorate such
10 adverse effect.
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Section 32. The substance of Chapter 23.44 is redivided into new section and subsection numbers by revising existing section and subsection numbers as follows:

<u>Existing</u>	<u>Revised</u>
23.44.02 General Provisions - New -	23.44.02 Applicability of Provisions Subchapter I
23.44.06 Principal Uses Permitted Outright	23.44.06 Principal Uses Permitted Outright
23.44.08 Development Standards For Uses Permitted Outright	23.44.08 Development Standards For Uses Permitted Outright
23.44.08 A. General Provision	Delete (title only)
23.44.08 A.1.	23.44.08 A.
23.44.08 A.2.	23.44.08 B.
23.44.08 A.3.	23.44.08.C.
23.44.08 B.	23.44.10 Lot Requirements
23.44.08 B.1.	23.44.10 A. Minimum Lot Area
23.44.08 B.2.	23.44.10 B. Exceptions to Minimum Lot Area
23.44.08 B.2.a)	23.44.10 B.1.
23.44.08 B.2.b)	23.44.10 B.2.
23.44.08 B.2.c)	23.44.10 B.3.
23.44.08 B.3.	23.44.10 C. Maximum Lot Coverage
23.44.08 B.4.	23.44.10 D. Lot Coverage Exceptions
23.44.08 B.4.a)	23.44.10 D.1.
23.44.08 B.4.b)	23.44.10 D.2.
23.44.08 B.4.b)i.	23.44.10 D.2.a.
23.44.08 B.4.b)ii.	23.44.10 D.2.b.
23.44.08 B.4.b)iii.	23.44.10 D.2.c.
23.44.08 B.4.b)iv.	23.44.10 D.2.d.
23.44.08 B.4.b)v.	23.44.10 D.2.e.
23.44.08 C.	23.44.12 Height Limits
23.44.08 C.1.	23.44.12 A.
23.44.08 C.2.	23.44.12 B.
23.44.08 C.2.a.	23.44.12 B.1.
23.44.08 C.2.b.	23.44.12 B.2.
23.44.08 C.3.	23.44.12 C. Height Limit Exemptions
23.44.08.C.3.a.	23.44.12 C.1.
23.44.08 C.3.b.	23.44.12 C.2.
23.44.08 D. Yards	23.44.14 Yards
23.44.08 D.1.	23.44.14 A.
23.44.08 D.2.	23.44.14 B.
23.44.08 D.3.	23.44.14 C.
23.44.08 D.4.	23.44.14 D.
23.44.08 D.4.a.	23.44.14 D.1.
23.44.08 D.4.6.	23.44.14 D.2.
23.44.08 D.4.c.	23.44.14 D.3.
- New paragraphs #s -	23.44.14 D.3.a.
	23.44.14 D.3.b.
	23.44.14 D.3.c.

	<u>Existing</u>	<u>Revised</u>
1		
2	23.44.08 D.4.d.	23.44.14 D.4.
	23.44.08 D.4.e.	23.44.14 D.5.
3	23.44.08 D.4.f.	23.44.14 D.6.
	23.44.08 D.4.f.i.	23.44.14 D.6.a.
	23.44.08 D.4.f.ii.	23.44.14 D.6.b.
4	23.44.08 D.4.f.iii.	23.44.14 D.6.c.
	23.44.08 D.4.g.	23.44.14 D.7.
5	23.44.08 D.4.h.	23.44.14 D.8.
	23.44.08 D.4.i.	23.44.14 D.9.
6	23.44.08 D.4.j.	23.44.14 D.10.
	23.44.08 D.4.k.	23.44.14 D.11.
7	23.44.10 B. Parking	23.44.16 Parking
8	23.44.10 B.2.a) # of Spaces Required	23.44.16 A.
9	23.44.10 B.3. Pkg. on lot of Principal Use	23.44.16 B.
10	23.44.10 B.3.a)	23.44.16 B.1.
	23.44.10 B.3.b)	23.44.16 B.2.
	23.44.10 B.3.c)	23.44.16 B.3.
11	23.44.10 B.4. Location on Pkg. on lot	23.44.16 C.
12	23.44.10 B.4.a)	23.44.16 C.1.
	23.44.10 B.4.b)	23.44.16 C.2.
	23.44.10 B.4.c)	23.44.16 C.3.
13	23.44.10 B.5. Exceptions to Location Requirements	23.44.16 D.
14	23.44.10 B.5.a)	23.44.16 D.1.
	23.44.10 B.5.b)	23.44.16 D.2.
15	23.44.10 B.5.c)	23.44.16 D.3.
	23.44.10 B.6. Access	23.44.16 E.
16	23.44.10 B.6.a)	23.44.16 E.1.
	23.44.10 B.6.b)	23.44.16 E.2.
	23.44.10 B.6.c)	23.44.16 E.3.
17	23.44.10 B.6.d)	23.44.16 E.4.
	23.44.10 B.7 Curb Cuts	23.44.16 F.
18	- New -	Subchapter II - Principal Conditional Uses
19	23.44.14 Admin. Cond. Uses	Part 1. Administrative Conditional Uses
20	23.44.14 A. General Provisions	23.44.18
	23.44.14 A.1.	23.44.18 A.
	23.44.14 A.2.	23.44.18 B.
21	23.44.14 A.3.	23.44.18 C.
	23.44.14 A.4.	23.44.18 D.
22	23.44.14 A.5.	23.44.18 E.
23	23.44.14 B. Special Residences	23.44.20
	23.44.14 B.1. Dispersion	23.44.20 A.
24	23.44.14 B.1.a)	23.44.20 A.1.
	23.44.14 B.1.b)	23.44.20 A.2.
	23.44.14 B.1.c)	23.44.20 A.3.
25	23.44.14 B.2. Maximum # of Residents	23.44.20 B.
26	23.44.14 B.3.	23.44.20 C.
	23.44.14 B.4. Offstreet Parking Req.	23.44.20 D.
27		
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	<u>Existing</u>	<u>Revised</u>
1		
2	23.44.14 B.4.a)	23.44.20 D.1.
	23.44.14 B.4.b)	23.44.20 D.2.
	- New # -	23.44.20 D.3.
3	23.44.14 B.5. Noise & Odors	23.44.20 E.
	23.44.14 B.6. Lanscaping	23.44.20 F.
4	23.44.14 B.7. Light & Glare	23.44.20 G.
	23.44.14 C. Institutions	23.44.22
5	23.44.14 C.1. Institutions	23.44.22 A.
	Identified	
6	23.44.14 C.2.	23.44.22 B.
	23.44.14 C.2.a)	23.44.22 B.1.
7	23.44.14 C.2.b)	23.44.22 B.2.
	23.44.14 C.3.	23.44.22 C.
	23.44.14 C.4.	23.44.22 D.
8	23.44.14 C.5.	23.44.22 E.
	23.44.14 C.6.	23.44.22 F.
9	23.44.14 C.7.	23.44.22 G.
	23.44.14 C.8	23.44.22 H.
10	23.44.14 C.9.	23.44.22 I.
	23.44.14 C.10.	23.44.22 J.
11	23.44.14 C.10.a)	23.44.22 J.1.
	- New #s -	23.44.22 J.1.a)
		23.44.22 J.1.b)
12	23.44.14 C.10.b)	23.44.22 J.2.
	23.44.14 C.10.c)	23.44.22 J.3.
13	23.44.14 C.10.d)	23.44.22 J.4.
	23.44.14 C.10.e)	23.44.22 J.5.
14	23.44.14 C.11.	23.44.22 K.
	23.44.14 C.12.	23.44.22 L.
15	23.44.14 C.12.a)	23.44.22 L.1.
	23.44.14 C.12.a)i.	23.44.22 L.1.a)
	23.44.14 C.12.a)ii.	23.44.22 L.1.b)
16	23.44.14 C.12.a)iii.	23.44.22 L.1.c)
	23.44.14 C.12.b)	23.44.22 L.2.
17	23.44.14 C.12.c)	23.44.22 L.3.
	23.44.14 C.13.	23.44.22 M.
18	23.44.14 C.13.a)	23.44.22 M.1.
	23.44.14 C.13.b)	23.44.22 M.2.
19	23.44.14 C.13.c)	23.44.22 M.3.
	23.44.14 C.13.d)	23.44.22 M.4.
	23.44.14 C.13.e)	23.44.22 M.5.
20	23.44.14 D. PRDs	23.44.24
	23.44.14 D.1.	23.44.24 A.
21	23.44.14 D.2.	23.44.24 B.
	23.44.14 D.2.a)	23.44.24 B.1.
22	23.44.14 D.2.b)	23.44.24 B.2.
	23.44.14 D.2.c)	23.44.24 B.3.
23	23.44.14 D.2.d)	23.44.24 B.4.
	23.44.14 D.3. (Error in	23.44.24 C.
	23.44.14 D.3. Adopted Code)	23.44.24 D.
24	23.44.14 D.4.	23.44.24 E.
	23.44.14 D.4.a)	23.44.24 E.1.
25	23.44.14 D.4.b)	23.44.24 E.2.
	23.44.14 D.4.c)	23.44.24 E.3.
26	23.44.14 D.4.d)	23.44.24 E.4.
	23.44.14 D.5.	23.44.24 F.
27	23.44.14 D.5.a)	23.44.24 F.1.
28		

	<u>Existing</u>	<u>Revised</u>
1	23.44.14 D.5.b)	23.44.24 F.2.
2	23.44.14 D.6.	23.44.24 G.
3	23.44.14 E. Use of Landmark Structures	23.44.26
4	23.44.14 E.1.	23.44.26 A.
5	23.44.14 E.1.a.	23.44.26 A.1.
6	23.44.14 E.1.b.	23.44.26 A.2.
7	23.44.14 E.1.c.	23.44.26 A.3.
8	23.44.14 E.1.d.	23.44.26 A.4.
9	23.44.14 E.2.	23.44.26 B.
10	23.44.14 F. Structures Unsited to Uses Permitted Outright	23.44.28
11	23.44.14 F.1.	23.44.28 A.
12	23.44.14 F.1.a)	23.44.28 A.1.
13	23.44.14 F.1.b)	23.44.28 A.2.
14	23.44.14 F.1.c)	23.44.28 A.3.
15	23.44.14 F.2.	23.44.28 B.
16	23.44.14 F.3.	23.44.28 C.
17	23.44.14 G. Park & Pool Lot	23.44.30
18	23.44.14 G.1.	23.44.30 A.
19	23.44.14 G.2.	23.44.30 B.
20	23.44.14 H. Certain Unconforming Uses	23.44.32
21	- New # -	Part 2. Council Conditional Uses
22	23.44.20 Council Approval of Public Facilities	23.44.34
23	23.44.20 A.	23.44.34 A.
24	23.44.20 B.	23.44.34 B.
25	23.44.20 C.	23.44.34 C.
26	- New #s -	Subchapter III. Accessory Uses
27	23.44.10 Accessory Uses Permitted Outright	- Delete (heading only)
28	- New Section -	23.44.40 General Provisions
29	23.44.10 A.	Delete (Title only)
30	23.44.10 A.1.	23.44.40 A.
31	23.44.10 A.2.	23.44.40 B.
32	23.44.10 A.3.	23.44.40 E.
33	23.44.10 A.4.	23.44.40 F.
34	- New Title -	23.44.42 Parking
35	- New -	23.44.42 A.
36	23.44.10 B.1.	23.44.42 B.
37	23.44.10 B.2.b)	23.44.42 C.
38	23.44.10 B.2.c)	23.44.42 D.
39	23.44.10 C Swimming Pools	23.44.44
40	23.44.10 C.1	23.44.44A
41	23.44.10 C.2	23.44.44B
42	23.44.10 C.3	23.44.44C
43	23.44.10 C.4	23.44.44D
44	23.44.10 D Solar Collectors	23.44.46
45	23.44.10 D.1	23.44.46A
46	23.44.10 D.2	23.44.46B
47	23.44.10 D.3	23.44.46C
48	23.44.10 D.3.a)	23.44.46C1
49	23.44.10 D.3.b)	23.44.46C2
50	23.44.10 D.3.c)	23.44.46C3

	<u>Existing</u>	<u>Revised</u>
1	23.44.10E Keeping of Animals	23.44.48
2	23.44.10E1	23.44.48A
	23.44.10E2	23.44.48B
3	23.44.10E3	23.44.48C
	23.44.10E3a)	23.44.48C1
4	23.44.10E3b)	23.44.48C2
	23.44.10E4	23.44.48D
5	23.44.10E4a)	23.44.48D1
	23.44.10E4b)	23.44.48D2
6	23.44.10F Home Occupations	23.44.50
	23.44.10F1	23.44.50A
7	23.44.10F2	23.44.50B
	23.44.10F3	23.44.50C
8	23.44.10F4	23.44.50D
	23.44.10F5	23.44.50E
9	23.44.10F6	23.44.50F
	23.44.10F7	23.44.50G
10	23.44.10G Open Wet Moorage	23.44.52
11	23.44.10H Amateur Radio Devices	23.44.54
12	23.44.10H1	23.44.54A
	23.44.10H2	23.44.54B
13	23.44.10I Signs	23.44.56
	23.44.10I1	23.44.56A
14	23.44.10I2	23.44.56B
	23.44.10I2a)	23.44.56B1
15	23.44.10I2b)	23.44.56B2
	23.44.10I2c)	23.44.56B3
16	23.44.10I3	23.44.56C
	23.44.10I4	23.44.56D
17	23.44.10I5	23.44.56E
18	23.44.10J Columbariums, etc.	23.44.58
	23.44.10J1	23.44.58A
	23.44.10J2	23.44.58B
19	23.44.10K Uses Accessory to Parks and Playgrounds	23.44.60
20	23.44.10K1	23.44.60A
21	23.44.10K1a)	23.44.60A1
	23.44.10K1b)	23.44.60A2
22	23.44.10K2	23.44.60B
	23.44.10K3	23.44.60C
23	23.44.10K3a)	23.44.60C1
	23.44.10K3b)	23.44.60C2
24	23.44.16 Uses Accessory to Admin. Con. Uses	Delete Title Only
25	23.44.16A	Delete - (Title Only)
	23.44.16A1	23.44.40C
26	23.44.16A2	23.44.40D
	23.44.16B	Delete - (Title Only)
27		
28		

	<u>Existing</u>	<u>Revised</u>
1	23.44.16B1	23.44.44E
2	23.44.16B2 Congregate Housing	23.44.62
	23.44.16B3 Gyms, etc.	23.44.64
3	23.44.16B4 Offices	23.44.66
	23.44.16C	Delete - (Title Only)
4	23.44.16C1	23.44.68
	23.44.16C 1a)	23.44.68A
	23.44.16C 1b)	23.44.68B
5	23.44.16C 1c)	23.44.68C
	23.44.16C 1d)	23.44.68D
6	23.44.16C2	23.44.70
	23.44.16C	23.44.40G
7	- New -	Subchapter 4 Nonconforming Uses and Structures
8		
9	23.44.24 Nonconforming Uses	23.44.80
	23.44.24A	23.44.80A
	23.44.24B	23.44.80B
10	23.44.24C	23.44.80C
	23.44.24D	23.44.80D
11	23.44.24D1	23.44.80D1
	23.44.24D2	23.44.80D2
12	23.44.24D3	23.44.80D3
	23.44.24E	23.44.80E
13	23.44.26 Nonconforming Structures	23.44.82
14	23.44.26A	23.44.82A
	23.44.26B	23.44.82B
15	23.44.26C	23.44.82C
	23.44.26D	23.44.82D
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(To be used for all Ordinances except Emergency.)

Section ³³..... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 6th day of July, 1982,
and signed by me in open session in authentication of its passage this 6th day of
July, 1982.

James Williams
President..... of the City Council.

Approved by me this 16th day of July, 1982.
Charles Royer
Mayor.

Filed by me this 16th day of July, 1982

Attest: *Jim Hill*
City Comptroller and City Clerk.

(SEAL)

Published.....

By *Theresa Dunbar*
Deputy Clerk.

City of Seattle

Executive Department-Office of Management and Budget

John D. Saven, Director

Charles Royer, Mayor

June 16, 1982



The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING

DEPARTMENT: Department of Construction and Land Use

SUBJECT:

Amends sections of Single Family Land Use Code, clarifying and removing ambiguities in the Land Use Code and renumbering certain section and subsection numbers.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation:

- ☒ (X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.
- ☐ () Do not file with City Council but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

By

John Saven
Budget Director

JS/jm/lc

Enclosure

cc: Director, Construction and Land Use

ORDINANCE

AN ORDINANCE relating to land use; amending Sections 23.04.10, 23.12.30, 23.22.52, 23.40.040, 23.40.02, 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 and remove ambiguities in the Land Use Code and renumbering the section and subsection numbers of Chapter 23.44.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.04.10 is amended to read as follows:

* * *

C. Existing Planned Unit Developments

Planned Unit Developments (PUDs) in an SF or MF zone regulated under Title 23 which were authorized pursuant to Section 24.66.040 et seq. shall be permitted to develop according to the specific terms of such authorizations. This shall include the opportunity to apply for an extension of time for completion of such PUDs as provided in SMC 24.66.050(F). Upon completion of such PUDs, the provisions of Title 23, including all use and development standards, shall apply.

((C.))D. Special Transition Rule

* * *

3. A ~~((project))~~ proposal shall be considered by the Director to be substantially underway if:

- 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; provided that if an applicant has elected under Section 23.76.10B to file separate applications, only those specific approvals which are sought prior to the effective date of applicable provisions, shall be subject to this rule or

- 1 b) A building permit application including, if
2 appropriate, an environmental checklist,
3 has been filed; or
4 c) A draft Environmental Impact Statement
5 (EIS) has been approved by the Director for
6 publication.

7 ((D-))E. Implementation

8 Section 2. Section 23.12.30 is amended to read as
9 follows:

10 23.12.30 Basis for Discretionary Decisions

11 The Land Use Policies or Comprehensive Plan component
12 as applicable shall be considered in making all discre-
13 tionary land use decisions in ((~~single family~~)) residential
14 zones regulated under Title 23 and in all other zones
15 where reliance on the land use policies is specifically
16 made a criterion in the decisions. They shall also be
17 considered by the Director in the promulgation of rules,
18 decisions upon request for an interpretation, and the
19 determination of what constitutes a similar use where
20 authorized.

21 Section 3. Subsection 23.22.52C is amended to read as
22 follows:

23 * * *

24 C. Convenient access to every lot by way of a dedicated
25 street or permanent appurtenant easement as required in
26 Section 23.54.10 shall be provided. Roads not dedicated to
27 the public must be clearly marked on the face of the plat.
28 Subdivisions adjacent to navigable bodies of water shall
 contain dedications for public access to the bodies of water
 unless the Council determines the public interest will not
 be served by the dedication. The dedication shall be to the
 low water mark and shall include easements for pedestrian

1 traffic at least ten feet wide parallel to and bordering the
2 high water mark.

3 Section 4. Subsection 23.24.040A is amended to read as
4 follows:

5 23.24.040 Criteria for approval

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

9 1. Conformance to the applicable Land Use Policies
10 and Land Use Code provisions:

11 2. Adequacy of access for vehicles, utilities,
12 and fire protection ((+)) as provided in Section 23.54.10;

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

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

17 * * *

18 Section 5. That certain set of sectional maps dated
19 _____, 1982, and identified as Official Land
20 Use Map, Exhibit A, filed with the City Clerk on _____,
21 1982, which is a neat copy of the zone classifications for
22 single family zones and multi-family zones adopted by Section
23 2 of Ordinance 110570, is hereby adopted as the Official
24 Land Use Map for such residential zones as contemplated by
25 Section 23.32.16 of the Seattle Municipal Code in place of
26 the set of maps adopted by Section 2 of Ordinance 110570.

27 Section 6. Section 23.40.02 is amended to read as
28 follows:

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, reconstructed, extended, enlarged or

1 altered, except in conformity with the regulations
2 specified in Title 24 of this chapter for the zone and
3 overlay district, if any, in which it is, or will be
4 located. Changes to existing structures may make the
5 structures nonconforming if the changes are required by
6 law for reasons of health and safety.

7 Section 7. Section 23.40.04 is added to read as follows:
8 23.40.04

9 No required lot area, required yard, or other open
10 space existing on or after July 24, 1957, shall be reduced
11 in area or dimension below the minimum required by this
12 Land Use Code, nor shall any existing required lot area,
13 required yard, or other open space less than the minimum
14 required by this Land Use Code be further reduced, nor
15 shall any required open space be used as the required lot
16 area, required yard, offstreet parking or loading area for
17 another structure or building except as specifically
18 provided herein.

19 Section 8. Section 23.40.20 is amended to read as
20 follows:

21 23.40.20 Variances

- 22 A. Variances may be sought from the provisions of
23 Title 24 or the provisions of Subtitle IV, Parts 2
24 and 3 of this Land Use Code, as applicable except
25 for the establishment of a use which is otherwise
26 not permitted in the zone in which it is proposed.

27 Applications for prohibited variances shall not be
28 accepted for filing.

- 29 B. Variances are authorized by the Director and are
30 included as an element of the Master Use Permit.
31 However, at the discretion of the applicant,
32 variances which are sought as part of a rezone pro-
33 cedure or council conditional use may be filed with
34 the respective application and decided by the
35 council.

1 C. Variances from the provisions or requirements of
2 this Land Use Code or Title 24 shall be authorized
3 only when all the following facts and conditions
4 are found to exist:

- 5 1) Because of unusual conditions applicable to
6 the subject property, including size, shape,
7 topography, location or surroundings, which
8 were not created by the owner or applicant,
9 the strict application of this Land Use Code
10 would deprive the property of rights and
11 privileges enjoyed by other properties in
12 the same zone or vicinity; and
- 13 2) The requested variance does not go beyond the
14 minimum necessary to afford relief, and does
15 not constitute a grant of special privilege
16 inconsistent with the limitations upon other
17 properties in the vicinity and zone in which
18 the subject property is located; and
- 19 3) The granting of the variance will not be
20 materially detrimental to the public welfare
21 or injurious to the property or improvements
22 in the zone or vicinity in which the subject
23 property is located; and
- 24 4) The literal interpretation and strict appli-
25 cation of the provisions or requirements of
26 this Land Use Code would cause undue and
27 unnecessary hardship.
- 28 5) The requested variance would be consistent
with the spirit and purpose of the Land Use
Code and adopted land use policies or
Comprehensive Plan component, as applicable.

19 D. When a variance is authorized, conditions may be
20 attached regarding the location, character and
21 other features of a proposed structure or use as
22 may be deemed necessary to carry out the spirit
23 and purpose of this Land Use Code.

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

<u>Approval Granted</u>	<u>Expiration Date</u>
1. Access, yard, or lot area minimums modified as part of short plat or lot boundary adjust- ment approval.	Permit to run with land in perpetuity as recorded with King County

- 1 2. Development Standards Two years from date
2 Modified in Separate of permit issuance
3 Master Use Permit pur- or until the develop-
4 suant to § 23.76.10(B) ment standard from
5 or as part of a rezone which the variance
6 procedure was granted is amended
7 to be more stringent,
8 whichever is sooner.
9 If a use approval is
10 granted within this
11 two year period, the
12 variances' expiration
13 date shall be extended
14 until the expiration
15 date established for
16 the use approval
- 17 3. Development standards Section 23.76.48
18 modified in Master Use pertains (construc-
19 Permit granting both tion or substantial
20 variance and use progress toward
21 approval or as part construction must
22 of a council condi- be undertaken within
23 tional use two years after
24 issuance of the
25 permit)

26 Section 9. Section 23.42.10 is amended to read as
27 follows:

28 23.42.10 Identification of Principal Permitted Uses

 Principal uses not listedd in the respective zones of
Subtitle IV, Part 2 of this Land Use Code or ((in)) of
Title 24 shall be prohibited in those zones. 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.

 Section 10. Section 23.42.20 is amended to read as
follows:

 23.42.20 Accessory Uses

Except when specifically stated, uses accessory to
principal uses permitted outright, shall be permitted
outright, and uses accessory to principal conditional uses

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

Section 11. Section 23.44.06 is amended to read as follows:

23.44.06 Principal Uses Permitted Outright

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

A. Single Famil 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 nontransient boarders and/or lodgers shall be permitted.))~~

(D) C. 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.

((#))D. Public or Private 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 residential zone and shall be completely obscured from view from such lot.

((F))E. Public Playgrounds

1 ((G))F. Existing Railroad Right-of-Way

2 ((H))G. Uses in Existing or Former Public Schools

- 3 1. Daycare centers, preschools, public or private
4 schools, educational and vocational training for
5 the disabled, adult evening education classes,
6 nonprofit libraries, community centers,
7 community programs for the elderly or similar
8 uses shall be permitted in existing or former
9 public schools.
- 10 2. Other nonschool uses shall be permitted in
11 existing or former public schools pursuant to
12 procedures established in Ch. 23.78, The
13 Establishment of Criteria for Joint Use or Reuse
14 of Schools.
- 15 3. Additions to existing public schools may be made
16 only when the proposed use of the addition is a
17 public school.

18 Section 12. Section 23.44.08 is amended to read as follows:

19 23.44.08 Development Standards for Uses Permitted Outright

20 A. General Provisions

- 21 1. The following development standards apply to
22 principal and accessory uses permitted outright
23 in single family zones.
- 24 2. All development in the single family zones shall
25 meet the applicable requirements of Ch. 23.44,
26 Design Standards for Access and Offstreet
27 Parking (Ch. 23.54) and Measurements (Ch. 23.86).
- 28 ((2))3. Floating homes shall be subject only to the
parking requirements imposed by this subsection
and Ch. 24.60.
- ((3))4. An exception from one specific standard does not
relieve the applicant from compliance with any
other standard.

B. Lot Requirements

* * *

4. Lot Coverage Exceptions

((a) ~~Corner Lots~~

~~For the purpose of computing the lot
coverage only, the width of a corner lot
or of a lot where a side lot line abuts
upon a street or alley may be increased~~

1 ~~by one-half the width of the abutting side~~
2 ~~street or alley. The total lot area may~~
3 ~~not be increased by more than twenty-five~~
4 ~~percent.))~~

5 a) Lots with abutting alleys and corner lots
6 For the purpose of computing the lot
7 coverage only:

- 8 i. The area of a corner lot where a side
9 lot line abuts upon a street may be
10 increased by one-half the width of the
11 abutting side street.
- 12 ii. The area of a lot with alley or alleys
13 abutting any lot line may be increased
14 by one-half the width of the abutting
15 alley or alleys.
- 16 iii. The total lot area for any lot may not
17 be increased by the provisions of this
18 section by more than twenty-five
19 percent.

20 b) Special Structures

21 The following structures shall not be
22 counted in lot coverage calculations.

- 23 i. Access Bridges
24 Uncovered, unenclosed bridges of any
25 height necessary for access and five
26 feet or less in width.
- 27 ii. Barrier Free Access
28 Ramps or other access for the disabled
or elderly meeting Washington State
regulations and rules for barrier
free access.
- 29 iii. Decks
30 Decks or parts of a deck which are
31 eighteen inches or less above the
32 existing grade.
- 33 iv. Freestanding Structures and Bulkheads
34 Fences, freestanding walls, bulkheads,
35 signs, and other similar structures.
- 36 v. Underground Structures
37 An underground structure, or under-
38 ground portion of a structure, may
occupy any part of the entire lot.

1 C. Height Limits

2 1. Maximum Established

3 (~~The height of any structure shall not exceed~~
4 ~~thirty feet unless the structure is located~~
5 ~~between two abutting single family structures,~~
6 ~~one or more which exceeds thirty feet, in which~~
7 ~~case the height limit shall be the average~~
8 ~~height.))~~

9 The maximum permitted height for any structure
10 shall not exceed the greater of the following:

11 a. Thirty feet

12 b. The average height of the two single family
13 structures which the subject abuts if one
14 or both of the abutting structures exceed
15 thirty feet (~~(of the abutting single family~~
16 ~~residences)).~~ The methods of determining
17 height and height averages are detailed in
18 Measurements, Ch. 23.86.

19 2. Special Features

20 a. Pitched Roofs

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

27 b. Sloped Lots

28 (~~(On sloped lots, additional height of the~~
wall along the lowest evaluation 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))

Additional height shall be permitted for
sloped lots, at the rate of one foot for
each six percent of slope. The additional
height shall be permitted on the downhill
side of the structure only, as described in
the measurements portion of this Land Use
Code.

1 When the downhill portion of a sloped lot
2 fronts on a street and the required front
3 yard exemption in subsection 23.44.08(D) (1)
4 is claimed, the permitted height of the
5 wall along the lowest evaluation of the
6 site shall be reduced one foot for each
7 foot of exemption claimed. In no case,
8 shall the height of the wall be required to
9 be less than thirty feet.

10 D. Yards

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

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

18 On any lot where the natural gradient or slope,
19 as measured from the front line of the lot for a
20 distance of sixty feet or the full depth of the
21 lot, whichever is less, is in excess of thirty-
22 five percent, the required front yard shall be
23 either twenty feet less one foot for each one
24 percent of gradient or slope in excess of
25 thirty-five percent or the average of the front
26 yards on either side, whichever is less.

27 In the case of a through lot, each yard abutting
28 a street except a side yard, shall be a front
yard. Rear yard requirements shall not apply to
the lot.

- 1 Rear Yards

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

7 The minimum required rear yard for a lot having
8 a depth of less than one hundred and five feet
9 shall be twenty percent of the lot depth and in
10 no case less than ten feet.

11 When the required rear yard abuts upon an alley
12 along the rear lot line, ((the rear yard depth
13 shall be measured to the centerline of the alley,))
14 the perpendicular distance between the rear lot
15 line and the center line of the alley shall be
16 used toward satisfying the rear yard requirement
17 on the basis of one foot for one foot, provided
18 that at no point shall the principal structure
19 be closer than five feet to the alley.

1 When the required rear yard abuts upon an alley
2 along a side lot line, the measurement of the
3 required rear yard shall follow Section 23.86.09.

4 When a lot in any single family zone abuts at
5 the rear lot line upon a public park,
6 playground, or open water, not less than fifty
7 feet in width, the rear yard need not exceed the
8 depth of twenty feet.

9
10
11
12 3. Side Yards

13 The side yard shall be five feet.

14 In the case of a reverse corner lot, the key lot
15 of which is in a single family zone, the width
16 of the side yard on the street side of the
17 reversed corner lot shall be not less than ten
18 feet.

19 When the side yard of a lot borders on an alley,
20 a single family structure may be located in the
21 required side yard, provided that no portion of
22 the structure may cross the side lot line.

23 4. Exceptions from Standard Yard Requirements

24 a. Certain Accessory Structures

25 Any accessory structure may be constructed
26 in a side yard (~~up to a rear or side yard~~
27 ~~property line~~) which abuts the rear or
28 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.

29 b. Side Yard Exception for Easement

30 The side yard for a single family structure
31 may be less than five feet along one side
32 lot line if an easement is provided along
33 the side lot line of the abutting lot,
34 sufficient to leave a ten foot separation
35 between the two principal structures of the
36 two lots.

37 The easement shall be recorded with the King
38 County Department of Records and Elections.
39 The easement shall provide access for normal
40 maintenance activities to the principal
41 structure on the lot with less than the
42 required side yard. No principal structure
43 shall be located in the easement, except that
44 the eaves of a principal structure may project
45 a maximum of eighteen inches into the easement.

1 c. Certain Additions

2 (~~Certain additions may extend into required~~
3 ~~yard when the single family structure has a~~
4 ~~wall, sixty percent or more of which extends~~
5 ~~into a required yard.)) Certain additions
6 may extend into a required yard when the
7 existing single family structure is already
8 nonconforming with respect to that yard.
9 The presenting nonconforming portion must
10 be at least sixty percent of the total
11 width of the respective facade of the
12 structure prior to the addition. The line
13 formed by the nonconforming wall of the
14 structure shall be the limit to which any
15 additions may be built. They may extend up
16 to the height limit and may include base-
17 ment additions. (~~(, if one of the following~~
18 ~~conditions are met:)) New additions to the
19 nonconforming wall or walls shall comply with
20 the following requirements:~~~~

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

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

28 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.

e. Special Features of a Structure

Unless otherwise permitted in this Chapter,
special features of a structure shall pro-
ject 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.

1 f. (~~Attached~~) Carports, Garages, Covered
2 Unenclosed Deck or Roofs Over Patios in
3 Rear Yards

- 4 i. Any attached carport, attached garage or
5 covered, unenclosed deck or roofs over
6 patios are extensions of principal
7 structures. They may extend into the
8 required rear yard, but shall not be
9 within twelve feet of the center line of
10 any alley, nor within twelve feet of any
11 rear lot line which is not an alley lot
12 line, nor closer than five feet to any
13 (~~other~~) accessory structure(~~s~~), nor
14 exceed twelve feet in height.

15 Any attached garage or detached per-
16 mitted accessory structure meeting the
17 requirements of Section 23.44.10 may
18 be located in a rear yard.

19 If a carport or garage has its vehi-
20 cular access facing the alley, the
21 carport or garage shall not be within
22 twelve feet of the center line of the
23 alley.

- 24 ii. Attached or detached carports, gara-
25 ges, covered, unenclosed decks or
26 roofs over patios, other accessory
27 structures and nonconforming sections
28 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.

g. Garages in Front Yard

- ((~~iii~~)) On through lots less than one hundred
feet in depth, either an accessory garage
structure or an extension of the principal
structure containing a garage shall be
permitted to locate in one of the front
yards.

An extension of the principal structure
shall be limited to twelve feet in height,
measured at its front facade. An acces-
sory structure shall be subject to the
requirements of Section 23.44.10.

The front yard in which the garage may be
located shall be determined by the Director
based on the location of other accessory
garages on the block. If no pattern of

garage location can be determined, the Director shall determine in which yard the accessory garage shall be located based on the prevailing character and setback patterns of the block.

((g))h. 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. side lot line.

((h))i. 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))j. Freestanding Structures and Bulkheads

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 the Director shall determine the permitted height.

((j))k. 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 the 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))l. 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.

Section 13. Section 23.44.10 is amended to read as follows:

1 23.44.10 Accessory Uses Permitted Outright

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

5 A. General Development Standards

6 1. The general development standards for single
7 family zones, Section 23.44.08, apply to
8 accessory uses unless the general standards
9 are specifically modified.

10 2. All accessory uses and structures must be
11 located on the same lot as the principal use
12 or structure unless specifically modified in
13 this Section.

14 3. Any accessory structure located in a required
15 yard shall be separated from its principal
16 structure by a minimum of five feet.

17 4. Any accessory structure located in a required
18 yard shall not exceed 12 feet in height nor
19 1000 square feet in area.

20 ~~((3. Structures no more than twelve feet in height,~~
21 ~~and no more than one thousand square feet in~~
22 ~~area may be erected in a rear yard at least~~
23 ~~five feet from the principal structure and at~~
24 ~~least twelve feet from the center of an alley,~~
25 ~~except as specifically modified in this Section.~~
26 ~~These standards shall also apply to structures~~
27 ~~located in required front yards of through~~
28 ~~lots.))~~

29 ((4))5. On a reverse corner lot, no accessory struc-
30 ture shall be located in that portion of the
31 required rear yard which abuts the required
32 front yard of the adjoining key lot. Nor
33 shall the accessory structure be located
34 closer than five feet from the key lot's side
35 lot line unless the provisions of
36 23.44.08 (D) (4) apply.

37 B. Parking

38 Parking shall be required ~~((as an accessory use to a~~
39 ~~principal use located in a single family zone))~~ as
40 provided below.

41 1. Elimination of Spaces

42 ~~((No existing required parking shall be elimi-~~
43 ~~nated unless at least an equal number of spaces~~
44 ~~serving the uses on the lot are provided.))~~

1 No legally established parking spaces or
2 loading areas existing on or after July 24,
3 1957 that became required as accessory to a
4 principal use on or after July 24, 1957 may be
5 eliminated unless at least an equal number of
6 spaces serving the use to which they are
7 accessory and meeting the requirements of this
8 Article are provided.

9 2. Number of Spaces Required

- 10 a) A minimum of one offstreet parking space
11 is required for each single family struc-
12 ture including a floating home. When an
13 existing single family structure was
14 legally constructed without offstreet
15 parking, no parking requirement shall be
16 imposed when the structure is expanded or
17 renovated.
- 18 b) The number of spaces required for uses
19 authorized in existing or former public
20 schools shall be as established for such
21 uses in Section 23.44(C)(11).
- 22 c) The number of spaces required for admini-
23 strative conditional uses is identified
24 in Section 23.44.14(B)(4) (special
25 residences) and Section 23.44.14(C)(11)
26 (institutions); Section 23.44.14(F)
27 (Structuress Unsuted to Uses Permitted
28 Outright) and Section 23.44.24(D)
29 (Nonconforming uses).

30 3. Parking On Lot of Principal Use

- 31 a) Except as otherwise provided in this sub-
32 section, accessory parking shall be
33 located on the same lot as the principal
34 use.
- 35 b) Parking accessory to a floating home may
36 be located on another lot if within six
37 hundred feet of the residence.
- 38 c) Parking accessory to a single family
39 structure existing on the effective date
40 of this provision may be established on
41 another lot if all the following con-
42 ditions are met:
- 43 - There is no vehicular access to per-
44 missible parking areas on the lot.
- 45 - Any garage constructed is for no
46 more than two two-axled or two up to
47 four-wheeled vehicles.

- 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.

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))~~ access through the required front yard is permitted by 23.44.10(6) below or ~~((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; when there is no sidewalk, street grade shall be used. both grades will be set by the Seattle Engineering Department.

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))~~ existing 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; and (c) access to parking is permitted through the required front yard by Sec. 23.44.10.6 below.

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

1 (~~(When lots with either uphill or downhill~~
2 ~~front yards are located on streets with~~
3 ~~twenty-four hour parking restrictions on~~
4 ~~both sides of the street, accessory parking~~
5 ~~may be located in the front yard to~~
6 ~~accommodate two two-axle or two up to four~~
7 ~~wheeled vehicles.))~~

8 Accessory parking for two two-axle or
9 four-wheeled vehicles may be located in
10 either uphill or downhill front yards as
11 provided: 5(a) or (b) above, if uninter-
12 rupted parking for 24 hours is not
13 permitted on both sides of the street
14 within 100 feet of the front lot line.

15 (d) Any accessory parking structure or extension
16 of the principal structure permitted under
17 this section shall not exceed 12 feet in
18 height measured at its front facade.

19 6. Access

- 20 a) Vehicular access to parking from an
21 improved street, alley or easement is
22 required.
- 23 b) Access to parking is permitted through the
24 required front yard only if the Director
25 determines that one of the following
26 conditions exists:
- 27 - There is no adjacent improved alley;
28 or
 - ~~((Natural or e))~~ Existing ~~((manmade))~~
topography does not permit alley
access; or
 - A portion of the alley abuts a non-
residential zone; ~~((or))~~
 - The alley is used for loading or
unloading by an existing nonresidential
use ~~((-))~~, or
 - The location of the alley access
creates a significant safety hazard
- 29 c) The width of access to parking shall be
30 limited to that necessary for entrance to
31 parking spaces. The minimum curb cut
32 shall be eight feet.
- 33 d) Where access to required parking spaces
34 passes through a required yard, automobile,
35 motorcycles and similar vehicles may be
36 parked on the access. Trailers, boats,

1 recreational vehicles or similar equip-
2 ment shall not be parked in any required
3 yard abutting a street or on any access
4 which passes through a required yard
5 provided that when a rear yard abuts a
6 street, the vehicles shall be prohibited
7 from parking in the first ten feet of
8 the rear yard abutting the street.

9
10
11
12 7. Curb Cuts

13 Curb cuts for vehicular access to lots with
14 street frontage of eighty feet or less shall
15 be limited to one ten foot curb cut per
16 principle use. On lots with street frontage
17 greater than eighty feet, curb cuts shall be
18 limited to one twenty foot curb cut or two ten
19 foot curb cuts per principle use. The Director
20 may reduce the required width of curb cuts to
21 not less than ten feet in cases where two
22 principle uses share a common driveway or
23 where the modifications would improve pedestrian
24 safety and traffic flows.

25 * * *

26 D. Solar Collectors

27 Solar collectors are permitted outright as an
28 accessory use of any principal use permitted
outright or as a conditional 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 except solar greenhouses attached to principal use structures may exceed the height limits of single family zones by four feet or extended 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.
3. Solar collectors and solar greenhouses may be located in required yards facing within ~~((forty-five))~~ thirty 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.

E. Keeping of Animals

The keeping of small animals, farm animals, domestic fowl and bees is permitted outright as an accessory use to any principal use permitted outright or as a conditional use subject to the following standards.

* * *

I. (~~illuminated or Non-Illuminated~~) Signs

The following (~~illuminated or non-illuminated~~) signs are permitted outright as an accessory use to any use permitted outright or as a conditional use subject to the following development standards.

1. Electric, externally 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. 2.24 (~~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.

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

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

5 3. No sign of any kind, other than one designating
6 an entrance, exit, condition of use, a business
7 sign on the face of a nonconforming use, or a
8 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.

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

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

13 * * *

14 Section 14. Subsection 23.44.14B is amended to read as
15 follows:

16 B. Special Residences

17 * * *

18 4. Offstreet Parking Required

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

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

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

- 1 c) Access and parking shall be designed as
2 provided in Chapter 23.54 of this Land
3 Use Code.

4 * * *

5 Section 15. Subsection 23.44.14D is amended to read as
6 follows:

7 D. Planned Residential Development (PRD)

8 Planned residential developments may be permitted
9 as ((a)) an administrative conditional use in
10 single family zones subject to the following
11 provisions:

12 * * *

13 8. Parking quantity

- 14 1. One off-street parking space per dwelling
15 unit is required.

- 16 2. Reductions to the quantity of parking
17 spaces provided may be made for: low-
18 income housing for the elderly and
19 disabled and the addition of residential
20 units to existing structures according
21 to Section 23.54.20, Parking Quantity
22 Exceptions.

- 23 3. Exceptions to the quantity of required
24 parking shall be permitted when residential
25 units are added to nonconforming uses and
26 structures, according to the provisions
27 of Sections 23.44.24 and 23.44.26
28 (Nonconforming Uses and Structures).

Section 16. Subsection 23.44.14F is amended to read as
follows:

F. Structures Unsited to Uses Permitted Outright

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

1
2 c) The proposed (~~nonconforming~~) use will
provide a public benefit.

3 2. Parking requirements for nonconforming uses
4 and uses permitted under this section shall be
5 determined by the Director.

6 ((2))3. The Director may require measures to mitigate
7 impacts such as noise, odor, parking or traffic
8 impacts. Mitigating measures may include but
9 are not limited to landscaping, sound
10 barriers, fences, mounding or berming, adjust-
11 ments to development standards, design modifi-
cations or setting hours of operation.

12 ((3))4. In the case of an existing or former public
13 school, permissible (~~nonconforming~~) uses
14 other than those permitted outright in the
15 zone and their development standards including
16 parking requirements shall be established only
17 pursuant to procedures for establishing criteria
18 for joint use or reuse of public schools in Sec.
19 23.78 of this Land Use Code.

20 Section 17. Subsection 23.44.16C is amended to read as
21 follows:

22 * * *

23 C. Additional Uses Permitted

24 1. Heat recovery incinerator

25 The Director may permit a heat recovery incin-
26 erator as an accessory use to institutions,
27 (~~and~~) public facilities, parks and
28 playgrounds subject to the following
conditions:

a. The incinerator shall be located on the
same lot as the institution or public
facility.

b. The incinerator in a park or playground
shall be permitted only when a permanent
structure other than that which houses
the incinerator exists and the incinerator
abuts such structure.

((b))c. The use shall be located no closer than
one hundred feet to any property line
unless completely enclosed within a
structure.

1 ((e))d. If not within a structure, the use shall
2 be enclosed by a view obscuring fence of
3 sufficient strength and design to resist
4 entrance by children.

5 ((d))e. Adequate control measures for insects,
6 rodents and odors shall be maintained
7 continuously.

8 2. Recycling collection stations

9 The Director may permit recycling collection
10 stations as accessory uses to institutions and
11 public facilities. These recycling collection
12 stations shall be maintained in good condition
13 by the respective institution or public faci-
14 lity.

15 Section 18. Subsection 23.44.20A is amended to read as
16 follows:

17 23.44.20 Council Approval of Public Facilities

18 A. Identification of Facilities

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

<u>Permitted Public</u> <u>Facilities</u>	<u>Prohibited Public</u> <u>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

24 * * *

25 Section 19. Section 23.44.24 is amended to read as
26 follows:

27 23.44.24 Nonconforming Uses

28 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.

- 1 B. A nonresidential nonconforming use shall not be
2 expanded or extended. A building containing a non-
3 conforming use which is not residential shall not
4 be expanded, extended or structurally altered
5 except as otherwise required by law, except as
6 provided in Section 23.44.24C below.
- 7 ((F))C. A nonconforming use which is destroyed by fire or
8 other act of nature may be resumed provided it
9 meets the requirements of Section 23.44.26D.
- 10 ((G))D. Legally established multi-family residential
11 structures may be improved, renovated and struc-
12 turally altered but shall not be expanded except as
13 necessary to improve access for the elderly and
14 disabled or to make changes required by law for
15 health or safety. Increasing the number of
16 residential dwelling units in these structures is
17 prohibited. ~~((Multi family residential uses may~~
18 ~~not be changed to nonresidential use.))~~
- 19 ((B))E. Existing nonsingle family residential uses may be
20 converted to single family residential use even if
21 the structure does not conform to development
22 standards. The configuration and bulk of converted
23 structures may be altered, provided that the
24 alteration shall conform to the development
25 standards for single family residential structures.
- 26 F. Multi-family residential uses may not be changed to
27 nonresidential use.
- 28 ((D))G. ((1.)) Except as provided in C and E above,
 legally established nonconforming uses
 may be changed to other ~~((nonconforming))~~
 uses otherwise not permitted in the zone
 by an administrative conditional use
 authorization. [so long as]
1. The Director must find[s] 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))a. The zone in which both the existing use
 and new use are first allowed;
- ((2))b. The number of employees and clients
 associated with the proposed use;
- ((3))c. The relative parking, traffic, light,
 glare, noise, odor and similar impacts of
 the two uses.
2. Parking requirements for nonconforming uses
 and permitted under this section shall be
 determined by the Director.

- 1 3. If the new use is permitted, the Director may
2 require additional mitigating measures
3 including but not limited to landscaping;
4 sound barriers or fences' mounding or berming;
5 adjustments to yards or parking (~~development~~)
6 standards; design modification; or setting
7 hours of operation for outdoor recreation
8 areas.

9 Section 20. Section 23.44.26 is amended to read as
10 follows:

11 23.44.26 Nonconforming Structures

- 12 A. Legally established structures existing as of the
13 date of adoption of this Land Use Code which are
14 not in conformance with one or more of the develop-
15 ment standards for single family zones shall be
16 prohibited from expanding in any manner which
17 increases the extent of nonconformity, except as
18 (~~unless~~) otherwise specified in this Code or
19 necessary to improve access for the elderly and
20 disabled or to make changes required by law for
21 health or safety.
- 22 B. Existing structures which are above the height
23 limit may add eaves, dormers, and/or clerestories
24 to an existing pitched roof provided the additions
25 are constructed below the highest point of the
26 roof. An existing pitched roof shall not be con-
27 verted into a flat roof or the slope of the roof
28 lowered below a three in twelve pitch.
- 29 C. An existing legally established nonconforming
30 accessory structure or part of a principal structure
31 located in a yard which is required by this Land
32 Use Code may be renovated or replaced, but may not
33 be expanded beyond its former dimensions.
- 34 D. If a legally established nonconforming structure is
35 destroyed by fire or other act of nature it may be
36 rebuilt to (~~those~~) the same or smaller
37 configurations existing immediately prior to the
38 time the structure was destroyed.

39 Section 21. Subsection 23.76.14C is amended to read
40 as follows:

41 23.76.14 Notice of Application

42 * * *

- 43 C. Notice of the application shall be provided by the
44 Director in the following manner:

1. Short Plat, six month temporary uses, sidewalk cafes, structural building overhangs, areaways: four placards posted on or near the site, general mailed release.
2. Variances, administrative conditional use special exception: four placards posted or not 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.

Section 22. Subsection 23.76.36B is amended to read as follows:

* * *

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

* * *

7. Standard of Review. The Director's decision shall be given substantial weight, except that, for any decision which includes determinations on a variances, ~~((or))~~ conditional use, or special exception, that part of the Director's decision shall be given no deference.

* * *

11. An appeal of any Hearing Examiner's decision except those decisions appealable to the City Council pursuant to Section 25.04.210, must be filed in King County Superior Court within fourteen days of the issuance of the decision.

Section 23. Section 23.84.02 is amended to read as follows:

23.84.02 "A"

* * *

Access bridge

A structure which is designed and necessary for pedestrian access from an alley, street or easement to a principal or accessory structure.

* * *

1 Alley

2 (~~(A strip of land dedicated to public use,~~
3 ~~providing vehicular and pedestrian access to the~~
4 ~~rear or side of properties which abut and are~~
5 ~~served by a public street.))~~

6 A public or private right-of-way is intended to
7 provide or which provides a roadway for vehicular
8 and pedestrian access to abutting properties and
9 is generally located to the rear or side of those
10 properties.

11 * * *

12 Section 24. Section 23.84.30 is amended to add the
13 following:

14 * * *

15 Parking

16 Parking area or parking facility.

17 * * *

18 Section 25. Section 23.84.36 is amended to read as
19 follows:

20 * * *

21 Street

22 A public or private right-of-way which is intended
23 to provide or which provides a roadway for general
24 vehicular circulation or principal means of
25 vehicular access to abutting properties and which
26 includes space for utilities, pedestrian walkways
27 and drainage.

28 * * *

Section 26. Subsection 23.86.06B is amended to read
as follows:

* * *

B. Height Averaging for Single Family Zones

In a single family zone, the average elevation of
the nearest (~~residential~~) single family structures
on either side of a lot may be, at the applicant's
option, used to establish the height limit (~~for~~) of
the principal structure on that lot, according to the
following provisions:

1 ((g))h. Access Bridges

2 Uncovered, unenclosed bridges of any
3 height, necessary for access and five feet
4 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.

5 ((h))i. Barrier-Free Access

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

9 ((i))j. Freestanding Structures and Bulkheads

10 Fences, freestanding walls, bulkheads signs
11 and similar structures six feet or less in
12 height above existing high ground level may
13 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 the Director shall determine the
permitted height.

14 ((j))k. Decks in Yards

15 Decks no greater than eighteen inches on
16 average above existing grade may extend
17 into required yards, but not within five
feet of any lot line. If a deck is adja-
cent to a fence or freestanding wall, the
deck may extend to the fence or wall pro-
vided 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.

18 ((k))l. Heat Pumps

19 Heat pumps and similar mechanical equip-
20 ment, not including incinerators, may be
21 permitted in required yards if the require-
22 ments of the Noise Control Ordinance,
23 Ch. 25.08 are not violated. Any heat pump
or similar equipment shall not be located
within three feet of any lot line.

24 Section 13. Section 23.44.10 is amended to read as
25 follows:

26 23.44.10 Accessory Uses Permitted Outright

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

1 A. General Development Standards

2 1. The general development standards for single
3 family zones, Section 23.44.08, apply to
4 accessory uses unless the general standards
5 are specifically modified.

6 2. All accessory uses and structures must be
7 located on the same lot as the principal use
8 or structure unless specifically modified in
9 this Section.

10 3. Any accessory structure shall be separated
11 from its principal structure by a minimum of
12 five feet with the exemption of a garage or
13 carport permitted in the side yard under
14 Sections 23.44.08 (D) (A) (2) and 23.44.10 (B) (5)
15 and a garage or carport in the front yard
16 under Sections 23.44.08 (D) (4) (g) and
17 23.44.10 (B) (5).

18 4. Any accessory structure located in a required
19 yard shall not exceed 12 feet in height nor
20 1000 square feet in area.

21 ~~((3. Structures no more than twelve feet in height,~~
22 ~~and no more than one thousand square feet in~~
23 ~~area may be erected in a rear yard at least~~
24 ~~five feet from the principal structure and at~~
25 ~~least twelve feet from the center of an alley,~~
26 ~~except as specifically modified in this Section.~~
27 ~~These standards shall also apply to structures~~
28 ~~located in required front yards of through~~
~~lots.))~~

1 ~~((4))~~ 5. On a reverse corner lot, no accessory struc-
2 ture shall be located in that portion of the
3 required rear yard which abuts the required
4 front yard of the adjoining key lot. Nor
5 shall the accessory structure be located
6 closer than five feet from the key lot's side
7 lot line unless the provisions of
8 23.44.08 (D) (4) apply.

9 B. Parking

10 Parking shall be required as an accessory use to a
11 principal use located in a single family zone as
12 provided below.

13 1. Elimination of Spaces

14 ~~((No existing required parking shall be elimi-~~
15 ~~nated unless at least an equal number of spaces~~
16 ~~serving the uses on the lot are provided.))~~

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

8 Accessory parking for two two-axle or
9 four-wheeled vehicles may be located in
10 either uphill or downhill front yards as
11 provided: 5(a) or (b) above, if uninter-
12 rupted parking for 24 hours is not
13 permitted on both sides of the street
14 within 100 feet of the front lot line.

15 (d) Any accessory parking facility permitted
16 under 23.44.10(B)(5) shall not exceed 12
17 feet in height measured at its front
18 facade.

19 6. Access

- 20 a) Vehicular access to parking from an
21 improved street, alley or easement is
22 required.
- 23 b) Access to parking is permitted through the
24 required front yard only if the Director
25 determines that one of the following
26 conditions exists:
- 27 - There is no adjacent improved alley;
28 or
 - 29 - ((Natural or e)) Existing ((manmade))
30 topography does not permit alley
31 access; or
 - 32 - A portion of the alley abuts a non-
33 residential zone; ((or))
 - 34 - The alley is used for loading or
35 unloading by an existing nonresidential
36 use((r)) or
 - 37 - The location of the alley access
38 creates a significant safety hazard
- 39 c) The width of access to parking shall be
40 limited to that necessary for entrance to
41 parking spaces. The minimum curb cut
42 shall be eight feet.
- 43 d) Where access to required parking spaces
44 passes through a required yard, automobile,
45 motorcycles and similar vehicles may be
46 parked on the access. Trailers, boats,

- 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.

E. Keeping of Animals

The keeping of small animals, farm animals, domestic fowl and bees is permitted outright as an accessory use to any principal use permitted outright or as a conditional use subject to the following standards.

* * *

I. (~~illuminated or Non-Illuminated~~) Signs

The following (~~illuminated or non-illuminated~~) signs are permitted outright as an accessory use to any use permitted outright as a conditional use subject to the following development standards.

1. Electric, externally 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. 2.24 (~~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.

1
2 c) The proposed (~~nonconforming~~) use will
provide a public benefit.

3 2. Parking requirements for nonconforming uses
4 and uses permitted under this section shall be
5 determined by the Director.

6 ((2)) 3. The Director may require measures to mitigate
7 impacts such as noise, odor, parking or traffic
8 impacts. Mitigating measures may include but
9 are not limited to landscaping, sound
10 barriers, fences, mounding or berming, adjust-
11 ments to development standards, design modifi-
cations or setting hours of operation.

12 ((3)) 4. In the case of an existing or former public
13 school, permissible (~~nonconforming~~) uses
14 other than those permitted outright in the
15 zone including parking requirements shall be
16 established only pursuant to procedures for
17 establishing criteria for joint use or reuse
18 of public schools in Sec. 23.78 of this Land
19 Use Code.

20 Section 17. Subsection 23.44.16C is amended to read as
21 follows:

22 * * *

23 C. Additional Uses Permitted

24 1. Heat recovery incinerator

25 The Director may permit a heat recovery incin-
26 erator as an accessory use to institutions,
27 (~~and~~) public facilities, parks and
28 playgrounds subject to the following
conditions:

a. The incinerator shall be located on the
same lot as the institution or public
facility.

b. The incinerator in a park or playground
shall be permitted only when a permanent
structure other than that which houses
the incinerator exists and the incinerator
abuts such structure.

((b)) c. The use shall be located no closer than
one hundred feet to any property line
unless completely enclosed within a
structure.

Alley

~~((A strip of land dedicated to public use, providing vehicular and pedestrian access to the rear or side of properties which abut and are served by a public street.))~~

A public or private right-of-way is intended to provide or which provides a roadway for vehicular and pedestrian access to abutting properties and is generally located to the rear or side of those properties.

* * *

Section 24. Section 23.84.30 is amended to add the following:

* * *

Parking

Parking area or parking facility.

* * *

Section 25. Section 23.84.36 is amended to read as follows:

* * *

Street

A public or private right-of-way which is intended to provide or which provides a roadway for general vehicular circulation or principal means of vehicular access to abutting properties and which includes space for utilities, pedestrian walkways and drainage.

* * *

Section 26. Subsection 23.86.06B is amended to read as follows:

* * *

B. Height Averaging for Single Family Zones

In a single family zone, the average elevation of the nearest single family structures on either side of a lot may be, at the applicant's option, used to establish the height limit (~~for~~) of the principal structure on that lot, according to the following provisions:

- 1 c. For averaging purposes, front yard depth
2 shall be measured from the front lot line
3 to the ~~((nearest))~~ wall nearest to the
4 street comprising twenty percent or more
5 of the width of the front facade of the
6 principal structure. Attached garages
7 and enclosed porches ~~((shall be considered~~
8 ~~part of the principal structure for~~
9 ~~measurement purposes. D))~~ decks,
10 unenclosed porches with or without roofs,
11 eaves, posts, attached solar collectors,
12 and other similar parts of the structure
13 shall not be considered part of the
14 principal structure for measurement
15 purposes.
- 16 d. When the first principal structure within
17 one hundred feet of a side lot line of
18 the lot is not on the same block front,
19 or does not provide its front yard on the
20 same street, or when there is no principal
21 structure within one hundred feet of the
22 side lot line, the yard depth used for
23 averaging purposes on that side shall be:
24 (1) Single family zones: twenty feet.
25 [(2) Reserved for Multi-family zones;]
- 26 e. When the front yard of the first principal
27 structure within one hundred feet of the
28 side lot line of the lot exceeds twenty
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.

2. Sloped lots in single family zones

For lots in single family zones, reduction of
required front yard is permitted at a rate of
one foot for every percent of slope in excess
of thirty-five percent. For the purpose of
this provision the slope shall be measured
along the centerline of the lot. In the case
of irregularly shaped lots, the Director shall
determine the line along which slope is
calculated.

C. Rear Yards

Rear yard requirements are presented in the stan-
dard development requirements for each zone. In
determining how to apply these requirements, the
following provisions shall apply:

1 When the required rear yard abuts upon an alley
2 along a side lot line, the measurement of the
3 required rear yard shall follow Section 23.86.09.

4 When a lot in any single family zone abuts at
5 the rear lot line upon a public park,
6 playground, or open water, not less than fifty
7 feet in width, the rear yard need not exceed the
8 depth of twenty feet.

9 3. Side Yards

10 The side yard shall be five feet.

11 In the case of a reverse corner lot, the key lot
12 of which is in a single family zone, the width
13 of the side yard on the street side of the
14 reversed corner lot shall be not less than ten
15 feet.

16 When the side yard of a lot borders on an alley,
17 a single family structure may be located in the
18 required side yard, provided that no portion of
19 the structure may cross the side lot line.

20 4. Exceptions from Standard Yard Requirements

21 a. Certain Accessory Structures

22 Any accessory structure may be constructed
23 in a side yard (~~up to a rear or side yard~~
24 ~~property line~~) which abuts the rear or
25 side yard of another lot upon recording
26 with the King County Department of Records
27 and Elections an agreement to this effect
28 between the owners of record of the abutting
properties.

No accessory structure shall be permitted
in any access easement nor in any yard
easement.

29 b. Side Yard Exception for Easement

30 The side yard for a single family structure
31 may be less than five feet along one side
32 lot line if an easement is provided along
33 the side lot line of the abutting lot,
34 sufficient to leave a ten foot separation
35 between the two principal structures of the
36 two lots.

37 The easement shall be recorded with the
38 King County Department of Records and
39 Elections. The easement shall provide
40 access for normal maintenance activities
41 to the principal structure on the lot with
42 less than the required side yard. No prin-
43 cipal structure shall be located in the

1 easement, except that the eaves of a prin-
2 cipal structure may project a maximum of
3 eighteen inches into the easement.

4 c. Certain Additions

5 (~~Certain additions may extend into required~~
6 ~~yard when the single family structure has a~~
7 ~~wall, sixty percent or more of which extends~~
8 ~~into a required yard.)) Certain additions
9 may extend into a required yard when the
10 existing single family structure is already
11 nonconforming with respect to that yard.
12 The presenting nonconforming portion much
13 be at least sixty percent of the total
14 width of the respective facade of the
15 structure prior to the addition. The line
16 formed by the nonconforming wall of the
17 structure shall be the limit to which any
18 additions may be built. They may extend up
19 to the height limit and may include base-
20 ment additions. (~~(, if one of the following~~
21 ~~conditions are met:)) New walls shall
22 comply with the following requirements:~~~~

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

26 Rear yard: When it is a rear wall, it is
27 at least twenty feet from the rear property
28 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.

e. Special Features of a Structure

Unless otherwise permitted in this Chapter,
special features of a structure shall pro-
ject 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

1 rear yards not more than six feet to pro-
2 vide shade for either solar collectors or
3 windows which face within thirty degrees of
4 true south.

5 f. ~~((Attached))~~ Carports, Garages, Covered
6 Unenclosed Deck or Roofs Over Patios in
7 Rear Yards

- 8 i. Any attached carport, attached garage
9 or covered, unenclosed deck or roofs
10 over patios are extensions of prin-
11 cipal structures. They may extend
12 into the required rear yard, but shall
13 not be within twelve feet of the
14 center line of any alley, nor within
15 twelve feet of any rear lot line which
16 is not an alley lot line, nor closer
17 than five feet to any ~~((other))~~
18 accessory structure.

19 Any attached garage or detached per-
20 mitted accessory structure meeting the
21 requirements of Section 23.44.10 may
22 be located in a rear yard.

23 If a carport or garage has its vehi-
24 cular access facing the alley, the
25 carport or garage shall not be within
26 twelve feet of the center line of the
27 alley.

- 28 ii. Attached or detached carports, gara-
ges, covered, unenclosed decks or
roofs over patios, 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.

g. Detached Garages in Front Yard

- ~~((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 deter-
mine in which yard the accessory
garage shall be located based on the
prevailing character and setback
patterns of the block.

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 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 in 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 (~~the front lot line~~) a line parallel to the front lot line at the required front setback and the average elevation derived from 2.a. and/or 2.b.
 - e. The height measurement technique used for the lot shall then be the City's standard measurement technique, Section 23.86.06A.
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 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 of the abutting vacant lot. ~~((, except when the lot is a corner lot.))~~

* * *

Section 27. Section 23.86.08

23.86.08 Lot Coverage and Depth

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

B. In Single Family zones, lot depth shall be the length of the line extending between and perpendicular to the front lot line or front lot line extended, and the rear lot line or lines, or in the case of a through lot, between the two front lot lines or lines extended. Where an alley abuts the rear of the property, one half of the width of the alley shall be included as a portion of the lot for determining lot depth.

Section 28. Subsection 23.86.10B and C are amended to read as follows:

* * *

B. Front Yards

1. Determining Front Yard Requirements
(Exhibit 86 E(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 of the nearest principal structures within one hundred feet of the side lot lines of the lot.

- 1 c. For averaging purposes, front yard depth
2 shall be measured from the front lot line
3 to the ((nearest)) wall nearest to the
4 street comprising twenty percent or more
5 of the width of the front facade of the
6 principal structure. ((Attached garages
7 and)) Enclosed porches shall be considered
8 part of the principal structure for
9 measurement purposes. Attached garages
10 or carports permitted in front yards under
11 either Section 23.44.08D4g or 23.44.10B5,
12 ((D)) decks, unenclosed porches with or
13 without roofs, eaves, posts, attached solar
14 collectors, and other similar parts of the
15 structure shall not be considered part of
16 the principal structure for measurement
17 purposes.
- 18 d. When the first principal structure within
19 one hundred feet of a side lot line of
20 the lot is not on the same block front,
21 or does not provide its front yard on the
22 same street, or when there is no principal
23 structure within one hundred feet of the
24 side lot line, the yard depth used for
25 averaging purposes on that side shall be:
26 (1) Single family zones: twenty feet.
27 [(2) Reserved for Multi-family zones;]
- 28 e. When the front yard of the first principal
structure within one hundred feet of the
side lot line of the lot exceeds twenty
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.

19 2. Sloped lots in single family zones

20 For lots in single family zones, reduction of
21 required front yard is permitted at a rate of
22 one foot for every percent of slope in excess
23 of thirty-five percent. For the purpose of
24 this provision the slope shall be measured
25 along the centerline of the lot. In the case
26 of irregularly shaped lots, the Director shall
27 determine the line along which slope is
28 calculated.

24 C. Rear Yards

25 Rear yard requirements are presented in the stan-
26 dard development requirements for each zone. In
27 determining how to apply these requirements, the
28 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 front lot line. Where an alley abuts the rear of the property, one half the width of the alley, between the side lot lines extended, shall be considered to be part of the lot for drawing this line. For those portions of the rear lot line which are essentially parallel to the front lot line, 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.
5. For a lot with an irregular shape not meeting conditions of 1 through 4 above or with an irregular front lot line, the Director shall determine the measurement of the rear yard.

* * *

Section 29. Subsection 23.90.18B is amended to read as follows:

* * *

- 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~~) final order shall be deemed to be prima facie correct and the burden of establishing the contrary shall be upon the appellant.

* * *

1 Section 30. Section 24.14.05 is amended to read as
2 follows:

3 24.14.05 Applicability of this Subtitle - Transition
4 to Land Use Code

- 5 A. No provisions of this subtitle except the provisions
6 of Chapters 24.60 (Shoreline Master Program
7 Regulations) and 24.68 (Special Review Districts)
8 shall apply to any use located in a SF or MF zone
9 regulated pursuant to Title 23.
- 10 B. Any provision in Chapter 24.14 through Chapter
11 24.58 which establishes a required distance of a
12 use from an R or RS zone shall be read also to
13 apply to any SF or MF zone established and
14 regulated in Chapter 23.44.
- 15 C. All references in Chapter 24.24 through Chapter
16 24.58 to repealed section 24.16.030 and the
17 miscited Chapter 24.74 pertaining to principal
18 conditional uses permitted by Council shall be read
19 as referring to Section 23.44.20 and Chapter 23.80
20 respectively.
- 21 D. All references in Chapter 24.24 through Chapter
22 24.58 to repealed Section 24.26.070 pertaining to
23 accessory conditional uses shall be read as
24 referring to Section 23.44.16.

25 Section 31. Section 24.60.615 is amended to read as
26 follows:

27 24.60.615 Offstreet parking-Principal and accessory

28 A. General Parking Policies

1. Required parking spaces and loading berths as
accessory uses shall be provided for principal
uses in the Shoreline District as required by
Chapter 24.64 or (~~Chapters 23.44 and 23.54~~)
the applicable chapters in Title 23, Subtitle
IV, as appropriate, except that such require-
ments may be waived or modified at the
discretion of the Director if alternative
means of transportation will adequately serve
the proposed development in lieu of such off-
street parking and loading requirements.
Accessory parking requirements shall be
waived in the US/CW environment where offstreet
parking to serve the proposed uses is available
within eight hundred feet of the proposed
development.

1 (~~(When lots with either uphill or downhill~~
2 ~~front yards are located on streets with~~
3 ~~twenty-four hour parking restrictions on~~
4 ~~both sides of the street, accessory parking~~
5 ~~may be located in the front yard to~~
6 ~~accommodate two two-axle or two up to four~~
7 ~~wheeled vehicles.))~~

8 Accessory parking for two two-axle or
9 four-wheeled vehicles may be located
10 in either uphill or downhill front
11 yards as provided in 5(a) or (b)
12 above, if uninterrupted parking for
13 twenty four hours is not permitted on
14 both sides of the street within a
15 reasonable distance of the side lot
16 line.

17 (d) Any accessory parking structure or
18 extension of the principal structure
19 permitted under this section shall not
20 exceed twelve feet in height measured
21 at its front facade.

22 6. Access

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

26 b) Access to parking is permitted through the
27 required front yard only if the Director
28 determines that one of the following
conditions exists:

- There is no adjacent improved alley;
or

- (~~(Natural or e))~~ Existing (~~(manmade))~~
topography does not permit alley
access; or

- A portion of the alley abuts a non-
residential zone; or

- The alley is used for loading or
unloading by an existing nonresidential
use(~~(-))~~; or

- The location of the alley creates
a significant safety hazard

29 c) The width of access to parking shall be
30 limited to that necessary for entrance to
31 parking spaces. The minimum curb cut
32 shall be eight feet. The maximum
33 shall be as regulated in Section
34 23.54.30.

1 not conform to the applicable requirements of the
2 Land Use Code may be continued subject to the
provisions of this Section.

3 B. A nonresidential nonconforming use shall not be
4 expanded or extended. A building containing a non-
5 conforming use which is not residential shall not
6 be expanded, extended or structurally altered
7 except as otherwise required by law, except as
8 provided in Section 23.44.24C below, or as
9 necessary to improve access for the elderly
10 and disabled.

11 ((F))C. A nonconforming use which is destroyed by fire or
12 other act of nature may be resumed provided it
13 meets the requirements of Section 23.44.26D.

14 ((G))D. Legally established multi-family residential
15 structures may be improved, renovated and struc-
16 turally altered but shall not be expanded except as
17 necessary to improve access for the elderly and
18 disabled or to make changes required by law for
19 health or safety. Increasing the number of
20 residential dwelling units in these structures is
21 prohibited. ~~((Multi-family residential uses may
22 not be changed to nonresidential use.))~~

23 ((B))E. Existing nonsingle family residential uses may be
24 converted to single family residential use even if
25 the structure does not conform to development
26 standards. The configuration and bulk of converted
27 structures may be altered, provided that the
28 alteration shall conform to the development
standards for single family residential structures.

F. Multi-family residential uses may not be changed to
any nonresidential use which is not otherwise
permitted in single family zones.

1 ((D))G. ~~((1.))~~ Except as provided in C and E above,
2 legally established nonconforming uses may be
3 changed by an administrative conditional use
4 authorization to other ~~((nonconforming))~~ uses
5 otherwise not permitted in the zone. ((so long as))

6 1. The Director must find[s] that the new use is
7 no more detrimental to property in the zone
8 and vicinity than the existing use. This
9 determination shall be based on the following
10 factors:

11 ((1))a. The zone in which both the existing use
12 and new use are first allowed;

13 ((2))b. The number of employees and clients
14 associated with the proposed use;

1 ((3))c. The relative parking, traffic, light,
2 glare, noise, odor and similar impacts of
3 the two uses.

4 2. Parking requirements for nonconforming uses
5 and permitted under this section shall be
6 determined by the Director.

7 3. If the new use is permitted, the Director may
8 require additional mitigating measures
9 including but not limited to landscaping;
10 sound barriers or fences' mounding or berming;
11 adjustments to yards or parking ((development))
12 standards; design modification; or setting
13 hours of operation for outdoor recreation
14 areas.

15 Section 20. Section 23.44.26 is amended to read as
16 follows:

17 23.44.26 Nonconforming Structures

- 18 A. Legally established structures existing as of the
19 date of adoption of this Land Use Code which are
20 not in conformance with one or more of the develop-
21 ment standards for single family zones shall be
22 prohibited from expanding in any manner which
23 increases the extent of nonconformity, except as
24 ((unless)) otherwise specified in this Code or
25 necessary to improve access for the elderly and
26 disabled or to make changes required by law for
27 health or safety.
- 28 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 con-
verted 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)) the same or smaller
configurations existing immediately prior to the
time the structure was destroyed.

Section 21. Subsection 23.76.14C is amended to read
as follows:

23.76.14 Notice of Application

* * *

1 Access bridge

2 A structure which is designed and necessary for
3 pedestrian access from an alley, street or
4 easement to a principal or accessory structure.

5 * * *

6 Alley

7 (~~(A strip of land dedicated to public use,~~
8 ~~providing vehicular and pedestrian access to the~~
9 ~~rear or side of properties which abut and are~~
10 ~~served by a public street.))~~

11 A public or private right-of-way ^{which} while is intended to
12 provide or which provides a roadway for vehicular
13 and pedestrian access to abutting properties and
14 is generally located to the rear or side of those
15 properties.

16 * * *

17 Section 24. Section 23.84.30 is amended to add the
18 following:

19 * * *

20 Parking

21 Parking area or parking facility.

22 * * *

23 Section 25. Section 23.84.36 is amended to read as
24 follows:

25 * * *

26 Street

27 A public or private right-of-way which is intended
28 to provide or which provides a roadway for general
vehicular circulation or principal means of
vehicular access to abutting properties and which
includes space for utilities, pedestrian walkways
and drainage.

* * *

Section 26. Subsection 23.86.06B is amended to read
as follows:

* * *

B. Height Averaging for Single Family Zones

1 Section 6. Section 23.40.02 is amended to read as
2 follows:

3 23.40.02 Conformity With Regulations Required

4 No structure or premises shall hereafter be used
5 or occupied and no structure or part of a structure
6 shall be erected, moved, reconstructed, extended,
7 enlarged or altered, except in conformity with the
8 regulations specified in Title 24 of this ^{Title} ~~chapter~~ for
9 the zone and overlay district, if any, in which it
10 is, or will be located. Changes to existing structures
11 may be permitted which make the structures nonconforming
12 if the changes are required by law for reasons of
13 health and safety.

14 Section 7. Section 23.40.04 is added to read as follows:

15 23.40.04

16 No minimum lot area, required yard, or other open
17 space existing on or after July 24, 1957, shall be reduced
18 in area or dimension below the minimum required by this
19 Land Use Code, nor shall any existing minimum lot area,
20 required yard, or other open space less than the minimum
21 required by this Land Use Code be further reduced, nor
22 shall any required open space be used as the minimum lot
23 area, required yard, offstreet parking or loading area for
24 another structure or building except as specifically
25 provided herein.

26 Section 8. Section 23.40.20 is amended to read as
27 follows:

28 23.40.20 Variances

- A. Variances may be sought from the provisions of
Title 24 or the provisions of Subtitle IV, Parts 2
and 3 of this Land Use Code, as applicable except
for the establishment of a use which is otherwise
not permitted in the -4- zone in which it is proposed.

1 lot lines extended shall be assumed to be a
2 lot line for purposes of the rear yard pro-
3 visions, provided that at no point shall
the principal structure be closer than five feet to the alley.

4 When a lot in any single family zone abuts at
5 the rear lot line upon a public park,
6 playground, or open water, not less than fifty
feet in width, the rear yard need not exceed the
depth of twenty feet.

7 3. Side Yards

8 The side yard shall be five feet.

9 In the case of a reverse corner lot, the key lot
10 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.

11 When the side yard of a lot borders on an alley,
12 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.

13 4. Exceptions from Standard Yard Requirements

14 a. Certain Accessory Structures

15 Any accessory structure may be constructed
16 in a side yard (~~up to a rear or side yard~~
~~property line~~) which abuts the rear or
17 side yard of another lot upon recording
with the King County Department of Records
18 and Elections an agreement to this effect
between the owners of record of the abutting
properties.

19 No accessory structure shall be permitted
20 in any access easement nor in any yard
easement.

21 b. Side Yard Exception for Easement

22 The side yard for a single family structure
23 may be less than five feet along one side
lot line if an easement is provided along
24 the side lot line of the abutting lot,
sufficient to leave a ten foot separation
between the two principal structures of the
two lots.

25 The easement shall be recorded with the
26 King County Department of Records and
Elections. The easement shall provide
27 access for normal maintenance activities
to the principal structure on the lot with
less than the required side yard. No prin-
28 cipal structure shall be located in the

1 easement, except that the eaves of a prin-
2 cipal structure may project a maximum of
3 eighteen inches into the easement.

4 c. Certain Additions

5 ~~((Certain additions may extend into required~~
6 ~~yard when the single family structure has a~~
7 ~~wall, sixty percent or more of which extends~~
8 ~~into a required yard.))~~ Certain additions
9 may extend into a required yard when the
10 existing single family structure is already
11 nonconforming with respect to that yard.
12 The presently nonconforming portion must
13 be at least sixty percent of the total
14 width of the respective facade of the
15 structure prior to the addition. The line
16 formed by the nonconforming wall of the
17 structure shall be the limit to which any
18 additions may be built. They may extend up
19 to the height limit and may include base-
20 ment additions. ~~((, if one of the following~~
21 ~~conditions are met.))~~ New walls shall
22 comply with the following requirements: *winning*

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

26 Rear yard: When it is a rear wall, it is
27 at least twenty feet from the rear property
28 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.

e. Special Features of a Structure

Unless otherwise permitted in this Chapter,
special features of a structure shall pro-
ject 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 pro-
vide 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 carports, attached garages or covered, unenclosed decks or roofs over patios are extensions of principal structures. They 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, nor exceed twelve feet in height.

Any ~~attached~~ garage or detached permitted accessory structure meeting the requirements of Section 23.44.10 may be located in a rear yard.

If a carport or garage has its vehicular access facing the alley, the carport or garage shall not be within twelve feet of the center line of the alley.

- ii. Attached or detached carports, garages, covered, unenclosed decks or roofs over patios, 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.

g. Garages in Front Yards

- ~~((iii.))~~ On through lots less than one hundred feet in depth, either an accessory garage structure or an extension of the principal structure containing a garage shall be permitted to locate in one of the front yards.

An extension of the principal structure shall be limited to twelve feet in height, measured at its front facade. An accessory structure shall be subject to the requirements of Section 23.44.10.

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.

1 If no pattern of garage location can be
2 determined, the Director shall deter-
3 mine in which yard the accessory
4 garage shall be located based on the
5 prevailing character and setback
6 patterns of the block.

7 ((g))h. Access Bridges

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

14 ((h))i. Barrier-Free Access

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

19 ((i))j. Freestanding Structures and Bulkheads

20 Fences, freestanding walls, bulkheads, signs
21 and similar structures six feet or less in
22 height above existing high ground level may
23 be erected in any required yard. When
24 located in the shoreline setbacks or in
25 view corridors in the Shoreline District as
26 regulated in Ch. 24.60, these structures
27 shall not obscure views protected by Ch.
28 24.60 and the Director shall determine the
permitted height.

((j))k. 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 adja-
cent to a fence or freestanding wall, the
deck may extend to the fence or wall pro-
vided 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))l. Heat Pumps

Heat pumps and similar mechanical equip-
ment, not including incinerators, may be
permitted in required yards if the require-
ments 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.

1 Section 13. Section 23.44.10 is amended to read as
2 follows:

3 23.44.10 Accessory Uses Permitted Outright

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

7 A. General Development Standards

- 8 1. The general development standards for single
9 family zones, Section 23.44.08, apply to
10 accessory uses unless the general standards
11 are specifically modified.
- 12 2. All accessory uses and structures must be
13 located on the same lot as the principal use
14 or structure unless specifically modified in
15 this Section.
- 16 3. Any accessory structure located in a required
17 yard shall be separated from its principal
18 structure by a minimum of five feet.
- 19 4. Any accessory structure located in a required
20 yard shall not exceed twelve feet in height nor
21 one thousand square feet in area.

22 ~~((3. Structures no more than twelve feet in height,
23 and no more than one thousand square feet in
24 area may be erected in a rear yard at least
25 five feet from the principal structure and at
26 least twelve feet from the center of an alley,
27 except as specifically modified in this Section.
28 These standards shall also apply to structures
located in required front yards of through
lots.))~~

- 1 ((4)) 5. On a reverse corner lot, no accessory struc-
2 ture shall be located in that portion of the
3 required rear yard which abuts the required
4 front yard of the adjoining key lot. Nor
5 shall the accessory structure be located
6 closer than five feet from the key lot's side
7 lot line unless the provisions of
8 23.44.08(D) (4) apply.

9 B. Parking

10 Parking shall be required ~~(as an accessory use to a~~
11 ~~principal use located in a single family zone)~~ as
12 provided below.

- 13 1. Elimination of Spaces

14 ~~((No existing required parking shall be elimi-
15 nated unless at least an equal number of spaces
16 serving the uses on the lot are provided.))~~

1 (~~(When lots with either uphill or downhill~~
2 ~~front yards are located on streets with~~
3 ~~twenty-four hour parking restrictions on~~
4 ~~both sides of the street, accessory parking~~
5 ~~may be located in the front yard to~~
6 ~~accommodate two two-axle or two up to four~~
7 ~~wheeled vehicles.))~~

8 Accessory parking for two two-axle or
9 four-wheeled vehicles may be located
10 in either uphill or downhill front
11 yards as provided in 5(a) or (b)
12 above, if uninterrupted parking for
13 twenty four hours is not permitted on
14 both sides of the street within a
15 reasonable distance of the side lot
16 line. The Director may authorize a
17 curb cut wider than would be permitted
18 under 23.54.30 if necessary for access.

19 (d) Any accessory parking structure or
20 extension of the principal structure
21 permitted under this section shall not
22 exceed twelve feet in height measured
23 at its front facade.

24 6. Access

- 25 a) Vehicular access to parking from an
26 improved street, alley or easement is
27 required.
- 28 b) Access to parking is permitted through the
required front yard only if the Director
determines that one of the following
conditions exists:
- There is no adjacent improved alley;
or
 - ~~((Natural or e))~~ Existing ~~((manmade))~~
topography does not permit alley
access; or
 - A portion of the alley abuts a non-
residential zone; or
 - The alley is used for loading or
unloading by an existing nonresidential
use ~~((=))~~; or
 - The location of the alley creates
a significant safety hazard.
- c) The width of access to parking shall be
limited to that necessary for entrance to
parking spaces. The minimum curb cut
shall be eight feet. The maximum
shall be as regulated in Section
23.54.30.

1 d) Where access to required parking spaces
2 passes through a required yard, automobile,
3 motorcycles and similar vehicles may be
4 parked on the access. Trailers, boats,
5 recreational vehicles or similar equip-
6 ment shall not be parked in any required
7 yard abutting a street or on any access
8 which passes through a required yard
9 provided that when a rear yard abuts a
10 street, the vehicles shall be prohibited
11 from parking in the first ten feet of
12 the rear yard abutting the street.

7. Curb Cuts

8 Curb cuts for vehicular access to lots with
9 street frontage of eighty feet or less shall
10 be limited to one ten foot curb cut per
11 principle use. On lots with street frontage
12 greater than eighty feet, curb cuts shall be
13 limited to one twenty foot curb cut or two ten
14 foot curb cuts per principle use. The Director
15 may reduce the required width of curb cuts to
16 not less than ten feet in cases where two
17 principle uses share a common driveway or
18 where the modifications would improve pedestrian
19 safety and traffic flows.

* * *

D. Solar Collectors

15 Solar collectors are permitted outright as an
16 accessory use to any principal use permitted
17 outright or to a permitted conditional use subject
18 to the following development standards.

- 18 1. Freestanding solar collectors, or those
19 projecting beyond the principal or accessory
20 structure to which they are attached, which
21 meet minimum standards and maximum size limits
22 as determined by the Director, shall not be
23 counted in lot coverage calculations.
- 24 2. Solar collectors except solar greenhouses
25 attached to principal use structures may
26 exceed the height limits of single family
27 zones by four feet or extended four feet above
28 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.

1 The determination that a use may be permitted
2 shall be based on the following factors:

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

10 2. Parking requirements for uses permitted
11 under this section shall be determined
12 by the Director.

- 13 ((2)) 3. The Director may require measures to mitigate
14 impacts such as noise, odor, parking or traffic
15 impacts. Mitigating measures may include but
16 are not limited to landscaping, sound
17 barriers, fences, mounding or berming, adjust-
18 ments to development standards, design modifi-
19 cations or setting hours of operation.

- 20 ((3)) 4. In the case of an existing or former public
21 school, permissible ((~~nonconforming~~)) uses
22 other than those permitted outright in the
23 zone including parking requirements shall be
24 established only pursuant to procedures for
25 establishing criteria for joint use or reuse
26 of public schools in Sec. 23.78 of this Land
27 Use Code.

28 Section 17. Subsection 23.44.16C is amended to read as
follows:

* * *

C. Additional Uses Permitted

1. Heat recovery incinerator

The Director may permit a heat recovery incin-
erator as an accessory use to institutions,
((~~and~~)) public facilities, parks and
playgrounds subject to the following
conditions:

- a. The incinerator shall be located on the
same lot as the institution or public
facility.
b. An incinerator in a park or playground
shall be permitted only when a permanent
structure other than that which houses
the incinerator exists and the incinerator
abuts the structure.

1 ((3))c. The relative parking, traffic, light,
2 glare, noise, odor and similar impacts of
3 the two uses.

4 2. Parking requirements for uses permitted
5 under this section shall be determined by
6 the Director.

7 3. If the new use is permitted, the Director may
8 require additional mitigating measures
9 including but not limited to landscaping;
10 sound barriers or fences; mounding or berming;
11 adjustments to yards or parking ((development))
12 standards; design modification; or setting
13 hours of operation (for outdoor recreation
14 areas.)

15 Section 20. Section 23.44.26 is amended to read as
16 follows:

17 23.44.26 Nonconforming Structures

- 18 A. Legally established structures existing as of the
19 date of adoption of this Land Use Code which are
20 not in conformance with one or more of the develop-
21 ment standards for single family zones shall be
22 prohibited from expanding in any manner which
23 increases the extent of nonconformity, except as
24 ((unless)) otherwise specified in this Code or
25 necessary to improve access for the elderly and
26 disabled or to make changes required by law for
27 health or safety.
- 28 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 con-
verted 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 ((these)) the same or smaller
configurations existing immediately prior to the
time the structure was destroyed.

Section 21. Subsection 23.76.14C is amended to read
as follows:

23.76.14 Notice of Application

* * *

1 C. Notice of the application shall be provided by the
2 Director in the following manner:

- 3 1. Short Plat, six month temporary uses, sidewalk
4 cafes, structural building overhangs, areaways,
5 four placards posted on or near the site,
6 general mailed release.
7 2. Variances, administrative conditional use, special
8 exception: four placards posted on or not near the
9 site, general mailed release, mailed notice.
10 3. Substantial development permit, shoreline
11 variance, shoreline conditional use: four
12 placards posted on or near site, general mailed
13 release, publish notice in City official news-
14 paper once each week for two consecutive weeks.

15 Section 22. Subsection 23.76.36B is amended to read
16 as follows:

17 * * *

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

22 * * *

- 23 7. Standard of Review. The Director's decision
24 shall be given substantial weight, except
25 that, for any decision which includes deter-
26 minations on a variance, ~~((or))~~ conditional
27 use, or special exception, that part of the
28 Director's decision shall be given no
deference.

* * *

11. An appeal of any Hearing Examiner's decision
except those decisions appealable to the City
Council pursuant to Section 25.04.210, must be
filed in King County Superior Court within
fourteen days of the issuance of the decision.

Section 23. Section 23.84.02 is amended to read as
follows:

23.84.02 "A"

* * *

1 In a single family zone, the average elevation of
2 the nearest single family structures on either side
3 of a lot may be, at the applicant's option, used to
4 establish the height limit ~~((for))~~ of the principal
5 structure on that lot, according to the following
6 provisions:

- 7 1. Each structure used for averaging shall be on
8 the same block front as the lot for which a
9 height limit is being established. The
10 structures used shall be the nearest ~~((residential))~~
11 single family structure on each side of the
12 lot, and shall be within one hundred feet of
13 the side lot lines of the lot.
- 14 2. The height limit for the lot shall be established
15 by averaging the elevations of the structures
16 on either side in the following manner:
- 17 a. If the nearest structure ⁰~~in~~ either side
18 has a roof with at least a three in
19 twelve pitch, the elevation to be used
20 for averaging shall be the highest point
21 of that structure's roof minus five feet.
- 22 b. If the nearest structure on either side
23 has a flat roof, or a roof with a pitch
24 of less than three in twelve, the
25 elevation of the highest point of the
26 structure's roof shall be used for
27 averaging.
- 28 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))~~ a line parallel to the
front lot line at the required front
setback and the average elevation derived
from 2.a. and/or 2.b.
- e. The height measurement technique used for
the lot shall then be the City's standard
measurement technique, Section 23.86.06A.
3. When there is no ~~((residential))~~ ^{not} single family
structure within one hundred feet on a side of
the lot, or when the nearest ~~((residential))~~
single family structure within one hundred
feet on a side of the lot is on the same block
front, the elevation used for averaging on
that side shall be thirty feet plus the eleva-
tion of the mid-point of the ~~((lot's))~~ front
lot line of the abutting vacant lot. ~~((7~~
~~except when the lot is a corner lot.))~~

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 front lot line. *delete [s], insert 2*
Where an alley abuts the rear of the property, one half the width of the alley, between the side lot lines extended, shall be considered to be part of the lot for drawing this line. For those portions of the rear lot line which are essentially parallel to the front lot line, 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.
5. For a lot with an irregular shape or with an irregular front lot line not meeting conditions of 1 through 4 above, the Director shall determine the measurement of the rear yard.

* * *

Section 29. Subsection 23.90.18B is amended to read as follows:

* * *

- 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)) final order shall be deemed to be prima facie correct and the burden of establishing the contrary shall be upon the appellant.

* * *

AN ORDINANCE relating to land use; amending Sections 23.04.10, 23.12.30, 23.22.52, 23.40.040, 23.40.02, 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 and remove ambiguities in the Land Use Code and renumbering the section and subsection numbers of Chapter 23.44.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.04.10 is amended to read as follows:

* * *

C. Existing Planned Unit Developments

Planned Unit Developments (PUDs) in an SF or Multi-family zone regulated under Title 23 which were authorized pursuant to Section 24.66.040 et seq. shall be permitted to develop according to the specific terms of such authorizations. This shall include the opportunity to apply for an extension of time for completion of PUDs as provided in SMC 24.66.050(F). Upon completion of the PUDs, the provisions of Title 23, including all use and development standards, shall apply.

((E-))D. Special Transition Rule

* * *

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

- 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; provided that if an applicant has elected under Section 23.76.10B to file separate applications, only those specific approvals which are sought prior to the effective date of applicable provisions, shall be subject to this rule; or
- A building permit application including, if appropriate, an environmental checklist, has been filed; or
- A draft Environmental Impact Statement (EIS) has been approved by the Director for publication.

((D-))E. Implementation

Section 2. Section 23.12.30 is amended to read as follows:

23.12.30 Basis for Discretionary Decisions

The Land Use Policies or Comprehensive Plan component as applicable shall be considered in making all discretionary land use decisions in ((single-family)) residential zones regulated under Title 23 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.

Section 3. Subsection 23.22.52C is amended to read as follows:

* * *

C. Convenient access to every lot by way of a dedicated street or permanent appurtenant easement as required in Section 23.54.10 shall be provided. Roads not dedicated to the public must be clearly marked on the face of the plat. Subdivisions adjacent to navigable bodies of water shall contain dedications for public access to the bodies of water unless the Council determines that the public interest will not be served by the dedication. The dedication shall be to the low water mark and shall include easements for pedestrian traffic at least ten feet wide parallel to and bordering the high water mark.

Section 4. Subsection 23.24.040A is amended to read as follows:

23.24.040 Criteria for approval

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

- Conformance to the applicable Land Use Policies and Land Use Code provisions;
- Adequacy of access for vehicles, utilities, and fire protection ((-)) as provided in Section 23.54.10;
- Adequacy of drainage, water supply and sanitary sewage disposal;
- Whether the public use and interests are served by permitting the proposed division of land.

Section 5. That certain set of sectional maps identified as Official Land Use Map, Exhibit A, filed with the City Clerk on June 21, 1982, which is a neat copy of the zone classifications for single family zones and multi-family residential areas zones adopted by Section 2 of Ordinance 110570, is hereby adopted as the Official Land Use Map for these residential zones as contemplated by Section 23.32.16 of the Seattle Municipal Code in place of the set of maps adopted by Section 2 of Ordinance 110570.

Section 6. Section 23.40.02 is amended to read as follows:

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, reconstructed, extended, enlarged or altered, except in conformity with the regulations specified in Title 24 or this ((changes)) Title for the zone and overlay district, if any, in which it is, or will be located. Changes to existing structures may be permitted which make the structures nonconforming if the changes are required by law for reasons of health and safety.

Section 7. Section 23.40.04 is added to read as follows:

23.40.04

No minimum lot area, required yard, or other open space existing on or after July 24, 1957, shall be reduced in area or dimension below the minimum required by this Land Use Code, nor shall any existing minimum lot area, required yard, or other open space less than the minimum required by this Land Use Code be further reduced, nor shall any required open space be used as the minimum lot area, required yard, offstreet parking or loading area for another structure or building except as specifically provided herein.

Section 8. Section 23.40.20 is amended to read as follows:

23.40.20 Variances

- A. Variances may be sought from the provisions of Title 24 or the provisions of Subtitle IV, Parts 2 and 3 of this Land Use Code, as applicable except for the establishment of a use which is otherwise not permitted in the zone in which it is proposed.

Applications for prohibited variances shall not be accepted for filing.

- B. Variances are authorized by the Director and are included as an element of the Master Use Permit. However, at the discretion of the applicant, variances which are sought as part of a rezone procedure or council conditional use may be filed with the respective application and decided by the council.
- C. Variances from the provisions or requirements of this Land Use Code or Title 24 shall be authorized only when all the following facts and conditions are found to exist:
- Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and
 - 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
 - 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
 - The literal interpretation and strict application of the provisions or requirements of this Land Use Code would cause undue and unnecessary hardship;
 - The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted land use policies or Comprehensive Plan component, as applicable.

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:

Approval Granted

Expiration Date

- Access, yard, setback, open space or lot area minimums modified as part of short plat or lot boundary adjustment approval. Permit to run with land in perpetuity as recorded with King County

2. Development Standards Modified in Separate Master Use Permit pursuant to § 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 to be more stringent, 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)

Section 9. Section 23.42.10 is amended to read as follows:

23.42.10 Identification of Principal Permitted Uses

Principal uses not listed in the respective zones of Subtitle IV, Part 2 of this Land Use Code or ((4m)) of Title 24 shall be prohibited in those zones. 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.

Section 10. Section 23.42.20 is amended to read as follows:

23.42.20 Accessory Uses

Except when specifically stated, permitted uses accessory to principal uses permitted outright, shall be permitted outright, and uses accessory to principal conditional uses shall be permitted as accessory conditional 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, a use permitted only as an accessory use shall not be permitted as a principal use. The Director shall determine whether uses not listed as accessory uses are customarily incidental to a principal use, and shall also determine whether any accessory use on the lot is incidental to the principal use on the same lot.

Section 11. Section 23.44.06 is amended to read as follows:

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 nontransient boarders and/or lodgers shall be permitted.))

((D)) C. 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)) D. Public or Private 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 residential zone and shall be obscured from view from such lot.

((F)) E. Public Playgrounds

((G)) F. Existing Railroad Right-of-Way

((H)) G. 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, community programs for the elderly 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 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.

Section 12. Section 23.44.08 is amended to read as follows:

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

* * *

4. Lot Coverage Exceptions

((a)) Corner Lots

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

a) Lots abutting alleys and corner lots

For the purpose of computing the lot coverage only:

- i. The area of a corner lot where a side lot line abuts upon a street may be increased by one-half the width of the abutting side street.
- ii. The area of a lot with alley or alleys abutting any lot line may be increased by one-half the width of the abutting alley or alleys.
- iii. The total lot area for any lot may not be increased by the provisions of this section by more than twenty-five percent.

b) Special Structures

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

i. Access Bridges

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

ii. Barrier Free Access

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

iii. Decks

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

iv. Freestanding Structures and Bulkheads

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

v. Underground Structures

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

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 which exceeds thirty feet, in which case the height limit shall be the average height.))

The maximum permitted height for any structure shall not exceed the greater of the following:

a. Thirty feet

b. The average height of the two single family structures which the subject structure abuts if one or both of the abutting structures exceed thirty feet ((of the abutting single family residences)). The methods of determining height and height averages are detailed in Measurements, Ch. 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)

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))

Additional height shall be permitted for sloped lots, at the rate of one foot for each six percent of slope. The additional height shall be permitted on the downhill side of the structure only, as described in the measurements portion of this Land Use Code.

When the downhill portion of a sloped lot fronts on a street and the required front yard exemption in subsection 23.44.08(D) (1)

is claimed, the permitted height of the wall along the lowest evaluation of the site shall be reduced one foot for each foot of exemption claimed. In no case, shall the height of the wall be required to be less than thirty feet.

D. Yards

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

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 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.))

The minimum required rear yard for a lot having a depth of less than one hundred and five feet shall be twenty percent of the lot depth and in no case less than ten feet.

When the required rear yard abuts upon an alley along a ((the rear)) lot line, ((the rear yard depth shall be measured to the centerline of the alley,)) the center line of the alley between the side lot lines extended shall be assumed to be a lot line for purposes of the rear yard provisions, 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.

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 in a side yard ((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 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.)) Certain additions may extend into a required yard when the existing single family structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least sixty percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built. They may extend up to the height limit and may include base additions. ((if one of the following conditions are met:)) New additions to the nonconforming wall or walls shall comply with the following requirements:

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 : 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.

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 carports, attached garages or covered, unenclosed decks or roofs over patios are extensions of principal structures. They 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, nor exceed twelve feet in height.

Any detached garage or detached permitted accessory structure meeting the requirements of Section 23.44.10 may be located in a rear yard.

If a carport or garage has its vehicular access facing the alley, the carport or garage shall not be within twelve feet of the center line of the alley.

- ii. Attached or detached carports, garages, covered, unenclosed decks or roofs over patios, 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.

g. Garages in Front Yards of Through Lots

- ((iii)) On through lots less than one hundred feet in depth, either an accessory garage structure or an extension of the principal structure containing a garage shall be permitted to locate in one of the front yards.

An extension of the principal structure shall be limited to twelve feet in height, measured at its front facade. An accessory structure shall be subject to the requirements of Section 23.44.10.

The front yard in which the garage may be located shall be determined by the Director based on the location of other accessory garages on the block. If no pattern of garage location can be determined, the Director shall determine in which yard the accessory garage shall be located based on the prevailing character and setback patterns of the block.

((g))h. 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))i. 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))j. Freestanding Structures and Bulkheads

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 the Director shall determine the permitted height.

((j))k. 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))l. 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.

Section 13. Section 23.44.10 is amended to as follows:

23.44.10 Accessory Uses Permitted Outright

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

A. General Development Standards

1. The general development standards for single family zones, Section 23.44.08, apply to accessory uses unless the general standards are specifically modified.
2. All accessory uses and structures must be located (ORDINANCE 110669 - Continued on Page 11)

(ORDINANCE 110669 - Continued from Page 10)
on the same lot as the principal use or structure unless specifically modified in this Section.

3. Any accessory structure located in a required yard shall be separated from its principal structure by a minimum of five feet.
4. Any accessory structure located in a required yard shall not exceed twelve feet in height nor one thousand square feet in area.

(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) 5. 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 23.44.08 (D) (4) apply.

B. Parking

Parking shall be required (as an accessory use to a principal use located in a single family zone) 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.) Legally established parking spaces or loading areas existing on or after July 24, 1957, that became required as accessory to a principal use on or after July 24, 1957, may not be eliminated unless at least an equal number of spaces serving the use to which they are accessory and meeting the requirements of this Code 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 23.44.14.C.12.
- c) The number of spaces required for administrative conditional uses is identified in Section 23.44.14.B.4 (special residences) and Section 23.44.14.C.12 (institutions); Section 23.44.14.F (Structures Unsited to Uses Permitted Outright) and Section 23.44.24.D (Nonconforming uses).

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.
- 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 vehicles.
- 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.
- c) Parking on planting strips is prohibited.

5. Exceptions to Location Requirements

- a) Lots With Uphill Front Yards

Access parking for one two-axle or one up-to-four wheeled vehicle may be cut into a required front yard when ((there is)) access through the required front yard is permitted by 23.44.10.B.6 below and ((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. When there is no sidewalk, street grade shall be used. Both grades will be as set by the Seattle Engineering Department.

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)) existing 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; and (c) access to parking is permitted through the required front yard by Sec. 23.44.10.B.6 below.

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.))

Accessory parking for two two-axle or four-wheeled vehicles may be located in either uphill or downhill front yards as provided in 5(a) or (b) above, if uninterrupted parking for twenty four hours is not permitted on both sides of the street within a reasonable distance of the side lot line. The Director may authorize a curbcut wider than would be permitted under 23.54.30 if necessary for access.

- (d) Any accessory parking structure or extension of the principal structure permitted under this section shall not exceed twelve feet in height measured at its front facade.

6. Access

- a) Vehicular access to parking from an improved street, alley or easement is required.
- b) Access to parking is permitted through the required front yard only if the Director determines that one of the following conditions exists:

- There is no adjacent improved alley; or
- ((Natural or e)) Existing ((manmade)) topography does not permit alley access; or
- A portion of the alley abuts a non-residential zone; or
- The alley is used for loading or unloading by an existing nonresidential use((-)); or
- The location of the alley creates a significant safety hazard

- c) The width of access to parking shall be limited to that necessary for entrance to parking spaces. The minimum curb cut shall be eight feet. The maximum shall be as regulated in Section 23.54.30.

- d) Where access to required parking spaces passes through a required yard, automobile, 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 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.

* * *

D. Solar Collectors

Solar collectors are permitted outright as an accessory use to any principal use permitted outright or to a permitted conditional use subject to the following development standards.

1. 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 except solar greenhouses attached to principal use structures may exceed the height limits of single family zones by four feet or extend((ed)) 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)) exceeds the height limit for single family zones shall be placed so as not to shade an existing solar collector or property to the north on January 21, at noon, any more than would a structure built to the maximum permitted height and bulk.

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

- In a side yard, no closer than three feet from the side property line; or
- 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
- 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.

E. Keeping of Animals

The keeping of small animals, farm animals, domestic fowl and bees is permitted outright as an accessory use to any principal use permitted outright or to a permitted conditional use subject to the following standards.

* * *

I. ((Illuminated or Non-Illuminated)) Signs

The following ((illuminated or non-illuminated)) signs are permitted outright as an accessory use to any principal use permitted outright or to a permitted conditional use subject to the following development standards.

- Electric, externally 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. 2.24 ((2-04)). Large signs as required by Ch. 23.76 shall be permitted.
- No new business sign is permitted.
Existing business signs for nonconforming uses may be replaced provided that:
 - 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.
 - Maximum height of any portion of a sign shall be twenty-five feet above existing lot grade at the base of sign.
 - The sign shall be permanent, stationary and nonflashing. No pennants, banners, bunting, string lights or decoration shall be permitted.
- 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.
- No sign shall be permitted to obscure vision within twenty feet of intersections or driveways.
- 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.

* * *

Section 14. Subsection 23.44.14B is amended to read as follows:

B. Special Residences

* * *

4. Offstreet Parking Required

- For group homes and halfway houses one parking space for each two full-time staff plus one 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.
- 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.
- Access and parking shall be designed as provided in Chapter 23.54 of this Land Use Code.

* * *

Section 15. Subsection 23.44.14D is amended to read as follows:

D. Planned Residential Development (PRD)

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

* * *

8. Parking quantity

1. Off-street parking space per dwelling is required.

2. Reductions to the quantity of parking spaces provided may be made for: low-income housing for the elderly and disabled and the addition of residential units to existing structures according to Section 23.54.20, Parking Quantity Exceptions.

3. Exceptions to the quantity of required parking shall be permitted when residential units are added to nonconforming uses and structures, according to the provisions of Sections 23.44.24 and 23.44.26 (Nonconforming Uses and Structures).

Section 16. Subsection 23.44.14F is amended to read as follows:

F. Structures Unsited to Uses Permitted Outright

- Uses not otherwise permitted in the zone may be permitted in structures unsited to uses permitted outright in single family zones.

The determination that a use may be permitted shall be based on the following factors:

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

2. Parking requirements for uses permitted under this section shall be determined by the Director.

((2))3. 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))4. In the case of an existing or former public school permissible ((nonconforming)) uses other than those permitted outright in the zone and their development standards including parking requirements shall be established only pursuant to procedures for establishing criteria for joint use or reuse of public schools in Sec. 23.78 of this Land Use Code.

Section 17. Subsection 23.44.16C is amended to read as follows:

* * *

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, parks and playgrounds subject to the following conditions:

- The incinerator shall be located on the same lot as the institution or public facility.
- An incinerator in a park or playground shall be permitted only when a permanent structure other than that which houses the incinerator exists and the incinerator abuts the structure.
- The use shall be located no closer than one hundred feet to any property line unless completely enclosed within a structure.
- 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.
- 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 public facilities. These recycling collection stations shall be maintained in good condition by the respective institution or public facility.

Section 18. Subsection 23.44.20A is amended to read as follows:

23.44.20 Council Approval of Public Facilities

A. Identification of Facilities

The location or expansion of the following permitted 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.

Permitted Public Facilities	Prohibited Public Facilities
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

* * *

Section 19. Section 23.44.24 is amended to read as follows:

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. A nonresidential nonconforming use shall not be expanded or extended. A building containing a nonconforming use which is not residential shall not be expanded, extended or structurally altered except as otherwise required by law, except as provided in Section 23.44.24C below, or as necessary to improve access for the elderly and disabled.
- (F) C. 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.
- (G) D. 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 make changes required by law 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 nonresidential use.))~~
- (H) E. Existing nonsingle 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.
- F. Multi-family residential uses may not be changed to any nonresidential use which is not otherwise permitted in single family zones.
- (I) G. ~~((1-))~~ Except as provided in C and E above, legally established nonconforming uses may be changed by an administrative conditional use authorization to other ~~((nonconforming))~~ uses otherwise not permitted in the zone. ~~((so long as))~~
- ~~((1-))~~ The Director must find ~~((e))~~ 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:
 - The zones in which both the existing use and the new use are ~~((if not))~~ allowed;
 - The number of employees and clients associated with the proposed use;
 - The relative parking, traffic, light, glare, noise, odor and similar impacts of the two uses.
 - Parking requirements for uses permitted under this section shall be determined by the Director.
 - 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.))~~

Section 20. Section 23.44.26 is amended to read as follows

23.44.26 Nonconforming Structures

- 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, except as ~~((unless))~~ otherwise specified in this Code or necessary to improve access for the elderly and disabled or to make changes required by law for health or safety.
- 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 which is above the height limit 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))~~ the same or smaller configuration ~~((e))~~ existing immediately prior to the time the structure was destroyed.

Section 21. Subsection 23.76.14C is amended to read as follows:

23.76.14 Notice of Application

- C. Notice of the application shall be provided by the Director in the following manner:
- Short Plat, six month temporary use ~~((e))~~, sidewalk cafe ~~((e))~~, structural building overhang ~~((s))~~, areaway ~~((e))~~: four placards posted on or near the site, general mailed release.
 - Variance ~~((e))~~, administrative conditional use, special exception: four placards posted on or ~~((not))~~ near the site, general mailed release, mailed notice.
 - Substantial development permit, shoreline variance shoreline conditional use: four placards posted on or near the site, general mailed release, publish notice in City official newspaper once each week for two consecutive weeks.

Section 22. Subsection 23.76.36B is amended to read as follows:

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

7. Standard of Review. The Director's decision shall be given substantial weight, except that, for any decision which includes determinations on a variance, ~~((e))~~ conditional use, or special exception, that part of the Director's decision shall be given no deference.

11. An appeal of any Hearing Examiner's decision except those decisions appealable to the City Council pursuant to Section 25.04.210, must be filed in King County Superior Court within fourteen days of the issuance of the decision.

Section 23. Section 23.84.02 is amended to read as follows:
23.84.02 "A"

Access bridge

A structure which is designed and necessary for pedestrian access from an alley, street or easement to a principal or accessory structure.

Alley

~~((A strip of land dedicated to public use, providing vehicular and pedestrian access to the rear or side of properties which abut and are served by a public street.))~~

A public or private right-of-way which is intended to provide or which provides a roadway for vehicular and pedestrian access to abutting properties and is generally located to the rear or side of those properties.

Section 24. Section 23.84.30 is amended to add the following:

Parking

Parking area or parking facility.

Section 25. Section 23.84.36 is amended to read as follows:

Street

A public or private right-of-way which is intended to provide or which provides a roadway for general vehicular circulation or principal means of vehicular access to abutting properties and which includes space for utilities, pedestrian walkways and drainage.

Section 26. Subsection 23.86.06B is amended to read as follows:

B. Height Averaging for Single Family Zones

In a single family zone, the average elevation of the nearest single family structures on either side of a lot may be, at the applicant's option, used to establish the height limit ~~((e))~~ of the principal structure on that lot, according to the following provisions:

- 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))~~ single family structure on each side of the lot, and shall be within one hundred feet of the side lot lines of the lot.
- The height limit for the lot shall be established by averaging the elevations of the structures on either side in the following manner:
 - 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.
 - 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.
 - Rooftop features which are otherwise exempt from height limitations (Height exceptions sections) shall not be included in elevation calculations.
 - 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))~~ a line parallel to the front lot line at the required front setback and the average elevation derived from 2.a. and/or 2.b.
 - The height measurement technique used for the lot shall then be the City's standard measurement technique, Section 23.86.06A.
- When there is no ~~((residential))~~ single family structure within one hundred feet on a side of the lot, or when the nearest ~~((residential))~~ single family 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 of the abutting vacant lot. ~~((except when the lot is a corner lot.))~~

Section 27. Section 23.86.08

23.86.08 Lot Coverage and Depth

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

B. In Single Family zones, lot depth shall be the length of the line extending between the front lot line or front lot line extended and the rear lot line or lines, or in the case of a through lot, between the two front lot lines or lines extended. This line shall be perpendicular to the front lot line or front lot line extended. Where an alley abuts the rear of the property, one half of the width of the alley shall be included as a portion of the lot for determining lot depth.

Section 28. Subsection 23.86.10B and C are amended to read as follows:

B. Front Yards

1. Determining Front Yard Requirements (Exhibit 86 E(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

(ORDINANCE 110669 -- Continued on Page 12)

(ORDINANCE 110669 -- Continued on Page 11)

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 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 nearest to the street 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. Attached garages or carports permitted in front yards under either Section 23.44.08D4g or 23.44.10B5, ((B)) 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 for measurement purposes.
- d. In Single Family zones, 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 does not provide its front yard on the same street, 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 ((the)) Single family zones)) twenty feet. ((the)) 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 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.

2. Sloped lots in single family zones

For lots in single family zones, reduction of required front yard is permitted at a rate of one foot for every percent of slope in excess of thirty-five percent. For the purpose of this provision the slope shall be measured along the centerline of the lot. In the case of irregularly shaped lots, the Director shall determine the line along which slope is calculated.

C. Rear Yards

Rear yard requirements are presented in the standard development requirements for each zone. In determining how to apply these requirements, the following provisions shall apply:

1. The rear yard shall be measured horizontally from the rear lot line when the lot has a rear lot line which is essentially parallel to the front lot line for its entire length.
2. When the front lot line is essentially parallel to portions of the rear property line, as with a stepped rear property line, each portion of the rear property line which is opposite and essentially parallel to the front lot line shall be considered to be a rear lot line for the purpose of establishing a rear yard.
3. On a lot with a rear property line, part of which is not essentially parallel to any part of the front lot line, the rear yard shall be measured from a line or lines drawn from side lot line(s) to side lot line(s) ((+)), at least ten feet in length, parallel to and at a maximum distance from the front lot line. Where an alley abuts the rear of the property, one half the width of the alley, between the side lot lines extended, shall be considered to be part of the lot for drawing this line. For those portions of the rear lot line which are essentially parallel to the front lot line, 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.

5. For a lot with an irregular shape or with an irregular front lot line not meeting conditions of 1 through 4 above, the Director shall determine the measurement of the rear yard.

Section 29. Subsection 23.90.18B is amended to read as follows:

- 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)) final order shall be deemed to be prima facie correct and the burden of establishing the contrary shall be upon the appellant.

Section 30. Section 24.14.05 is amended to read as follows:

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 or Multi-family 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 or Multi-family zone established and regulated ((in Chapter 23.44.)) pursuant to Title 23.
- 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 24.26.070 pertaining to accessory conditional uses shall be read as referring to Section 23.44.16.

Section 31. Section 24.60.615 is amended to read as follows:

24.60.615 Offstreet parking-Principal and accessory

A. General Parking Policies

1. Required parking spaces and loading berths as accessory uses shall be provided for principal uses in the Shoreline District as required by Chapter 24.64 or ((Chapters 23.44 and 23.54)) the applicable chapters in Title 23, Subtitle IV, as appropriate, except that such requirements may be waived or modified at the discretion of the Director if alternative means of transportation will adequately serve the proposed development in lieu of such off-street parking and loading requirements. Accessory parking requirements shall be waived in the US/CW environment where offstreet parking to serve the proposed uses is available within eight hundred feet of the proposed development.
2. If the number of parking spaces for a proposed substantial development which are required by Chapter 24.64 or ((Chapters 23.44 and 23.54)) the applicable chapters of Title 23, Subtitle IV, as appropriate or proposed by the applicant will adversely affect the quality of the shoreline environment, the Director shall direct that the plans for the development be modified to eliminate or ameliorate such adverse effect.

Section 32. The substance of Chapter 23.44 is redivided into new section and subsection numbers by revising existing section and subsection numbers as follows:

Existing	Revised
23.44.02 General Provisions - New -	23.44.02 Applicability of Provisions Subchapter I
23.44.06 Principal Uses Permitted Outright	23.44.06 Principal Uses Permitted Outright
23.44.08 Development Standards For Uses Permitted Outright	23.44.08 Development Standards For Uses Permitted Outright
23.44.08 A. General Provision	Delete (title only)
23.44.08 A.1.	23.44.08 A.
23.44.08 A.2.	23.44.08 B.
23.44.08 A.3.	23.44.08 C.
23.44.08 B.	23.44.10 Lot Requirements
23.44.08 B.1.	23.44.10 A. Minimum Lot Area
23.44.08 B.2.	23.44.10 B. Exceptions to Minimum Lot Area

Existing	Revised
23.44.08 B.2.a)	23.44.10 B.1.
23.44.08 B.2.b)	23.44.10 B.2.
23.44.08 B.2.c)	23.44.10 B.3.
23.44.08 B.3.	23.44.10 C. Maximum Lot Coverage
23.44.08 B.4.	23.44.10 D. Lot Coverage Exceptions
23.44.08 B.4.a)	23.44.10 D.1.
23.44.08 B.4.b)	23.44.10 D.2.
23.44.08 B.4.b)i.	23.44.10 D.2.a.
23.44.08 B.4.b)ii.	23.44.10 D.2.b.
23.44.08 B.4.b)iii.	23.44.10 D.2.c.
23.44.08 B.4.b)iv.	23.44.10 D.2.d.
23.44.08 B.4.b)v.	23.44.10 D.2.e.
23.44.08 C.	23.44.12 Height Limits
23.44.08 C.1.	23.44.12 A.
23.44.08 C.2.	23.44.12 B.
23.44.08 C.2.a.	23.44.12 B.1.
23.44.08 C.2.b.	23.44.12 B.2.
23.44.08 C.3.	23.44.12 C. Height Limit Exemptions
23.44.08 C.3.a.	23.44.12 C.1.
23.44.08 C.3.b.	23.44.12 C.2.
23.44.08 D. Yards	23.44.14 Yards
23.44.08 D.1.	23.44.14 A.
23.44.08 D.2.	23.44.14 B.
23.44.08 D.3.	23.44.14 C.
23.44.08 D.4.	23.44.14 D.

23.44.08 D.4.a.
23.44.08 D.4.b.
23.44.08 D.4.c.
- New paragraphs #s -

23.44.08 D.4.d.
23.44.08 D.4.e.
23.44.08 D.4.f.
23.44.08 D.4.f.i.
23.44.08 D.4.f.ii.
23.44.08 D.4.f.iii.
23.44.08 D.4.g.
23.44.08 D.4.h.
23.44.08 D.4.i.
23.44.08 D.4.j.
23.44.08 D.4.k.

23.44.10 B. Parking
23.44.10 B.2.a) # of Spaces
Required
23.44.10 B.3. Pkg. on lot
of Principal Use
23.44.10 B.3.a)
23.44.10 B.3.b)
23.44.10 B.3.c)
23.44.10 B.4. Location on
Pkg. on lot
23.44.10 B.4.a)
23.44.10 B.4.b)
23.44.10 B.4.c)
23.44.10 B.5. Exceptions to
Location Requirements
23.44.10 B.5.a)
23.44.10 B.5.b)
23.44.10 B.5.c)
23.44.10 B.6. Access
23.44.10 B.6.a)
23.44.10 B.6.b)
23.44.10 B.6.c)
23.44.10 B.6.d)
23.44.10 B.7 Curb Cuts
- New -
23.44.14 Admin. Cond. Uses
23.44.14 A. General Provisions
23.44.14 A.1.
23.44.14 A.2.
23.44.14 A.3.
23.44.14 A.4.
23.44.14 A.5.
23.44.14 B. Special Residences
23.44.14 B.1. Dispersion
23.44.14 B.1.a)
23.44.14 B.1.b)
23.44.14 B.1.c)
23.44.14 B.2. Maximum # of
Residents
23.44.14 B.3.
23.44.14 B.4. Offstreet
Parking Req.
23.44.14 B.4.a)
23.44.14 B.4.b)
- New # -
23.44.14 B.5. Noise & Odors
23.44.14 B.6. Landscaping
23.44.14 B.7. Light & Glare
23.44.14 C. Institutions
23.44.14 C.1. Institutions
Identified
23.44.14 C.2.
23.44.14 C.2.a)
23.44.14 C.2.b)
23.44.14 C.3.
23.44.14 C.4.
23.44.14 C.5.
23.44.14 C.6.
23.44.14 C.7.
23.44.14 C.8.
23.44.14 C.9.
23.44.14 C.10.
23.44.14 C.10.a)
- New #s -
23.44.14 C.10.b)
23.44.14 C.10.c)
23.44.14 C.10.d)
23.44.14 C.10.e)
23.44.14 C.11.
23.44.14 C.12.
23.44.14 C.12.a)
23.44.14 C.12.a)i.
23.44.14 C.12.a)ii.
23.44.14 C.12.a)iii.
23.44.14 C.12.b)
23.44.14 C.12.c)
23.44.14 C.13.
23.44.14 C.13.a)
23.44.14 C.13.b)
23.44.14 C.13.c)
23.44.14 C.13.d)
23.44.14 C.13.e)
23.44.14 D. PRDs
23.44.14 D.1.
23.44.14 D.2.
23.44.14 D.2.a)
23.44.14 D.2.b)
23.44.14 D.2.c)
23.44.14 D.2.d)
23.44.14 D.3. (Error in
Adopted Code)
23.44.14 D.4.
23.44.14 D.4.a)
23.44.14 D.4.b)
23.44.14 D.4.c)
23.44.14 D.4.d)
23.44.14 D.5.
23.44.14 D.5.a)
23.44.14 D.5.b)
23.44.14 D.6.
23.44.14 E. Use of Landmark
Structures
23.44.14 E.1.
23.44.14 E.1.a).
23.44.14 E.1.b).
23.44.14 E.1.c).
23.44.14 E.1.d).
23.44.14 E.2.
23.44.14 F. Structures Unsited
to Uses Permitted Outright
23.44.14 F.1.
23.44.14 F.1.a)
23.44.14 F.1.b)
23.44.14 F.1.c)
23.44.14 F.2.
23.44.14 F.3.
23.44.14 G. Park & Pool Lot
23.44.14 G.1.
23.44.14 G.2.
23.44.14 H. Certain Uncon-
forming Uses

23.44.14
23.44.14
23.44.14 D.3.
23.44.14 D.3.a.
23.44.14 D.3.b.
23.44.14 D.3.c.
23.44.14 D.4.
23.44.14 D.5.
23.44.14 D.6.
23.44.14 D.6.a.
23.44.14 D.6.b.
23.44.14 D.6.c.
23.44.14 D.7.
23.44.14 D.8.
23.44.14 D.9.
23.44.14 D.10.
23.44.14 D.11.

23.44.16 Parking
23.44.16 A.

23.44.16 B.

23.44.16 B.1.
23.44.16 B.2.
23.44.16 B.3.
23.44.16 C.

23.44.16 C.1.
23.44.16 C.2.
23.44.16 C.3.
23.44.16 D.

23.44.16 D.1.
23.44.16 D.2.
23.44.16 D.3.
23.44.16 E.
23.44.16 E.1.
23.44.16 E.2.
23.44.16 E.3.
23.44.16 E.4.
23.44.16 F.
Subchapter II - Principal
Conditional Uses
Part 1. Administrative
Conditional Uses
23.44.18
23.44.18 A.
23.44.18 B.
23.44.18 C.
23.44.18 D.
23.44.18 E.

23.44.20
23.44.20 A.
23.44.20 A.1.
23.44.20 A.2.
23.44.20 A.3.
23.44.20 B.

23.44.20 C.
23.44.20 D.

23.44.20 D.1.
23.44.20 D.2.
23.44.20 D.3.
23.44.20 E.
23.44.20 F.
23.44.20 G.
23.44.22
23.44.22 A.

23.44.22 B.
23.44.22 B.1.
23.44.22 B.2.
23.44.22 C.
23.44.22 D.
23.44.22 E.
23.44.22 F.
23.44.22 G.
23.44.22 H.
23.44.22 I.
23.44.22 J.
23.44.22 J.1.
23.44.22 J.1.a)
23.44.22 J.1.b)
23.44.22 J.2.
23.44.22 J.3.
23.44.22 J.4.
23.44.22 J.5.
23.44.22 K.
23.44.22 L.
23.44.22 L.1.
23.44.22 L.1.a)
23.44.22 L.1.b)
23.44.22 L.1.c)
23.44.22 L.2.
23.44.22 L.3.
23.44.22 M.
23.44.22 M.1.
23.44.22 M.2.
23.44.22 M.3.
23.44.22 M.4.
23.44.22 M.5.
23.44.24
23.44.24 A.
23.44.24 B.
23.44.24 B.1.
23.44.24 B.2.
23.44.24 B.3.
23.44.24 B.4.
23.44.24 C.
23.44.24 D.
23.44.24 E.
23.44.24 E.1.
23.44.24 E.2.
23.44.24 E.3.
23.44.24 E.4.
23.44.24 F.
23.44.24 F.1.
23.44.24 F.2.
23.44.24 G.
23.44.26

23.44.26 A.
23.44.26 A.1.
23.44.26 A.2.
23.44.26 A.3.
23.44.26 A.4.
23.44.26 B.
23.44.28

23.44.28 A.
23.44.28 A.1.
23.44.28 A.2.
23.44.28 A.3.
23.44.28 B.
23.44.28 C.
23.44.30
23.44.30 A.
23.44.30 B.
23.44.32

- New # -
23.44.20 Council Approval of
Public Facilities
23.44.20 A.
23.44.20 B.
23.44.20 C.

- New #s -
23.44.10 Accessory Uses
Permitted Outright
- New Section -
23.44.10 A.
23.44.10 A.1.
23.44.10 A.2.
23.44.10 A.3.
23.44.10 A.4.
- New Title -
- New -
23.44.10 B.1.
23.44.10 B.2.b)
23.44.10 B.2.c)
23.44.10 C Swimming Pools
23.44.10 C.1
23.44.10 C.2
23.44.10 C.3
23.44.10 C.4

23.44.10 D Solar Collectors
23.44.10 D.1
23.44.10 D.2
23.44.10 D.3
23.44.10 D.3.a)
23.44.10 D.3.b)
23.44.10 D.3.c)

23.44.10E Keeping of Animals
23.44.10E1
23.44.10E2
23.44.10E3
23.44.10E3a)
23.44.10E3b)
23.44.10E4
23.44.10E4a)
23.44.10E4b)

23.44.10F Home Occupations
23.44.10F1
23.44.10F2
23.44.10F3
23.44.10F4

Part 2. Council Conditional
Uses
23.44.34
23.44.34 A.
23.44.34 B.
23.44.34 C.

Subchapter III. Accessory Uses
- Delete (heading only)
23.44.40 General Provisions
Delete (Title only)
23.44.40 A.
23.44.40 B.
23.44.40 E.
23.44.40 F.
23.44.42 Parking
23.44.42 A.
23.44.42 B.
23.44.42 C.
23.44.42 D.
23.44.44
23.44.44A
23.44.44B
23.44.44C
23.44.44D

23.44.46
23.44.46A
23.44.46B
23.44.46C
23.44.46C1
23.44.46C2
23.44.46C3

23.44.48
23.44.48A
23.44.48B
23.44.48C
23.44.48C1
23.44.48C2
23.44.48D
23.44.48D1
23.44.48D2

23.44.50
23.44.50A
23.44.50B
23.44.50C
23.44.50D

Existing	Revised
23.44.10F5	23.44.50E
23.44.10F6	23.44.50F
23.44.10F7	23.44.50G
23.44.10G Open Wet Moorage	23.44.52
23.44.10H Amateur Radio Devices	23.44.54
23.44.10H1	23.44.54A
23.44.10H2	23.44.54B
23.44.10I Signs	23.44.56
23.44.10I1	23.44.56A
23.44.10I2	23.44.56B
23.44.10I2a)	23.44.56B1
23.44.10I2b)	23.44.56B2
23.44.10I2c)	23.44.56B3
23.44.10I3	23.44.56C
23.44.10I4	23.44.56D
23.44.10I5	23.44.56E
23.44.10J Columbariums, etc.	23.44.58
23.44.10J1	23.44.58A
23.44.10J2	23.44.58B
23.44.10K Uses Accessory to Parks and Playgrounds	23.44.60
23.44.10K1	23.44.60A
23.44.10K1a)	23.44.60A1
23.44.10K1b)	23.44.60A2
23.44.10K2	23.44.60B
23.44.10K3	23.44.60C
23.44.10K3a)	23.44.60C1
23.44.10K3b)	23.44.60C2
23.44.16 Uses Accessory to Admin. Con. Uses	Delete Title Only
23.44.16A	Delete - (Title Only)
23.44.16A1	23.44.40C
23.44.16A2	23.44.40D
23.44.16B	Delete - (Title Only)
23.44.16B1	23.44.44E
23.44.16B2 Congregate Housing	23.44.62
23.44.16B3 Gyms, etc.	23.44.64
23.44.16B4 Offices	23.44.66
23.44.16C	Delete - (Title Only)
23.44.16C1	23.44.68
23.44.16C 1a)	23.44.68A
23.44.16C 1b)	23.44.68B
23.44.16C 1c)	23.44.68C
23.44.16C 1d)	23.44.68D
23.44.16C2	23.44.70
23.44.16C	23.44.40G
- New -	Subchapter 4 Nonconforming Uses and Structures
23.44.24 Nonconforming Uses	23.44.80
23.44.24A	23.44.80A
23.44.24B	23.44.80B
23.44.24C	23.44.80C
23.44.24D	23.44.80D
23.44.24D1	23.44.80D1
23.44.24D2	23.44.80D2
23.44.24D3	23.44.80D3
23.44.24E	23.44.80E
23.44.26 Nonconforming Structures	23.44.82
23.44.26A	23.44.82A
23.44.26B	23.44.82B
23.44.26C	23.44.82C
23.44.26D	23.44.82D

9

Section 33. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 16th day of July, 1982,
and signed by me in open session in authentication of its passage this 16th day of July, 1982.

James W. Williams
President of the City Council.

Approved by me this 16th day of July, 1982.

Charles Rove
Mayor.

Filed by me this 16th day of July, 1982.

Attest: *Tim Hill*
City Comptroller and City Clerk.

(SEAL)

By: *Theresa Dunbar*
Deputy Clerk.

Publication ordered by TIM HILL, Comptroller and City Clerk.

Date of Official Publication in the Daily Journal of Commerce, Seattle, July 20, 1982. (C-209)

1 Section 30. Section 24.14.05 is amended to read as
2 follows:

3 24.14.05 Applicability of this Subtitle - Transition
4 to Land Use Code

- 5 A. No provisions of this subtitle except the provisions
6 of Chapters 24.60 (Shoreline Master Program
7 Regulations) and 24.68 (Special Review Districts)
8 shall apply to any use located in a SF or Multi-
9 family zone regulated pursuant to Title 23.
10 B. Any provision in Chapter 24.14 through Chapter
11 24.58 which establishes a required distance of a
12 use from an R or RS zone shall be read also to
13 apply to any SF or Multi-family zone established
14 and regulated in Chapter 23.44. pursuant to Title 23.
15 C. All references in Chapter 24.24 through Chapter
16 24.58 to repealed section 24.16.030 and the
17 miscited Chapter 24.74 pertaining to principal
18 conditional uses permitted by Council shall be read
19 as referring to Section 23.44.20 and Chapter 23.80
20 respectively.
21 D. All references in Chapter 24.24 through Chapter
22 24.58 to repealed Section 24.26.070 pertaining to
23 accessory conditional uses shall be read as
24 referring to Section 23.44.16.

25 Section 31. Section 24.60.615 is amended to read as
26 follows:

27 24.60.615 Offstreet parking-Principal and accessory

28 A. General Parking Policies

- 1 Required parking spaces and loading berths as
2 accessory uses shall be provided for principal
3 uses in the Shoreline District as required by
4 Chapter 24.64 or (~~Chapters 23.44 and 23.54~~)
5 the applicable chapters in Title 23, Subtitle
6 IV, as appropriate, except that such require-
7 ments may be waived or modified at the
8 discretion of the Director if alternative
9 means of transportation will adequately serve
10 the proposed development in lieu of such off-
11 street parking and loading requirements.
12 Accessory parking requirements shall be
13 waived in the US/CW environment where offstreet
14 parking to serve the proposed uses is available
15 within eight hundred feet of the proposed
16 development.

Affidavit of Publication**STATE OF WASHINGTON
KING COUNTY—SS.**

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

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

Ordinance No. 110669

was published on July 20, 1982

B. Blair
Subscribed and sworn to before me on

July 20, 1982

Barbara A. Jones
Notary Public for the State of Washington,
residing in Seattle.