

COUNCIL BILL No.

103259*Law Department*

AN ORDINANCE relating to land use; amending Sections 23.30.10, 23.34.34, 23.44.10, 23.44.12, 23.44.20, 23.44.46, 23.44.80, 23.45.04, 23.45.05, 23.45.08, 23.45.10, 23.45.14, 23.45.16, 23.45.18, 23.45.22, 23.45.24, 23.45.26, 23.45.28, 23.45.30, 23.45.32, 23.45.36, 23.45.38, 23.45.40, 23.45.42, 23.45.44, 23.45.46, 23.45.50, 23.45.52, 23.45.54, 23.45.56, 23.45.58, 23.45.60, 23.45.66, 23.45.70, 23.45.72, 23.45.76, 23.45.86, 23.45.90, 23.45.96, 23.45.98, 23.45.102, 23.45.106, 23.45.108, 23.45.118, 23.45.122, 23.45.140, 23.45.146, 23.45.154, 23.45.166, 23.45.180, 23.45.182, 23.45.184, 23.45.190, 23.54.10, 23.54.20, 23.54.30, 23.76.14, 23.76.24, 23.76.36, 23.78.10, 23.84.06, 23.84.08, 23.84.10, 23.84.12, 23.84.24, 23.84.25, 23.84.32, 23.84.36, 23.84.38, 23.84.44, 23.86.10, 23.86.12, 23.86.14, 23.89.16, 23.86.18, 23.88.20, 23.90.18, of the Seattle Municipal Code.

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ORDINANCE 110793

AN ORDINANCE relating to land use; amending Sections 23.30.10, 23.34.34, 23.44.10, 23.44.12, 23.44.20, 23.44.46, 23.44.80, 23.45.04, 23.45.05, 23.45.08, 23.45.10, 23.45.14, 23.45.16, 23.45.18, 23.45.22, 23.45.24, 23.45.26, 23.45.28, 23.45.30, 23.45.32, 23.45.36, 23.45.38, 23.45.40, 23.45.42, 23.45.44, 23.45.46, 23.45.50, 23.45.52, 23.45.54, 23.45.56, 23.45.58, 23.45.60, 23.45.66, 23.45.70, 23.45.72, 23.45.76, 23.45.86, 23.45.90, 23.45.96, 23.45.98, 23.45.102, 23.45.106, 23.45.108, 23.45.118, 23.45.122, 23.45.140, 23.45.146, 23.45.154, 23.45.166, 23.45.180, 23.45.182, 23.45.184, 23.45.190, 23.54.10, 23.54.20, 23.54.30, 23.76.14, 23.76.24, 23.76.36, 23.78.10, 23.84.06, 23.84.08, 23.84.10, 23.84.12, 23.84.24, 23.84.25, 23.84.32, 23.84.36, 23.84.38, 23.84.44, 23.86.10, 23.86.12, 23.86.14, 23.86.16, 23.86.18, 23.88.20, 23.90.18 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.30.10 is amended to read as follows:

23.30.10 Classifications for the Purposes of this Subtitle

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

<u>Zones</u>	<u>Abbreviated</u>
Residential, Single Family 9600	SF 9600
Residential, Single Family 7200	SF 7200
Residential, Single Family 5000	SF 5000
Residential, Multi-Family, Lowrise 1	<u>L1</u>
Residential, Multi-Family, Lowrise 2	<u>L2</u>
Residential, Multi-Family, Lowrise 3	<u>L3</u>
Residential, Multi-Family, Midrise	<u>MR</u>
Residential, Multi-Family, Highrise	<u>HR</u>

Section 2. Section 23.34.34 is amended to read as follows:

23.34.34 Transition

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

Section 3. Subsection 23.44.10D, as last amended by Ordinance 110669, is further amended to read as follows:

D. Lot Coverage Exceptions

1. 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.

2. Special Structures and Portions of Structures

The following structures and portions of structures shall not be counted in lot coverage calculations:

a. Access Bridges

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

b. Barrier-Free Access

Ramps or other access for the disabled or elderly meeting Washington State Rules and ((*)Regulations ((and rules)) for ((b))Barrier-((f))Free ((access)) Design.

c. Decks

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

d. Freestanding Structures and Bulkheads

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

e. Underground Structures

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

f. Eaves and Gutters

The first eighteen inches of eaves and gutters projecting from the principal structure.

g. Solar collectors meeting the provisions of Section 23.44.46 and swimming pools meeting the provisions of Section 23.44.44.

Section 4. Subsection 23.44.12B, last amended by Ordinance 110669, is further amended to read as follows:

B. Special Features.

1. 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 (~~(-)~~) Exhibit (~~(=~~ 44A, B)) 44.12A.) No portion of a shed roof shall be permitted to extend beyond the thirty-foot height limit under this provision.

2. Sloped Lots

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, Exhibit 44.12B.

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))~~) 14A is claimed, the permitted height of the wall along the lowest (~~(evaluation)~~) elevation of the site shall be reduced one foot for each foot of exemption claimed. In no case (~~(7)~~) shall the height of the wall be required to be less than thirty feet.

Section 5. Subsection 23.44.20A is amended to read as follows:

23.44.20 Special Residences

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

A. Dispersion

1. ((A)) The lot line of any new or expanding special residence shall ((not)) be ((established or expanded on a lot which is within)) located six hundred feet ((of)) or more from any lot line of any other special residence in a residential zone.

2. No special residence shall be established in an area where it would increase the number of special residences located within a one-half mile radius from the proposed residence to more than five.

3. A proposed new or expanding special residence which does not meet the dispersion criteria may be permitted by the Director upon a determination that the intent of the criteria is achieved because of the presence of physical elements such as bodies of water, large open spaces, or topographical breaks or other elements such as arterials, freeways or non-residential uses, which provide substantial separation from other existing special residences. In that

case, the Director's determination may permit both the expansion of the structure and/or the number of beds.

Section 6. Subsection 23.44.46A, as last amended by Ordinance 110669, is further amended to read as follows:

23.44.46 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

A. (~~Freestanding s~~) Solar collectors, (~~or those projecting beyond the principal or accessory structure to which they are attached,~~) including solar greenhouses which meet minimum standards and maximum size limits as determined by the Director, shall not be counted in lot coverage ((calculations)).

Section 7. Section 23.44.80, as last amended by Ordinance 110669, is amended to add the following subsection:

G. Legally established uses which were permitted outright under prior regulations but which are permitted under this chapter only as conditional uses shall be governed by the regulations of Sections 23.44.18 through 23.44.32.

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

1. The Director must find 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:

a. The zones in which both the existing use and the new use are allowed;

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

c. The relative parking, traffic, light, glare, noise, odor and similar impacts of the two uses.

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

3. 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 standards, design modification, or setting hours of operation.

Section 8. Subsection 23.45.04A is amended to read as follows:

23.45.04 Principal Uses Permitted Outright

A. The following principal uses shall be permitted outright in Lowrise 1 zones:

1. Single family dwelling units
2. Ground-related multi-family structures such as duplexes, triplexes, and townhouses(~~(7 and tandem houses)~~)
3. Boarding houses
4. Group homes
5. Halfway houses meeting all development standards
6. Nursing homes meeting all development standards
7. Institutions meeting all development standards
8. Public facilities meeting all development standards

Section 9. Subsection 23.45.05B is amended to read as follows:

B. ((Required setbacks for existing single family structures may be reduced when the single family structure has a wall, sixty percent or more of which extends into a required setback. The line formed by the non-conforming wall of the structure shall be the delineation of the required setback for any additions, including basement additions (Exhibit 23.45.2). All new walls shall comply with the following requirements:))

Certain additions may extend into a required setback when an existing single family structure is already nonconforming with respect to that setback where the presently nonconforming section is at least sixty percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, which may extend up to the height limit and may include basement additions, Exhibit 45.05A. New additions to a nonconforming wall or walls shall comply with the following requirements:

1. When it is a side wall, it is at least three feet from the side property line;
2. When it is a rear wall, it is at least ten feet from the rear property line or center line of an alley abutting the rear property line;
3. When it is a front wall, it is at least ten feet from the front property line.

Section 10. Subsections 23.45.08 C and D are amended to read as follows:

C. Pitched roofs

The ridge of pitched roofs on principal structures ((shall be allowed to)) may extend up to thirty-five feet. ((7 so long as the entire portion above thirty feet has a minimum of three-in-twelve pitch)) All parts of the roof above thirty feet must be pitched at a rate of not less than three to twelve, ((~~Exhibit 23.45.6~~)) Exhibit 45.08B. No portion of a shed roof shall be permitted to extend beyond the thirty-foot height limit under this provision.

D. Rooftop features

1. Radio and television receiving aerials, flag-poles, and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.74, ((+))Airport Height District((+)), provided they are no closer than fifty percent of their height above existing grade, or, if attached only to the roof, no closer than fifty percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, ((~~chimneys~~)) clerestories, greenhouses, dish antennae, and parapets, and firewalls may extend four feet above the maximum height limit set in ((~~Section 23.45.08~~)) subsections A and B above.

3. The following rooftop features may extend ten feet above the maximum height limit set in Section 23.45.08 A and B above, so long as the combined total coverage of all features does not exceed fifteen percent of the roof area or twenty percent of the roof area if the total includes screened mechanical equipment:

- stair and elevator penthouses
- mechanical equipment
- play equipment and open mesh fencing which encloses it, so long as the fencing is at least five feet from the roof edge
- chimneys.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar Collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21 at noon no more than would a structure built to maximum permitted bulk:

- solar collectors
- planters
- clerestories

- greenhouses
- dish antennae
- non-firewall parapets
- play equipment.

Section 11. Subsection 23.45.10B is amended to read as follows:

B. Maximum depth

The maximum depth of a structure shall be sixty-five percent of the depth of the lot.

((1. The maximum depth of a structure when the front facade is not modulated according to the standards of Section 23.45.12C or D shall be fifty percent of the depth of the lot.

2. The maximum depth of a structure when the front facade is modulated according to the standards of Section 23.45.12C or D shall be sixty-five percent of the depth of the lot.))

Section 12. Subsections 23.45.14A, C and D are amended to read as follows:

23.45.14 Lowrise 1, Setback Requirements

Front, rear and side setbacks shall be provided for all lots, according to the following provisions:

A. Front setback

The required front setback shall be the average of the setbacks of the first principal structures on either side, subject to the following provisions:

1. The front setback shall in no case be required to be more than five feet greater than the setback of the first principal structure on either side which is closer to the front lot line.

2. The front setback shall not be required to exceed twenty feet.

3. Portions of a structure in front setbacks

a. Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirement.

b. No portions of a structure between existing grade and ten feet above existing grade shall be closer to the front lot line than five feet.

1 c. Portions of the facade which begin (~~ten~~)
2 eight feet or more above existing grade may project up to four
3 feet beyond the lower portion of the facade without being
4 counted in setback averaging, Exhibit 45.14A.

5 d. Portions of the facade which begin (~~ten~~)
6 eight feet or more above existing grade shall be no closer to
7 the front lot line than three feet, Exhibit 45.14B.

8 4. Front setback exceptions

9 a. Structures along heavily traveled arterials

10 In order to reduce noise and glare impacts,
11 multi-family structures located on arterials with more than
12 fifteen thousand average vehicle trips per day, according to
13 Engineering Department data, shall be allowed a reduction in
14 the required front setback. The required front setback along
15 these arterials may be reduced to either fifty percent of the
16 front setback specified in the development standards, or to
17 the front setback of the principal structure on either side,
18 whichever is less. A list of such arterials shall be
19 maintained by the Department.

20 b. Through lots

21 In the case of a through lot, each setback
22 abutting a street except a side setback shall be a front set-
23 back. Rear setback requirements shall not apply to the lot.

24 * * *

25 C. Side setbacks

26 1. The required side setback in Lowrise 1 zones
27 shall be five feet. This setback may be averaged along the
28 entire structure depth, but shall at no point be less than
three feet.

2. Side setback exceptions

3 a. Where there is a principal entrance along a
4 side facade, the minimum setback shall be five feet.
5 Averaging shall not be permitted. When the entrance is essen-
6 tially parallel to the side lot line, the minimum setback
7 shall be ten feet. When the entrance is not essentially
8 parallel to the side lot line, the midpoint of the door shall
9 be no less than seven and one-half feet from the property
10 line, (~~(Exhibit 23.45.14)~~) Exhibit 45.14C.

11 b. The side street setback of a reversed
12 corner lot shall be one half the depth of the key lot's front
13 setback, but shall not be less than ten feet, nor be required
14 to exceed twenty feet. Averaging shall not be permitted,
15 (~~(Exhibit 23.45.16)~~) Exhibit 45.14D.

16 c. When the depth of a structure exceeds
17 sixty-five feet, an additional setback shall be required for
18 that portion in excess of sixty-five feet. This additional
19 setback may be averaged along the entire length of the wall.
20 (~~The additional setback~~) The side setback requirement for
21 portions of walls subject to this provision shall be provided
22 as shown in the following chart:

Side Setback Requirements for Structures

Greater than Sixty-Five Feet in Depth

H	0-10	11-20	21-30	31-40
D	Side Setback in Feet			
66-75	6	7	8	9
76-85	7	8	9	10
86-95	8	9	10	11
96-105	9	10	11	12
106-115	10	11	12	13
116-125	11	12	13	14
126-135	12	13	14	15

For structures greater than 135 feet in depth, the pattern established in the charts shall be continued.

H = greatest height of facade beyond sixty-five-foot depth (in feet, measured from front of the structure). In the case of a through lot, the applicant may decide which street facade is to be considered the front.

D = depth of structure (in feet).

D. General setback exceptions

1. Required setbacks for cluster developments

Where two or more principal structures are located on one lot, (~~(Exhibit 23.45.18))~~ Exhibit 45.14E, required setbacks between structures shall be provided as follows:

a. No walls shall be less than ten feet apart at any point.

1 b. A principal entrance to a structure shall
2 be at least fifteen feet from the nearest interior facade
3 which contains no principal entrance.

4 c. A principal entrance to a structure shall
5 be at least twenty feet from the nearest interior facade which
6 contains a principal entrance.

7 d. Within a cluster development, (~~the maximum~~
8 facade width without modulation shall be thirty feet for all
9 interior facades)) all interior facades wider than forty feet
10 shall be modulated according to the standards of Section
11 23.45.12C1, 2, and 4 provided that maximum modulation width
12 shall be forty feet. Perimeter facades shall follow standard
13 development requirements.

14 e. Structures in cluster developments may be
15 connected by underground garages or elevated walkways(~~(+)~~),
16 provided that:

17 (1) One elevated walkway shall be per-
18 mitted to connect any two structures in the development;

19 (2) Additional elevated walkways, in
20 excess of one, between any two structures may be permitted by
21 the Director when it is determined that by their location or
22 design a visual separation between structures is maintained.

23 2. Structures in required setbacks

24 a. Detached garages, carports, or other
25 accessory structures are permitted in the required rear or
26 side setbacks, provided that (~~they are~~) any accessory struc-
27 ture located between a principal structure and the side lot
28 line shall provide the setback required for the principal
structure, Exhibit 45.14F. All such accessory structures
shall be no greater than twelve feet in height above existing
grade, with open rails permitted above twelve feet.

 b. Ramps or other devices necessary for access
for the disabled and elderly, which meet Washington State
Rules and Regulations for Barrier-Free Design, are permitted
in required front, side, or rear setbacks.

 c. Uncovered, unenclosed pedestrian bridges,
necessary for access and less than five feet in width, are
permitted in required front, side and rear setbacks.

 d. Permitted fences, free-standing walls,
bulkheads, signs, and other similar structures, no greater
than six feet in height, are permitted in required front,
side, or rear setbacks.

 e. Decks which average no more than eighteen
inches above existing grade may project into required set-
backs. Such decks shall not be permitted within five feet of
any lot line, unless they abut a permitted fence or free-
standing wall, and are at least three feet below the top of
the fence or wall. The fence or wall shall be no higher than
six feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar Collectors.

3. Ground related housing developed as townhouse dwellings may have zero setbacks along common walls.

Section 13. Subsections 23.45.16 A and B are amended to read as follows:

23.45.16 Lowrise 1, Open Space Requirements

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity

1. A minimum of three hundred square feet per unit of private, landscaped open space, at ground level and directly accessible to each unit, shall be required.

2. On lots with slopes of twenty percent or more, ~~((when decks would provide more usable open space than would the existing ground-level open space,))~~ decks of the same size as the required ground-level open space may be ~~((substituted to meet the))~~ built over the sloping ground-level open space. ~~((requirement. Decks provided to meet this requirement shall be at least three hundred square feet in size, and shall meet the standards of Section 23.45.16-B below. In order to qualify for this provision, the private open space for a unit may not be covered by the deck of another unit.))~~ In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit.

B. Development standards

1. The required open space shall be provided in one contiguous parcel, and no horizontal dimension of the open space shall be less than ten feet.

2. Required open space may be located in the front, sides, or rear of the structure.

3. Required open space may be located a maximum of ten feet above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open spaces, or the open space serving another unit.

4. To ensure the privacy of the open space, openings such as windows and doors on the ground floor of walls directly facing the open space of a different unit or common area, are prohibited, ~~((The open space areas of tandem houses are not subject to this provision.))~~ unless the facing units are single family dwelling units.

1 5. Parking areas, driveways and pedestrian access
2 except for pedestrian access meeting the Washington State
3 Rules and Regulations for Barrier-Free Design, shall not be
4 counted as open space.

5 ((6. Portions of a structure which begin ten feet or
6 more above existing grade may project up to four feet over
7 required open space.))

8 Section 14. Subsections 23.45.18 A, B and C are amended
9 to read as follows:

10 23.45.18 Lowrise 1, Parking and Access Standards

11 A. Parking quantity

12 1. One off-street parking space per dwelling unit is
13 required.

14 2. Reductions to the quantity of parking spaces
15 provided may be made for: low-income housing for the elderly
16 and disabled((+ provision of spaces for two-wheeled
17 vehicles,)) and the addition of residential units to existing
18 structures,((+ and the joint use of existing parking,))
19 according to Section 23.54.20, Parking Quantity Exceptions.

20 3. Exceptions to the quantity of required parking
21 shall be permitted when residential units are added to noncon-
22 forming uses and structures, according to the provisions of
23 Subchapter 4, ((+))Nonconforming Uses and Structures((+)).

24 B. Access to parking

25 1. Alley access required

26 Except when one of the conditions listed in
27 subsections B2 or B3 below applies, access to parking shall be
28 from the alley when the site abuts a platted alley improved to
the standards of Section 23.54.10C. Street access shall not be
permitted.

2. Street access required

Access to parking shall be from the street when:

a. Location of alley access would create a
significant safety hazard;

b. The lot does not abut a platted area.

3. Street or alley access permitted

Access to parking may be from either the alley
or the street ((under any of the following conditions)) when
the conditions listed in subsection B2 above do not apply, and
one or more of the following conditions are met:

((b))a. The alley borders a single family zone;

((e))b. Topography makes alley access
infeasible((+));

1 ((a))c. The alley is not improved to the
2 standards of subsection 23.43.10C. If such an alley is used
3 for access, it shall be improved according to the standards of
4 Section 23.54.10C.

5 C. Location of parking

6 1. Parking shall be located on the same site as the
7 principal use.

8 ((1))2. Parking may be located:

9 a. Between the structure and the side or rear
10 lot line, except as provided in Section 23.45.14D2, if the
11 parking is screened from direct street view as provided in
12 Section 23.45.18D below, ~~((Exhibit 23.45.20))~~ Exhibit
13 45.18A.

14 b. In or under the structure, provided that the
15 parking is screened from direct street view by the front
16 facade of the structure and/or by garage doors,
17 ~~((Exhibit 23.45.20B))~~ Exhibit 45.18B, or by a fence and
18 landscaping as provided in Section 23.45.18D below,
19 ~~((Exhibit 23.45.20C))~~ Exhibit 45.18C.

20 ((2))3. No open parking shall be permitted between a
21 structure and the front lot line, or in the required front
22 setback, except as provided in paragraphs C3, C4, C5, and C6
23 of this Section.

24 ((3))4. For through lots less than one hundred feet in
25 depth, parking may be located in the front setback which is
26 determined by the Director to be most consistent with the
27 existing pattern on the block.

28 ((4))5. For corner lots, parking between the structure
and the street shall be permitted along one street frontage
only.

((5))6. The Director may permit variations from the
development standards for parking location and design and
curbcut quantity, including permitting the location of parking
between the structure and the front lot line, for lots which
have no alley access and which meet one or more of the
following conditions:

- a. Street frontage of less than eighty feet;
- b. Lot depth of less than one hundred feet;
- c. A rise or drop of twelve feet or more in
the first sixty feet from the street.

In order to permit such alternative parking
solutions, the Director must determine that siting conditions,
such as the topography of the rest of the lot, or soil and
drainage conditions, warrant the exception, and that the
proposed alternative solution meets the following objectives:
maintaining on-street parking capacity, an attractive
environment at street level, landscaped front setbacks and
unobstructed traffic flow.

1 ((6))7. When the front setback is averaged across the
2 width of the front facade, parking shall be permitted between
3 the structure and the front property lines but not in the
4 required front setback, Exhibit 45.18D.

5 Section 15. Subsection 23.45.22 C and D are amended to
6 read as follows:

7 C. Pitched roofs

8 The ridge of pitched roofs on principal structures
9 ~~((shall be allowed to))~~ may extend up to thirty-five feet. ~~((7 so~~
10 ~~long as the entire portion above thirty feet has a minimum of~~
11 ~~three-in-twelve pitch (Exhibit 23.45.26))~~ All parts of the roof
12 above thirty feet must be pitched at a rate of not less than
13 three to twelve, Exhibit 45.26B. No portion of a shed roof shall
14 be permitted to extend beyond the thirty-foot height limit under
15 this provision.

16 D. Rooftop features

17 1. Radio and television receiving aerials, flag-
18 poles, and spires for religious institutions are exempt from
19 height controls, except as regulated in Chapter 23.74,
20 ~~((4))~~Airport Height District~~((7))~~, provided they are no closer
21 than fifty percent of their height above existing grade, or,
22 if attached only to the roof, no closer than fifty percent of
23 their height above the roof portion where attached, to any
24 adjoining lot line.

25 2. Railings, planters, skylights, ~~((chimneys,))~~
26 clerestories, greenhouses, dish antennae, and parapets, and
27 firewalls may extend four feet above the maximum height limit
28 set in ~~((Section 23.45.22))~~ subsections A and B above.

3. The following rooftop features may extend ten
feet above the maximum height limit set in Section 23.45.22 A
and B above, so long as the combined total coverage of all
features does not exceed fifteen percent of the roof area or
twenty percent of the roof area if the total includes screened
mechanical equipment:

- stair and elevator penthouses
- mechanical equipment
- play equipment and open mesh fencing which
encloses it, so long as the fencing is at least five feet from
the roof edge
- chimneys.

4. For height exceptions for solar collectors, see
Section 23.45.146, Solar Collectors.

5. In order to protect solar access for property to
the north, the applicant shall either locate the rooftop
features listed below at least ten feet from the north edge of
the roof, or provide shadow diagrams to demonstrate that the
proposed location of such rooftop features would shade prop-
erty to the north on January 21 at noon no more than would a
structure built to maximum permitted bulk:

- solar collectors
- planters
- clerestories
- greenhouses
- dish antennae
- non-firewall parapets
- play equipment.

Section 16. Subsection 23.45.24B is amended to read as follows:

B. Maximum depth

1. The maximum depth of a structure ((when the front facade is not modulated according to the standards of Section 23.45.26C or D shall be fifty percent of the depth of the lot).

2. When the front facade modulated according to the standards of Section 23.45.12C or D, the maximum permitted depth of each structure on a lot)) shall be:

a. Ground-related housing: sixty-five percent of lot depth((-));

b. Terraced housing on slopes of twenty-five percent or more: no maximum depth limit((-)); and

c. Apartments: sixty-five percent of lot depth.

((3))2. Exceptions to maximum depth requirements

((a.)) Structure depth is permitted to exceed sixty-five percent of lot depth, ((~~Exhibit 23.45.28~~)) Exhibit 45.24A, subject to the following conditions:

((1)) a. The total lot coverage shall not be greater than that which would have been possible by meeting standard development requirements for maximum width, depth, and setbacks.

((2)) b. Any increased side setbacks created by using this exception shall be landscaped and shall not be used for parking.

((3)) c. Structure depth shall in no case exceed seventy-five feet.

((4)) d. Structures with depth greater than sixty-five percent of lot depth shall be modulated along the side setbacks, according to the standards of ((Section)) subsection ((23.45.40C or D)) 23.45.26C.

Section 17. Section 23.45.26 is amended to read as follows:

23.45.26 Lowrise 2, Modulation Requirements

Modulation of structure facades shall be required subject to the following criteria:

A. Front facades

1. Modulation shall be required if the front facade width exceeds thirty feet with no principal entrance facing the street, or forty feet with a principal entrance facing the street.

2. For terraced housing, only the portion of the front facade closest to the street is required to be modulated, Exhibit 45.26A.

B. Side facades

1. On corner lots, side facades which face the street shall be modulated if greater than forty feet in width for ground-related housing, and thirty feet in width for apartments. Modulation shall not be required for the side facades of terraced housing.

2. Apartments with a structure depth greater than sixty-five percent of lot depth shall be modulated along all side facades, ((wider than thirty feet)) according to the standards of subsection C below.

C. Modulation standards

1. Minimum depth of modulation

a. The minimum depth of modulation shall be four feet, ((~~Exhibit 23.45.30~~)) Exhibit 45.26B.

b. When balconies are part of the modulation and have a minimum dimension of at least six feet and a minimum area of at least sixty square feet, the minimum depth of modulation shall be two feet, ((~~Exhibit 23.45.32~~)) Exhibit 45.26C.

2. The minimum width of modulation shall be five feet, ((~~Exhibit 23.45.30~~)) Exhibit 45.26B.

3. Maximum width of modulation

a. The maximum width of modulation shall be thirty feet.

b. Exceptions to maximum width of modulation

(1) When facades provide greater depth of modulation than four feet, then for every foot of modulation depth in excess of four feet, the width of modulation may be increased two and one-half feet, to a maximum width of forty feet.

1 (2) The maximum width of modulation may be
2 increased when facades are set back from the ((front)) lot
3 line further than the required ((front)) setback, according to
4 the following guideline: the width of modulation of such a
5 facade shall be permitted to exceed thirty feet by one foot
6 for every foot of facade setback beyond the required ((front))
7 setback. This provision shall not be combined with the provi-
8 sions of 3.b.(1) above, nor shall it permit facades to exceed
9 forty-five feet in width without modulation.

4. Required modulation may start a maximum of ten
feet above existing grade, and shall be continued up to the
roof.

Section 18. Subsections 23.45.28A, C and D are amended to
read as follows:

((23.45.14)) 23.45.28 Lowrise 2, Setback Requirements

Front, rear and side setbacks shall be provided for all
lots, according to the following provisions:

A. Front setback

The required front setback shall be the average of
the setbacks of the first principal structures on either side,
subject to the following provisions:

1. The front setback shall in no case be required to
be more than five feet greater than the setback of the first
principal structure on either side which is closer to the
front lot line.

2. The front setback shall not be required to exceed
twenty feet.

3. Portions of a structure in front setbacks

a. Portions of a structure may project into the
required front setback, as long as the average distance from
the front property line to the structure satisfies the minimum
front setback requirement.

b. No portions of a structure between existing
grade and ten feet above existing grade shall be closer to the
front lot line than five feet.

c. Portions of the facade which begin ((ten))
eight feet or more above existing grade may project up to four
feet beyond the lower portion of the facade without being
counted in setback averaging, Exhibit 45.28A.

d. Portions of the facade which begin ((ten))
eight feet or more above existing grade shall be no closer to
the front lot line than three feet, Exhibit 45.28B.

4. Front setback exceptions

a. Structures along heavily traveled arterials

In order to reduce noise and glare impacts, multi-family structures located on arterials with more than fifteen thousand average vehicle trips per day, according to Engineering Department data, shall be allowed a reduction in the required front setback. The required front setback along these arterials may be reduced to either fifty percent of the front setback specified in the development standards, or to the front setback of the principal structure on either side, whichever is less. A list of such arterials shall be maintained by the Department.

b. Through lots

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

c. Parking in rear

For sites which are required to locate the parking in the rear and have no alley, the required front setback shall be reduced by five feet, so long as this does not reduce the required front setback to less than ten feet.

* * *

C. Side Setbacks

1. The required side setback (~~in Lowrise 2 zones~~) shall be five feet. This setback may be averaged along the entire structure depth, but shall at no point be less than three feet.

2. Side setback exceptions

a. Where there is a principal entrance along a side facade, the minimum setback shall be five feet. Averaging shall not be permitted. When the entrance is essentially parallel to the side lot line, the minimum setback shall be ten feet. When the entrance is not essentially parallel to the side lot line, the midpoint of the door shall be no less than seven and one-half feet from the property line, (~~Exhibit 23.45.36~~) Exhibit 45.28C.

b. The side street setback of a reversed corner lot shall be one half the depth of the key lot's front setback, but shall not be less than ten feet, nor be required to exceed twenty feet. Averaging shall not be permitted, (~~Exhibit 23.45.38~~) Exhibit 45.28D.

c. When the depth of a structure exceeds sixty-five feet, an additional setback shall be required for that portion in excess of sixty-five feet. This additional setback may be averaged along the entire length of the wall. (~~The additional setback~~) The side setback requirement for portions of walls subject to this provision shall be provided as shown in the following chart:

Side Setback Requirements for Structures

Greater than Sixty-Five Feet in Depth

H	0-10	11-20	21-30	31-40
D	Side Setback in Feet			
66-75	6	7	8	9
76-85	7	8	9	10
86-95	8	9	10	11
96-105	9	10	11	12
106-115	10	11	12	13
116-125	11	12	13	14
126-135	12	13	14	15

For structures greater than 135 feet in depth, the pattern established in the chart shall be continued.

H = greatest height of facade beyond sixty-five-foot depth (in feet, measured from the front of the structure). In the case of a through lot, the applicant may decide which street facade is to be considered the front.

D = depth of structure (in feet).

D. General setback exceptions

1. Required setbacks for cluster developments

Where two or more principal structures are located on one lot, ~~((Exhibit 23.45.40))~~ Exhibit 45.28E, required setbacks between structures shall be provided as follows:

a. No walls shall be less than ten feet apart at any point.

b. A principal entrance to a structure shall be at least fifteen feet from the nearest interior facade which contains no principal entrance.

c. A principal entrance to a structure shall be at least twenty feet from the nearest interior facade which contains a principal entrance.

1 d. Within a cluster development, (~~the maximum~~
2 facade width without modulation shall be thirty feet for all
3 interior facades)) all interior facades wider than forty feet
4 shall be modulated according to the standards of Section
5 23.45.26C1, 2, and 4 provided that maximum modulation width
6 shall be forty feet. Perimeter facades shall follow standard
7 development requirements.

8 e. Structures in cluster developments may be
9 connected by underground garages or elevated walkways(~~(-)~~),
10 provided that:

11 (1) One elevated walkway shall be
12 permitted to connect any two structures in the development;

13 (2) Additional elevated walkways, in
14 excess of one, between any two structures may be permitted by
15 the Director when it is determined that by their location or
16 design a visual separation between structures is maintained.

17 2. Structures in required setbacks

18 a. Detached garages, carports, or other
19 accessory structures are permitted in the required rear or
20 side setbacks, provided that (~~they are~~) any accessory
21 structure located between a principal structure and the side
22 lot line shall provide the setback required for the principal
23 structure, Exhibit 45.28F. All such accessory structures
24 shall be no greater than twelve feet in height above existing
25 grade, with open rails permitted above twelve feet.

26 b. Ramps or other devices necessary for access
27 for the disabled and elderly, which meet Washington State
28 Rules and Regulations for Barrier-Free Design, are permitted
in required front, side, or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges,
necessary for access and less than five feet in width, are
permitted in required front, side and rear setbacks.

d. Permitted fences, free-standing walls,
bulkheads, signs, and other similar structures, no greater
than six feet in height, are permitted in required front,
side, or rear setbacks.

e. Decks which average no more than eighteen
inches above existing grade may project into required set-
backs. Such decks shall not be permitted within five feet of
any lot line, unless they abut a permitted fence or free-
standing wall, and are at least three feet below the top of
the fence or wall. The fence or wall shall be no higher than
six feet.

f. Underground structures are permitted in all
setbacks.

g. Solar collectors are permitted in required
setbacks, subject to the provisions of Section 23.45.146,
Solar Collectors.

3. Ground related housing developed as townhouse dwellings may have zero setbacks along common walls.

Section 19. Section 23.45.30 is amended to read as follows:

23.45.30 Lowrise 2, Open Space Requirements

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity

1. Ground-related housing

a. A minimum of three hundred square feet per unit of private, landscaped open space, at ground level and directly accessible to each unit, shall be required.

b. On lots with slopes of twenty percent or more, ~~((when decks would provide more usable open space than would the existing ground-level open space,))~~ decks of the same size as the required ground-level open space may be ~~((substituted to meet the))~~ built over the sloping ground-level open space. ((requirement. Decks provided to meet this requirement shall be at least three hundred square feet in size, and shall meet the standards of Section 23.45.30B below. In order to qualify for this provision, the private open space for a unit may not be covered by the deck of another unit.)) In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit.

2. Apartments

A minimum of thirty percent of the lot area shall be provided as usable, landscaped open space at ground level.

3. Terraced housing on a slope of twenty-five percent or more

a. A minimum of forty percent of the lot area shall be provided as usable, landscaped open space.

b. Ground-level open space may be reduced from forty percent to ten percent of lot area when an equivalent amount of open space is provided above ground in the form of balconies, decks, and/or rooftop areas.

B. Development standards

1. Ground related housing

a. The required open space for each unit is not required to be in one contiguous area, but no open space area shall be less than one hundred twenty square feet, and no horizontal dimension shall be less than ten feet.

b. Required open space may be located in the front, sides, or rear of the structure.

1 c. Required open space may be located a
2 maximum of ten feet above or below the unit it serves,
provided that the access to such open space does not go
through or over common circulation areas, common or public
open spaces, or the open space serving another unit.

3 d. To ensure the privacy of the open space,
4 openings such as windows and doors on the ground floor of
walls directly facing the open space of a different unit or
5 common area, are prohibited, ~~((The open space areas of tandem
houses are not subject to this provision.))~~ unless the facing
units are single family dwelling units.

6 e. Parking areas, driveways and pedestrian
7 access except for pedestrian access meeting the Washington
State Rules and Regulations for Barrier-Free Design, shall
8 not be counted as open space.

2. Apartments

9 a. No horizontal dimension for required
10 ground-level open space shall be less than ten feet.

11 b. Required open space is permitted in the
front, sides or rear of the structure.

12 c. Parking areas, driveways and pedestrian
13 access except for pedestrian access meeting the Washington
State Rules and Regulations for Barrier-Free Design, shall not
be counted as open space.

14 3. Terraced housing on a slope of twenty-five
15 percent or more

16 a. No horizontal dimension for required
ground-level open space shall be less than ten feet.

17 b. Required open space is permitted in the
front, side or rear of the structure.

18 c. Parking areas, driveways and pedestrian
19 access except for access meeting the Washington State Rules
and Regulations for Barrier-Free Design, shall not be counted
as open space.

20 d. In order to qualify as above ground-level
21 open space, rooftop areas, balconies, or decks shall have a
minimum horizontal dimension of at least ten feet, and a total
22 area of at least one ((-)) hundred ((-)) twenty square feet.

C. Open space exception

23 When all uncovered surface parking and access to
24 parking is surfaced in permeable material, the quantity of
required ground level open space shall be reduced by five
25 percent of the total lot area. ~~((When combined with the
reduction in required ground level open space for structures
26 which provide open space above ground level, the total amount
of ground level open space shall not be reduced below twenty
percent of lot area.))~~

Section 20. Subsections 23.45.32A, B, and C are amended to read as follows:

23.45.32 Lowrise 2, Parking and Access Standards

A. Parking quantity

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

2. For apartments and terraced housing, spaces for bicycles shall be provided in a sheltered and convenient location, according to the following chart:

Number of	
<u>Number of Units</u>	<u>Bicycle Spaces Required</u>
5-10	1
11-20	2
More than 20	One for every 10 units

3. Reductions to the quantity of parking spaces provided may be made for: low-income housing for the elderly and disabled(~~(+ provision of spaces for two-wheeled vehicles,)~~) and the addition of residential units to existing structures(~~(+ and the joint use of existing parking)~~), according to Section 23.54.20, Parking Quantity Exceptions.

4. For apartment structures of more than twenty units, the Director may require parking in excess of the one-to-one parking ratio, up to a maximum of one and one-quarter spaces per unit, according to the provisions of Section 23.54.20(~~(B)~~)D.

5. Exceptions to the quantity of required parking shall be permitted when residential units are added to existing structures, according to the provisions of Subchapter 4, Nonconforming Uses and Structures.

B. Access to parking

1. Alley access required

Except when one of the conditions listed in subsections B2 or B3 below applies, access to parking shall be from the alley when the site abuts a platted alley improved to the standards of Section 23.54.10C. Street access shall not be permitted.

2. Street access required

Access to parking shall be from the street when:

a. Location of alley access would create a significant safety hazard;

b. The lot does not abut a platted (~~(area)~~) alley.

3. Street or alley access permitted

Access to parking may be from either the alley or the street ~~((under any of the following conditions))~~ when the conditions listed in subsection B2 above do not apply, and one or more of the following conditions are met:

~~((b))~~a. The alley borders a ~~((s))~~Single ~~((f))~~Family zone;

~~((e))~~b. Topography makes alley access infeasible~~((r))~~;

~~((a))~~c. The alley is not improved to the standards of ~~((Section))~~ subsection 23.54.10C~~((r))~~. If such an alley is used for access, it shall be improved according to the standards of subsection 23.54.10C.

C. Location of parking

1. Parking shall be located on the same site as the principal use.

~~((1))~~2. Parking may be located:

a. Between the structure and the side or rear lot line, ~~((Exhibit 23.45.42A))~~ Exhibit 45.32A, except as provided in Section 23.45.28D2, if the parking is screened from direct street view as provided in Section 23.45.32D below, or

b. Ground-related housing: In or under the structure, provided that the parking is screened from direct street view by the front facade of the structure, Exhibit 45.32B, by garage doors, or by a fence and landscaping as provided in Section 45.32.03D below, ~~((Exhibit 23.45.42B))~~ Exhibit 45.32C, or

c. Apartments and terraced housing: In or under the structure, provided that the parking is screened from street view by the front facade of the structure, ~~((Exhibit 23.45.42B))~~ Exhibit 45.32B.

~~((2))~~3. No open parking shall be permitted between a structure and the front lot line, or in the required front setback, except as provided in paragraphs C3, C4, C5 and C6 of this Section.

~~((3))~~4. For through lots less than one hundred feet in depth, parking may be located in the front setback which is determined by the Director to be most consistent with the existing pattern on the block.

~~((4))~~5. For corner lots, parking between the structure and the street shall be permitted along one street frontage only.

~~((5))~~6. a. The Director may permit variations from the development standards for parking location and design and curbcut quantity~~((r))~~ for lots meeting the following conditions:

(1) Lots proposed for ground-related housing with no feasible alley access and with

- Less than eighty feet of street frontage, or

- Lot depth of less than one hundred feet, or

- A rise or drop in elevation of at least twelve feet in the first sixty feet from the front lot line, and

(2) Lots proposed for apartments and terraced housing with no feasible alley access and a rise or drop in elevation of at least twelve feet in the first sixty feet from the front lot line.

b. On lots meeting the standards listed above, the following variations may be permitted:

(1) Ground-related housing: parking may be located between the structure and the front lot line;

(2) Apartments or terraced housing: parking may be located under the front of the structure if screened by garage doors or by fencing and landscaping.

c. In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the exception, and that the proposed alternative solution meets the following objectives: maintaining on-street parking capacity, an attractive environment at street level, landscaped front setbacks and unobstructed traffic flow.

((6))7. When the front setback is averaged((7)) across the width of the front facade, parking shall be permitted between the structure and front property line, but not in the required front setback, Exhibit 45.32D.

Section 21. Subsections 23.45.36C and D are amended to read as follows:

C. Pitched roofs

The ridge of pitched roofs on principal structures ~~((shall be allowed to))~~ may extend up to forty-two feet. ((7 so long as the entire portion above thirty-seven feet has a minimum of three-in-twelve pitch (Exhibit 23.45.48)) All parts of the roof above thirty-seven feet must be pitched at a rate of not less than three to twelve, Exhibit 45.48B. No portion of a shed roof shall be permitted to extend beyond the thirty-seven foot height limit under this provision.

D. Rooftop features

1. Radio and television receiving aerials, flagpoles, and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.74.

1 ((+))Airport Height District(+)), provided they are no closer
2 than fifty percent of their height above existing grade, or,
3 if attached only to the roof, no closer than fifty percent of
4 their height above the roof portion where attached, to any
5 adjoining lot line.

6 2. Railings, planters, skylights, (~~chimneys,~~)
7 clerestories, greenhouses, dish antennae, and parapets, and
8 firewalls may extend four feet above the maximum height limit
9 set in (~~Section 23.45.08~~) subsections A and B above.

10 3. The following rooftop features may extend ten
11 feet above the maximum height limit set in Section
12 (~~23.45.22~~) 23.45.36 A and B above, so long as the combined
13 total coverage of all features does not exceed fifteen percent
14 of the roof area, or twenty percent of the roof area if the
15 total includes screened mechanical equipment:

- 16 - stair and elevator penthouses
- 17 - mechanical equipment
- 18 - play equipment and open mesh fencing which
19 encloses it, so long as the fencing is at least five feet from
20 the roof edge
- 21 - chimneys.

22 4. For height exceptions for solar collectors, see
23 Section 23.45.146, Solar Collectors.

24 5. In order to protect solar access for property to
25 the north, the applicant shall either locate the rooftop
26 features listed below at least ten feet from the north edge of
27 the roof, or provide shadow diagrams to demonstrate that the
28 proposed location of such rooftop features would shade property
to the north on January 21 at noon no more than would a
structure built to maximum permitted bulk:

- solar collectors
- planters
- clerestories
- greenhouses
- dish antennae
- non-firewall parapets
- play equipment.

Section 22. Subsection 23.45.38B is amended to read as
follows:

B. Maximum depth

1. The maximum depth of a structure (~~when the~~
~~front facade is not modulated according to the standards of~~
~~Section 23.45.12C or D shall be fifty percent of the depth of~~
~~the lot.~~

2. When the front facade modulated according to the standards of Section 23.45.26 or D)) shall be:

a. Ground-related housing: sixty-five percent of lot depth((-));

b. Terraced housing on slopes of twenty-five percent or more: no maximum depth limit((-));

c. Apartments: sixty-five percent of lot depth.

((3))2. Exceptions to maximum depth requirements

((a-)) Structure depth is permitted to exceed sixty-five percent of lot depth, ((~~Exhibit 23.45.52~~)) Exhibit 45.38B, subject to the following conditions:

((1)) a. The total lot coverage shall not be greater than that which would have been possible by meeting standard development requirements for maximum width, depth, and setbacks.

((2)) b. Any increased side setbacks provided to meet this condition shall be landscaped and shall not be used for parking.

((3)) c. Structure depth shall in no case exceed the maximum width permitted according to Section 23.45.38A.

((4)) d. Apartments with depth greater than sixty-five percent of lot depth shall be modulated along the side setbacks, according to the standards of ((~~Section~~)) subsection 23.45.40C ((~~or D~~)).

Section 23. Section 23.45.40 is amended to read as follows:

Section 23.45.40 Lowrise 3, Modulation Requirements

Modulation of structure facades shall be required subject to the following criteria:

A. Front facades

1. Modulation shall be required if the front facade width exceeds thirty feet with no principal entrance facing the street, or forty feet with a principal entrance facing the street.

2. For terraced housing, only the portion of the front facade closest to the street is required to be modulated, Exhibit 45.40A.

B. Side facades

1. On corner lots, side facades which face the street shall be modulated if greater than forty feet in width for ground-related housing, and thirty feet in width for apartments. Modulation shall not be required for the side facades of terraced housing.

1 2. Apartments with a structure depth greater than
2 sixty-five percent of lot depth shall be modulated along all
3 side facades, ~~((wider than thirty feet))~~ according to the
4 standards of subsection C below.

5 C. Modulation standards

6 1. Minimum depth of modulation

7 a. The minimum depth of modulation shall be
8 four feet, ~~((Exhibit 23.45.54))~~ Exhibit 45.26B.

9 b. When balconies are part of the modulation
10 and have a minimum dimension of at least six feet and a minimum
11 area of at least sixty square feet, the minimum depth of
12 modulation shall be two feet, ~~((Exhibit 23.45.56))~~ Exhibit
13 45.26C.

14 2. The minimum width of modulation shall be five
15 feet, ~~((Exhibit 23.45.54))~~ Exhibit 45.26B.

16 3. Maximum width of modulation

17 a. The maximum width of modulation shall be
18 thirty feet.

19 b. Exceptions to maximum width of modulation

20 (1) When facades provide greater depth of
21 modulation than four feet, then for every foot of modulation
22 depth in excess of four feet, the width of modulation may be
23 increased two and one-half feet, to a maximum width of forty
24 feet.

25 (2) The maximum width of modulation may be
26 increased when facades are set back from the ~~((front))~~ lot
27 line further than the required ~~((front))~~ setback, according to
28 the following guideline: the width of modulation of such a
facade shall be permitted to exceed thirty feet by one foot
for every foot of facade setback beyond the required ~~((front))~~
setback. This provision shall not be combined with the provi-
sions of 3.b.(1) above, nor shall it permit facades to exceed
forty-five feet in width without modulation.

4. Required modulation may start a maximum of ten
feet above existing grade, and shall be continued up to the
roof.

Section 24. Subsections 23.45.42A, C and D are amended to
read as follows:

Section 23.45.42 Lowrise 3, Setback Requirements

Front, rear and side setbacks shall be provided for all
lots, according to the following provisions:

A. Front setback

The required front setback shall be the average of
the setbacks of the first principal structures on either side
~~((Figure 5))~~, subject to the following provisions:

1. The front setback shall in no case be required to be more than five feet greater than the setback of the first principal structure on either side which is closer to the front lot line.

2. The front setback shall not be required to exceed fifteen feet.

3. Portions of a structure in front setbacks

a. Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirement.

b. No portions of a structure between existing grade and ten feet above existing grade shall be closer to the front lot line than five feet.

c. Portions of the facade which begin (~~ten~~) eight feet or more above existing grade may project up to four feet beyond the lower portion of the facade without being counted in setback averaging, Exhibit 45.42A.

d. Portions of the facade which begin (~~ten~~) eight feet or more above existing grade shall be no closer than three feet to the front lot line, Exhibit 45.42B.

4. Front setback exceptions

a. Structures along heavily traveled arterials

In order to reduce noise and glare impacts, multi-family structures located on arterials with more than fifteen thousand average vehicle trips per day, according to Engineering Department data, shall be allowed a reduction in the required front setback. The required front setback along these arterials may be reduced to either fifty percent of the front setback specified in the development standards, or to the front setback of the principal structure on either side, whichever is less. A list of such arterials shall be maintained by the Department.

b. Through lots

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

c. Parking in rear

For sites which are required to locate the parking in the rear and have no alley, the required front setback shall be reduced by five feet, so long as this does not reduce the required front setback to less than ten feet.

d. Sloped lots

On sloped lots with no alley access, the required front setback shall be fifteen feet minus one foot for each two percent of slope. Slope shall be measured from

the midpoint of the front lot line to the rear lot line, or for a depth of sixty feet, whichever is less.

* * *

C. Side setbacks

1. The required side setback (~~in lowrise 3 zones~~) shall be five feet. This setback may be averaged along the entire structure depth, but shall at no point be less than three feet.

2. Side setback exceptions

a. Where there is a principal entrance along a side facade, the minimum setback shall be five feet. Averaging shall not be permitted. When the entrance is essentially parallel to the side lot line, the minimum setback shall be ten feet. When the entrance is not essentially parallel to the side lot line, the midpoint of the door shall be no less than seven and one-half feet from the property line, (~~Exhibit 23.45.60~~) Exhibit 45.42C.

b. The side street setback of a reversed corner lot shall be one half the depth of the key lot's front setback, but shall not be less than ten feet, nor be required to exceed twenty feet. Averaging shall not be permitted, (~~Exhibit 23.45.62~~) Exhibit 45.42D.

c. When the depth of a structure exceeds sixty-five feet, an additional setback shall be required for that portion in excess of sixty-five feet. This additional setback may be averaged along the entire length of the wall. (~~The additional setback~~) The side setback requirement for portions of walls subject to this provision shall be provided as shown in the following chart:

Side Setback Requirements for Structures

Greater than Sixty-Five Feet in Depth

H	0-10	11-20	21-30	31-42
D	Side Setback in Feet			
66-70	6	7	8	9
71-80	7	8	9	10
81-90	8	9	10	11
91-100	9	10	11	12
101-110	10	11	12	13
111-120	11	12	13	14
121-130	12	13	14	15
131-140	13	14	15	16

For structures greater than 140 feet in depth, the pattern established in the chart shall be continued.

H = greatest height of facade beyond sixty-five foot depth (in feet, measured from the front of the structure). In the case of a through lot, the applicant may decide which street facade is to be considered the front.

D = depth of structure (in feet).

D. General setback exceptions

1. Required setbacks for cluster developments

Where two or more principal structures are located on one lot, (~~Exhibit 23.45.64~~) Exhibit 45.42E, required setbacks between structures shall be provided as follows:

a. No walls shall be less than ten feet apart at any point.

1 b. A principal entrance to a structure shall
2 be at least fifteen feet from the nearest interior facade
3 which contains no principal entrance.

4 c. A principal entrance to a structure shall
5 be at least twenty feet from the nearest interior facade which
6 contains a principal entrance.

7 d. Within a cluster development, ~~((the maximum~~
8 ~~facade width without modulation shall be thirty feet for all~~
9 ~~interior facades))~~ all interior facades wider than forty feet
10 shall be modulated according to the standards of subsection
11 23.45.40C provided that maximum modulation width shall be
12 forty feet. Perimeter facades shall follow standard develop-
13 ment requirements.

14 e. Structures in cluster developments may be
15 connected by underground garages or elevated walkways ~~((+))~~,
16 provided that:

17 (1) One elevated walkway shall be
18 permitted to connect any two structures in the development;

19 (2) Additional elevated walkways, in
20 excess of one, between any two structures may be permitted by
21 the Director when it is determined that by their location or
22 design a visual separation between structures is maintained.

23 2. Structures in required setbacks

24 a. Detached garages, carports, or other
25 accessory structures are permitted in the required rear or
26 side setbacks, provided that ~~((they are))~~ any accessory
27 structure located between a principal structure and the side
28 lot line shall provide the setback required for the principal
structure, Exhibit 45.42F. All such accessory structures
shall be no greater than twelve feet in height above existing
grade, with open rails permitted above twelve feet.

 b. Ramps or other devices necessary for access
for the disabled and elderly, which meet Washington State
Rules and Regulations for Barrier-Free Design, are permitted
in required front, side, or rear setbacks.

 c. Uncovered, unenclosed pedestrian bridges,
necessary for access and less than five feet in width, are
permitted in required front, side and rear setbacks.

 d. Permitted fences, free-standing walls,
bulkheads, signs, and other similar structures, no greater
than six feet in height, are permitted in required front,
side, or rear setbacks.

 e. Decks which average no more than eighteen
inches above existing grade may project into required set-
backs. Such decks shall not be permitted within five feet of
any lot line, unless they abut a permitted fence or free-
standing wall, and are at least three feet below the top of
the fence or wall. The fence or wall shall be no higher than
six feet.

1 f. Underground structures are permitted in all setbacks.

2 g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar Collectors.

3 3. Ground related housing developed as townhouse
4 dwelling may have zero setbacks along common walls.

5 Section 25. Section 23.45.44 is amended to read as follows:

6 Section 23.45.44 Lowrise 3, Open Space Requirements

7 Open space shall be provided for all lots, subject to the following provisions:

8 A. Quantity

9 1. Ground-related housing

10 a. A minimum of three hundred square feet per unit of private, landscaped open space, at ground level and directly accessible to each unit, shall be required.

12 b. On lots with slopes of twenty percent or more, ~~((when decks would provide more usable open space than would the existing ground-level open space,))~~ decks of the same size as the required ground-level open space may be ~~((substituted to meet the))~~ built over the sloping ground-level open space. ~~((requirement. Decks provided to meet this requirement shall be at least three hundred square feet in size, and shall meet the standards of Section 23.45.44B below. In order to qualify for this provision, the private open space for a unit may not be covered by the deck of another unit.))~~ In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit.

18 2. Apartments

19 a. A minimum of twenty-five percent of the lot area shall be provided as usable, landscaped open space at ground level.

21 b. Quantity exception for apartments

22 All required open space may be provided above ground, in the form of balconies, decks, solarium, greenhouses, or roof gardens. If less than twenty-five percent of lot area is provided as open space at ground level, all street setbacks shall be landscaped.

24 3. Terraced housing on a slope of twenty-five percent or more

26 a. A minimum of forty percent of the lot area shall be provided as usable, landscaped open space.

1 b. Ground-level open space may be reduced from
2 forty percent to ten percent of lot area when an equivalent
3 amount of open space is provided above ground in the form of
4 balconies, decks, and/or rooftop areas.

5 B. Development standards

6 1. Ground-related housing

7 a. The required open space for each unit is
8 not required to be in one contiguous area, but no open space
9 area shall be less than one hundred twenty square feet, and no
10 horizontal dimension shall be less than ten feet.

11 b. Required open space may be located in the
12 front, sides, or rear of the structure.

13 c. Required open space may be located a maximum
14 of ten feet above or below the unit it serves, provided that
15 the access to such open space does not go through or over common
16 circulation areas, common or public open space, or the open
17 space serving another unit.

18 d. To ensure the privacy of the open space,
19 openings such as windows and doors on the ground floor of
20 walls directly facing the open space of a different unit or
21 common area, are prohibited, ~~((The open space areas of tandem
22 houses are not subject to this provision.))~~ unless the facing
23 units are single family dwelling units.

24 e. Parking areas, driveways and pedestrian
25 access except for pedestrian access meeting the Washington
26 State Rules and Regulations for Barrier-Free Design, shall not
27 be counted as open space.

28 2. Apartments

1 a. No horizontal dimension for required ground
2 level open space shall be less than ten feet.

3 b. Required open space is permitted in the
4 front, sides, or rear of the structure.

5 c. Parking areas, driveways and pedestrian
6 access except for pedestrian access meeting the Washington
7 State Rules and Regulations for Barrier-Free Design, shall
8 not be counted as open space.

9 d. Balconies, decks, roof gardens, solaria,
10 and greenhouses may be provided above ground as open space.
11 No horizontal dimension shall be less than six feet, minimum
12 area shall be sixty square feet.

13 3. Terraced housing on a slope of twenty-five
14 percent or more

15 a. No horizontal dimension for required
16 ground-level open space shall be less than ten feet.

17 b. Required open space is permitted in the
18 front, sides, or rear of the structure.

1 c. Parking areas, driveways and pedestrian
2 access except for pedestrian access meeting the Washington
3 State Rules and Regulations for Barrier-Free Design, shall not
4 be counted as open space.

5 d. In order to qualify as above((-))ground
6 open space, rooftop areas, balconies, or decks shall have a
7 minimum horizontal dimension of at least ten feet, and a total
8 area of at least one hundred twenty square feet.

9 C. Open space exception

10 When all uncovered surface parking and access to
11 parking is surfaced in permeable material, the quantity of
12 required ground-level open space shall be reduced by five
13 percent of the total lot area. ((When combined with the
14 reduction in required ground level open space for structures
15 which provide open space above ground level, the total amount
16 of ground level open space shall not be reduced below twenty
17 percent of lot area.))

18 Section 26. Subsections 23.45.46A, B and C are amended to
19 read as follows:

20 Section 23.45.46 Lowrise 3, Parking and Access Requirements

21 A. Parking quantity

22 1. One off-street parking space per dwelling unit
23 is required.

24 2. For apartments and terraced housing, spaces for
25 bicycles shall be provided in a sheltered and convenient loca-
26 tion according to the following chart:

<u>Number of Units</u>	<u>Number of Bicycle Spaces Required</u>
5-10	1
11-20	2
More than 20	1 for every 10 units

27 3. Reductions to the quantity of parking spaces
28 provided may be made for: low-income housing for the elderly
and disabled(~~(+ provision of spaces for two-wheeled~~
~~vehicles+)) and the addition of residential units to existing~~
structures(~~(+ and the joint use of existing parking))~~,
according to Section 23.54.20, Parking Quantity Exceptions.

4. For apartment structures of more than twenty
units, the Director may require parking in excess of the one-
to-one parking ratio, up to a maximum of one and one-quarter
spaces per unit, according to the provisions of Section
23.54.20((#))D.

5. Exceptions to the quantity of required parking
shall be permitted when residential units are added to
existing structures, according to the provisions of Subchapter
4, Nonconforming Uses and Structures.

B. Access to parking

1. Alley access required

Except when one of the conditions listed in subsection B2 or B3 below applies, access to parking shall be from the alley when the site abuts a platted alley improved to the standards of Section 23.54.10C. Street access shall not be permitted.

2. Street access required

Access to parking shall be from the street when:

a. Location of alley access would create a significant safety hazard;

b. The lot does not abut a platted ~~((area))~~ alley.

c. Apartments or terraced housing are proposed across an alley from a single family zone.

3. Street or alley access permitted

Access to parking may be from either the alley or the street when the conditions listed in subsection B2 above do not apply, and one or more of the following conditions are met:

~~((b))~~a. Ground-related housing is proposed across the alley from a single family zone;

~~((e))~~b. Topography makes alley access infeasible~~((+))~~;

c. The alley is not improved to the standards of ~~((Section))~~ subsection 23.54.10C~~((+))~~. If such an alley is used for access, it shall be improved according to the standards of subsection 23.54.10C.

C. Location of parking

1. Parking shall be located on the same site as the principal use.

~~((1))~~2. Parking may be located:

a. Between the structure and the side or rear lot line, ~~((Exhibit 23.45.66A))~~ Exhibit 45.46A, except as provided in Section 23.45.42D2, if the parking is screened from direct street view as provided in Section 23.45.46D below, or

b. Ground-related housing: in or under the structure, provided that the parking is screened from direct street view by the front facade of the structure, ~~((Exhibit 23.45.66B))~~ Exhibit 45.46B, by garage doors, or by a fence and landscaping as provided in Section 23.45.46D below, ~~((Exhibit 23.45.66C))~~ Exhibit 45.46C, or

1 Apartments and terraced housing: in or
2 under the structure, provided that the parking is screened
3 from street view by the front facade of the structure,
4 ((~~Exhibit 23.45.66B~~)) Exhibit 45.46B.

5 ((2))3. No open parking shall be permitted between a
6 structure and the front lot line, or in the required front
7 setback, except as provided in paragraphs C3, C4, C5, and C6
8 of this Section.

9 ((3))4. For through lots less than one hundred feet in
10 depth, parking may be located in the front setback which is
11 determined by the Director to be most consistent with the
12 existing pattern on the block.

13 ((4))5. For corner lots, parking between the structure
14 and the street shall be permitted along one street frontage
15 only.

16 ((5))6. a. The Director may permit variations from the
17 development standards for parking location and design and
18 curbcut quantity, for lots meeting the following conditions:

19 (1) Lots proposed for ground-related ((and
20 terraced)) housing with no feasible alley access and with

21 - Less than eighty feet of street
22 frontage, or

23 - Lot depth of less than one hundred
24 feet, or

25 - A rise or drop in elevation of at
26 least twelve feet in the first sixty feet from the front lot
27 line, and

28 (2) Lots proposed for apartments and
terraced housing with no feasible alley access and a rise or
drop in elevation of at least twelve feet in the first sixty
feet from the front lot line.

b. On lots meeting the standards listed above,
the following variations may be permitted:

(1) Ground-related housing: parking may
be located between the structure and the front lot line;

(2) Apartments or terraced housing:
parking may be located under the front of the structure if
screened by garage doors or by fencing and landscaping.

c. In order to permit such alternative parking
solutions, the Director must determine that siting conditions,
such as the topography of the rest of the lot, or soil and
drainage conditions, warrant the exception, and that the
proposed alternative solution meets the following objectives:
maintaining on-street parking capacity, an attractive
environment at street level, landscaped front setbacks and
unobstructed traffic flow.

1 ((6))7. When the front setback is averaged((7)) across
2 the width of the front facade, parking shall be permitted bet-
3 ween the structure and the front property line, but not in the
4 required front setback, Exhibit 45.46D.

5 Section 27. Subsections 23.45.50C and D are amended to
6 read as follows:

7 C. Pitched roofs

8 The ridge of pitched roofs on principal structures
9 ((shall be allowed to)) may extend up to sixty-five feet. ((7
10 so long as the entire portion above sixty feet has a minimum
11 of three-in-twelve pitch (Exhibit 23.45.72))) All parts of the
12 roof above sixty feet must be pitched at a rate of not less
13 than three to twelve, Exhibit 45.50B. No portion of a shed
14 roof shall be permitted to extend beyond the sixty foot height
15 limit under this provision.

16 D. Rooftop features

17 1. Radio and television receiving aerials, flag-
18 poles, and spires for religious institutions are exempt from
19 height controls, except as regulated in Chapter 23.74, Airport
20 Height District ((Chapter 23.74)), provided they are no
21 closer than fifty percent of their height above existing
22 grade, or, if attached only to the roof, no closer than fifty
23 percent of their height above the roof portion where attached,
24 to any adjoining lot line.

25 2. Railings, planters, skylights, ((chimneys,))
26 clerestories, greenhouses, dish antennae, and parapets, and
27 firewalls may extend four feet above the maximum height limit
28 set in ((Section 23.45.22)) subsections A and B above.

3. The following rooftop features may extend ten
feet above the maximum height limit set in Section 23.45.50 A
and B above, so long as the combined total coverage of all
features does not exceed fifteen percent of the roof area or
twenty percent of the roof area if the total includes screened
mechanical equipment:

- stair and elevator penthouses
- mechanical equipment
- play equipment and open mesh fencing which
encloses it, so long as the fencing is at least five feet from
the roof edge
- chimneys
- sun and wind screens
- penthouse pavilions for the common use of
residents
- greenhouses which meet minimum energy stan-
dards administered by the Director.

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4. For height exceptions for solar collectors, see Section 23.45.146, Solar Collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21 at noon no more than would a structure built to maximum permitted bulk:

- solar collectors
- planters
- clerestories
- greenhouses
- dish antennae
- non-firewall parapets
- play equipment
- sun and wind screens
- penthouse pavilions for the common use of residents.

Section 28. Subsection 23.45.52B is amended to read as follows:

B. Maximum depth

1. The maximum depth of a structure ~~((s when the front facade is not modulated according to the standards of Section 23.45.12C or D shall be fifty percent of the depth of the lot.~~

2. The maximum depth of a structure when the front facade is modulated according to the standards of Section 23.45.12C or D) shall be:

a. Ground-related housing: sixty-five percent of the depth of the lot ~~((r))~~;

b. Terraced housing on slopes of twenty-five percent or more: no maximum depth limit ~~((r))~~;

c. Apartments: sixty-five percent of lot depth.

~~((3))~~ 2. Exceptions to maximum depth requirements

~~((a-))~~ Structure depth is permitted to exceed sixty-five percent of lot depth, ~~((Exhibit 23.45.74))~~ Exhibit 45.52A, subject to the following conditions:

~~((1))~~ a. The total lot coverage shall not be greater than that which would have been possible by meeting standard development requirements for maximum width, depth and setbacks.

((2)) b. Any increased side setbacks provided to meet this condition shall be landscaped and shall not be used for parking.

((+3)) c. Structure depth shall in no case exceed one-hundred fifty feet.

((4)) d. Structures with depth greater than sixty-five percent of lot depth shall be modulated along the side setbacks, according to the standards of subsection 23.45.54C ((or D)).

Section 29. Section 23.45.54 is amended to read as follows:

Section 23.45.54 Midrise, Modulation Requirements

Modulation of structure facades shall be required subject to the following criteria:

A. Front facades

1. Modulation shall be required if the front facade width exceeds forty feet. Ground-related structures may follow either the modulation standards for Lowrise 3 zones (Section 23.45.40C) or the standards in this section.

2. For terraced housing, only the portion of the front facade closest to the street is required to be modulated((+)), Exhibit 45.54A.

B. Side facades

1. On corner lots, side facades which face the street shall be modulated if greater than forty feet in width. Modulation shall not be required for the side facades of terraced housing.

2. Apartments with a structure depth greater than sixty-five percent of lot depth shall be modulated along all side facades, ~~((wider than thirty feet))~~ according to the standards of subsection C below.

C. Modulation standards

1. Minimum depth of modulation

a. The minimum depth of modulation shall be eight feet, (~~((Exhibit 23.45.76))~~) Exhibit 45.54B.

b. When balconies are part of the modulation and have a minimum depth of six feet and a minimum area of at least sixty square feet, the minimum depth of modulation shall be six feet, ~~((Exhibit 23.45-78))~~ Exhibit 45.54C.

2. The minimum width of modulation shall be ten feet, (~~((Exhibit 23.45.76))~~) Exhibit 45.54B.

3. Maximum width of modulation

forty feet. a. The maximum width of modulation shall be

b. Exceptions to maximum width of modulation

(1) When facades provide greater depth of modulation than eight feet, then for every foot of modulation depth in excess of eight feet, the width of modulation may be increased by two and one-half feet to a maximum width of fifty feet.

(2) The maximum width of modulation may be increased when facades are set back from the (~~front~~) lot line further than the required (~~front~~) setback, according to the following guideline: the width of modulation of such a facade shall be permitted to exceed forty feet by one foot for every foot of facade setback beyond the required setback. This provision shall not be combined with the provisions of (~~3.b.(i)~~) 3.b.(1) above, nor shall it permit facades to exceed fifty feet in width without modulation.

4. Required modulation may start a maximum of ten feet above existing grade, and shall be continued up to the roof.

Section 30. Subsections 23.45.56A, C and D are amended to read as follows:

23.45.56 Midrise, Setback Requirements

Front, rear and side setbacks shall be provided for all lots, according to the following provisions:

A. Front setback

The required front setback shall be the average of the setbacks of the first principal structures on either side (Figure 5), subject to the following provisions:

1. The front setback shall in no case be required to be more than five feet greater than the setback of the first principal structure on either side which is closer to the front lot line.

2. The front setback shall in no case be required to exceed fifteen feet.

3. Portions of the structure in front setbacks(~~(τ)~~)

a. Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirement.

b. No portions of a structure between existing grade and ten feet above existing grade shall be closer to the front lot line than five feet.

c. Portions of the facade which begin (~~(ten)~~) eight feet or more above existing grade may project up to four feet beyond the lower portion of the facade, without being counted in setback averaging, Exhibit 45.56A.

d. Portions of the facade which begin (~~ten~~) eight feet or more above existing grade shall be no closer than three feet to the front lot line, Exhibit 45.56B.

4. Front setback exceptions

a. Structures along heavily traveled arterials

In order to reduce noise and glare impacts, multi-family structures located on arterials with more than fifteen thousand average vehicle trips per day, according to Engineering Department data, shall be allowed a reduction in the required front setback. The required front setback along these arterials may be reduced to either fifty percent of the front setback specified in the development standards, or the front setback of the principal structure on either side, whichever is less. A list of such arterials shall be maintained by the Department.

b. Through lots

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

c. Parking in rear

For sites which are required to locate the parking in the rear and have no alley, the required front setback shall be reduced by five feet, so long as this does not reduce the required front setback to less than ten feet.

d. Sloped lots

On sloped lots with no alley access, the required front setback shall be fifteen feet minus one foot for each two percent of slope. Slope shall be measured from the midpoint of the front lot line(~~7~~) to the rear lot line, or for a depth of sixty feet, whichever is less.

* * *

C. Side setbacks

1. For structures thirty-seven feet or less in height, the required side setback shall be five feet. This side setback may be averaged along the entire structure depth, but shall at no point be less than three feet. For structures greater than sixty-five feet in depth, the provisions for setbacks for Lowrise 3 structures, (~~Section 23.45.42B2e~~) Section 23.45.42C2c, shall apply.

2. For structures more than thirty-seven feet in height, the required side setback shall be eight feet. This side setback may be averaged along the entire structure depth, but shall at no point be less than five feet.

3. Side setback exceptions

a. The side street side setback of a reversed corner lot shall be one half the depth of the key lot's front setback, but shall not be less than ten feet, nor be required

to exceed twenty feet. Averaging shall not be permitted,
((~~Exhibit 23.45.80~~)) Exhibit 45.56A.

b. For structures more than thirty-seven feet in height, when the depth of the structure exceeds sixty-five feet, an additional setback shall be required for that portion in excess of sixty-five feet. This additional setback may be averaged along the entire length of the wall. ((~~The additional setback~~)) The side setbacks requirement for portions of walls subject to this provision shall be provided as shown in the following chart:

Side Setback Requirements for Structures
Greater than Sixty-Five Feet in Depth

H	0-10	11-20	21-30	31-42	41-50	51-65
D						
66-70	9	10	11	12	13	14
71-80	10	11	12	13	14	15
81-90	11	12	13	14	15	16
91-100	12	13	14	15	16	17
101-110	13	14	15	16	17	18
111-120	14	15	16	17	18	19
121-130	15	16	17	18	19	20
131-140	16	17	18	19	20	21

For structures greater than 140 feet in depth, the pattern established in the chart shall be continued.

H = greatest height of facade beyond sixty-five foot depth (in feet, measured from the front of the structure). In the case of a through lot, the applicant may decide which street facade is to be considered the front.

D = depth of structure (in feet).

D. General setback exceptions

1. Required setbacks for cluster developments

Where two or more principal structures are located on one lot, (~~((Exhibit 23.45.82))~~) Exhibit 45.56B, required setbacks between structures shall be provided as follows:

a. No walls shall be less than (~~((ten))~~) sixteen feet apart at any point.

b. A principal entrance to a structure shall be at least (~~((fifteen))~~) twenty-four feet from the nearest interior facade which contains no principal entrance.

c. A principal entrance to a structure shall be at least (~~((twenty))~~) thirty-two feet from the nearest interior facade which contains a principal entrance.

d. Within a cluster development, (~~((the maximum facade width without modulation shall be thirty feet for all interior facades))~~) all interior facades wider than fifty feet shall be modulated according to the standards of Section 23.45.54C1, 2, and 4, provided that maximum modulation width shall be fifty feet. Perimeter facades shall follow standard development requirements.

e. Structures in cluster developments may be connected by underground garages or elevated walkways (~~((or))~~), provided that:

(1) One elevated walkway shall be permitted to connect any two structures in the development;

(2) Additional elevated walkways, in excess of one, between any two structures may be permitted by the Director when it is determined that by their location or design a visual separation between structures is maintained.

2. Structures in required setbacks

a. Detached garages, carports, or other accessory structures are permitted in the required rear or side setbacks, provided that (~~((they are))~~) any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure, Exhibit 45.56F. All such accessory structures shall be no greater than twelve feet in height above existing grade, with open rails permitted above twelve feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Rules and Regulations for Barrier-Free Design, are permitted in required front, side or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five feet in width, are permitted in required front, side and rear setbacks.

1 d. Permitted fences, free-standing walls,
2 bulkheads, signs, and other similar structures, no greater
3 than six feet in height, are permitted in required front, side
4 or rear setbacks.

5 e. Decks which average no more than eighteen
6 inches above existing grade may project into required set-
7 backs. Such decks shall not be permitted within five feet of
8 any lot line, unless they abut a permitted fence or free-
9 standing wall, and are at least three feet below the top of
10 the fence or wall. The fence or wall shall be no higher than
11 six feet.

12 f. Underground structures are permitted in all
13 setbacks.

14 g. Solar collectors are permitted in required
15 setbacks, subject to the provisions of Section 23.45.146,
16 Solar Collectors.

17 3. Ground related housing developed as townhouse
18 dwelling may have zero setbacks along common walls.

19 Section 31. Section 23.45.58 is amended to read as
20 follows:

21 23.45.58 Midrise, Open Space Requirements

22 Open space shall be provided for all lots, subject to the
23 following provisions:

24 A. Quantity

25 1. Ground-related housing

26 a. A minimum of three hundred square feet per
27 unit of private, landscaped open space, at ground level and
28 directly accessible to each unit, shall be required.

29 b. On lots with slopes of twenty percent or
30 more, ~~((when decks would provide more usable open space than~~
31 ~~would the existing ground-level open space,))~~ decks of the
32 same size as the required ground-level open space may be
33 ~~((substituted to meet the))~~ built over the sloping ground-
34 level open space. ~~((requirement. Decks provided to meet this~~
35 ~~requirement shall be at least three hundred square feet in~~
36 ~~size, and shall meet the standards of Section 23.45.30B below.~~
37 ~~In order to qualify for this provision, the private open space~~
38 ~~for a unit may not be covered by the deck of another unit.))~~
39 In order to qualify for this provision, such decks shall not
40 cover the open space of another unit, nor be above the living
41 space of any unit.

42 2. Apartments

43 a. A minimum of twenty-five percent of the lot
44 area shall be provided as usable, landscaped open space at
45 ground level.

b. Quantity exception for apartments

All required open space may be provided above ground, in the form of balconies, decks, solariums, greenhouses, or roof gardens. If less than twenty-five percent of the lot area is provided as open space at ground level, all street setbacks shall be landscaped.

3. Terraced housing on slopes of twenty-five percent or more

a. A minimum of forty percent of the lot area shall be provided as usable, landscaped open space.

b. Ground-level open space may be reduced from forty percent to ten percent of lot area when an equivalent amount of open space is provided above ground in the form of balconies, decks, and/or rooftop areas.

B. Development standards

1. Ground-related housing

a. The required open space for each unit is not required to be in one contiguous area, but no open space area shall be less than one hundred twenty square feet, and no horizontal dimension shall be less than ten feet.

b. Required open space may be located in the front, sides, or rear of the structure.

c. Required open space may be located a maximum of ten feet above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit.

d. To ensure the privacy of the open space, openings such as windows and doors on the ground floor of walls directly facing the open space of a different unit or common area, are prohibited, ~~((The open space areas of tandem houses are not subject to this provision.))~~ unless the facing units are single family dwelling units.

e. Parking areas, driveways and pedestrian access except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

2. Apartments

a. No horizontal dimension for required ground level open space shall be less than ten feet.

b. Required open space is permitted in the front, side, or rear of the structure.

c. Parking areas, driveways and pedestrian access except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

d. In order to qualify as above(--)ground open space, balconies, decks, roof gardens, solarium, and greenhouses shall have a minimum horizontal dimension of at least six feet, and minimum area shall be sixty square feet.

2. Terraced housing on a slope of twenty-five percent or more

a. No horizontal dimension for required ground-level open space shall be less than ten feet.

b. Required open space is permitted in the front, side or rear of the structure.

c. Parking areas, driveways and pedestrian access except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

d. In order to qualify as above ground open space, rooftop areas, balconies, or decks shall have a minimum horizontal dimension of at least ten feet, and a total area of at least one hundred twenty square feet.

C. Open space exception

When all uncovered surface parking and access to parking is surfaced in permeable material, the quantity of required ground-level open space shall be reduced by five percent of the total lot area. ((When combined with the reduction in required ground level open space for structures which provide open space above ground level, the total amount of ground level open space shall not be reduced below twenty percent of lot area.))

Section 32. Subsections 23.45.60A, B and C are amended to read as follows:

Section 23.45.60 Midrise, Parking and Access Requirements

A. Parking quantity

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

2. For apartments and terraced housing, spaces for bicycles shall be provided in a sheltered and convenient location according to the following chart:

Number of Units	Number of Bicycle Spaces
	Required
5-10	1
11-20	2
more than 20	1 per 10 units

3. Reductions to the quantity of parking spaces provided may be made for: low-income housing for the elderly

1 and disabled(~~(+ provision of spaces for two-wheeled~~
2 ~~vehicles,)~~) and the addition of residential units to existing
3 structures(~~(+ and the joint use of existing parking)~~),
4 according to Section 23.54.20, Parking Quantity Exceptions.

5 4. For apartment structures of more than twenty
6 units, the Director may require parking in excess of the one-
7 to-one parking ratio, up to a maximum of one and one-quarter
8 spaces per unit, according to the provisions of Section
9 23.54.20(~~(B)~~)D.

10 5. Exceptions to the quantity of required parking
11 shall be permitted when residential units are added to
12 existing structures, according to the provisions of Subchapter
13 4, Nonconforming Uses and Structures.

14 B. Access to parking

15 1. Alley access required

16 Except when one of the conditions listed in
17 subsections B2 or B3 below applies, access to parking shall be
18 from the alley when the site abuts a platted alley improved to
19 the standards of Section 23.54.10C. Street access shall not
20 be permitted.

21 2. Street access required

22 Access to parking shall be from the street when:

23 a. Location of alley access would create a
24 significant safety hazard(~~(+)~~);

25 b. The lot does not abut a platted alley;

26 c. Apartments or terraced housing are proposed
27 across an alley from a Single Family, Lowrise 1 or Lowrise 2
28 zone.

29 3. Street or alley access permitted

30 Access to parking may be from either the alley
31 or the street when(~~(+)~~) the conditions listed in subsection B2
32 above do not apply, and one or more of the following con-
33 ditions are met:

34 (~~(b)~~)a. Ground-related housing is proposed across
35 the alley from a Single Family, Lowrise 1 or Lowrise 2 zone;

36 (~~(e)~~)b. Topography makes alley access infeasible(~~(+)~~);

37 (~~(a)~~)c. The alley is not improved to the standards
38 of (~~(Section)~~) subsection 23.54.10C(~~(+)~~). If such an alley is
39 used for access, it shall be improved according to the stan-
40 dards of subsection 23.54.10C.

41 C. Location of parking

42 1. Parking shall be located on the same site as the
43 principal use.

((1))2. Parking may be located:

a. Between the structure and the side or rear lot line, ~~((Exhibit 23.45.54A))~~ Exhibit 45.60A, except as provided in Section 23.45.56D2, if the parking is screened from direct street view as provided in Section 23.45.60d below, or

b. Ground-related housing: in or under the structure, provided that the parking is screened from direct street view by the front facade of the structure, ~~((Exhibit 23.45.84B))~~ Exhibit 45.60B, by garage doors, or by a fence and landscaping as provided in Section 23.45.60D below, ~~((Exhibit 23.45.84C))~~ Exhibit 45.60C, or

c. Apartments and terraced housing: in or under the structure, provided that the parking is screened from street view by the front facade of the structure, ~~((Exhibit 23.45.84B))~~ Exhibit 45.60B.

((2))3. No open parking shall be permitted between a structure and the front lot line, or in the required front setback, except as provided in paragraphs C3, C4, C5, and C6 of this Section.

((3))4. For through lots less than one hundred feet in depth, parking may be located in the front setback which is determined by the Director to be most consistent with the existing pattern on the block.

((4))5. For corner lots, parking between the structure and the street shall be permitted along one street frontage only.

((5))6. a. The Director may permit variations from the development standards for parking location and design and curbcut quantity, for lots meeting the following conditions:

(1) Lots proposed for ground-related housing with no feasible alley access and with

- Less than eighty feet of street frontage,

or

- Lot depth of less than one hundred feet,

or

- A rise or drop in elevation of at least twelve feet in the first sixty feet from the front lot line, and

(2) Lots proposed for apartments and terraced housing with no feasible alley access and a rise or drop in elevation of at least twelve feet in the first sixty feet from the front lot line.

b. On lots meeting the standards listed above, the following variations may be permitted:

1 (1) Ground-related housing: parking may
2 be located between the structure and the front lot line.

3 (2) Apartments and terraced housing:
4 parking may be located under the front of the structure if
5 screened by garage doors or by fencing and landscaping.

6 c. In order to permit such alternative parking
7 solutions, the Director must determine that siting conditions,
8 such as the topography of the rest of the lot, or soil and
9 drainage conditions, warrant the exception, and that the
10 proposed alternative solution meets the following objectives:
11 maintaining on-street parking capacity, an attractive
12 environment at street level, landscaped front setbacks and
13 unobstructed traffic flow.

14 ((6))7. When the front setback of the structure is
15 averaged((7)) across the width of the front facade, parking
16 shall be permitted between the structure and the front
17 property line, but not in the required front setback, Exhibit
18 45.60D.

19 Section 33. Subsections 23.45.66B and C are amended to
20 read as follows:

21 B. Additional height permitted

22 The Director may authorize additional height up to a
23 maximum height of two((-))hundred((-))forty feet, as a
24 ((conditional development)) special exception pursuant to
25 Chapter 23.76, Master Use Permit. In order to qualify, the
26 applicant shall comply with the following provisions:

27 1. If the construction of the proposed development
28 will involve the demolition of existing housing, no height
above one hundred sixty feet will be allowed unless new
housing is provided on site, equivalent to the square foot
living area of the housing to be demolished. Such housing
shall be provided at comparable cost pursuant to the Seattle
Municipal Code, Chapter 22.210, Housing Preservation
Ordinance.

2. The applicant shall provide for adequate spacing
between existing and proposed towers in order to minimize
blockage of views from public places, and to minimize casting
of shadows on public places. The applicant shall provide
shadow diagrams for December twenty-first, March twenty-first,
and June twenty-first, as well as elevations showing the
degree, if any, of view blockage that would occur. The
Director may limit or condition the amount of extra height and
bulk granted in order to minimize blocking of views from
public places and to casting of shadows on public places.

3. If the proposed development does not involve the
demolition of housing or measures have been taken to replace
housing demolished according to the conditions of ((B.1)) sub-
section B1 above, and if the provisions of ((B.2)) subsection
B2 above have been met, additional height above one hundred
sixty feet may be allowed in return for the provision of one
of the public benefits listed below, or any combination of

1 these benefits. The amount of additional height shall be
2 determined based on the following criteria, and on the design
3 of the proposed project and the public benefits that are pro-
4 vided.

5 a. When a proposed highrise development provi-
6 des new low- and/or moderate-income housing, or preserves
7 existing low- and/or moderate-income housing, additional
8 height may be allowed according to the following provisions:

9 (1) The housing provided in order to
10 qualify for additional height shall be in addition to any
11 housing provided to replace demolished units.

12 (2) Housing provided to replace demolished
13 units must be provided on the same site as the proposed
14 highrise. Additional housing preserved or provided to qualify
15 for additional height may be either within the proposed
16 project, or within its immediate vicinity.

17 (3) For every one percent of the total
18 gross ((square footage)) floor area in the proposed structure
19 that is reserved as low-income housing, an additional eight
20 feet in height may be allowed; and for every one percent of
21 the total gross ((square footage)) floor area in the proposed
22 structure that is reserved as moderate income housing, an
23 additional five feet in height may be allowed.

24 (4) The units provided to gain additional
25 height shall be reserved as low- or moderate-income housing by
26 ownership and restrictive covenants for a minimum of twenty
27 years from the date a Certificate of Occupancy is issued.

28 (5) Two years after the adoption of this
provision, or at a time when ((the)) an adequate number of
projects are available for analysis, the Director shall review
this provision and recommend any revisions that are necessary
consistent with the City's land use and housing objectives.

b. Landscaped public open space

When proposed highrise developments provide
((landscaping)) landscaped, usable public open space in addi-
tion to the open space required for the exclusive use of resi-
dents of the development, additional height up to a maximum of
forty feet may be allowed according to the following
provisions(()):

(1) Open space for public use shall either
be dedicated, or upon written agreement with the City of
Seattle be available to the public during reasonable and
predictable hours each day of the week.

(2) The open space may be provided on site
or in the immediate vicinity of the project.

(3) The location of the open space shall
enhance street level activity by providing:

(a) A focal point in a highly dense
or active area; and/or

(b) A unique amenity suited to the area and of public benefit; and

(c) Better pedestrian access and siting of an existing public facility or historic landmark.

(4) The space shall be of a sufficient size to be functional, and shall be contiguous to pedestrian pathways that make it readily accessible to users.

(5) The design of the open space shall enhance unique site characteristics such as views, topography, trail systems and significant trees or landscaping.

(6) Public open space and equipment located there shall be designed to provide safety and security for user groups.

(7) The open space shall be designed so that its solar exposure encourages its use.

(8) Outdoor common areas and pedestrian access shall be separated from the paths of moving vehicles.

(9) The outdoor common areas shall function as more than pedestrian walkways or passageways between areas. Active areas and/or passive areas shall be provided depending on the needs of the adjacent neighborhood.

c. Structures of architectural and historical significance

Additional heights may be allowed when new multi-family developments preserve structures of architectural or historical significance, according to the following provisions:

(1) Preservation of designated City landmarks, with proceedings and controls adopted pursuant to the Seattle Municipal Code, Chapter 25.12, Landmarks Preservation Ordinance, may qualify for eighty feet of additional height.

(2) The significant structure to be preserved may be located either on the project site or within the immediate vicinity.

C. Height exceptions

1. Radio and television receiving aerials, flagpoles, and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.74, Airport Height District ((Chapter 23.14)), provided they are no closer than fifty percent of their height above existing grade, or, if attached only to the roof, no closer than fifty percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, ((chimneys,)) clerestories, greenhouses, dish antennae, and parapets, and firewalls may extend four feet above the maximum height limit set in ((Section 23.45.08)) subsections A and B above.

1 3. The following rooftop features may extend up to
2 ten feet above the maximum height limit, so long as the
3 combined total coverage of all features does not exceed fif-
4 teen percent of the roof area, or twenty percent of the roof
5 area if the total includes screened mechanical equipment:

- 6 - stair and elevator penthouses
- 7 - mechanical equipment
- 8 - play equipment and open mesh fencing which
9 encloses it ~~((- Such))~~, so long as the fencing ~~((shall be))~~ is
10 at least five feet from the roof edge
- 11 - chimneys
- 12 - sun and wind screens
- 13 - penthouse pavilions for the common use of
14 residents.

15 4. For height exceptions for solar collectors, see
16 Section 23.45.146, Solar Collectors.

17 5. In order to protect solar access for property to
18 the north, the applicant shall either locate the rooftop
19 features listed below at least ten feet from the north edge of
20 the roof, or provide shadow diagrams to demonstrate that the
21 proposed location of such rooftop features would shade pro-
22 perty to the north on January 21 at noon no more than would a
23 structure built to maximum permitted bulk:

- 24 - solar collectors
- 25 - planters
- 26 - clerestories
- 27 - greenhouses
- 28 - dish antennae
- 29 - non-firewall parapets
- 30 - play equipment
- 31 - sun and wind screens
- 32 - penthouse pavilions for the common use of
33 residents.

34 Section 34. Subsection 23.45.70B is amended to read as
35 follows:

36 B. Modulation standards

37 1. The minimum depth of modulation shall be four
38 feet, ~~((Exhibit 23.45.92))~~ Exhibit 45.70A.

39 2. When balconies are part of the modulation and
40 have a minimum dimension of at least six feet and a minimum

1 area of sixty square feet, the minimum depth of modulation
2 shall be reduced by two feet, ~~((Exhibit 23.45.94))~~ Exhibit
3 45.70B.

4 3. The minimum width of modulation shall be five
5 feet, ~~((Exhibit 23.45.92))~~ Exhibit 45.70A.

6 4. Maximum width of modulation

7 a. The maximum width of modulation shall be
8 thirty feet.

9 b. Exceptions to maximum width of modulation:

10 (1) When facades provide greater depth of
11 modulation than four feet, then for every foot of modulation
12 depth in excess of four feet, the width of modulation may be
13 increased two and one-half feet, to a maximum width of fifty
14 feet.

15 (2) The maximum width of modulation may be
16 increased when facades are set back from the ~~((front))~~ lot
17 line further than the required ~~((front))~~ setback, according to
18 the following guideline: the width of modulation of such a
19 facade shall be permitted to exceed thirty feet by one foot
20 for every foot of facade setback beyond the required setback.
21 This provision shall not be combined with the provisions of
22 subsection 4.b.(1) above, nor shall it permit facades to exceed
23 fifty feet in width without modulation.

24 5. Required modulation may start a maximum of ten
25 feet above existing grade, and shall be continued up to a
26 height of at least thirty-seven feet.

27 Section 35. Subsections 23.45.72B and D are amended to
28 read as follows:

B. Rear setback

1. The minimum rear setback for structures or por-
2. tions of structures sixty feet or less in height shall be ten
3. feet.

2. The minimum rear setback for portions of struc-
tures greater than sixty feet in height shall be twenty feet.

D. General setback exceptions

1. Required setbacks for cluster developments

Where two or more principal structures are
located on one lot, ~~((Exhibit 23.45.98))~~ Exhibit 45.72B,
~~((required))~~ or where two or more portions of the same struc-
ture exceed sixty feet in height above existing grade, set-
backs between structures or portions of structure shall be
provided as follows:

~~((a))~~ No walls shall be less than ten feet apart
at any point.

b. A principal entrance to a structure shall be at least fifteen feet from the nearest interior facade which contains no principal entrance.

c. A principal entrance to a structure shall be at least twenty feet from the nearest interior facade which contains a principal entrance.))

a. Interior facades shall be separated as follows:

<u>Elevation of Facade or Portion of Facade from Existing Grade</u>	<u>Minimum Separation</u>
<u>60 feet or less</u>	<u>16 feet</u>
<u>61-90 feet</u>	<u>20 feet</u>
<u>91-120 feet</u>	<u>28 feet</u>
<u>121 feet or higher</u>	<u>32 feet</u>

((d))b. Within a cluster development, ((the maximum facade width without modulation shall be thirty feet for all interior facades)) interior facades need not be modulated. Perimeter facades shall follow standard development requirements.

((e))c. Structures ((in cluster developments)) or portions of structures over sixty feet in height, may be connected by underground garages or portions of structures thirty-seven feet or less in height.

2. Structures in required setbacks

a. Detached garages, carports, or other accessory structures are permitted in the required rear or side setbacks, provided that ((they are)) any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure, Exhibit 45.72C. All such accessory structures shall be no greater than twelve feet in height above existing grade, with open rails permitted above twelve feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Rules and Regulations for Barrier-Free Design, are permitted in required front, side or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, free-standing walls, bulkheads, signs, and other similar structures, no greater than six feet in height, are permitted in required front, side or rear setbacks.

1 e. Decks which average no more than eighteen
2 inches above existing grade may project into required set-
3 backs. Such decks shall not be permitted within five feet of
4 any lot line, unless they abut a permitted fence or free-
5 standing wall, and are at least three feet below the top of
6 the fence or wall. The fence or wall shall be no higher than
7 six feet.

8 f. Underground structures are permitted in all
9 setbacks.

10 g. Solar collectors are permitted in required
11 setbacks, subject to the provisions of Section 23.45.146,
12 Solar Collectors.

13 Section 36. Section 23.45.76 is amended to read as
14 follows:

15 Section 23.45.76 Highrise, Parking and Access Requirements

16 A. Parking quantity

17 1. One off-street parking space per dwelling unit
18 is required.

19 2. For apartments and terraced housing, spaces for
20 bicycles shall be provided in a sheltered and convenient loca-
21 tion according to the following chart:

Number of Bicycle Spaces	
<u>Number of Spaces</u>	<u>Required</u>
5-10	1
11-20	2
More than 20	1 per 10 units

22 3. Reductions to the quantity of parking spaces
23 provided may be made for: low-income housing for the elderly
24 and disabled(~~(+ provision of spaces for two-wheeled~~
25 ~~vehicles+)~~) and the addition of residential units to existing
26 structures(~~(+ and the joint use of existing parking)~~),
27 according to Section 23.54.20, Parking Quantity Exceptions.

28 4. For apartment structures of more than twenty
units, the Director may require parking in excess of the one-
to-one parking ratio, up to a maximum of one and one-quarter
spaces per unit, according to the provisions of Section
23.54.20(~~(B)~~)D.

5. Exceptions to the quantity of required parking
shall be permitted when residential units are added to
existing structures, according to the provisions of Subchapter
4, Nonconforming Uses and Structures.

B. Access to parking

1. Alley access required

1 Except when one of the conditions of
2 ((paragraphs)) subsections B2 or B3 below applies, access to
3 parking shall be from the alley when the site abuts a platted
4 alley improved to the standards of Section 23.54.10C. Access
5 from the street shall not be permitted.

6 2. Street access required

7 Access to parking shall be from the street when:

- 8 a. The alley borders on a Single Family,
9 Lowrise 1 or Lowrise 2 zone;
10 b. The lot does not abut a platted alley;
11 c. Location of alley access would create a
12 significant safety hazard.

13 3. Street or alley access permitted

14 Access to parking may be from either the alley
15 or the street when((+)) the conditions listed in subsection B2
16 above do not apply, and one or more of the following con-
17 ditions are met:

- 18 a. Topography makes alley access infeasible((+));

19 b. The alley is not improved to the standards
20 of ((Section)) subsection 23.54.10C. If such an alley is used
21 for access, it shall be improved according to the standards of
22 subsection 23.54.10C.

23 C. Location of parking

24 1. Parking shall be located on the same site as the
25 principal use, except accessory off-site parking permitted
26 according to Section 23.45.166.

27 2. Parking may be located:

28 a. Between the structure and the side or rear
lot line, Exhibit 45.76A, except as provided in Section
23.45.72D2, if the parking is screened from direct street view
as provided in subsection 23.45.76D below, or

b. In or under the structure, provided that
the parking is screened from street view by the front facade
of the structure, Exhibit 45.76B. Parking is permitted on all
levels of a base structure, with the limitation that a maximum
of fifty percent of the area of the floor closest to the grade
of the street may be used for parking. If the street-level
facade is in retail use, sixty percent of the street-level
floor area may be used for parking.

3. No open parking shall be permitted between a
structure and the front lot line, or in the required front
setback.

((On corner lots, two streets of retail may be
permitted. On sloped sites, the Director may determine which
street or streets are to be so regulated.))

D. Screening of parking

1. Parking shall be screened from direct street view by the facade of a structure, by garage doors, or by a fence or wall between five and six feet in height. When the fence or wall runs along the street front, there shall be a landscaped strip on the street side of the fence or wall. This strip may be between one and five feet deep, as measured from the property line, but the average distance from the property line to the fence shall be three feet. Such screening shall not be located within any required sight triangle.

2. The height of the visual barrier created by the screen required above shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three feet in height, Exhibit 45.72C.

Section 37. Subsection 23.45.86D is amended to read as follows:

D. Dispersion criteria

1. ((A lot used for a)) The lot line of any new or expanding halfway house shall be ((more than)) located six hundred feet or more from any lot line of any other halfway house or ((from a)) nursing home in a residential zone.

2. No halfway house shall be established where its location would increase to more than five the number of halfway houses and/or nursing homes within a one-half mile radius of the proposed site.

3. The Director shall determine whether a proposed facility meets the dispersion criteria from maps which shall note the location of current halfway house and nursing homes.

Any person who disputes the accuracy of the maps may furnish the Director with the correct information, and this information, if determined by the Director to be accurate, shall be used in processing applications.

Section 38. Subsection 23.45.90 is amended to read as follows:

23.45.90 Institutions: General Provisions

A. The establishment of new institutions, such as religious facilities, community centers, schools, and daycare centers, which meet the development standards of Sections 23.45.92 through 23.45.102 shall be permitted outright in all multi-family zones. Institutions not meeting all the development standards of ((this)) these Sections may be permitted as administrative conditional uses subject to the requirements of Section ((23.45.112)) 23.45.122. If the expansion of an existing institution meets all development standards, it shall be permitted outright. Expansions not meeting development

standards may be permitted as administrative conditional uses subject to the requirements of Section ((23.45.118)) 23.45.122.

Section 39. Subsection 23.45.96C is amended to read as follows:

C. Side setback

1. The minimum side setback shall be ten feet from a side lot line which abuts any other residentially zoned lot. A five foot setback shall be required in all other cases, except that the minimum side street side setback shall be ten feet.

In Highrise zones, structures which are between ninety-one and one((-))hundred((-))twenty feet in height shall have a minimum side setback of fourteen feet; structures which are taller than one((-))hundred((-))twenty feet shall have a minimum side setback of sixteen feet, ((Exhibit 23.45.102)) Exhibit 45.96A.

((2. When the depth of the structure exceeds sixty-five feet, the standard side setback requirement shall be increased by the distances indicated in the following chart. This additional side setback requirement may be satisfied by averaging the side setback along the depth of the structure.))

2. When the depth of a structure exceeds sixty-five feet, an additional setback shall be required for that portion in excess of sixty-five feet. This additional setback may be averaged along the entire length of the wall. The side setback requirement for portions of walls subject to this provision shall be provided as shown in the following chart:

Side Setback Requirements for Structures
Greater than Sixty-Five Feet in Depth

H	0-10	11-21	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-160
D										
66-70	11	12	13	14	15	16	17	18		
71-80	12	13	14	15	16	17	18	19	20	21
81-90	13	14	15	16	17	18	19	20	21	22
91-100	14	15	16	17	18	19	20	21	22	23
101-110	15	16	17	18	19	20	21	22	23	24

For structures greater than one-hundred ((fifty)) ten feet in depth, the pattern established in the chart shall be continued.

H = Greatest height of facade beyond sixty-five foot depth (in feet, measured from the front of the structure). In the case of a through lot, the applicant may decide which street facade is to be considered the front.

D = Depth of structure (in feet).

Section 40. Subsections 23.45.98B and G are amended to read as follows:

B. ((Joint use or shared use of parking areas and facilities shall be permitted)) An institution may make joint use of parking areas and facilities accessory to other uses if approved by the Director, according to the provisions of Section 23.54.20F, Joint Use Parking.

((G. Transportation plan

1. Threshold for requiring a transportation plan

The Director may modify the parking standards on a case by case basis for any proposed institution using a transportation plan. A transportation plan shall be required as an element of the Master Use Permit process for the establishment of new or the expansion of existing institutions which are larger than four thousand square feet of structure area and/or which are required to provide twenty or more parking spaces.

2. Contents of transportation plan

The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and scale of the proposed institution. Consideration of the following elements and other similar factors may be required:

a. Traffic

Number of staff during normal working hours; users, guests and others regularly associated with the institution; level of vehicular traffic generated; traffic peaking characteristics of the institution and the immediate area; likely vehicle use patterns; extent of congestion; types and number of vehicles associated with the use; and mitigating measures to be taken by the applicant.

b. Parking area

Number of spaces; extent of screening from public or abutting lots; direction of vehicle light glare; direction of lighting; sources of possible vibration; Prevailing direction of exhaust fumes; location of driveway

1 and curb cuts, accessibility of convenience of the parking
2 area, and mitigating measures to be taken by the applicant,
3 such as parking space preferences for carpool or vanpool
4 vehicles and provisions for bicycle racks.

5 c. Parking overflow

6 Number of vehicles expected to park in the
7 street, percentage of on-street parking supply to be used by
8 the proposed use, opportunities available to share existing
9 parking areas, trends in local area development and mitigating
10 measures to be taken by the applicant.

11 d. Pedestrian safety

12 Number of driveways which cross pedestrian
13 walkways, location of passenger loading areas.

14 e. Availability of public or private mass
15 transportation system.

16 Bus line location and frequency, extent of
17 private mass transportation, including carpools and vanpools
18 if provided by the applicant.

19 3. Evaluation of transportation plan

20 Based on an evaluation of the information disclosed
21 in the transportation plan, the Director may increase the
22 onsite parking or loading space requirements to reduce the
23 overflow of vehicles into the onstreet parking supply in the
24 vicinity. The Director may also decrease the onsite parking
25 requirement when the applicant can demonstrate that the
26 anticipated use will not need the minimum number of required
27 parking spaces.))

28 Section 41. Section 23.45.102 is amended to read as
follows:

23.45.102 Institutions: Dispersion Criterion

((The establishment of a)) The lot line of any new or
((the expansion of an existing)) expanding institution shall
((not)) be located ((within)) six hundred feet or more from
any lot line of any ((existing)) other institution ((or public
facility)) in a residential zone.

Section 42. Subsection 23.45.106A is amended to read as
follows:

23.45.106 Public Facilities

A. The location or expansion of the following public
facilities shall be permitted outright in all multi-family
zones, if all of the development standards for institutions
(Sections 23.45.92 through 23.45.102) are met:

Police Precinct Stations

Fire Stations

Public Boat Moorages

Utility Service Uses

((Parks & Playgrounds
Museums))

Other similar uses.

Section 43. The following section is added to Chapter 23.45:

23.45.108 Public or Private Parks and Playgrounds

The establishment of new or expansion of existing public or private parks and playgrounds, including customary structures and activities, shall be permitted outright in all multi-family zones. 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 screened from view from such lot.

Section 44. Subsection 23.45.118B is amended to read as follows:

B. Dispersion criteria

1. A facility which does not meet the dispersion criteria of Section 23.45.86D may be permitted, upon determination by the Director that the intent of the dispersion requirements is satisfied. For example, physical elements (such as water bodies, large open spaces, or topographical features) or manmade elements (such as arterials, concentrations of non-residential uses, or freeways) may provide substantial separation from existing halfway houses and nursing homes.

2. If the intent of the dispersion criteria is met, an existing facility not in conformance with a dispersion standard may be permitted to expand. The existing facility shall not be permitted to expand beyond the ((bulk requirement)) requirements of the other development standards for the zone in which it is located.

Section 45. Subsections 23.45.122D and E are amended to read as follows:

D. ((Traffic generation

The Director may condition a permit to mitigate potential traffic congestion problems. Measures which may be used by the Director for this purpose include, but are not limited to the following:

1- Implementing the institution's transportation plan.

2- Limiting the number or type of vehicles associated with the facility; encouraging the use of METRO or private mass transit; requiring provision of sidewalks, and changing access, location or quantity of parking.))

D. Transportation plan

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

2. The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Consideration of the following elements and other similar factors may be required:

a. Traffic

Number of staff during normal working hours; users, guests and others regularly associated with the institution; level of vehicular traffic generated; traffic peaking characteristics of the institution and the immediate area; likely vehicle use patterns; extent of congestion; types and number of vehicles associated with the use; and mitigating measures to be taken by the applicant.

b. Parking area

Number of spaces; extent of screening from public or abutting lots; direction of vehicle light glare; direction of lighting; sources of possible vibration; prevailing direction of exhaust fumes; location of driveway and curb cuts; accessibility and convenience of the parking area; and mitigating measures to be taken by the applicant, such as parking space preferences for carpool or vanpool vehicles and provisions for bicycle racks.

c. Parking overflow

Number of vehicles expected to park in the street; percentage of onstreet parking supply to be used by the proposed use; opportunities available to share existing parking areas; trends in local area development and mitigating measures to be taken by the applicant.

d. Safety

Number of driveways which cross pedestrian walkways; location of passenger loading areas.

e. Availability of mass transportation

1 Bus route location and frequency of service;
2 private transportation programs, including carpools and van-
3 pools, to be provided by the applicant.

4 3. The Director may condition a permit to mitigate
5 potential traffic and parking problems. Measures which may be
6 used by the Director for this purpose include, but are not
7 limited to the following:

8 a. Implementing the institution's transportation
9 plan to encourage use of public or private mass transit;

10 b. Increasing onsite parking or loading space
11 requirements to reduce overflow of vehicles into the onstreet
12 parking supply;

13 c. Changing access and location of parking;

14 d. Decreasing onsite parking or loading space
15 requirements, ((E. Parking I)) if the applicant can
16 demonstrate that less than the required amount of parking is
17 necessary due to the specific features of the institution or
18 the activities and programs it offers((~~the Director may~~
19 ~~reduce the amount of required parking~~)). In such cases, the
20 applicant shall enter into an agreement with the Director,
21 specifying the amount of parking required and linking the
22 parking reduction to the features of the institution which
23 justify the reduction. Such parking reductions shall be valid
24 only under the conditions specified, and if those conditions
25 change, the standard requirement shall be satisfied.

26 Section 46. Section 23.45.140 is amended to add the
27 following subsection:

28 C. Accessory structures shall be counted in structure
 width and depth if less than three feet from the principal
 structure at any point. Such detached accessory structures
 shall have a height limit of twelve feet.

 Section 47. Subsections 23.45.146B and D are amended to
 read as follows:

 B. Solar collectors in required setbacks

 Solar collectors are permitted in required setbacks
 according to the following provisions:

 1. Detached solar collectors shall be permitted in
 required rear setbacks; such collectors shall be no closer
 than five feet to any other principal or accessory structure.

 2. Detached solar collectors shall be permitted in
 required side setbacks. Such collectors shall be no closer
 than five feet to any other principal or accessory structure,
 and no closer than three feet to the side lot line.

 3. The area covered or enclosed by solar collectors
 ((~~shall not be included in~~)) may be counted as required open
 space ((calculations)).

1 4. Sunshades which provide shade for solar collec-
2 tors which face within thirty degrees of true south may pro-
3 ject into southern front or rear setbacks. Those which
4 ~~((start))~~ begin at ~~((ten))~~ eight feet or more above existing
5 grade ~~((level))~~ may be no closer than three feet from the pro-
6 perty line. ~~((These which are below ten feet may be no))~~
7 Sunshades which are between existing grade and eight feet
8 above existing grade shall be no closer than five feet
9 ~~((from))~~ to the property line.

10 D. Solar retrofits

11 The Director may permit the retrofitting of solar
12 collectors on conforming or nonconforming structures existing
13 on the effective date of this Land Use Code as a special
14 exception pursuant to Chapter 23.76, ~~((+))~~ Master Use
15 Permit~~((+))~~. Such a retrofit may be permitted even if it
16 exceeds ~~((established))~~ the height limit established in sub-
17 section 23.45.146C above, if the following conditions are met:

18 1. There is no feasible alternative solution to
19 placing the collector(s) on the roof;

20 2. The positioning of such collector(s) minimizes
21 view blockage and shading of property to the north, while
22 still providing adequate solar access for the collectors; and

23 3. Such collector(s) meet minimum energy standards
24 administered by the Director.

25 Section 48. Section 23.45.154 is amended to read as
26 follows:

27 23.45.154 Open Wet Moorage for Private Pleasure Craft

28 Open wet moorage facilities for residential structures are
permitted as an accessory use as regulated in Chapter 23.70 or
Chapter 24.60, Shoreline Master Program, provided that only
one slip per residential unit is provided.

Section 49. Subsection 23.45.166A is amended to read as
follows:

A. The offsite parking facilities must be accessory
to a multi-family structure ~~((built))~~ existing before the
~~((adoption))~~ effective date of this Land Use Code, which pro-
vides less than one parking space per unit, although it may
include parking for a new residential development when deve-
loped jointly.

Section 50. Section 23.45.180 is amended to read as
follows:

23.45.180 Continuation of Nonconforming Uses

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

Section 51. Section 23.45.182 is amended to read as follows:

23.45.182 Extensions, Expansions, and Structural Alterations of Nonconforming Uses

A nonconforming use shall not be expanded or extended, nor shall a structure containing a nonconforming use be expanded, extended or structurally altered except as follows:

A. Expansions, extensions or structural alterations otherwise required by law or necessary to improve access for the elderly and disabled shall be permitted.

B. Legally established apartments in Lowrise 1 zones may be improved, renovated, structurally altered, and expanded, provided that the improvement, renovation, alteration or expansion does not violate the development standards of Sections 23.45.10 through 23.45.18, nor cause an already nonconforming structure to further exceed development standards.

C. Additional dwelling units may be added to legally established apartments in Lowrise 1 zones so long as this addition does not violate the development standards of Sections ((23.45.10)) 23.45.08 through 23.45.18, nor cause an already nonconforming structure to further exceed development standards, except that one dwelling unit may be added without a parking space if the lot area is not increased, if new parking meets all development standards, and existing parking is screened and landscaped to the greatest extent practical.

D. Dwelling units may be added to structures in nonresidential use, even if in a nonconforming structure. Such structures may be altered or expanded so long as the alteration or expansion does not violate the development standards of this chapter, nor cause an already nonconforming structure to further exceed development standards, except that one unit may be added without a parking space.

E. A nonresidential nonconforming use shall not be expanded or extended. A structure containing a nonconforming use which is not residential shall not be expanded or extended except as otherwise required by law, except as provided in Subsections 23.45.182F and G below, or as necessary to improve access for the elderly and disabled.

((E)) F. Existing structures or portions of structures containing office uses, or structures for which an application has been made, which are developed in former RMH 350, RMV 200 or RMV 150 zones formerly regulated in Title 24 which meet the development standards of the respective zone, or were developed pursuant to variances, may be improved, renovated, or structurally altered. Structures containing office uses may not be expanded, and office uses may not be extended within the building beyond the floor area permitted in the former zone. Types of offices permitted shall be limited to those permitted in the former zone.

((F)) G. A nonconforming use which is destroyed by fire or other act of nature may be resumed provided it meets the requirements of Section 23.45.190.

Section 52. Subsections 23.45.184A and D are amended to read as follows:

23.45.184 Changes To and From Nonconforming Use

A. Existing nonresidential uses may be converted to residential use. When residential units are added to non-residential uses, one unit may be added without a parking space. If the only use in the structure will be residential and there is no feasible way to provide the required parking, then the Director may authorize reduction or waiver of parking as a ~~((conditional development))~~ special exception pursuant to Chapter 23.76, ~~((+))~~ Master Use Permit ~~((+))~~.

D. Legally established uses which were permitted outright under prior regulations but which are permitted under this chapter only as conditional uses shall be governed by the regulations of Sections 23.45.116 through 23.45.126.

Section 53. Subsection 23.45.190A is amended to read as follows:

23.45.190 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 the multi-family zone in which they are located shall be prohibited from expanding in any manner which increases the extent of nonconformity or creates additional nonconformity except as follows:

1. Expansions or extensions otherwise required by law or necessary to improve access for the elderly and disabled shall be permitted.

2. No parking space need be added for the first additional dwelling unit added to a structure if the lot area is not increased, the new parking meets all development standards, and existing parking is screened and landscaped to the greatest extent practical.

Section 54. Section 23.54.10 is amended to read as follows:

23.54.10 Access Standards

A. Streets

1. Street abutment required

At least ten feet of a lot line shall abut on a street meeting the standards of subsection 23.54.10A3, or on a permanent access easement meeting the standards of subsection 23.54.10B.

2. Access to new lots

When new lots are created or new easements are proposed, access by a street may be required by the Director when one or more of the following conditions exist:

1 a. Where access by easement would compromise the
2 goals of the Land Use Code to provide for adequate light, air
3 and usable open space between structures.

4 b. If the improvement of a dedicated street is
5 necessary or desirable to facilitate adequate water supply for
6 domestic water purposes or for fire protection, or to facili-
7 tate adequate storm drainage.

8 c. If improvement of a dedicated street is
9 necessary or desirable in order to provide on-street parking
10 for overflow conditions.

11 d. Where it is demonstrated that potential safety
12 hazards would result from multiple access points between
13 existing and future developments onto a roadway without curbs
14 and with limited sight lines.

15 e. If the dedication and improvement of a street
16 would provide better and/or more identifiable access for the
17 public or for emergency vehicles.

18 3. Street Improvement Standard

19 a. Streets providing access to and within residen-
20 tial development shall meet the following standards, except as
21 provided in ((~~paragraph b.~~)) subsection 2b below:

- 22 (1) Grading to both right of way lines;
- 23 (2) Standard pavement width and depth;
- 24 (3) Curbs on both sides of the street;
- 25 (4) Sidewalks on both sides of the street;
- 26 (5) Provision of landscaped planting strips
27 and/or street trees on both sides of the street; and

28 (6) Drainage and grading according to the pro-
visions of the Seattle Municipal Code.

 b. The Director may authorize exceptions to the
standards listed in ((~~paragraph a.~~)) subsection 2a above under
the following conditions:

- (1) Proposed development contains less than ten
units;
- (2) Proposed development is low income housing;
- (3) Full street improvement would not be prac-
tical due to topography and/or location in an environmentally
sensitive area;
- (4) Street improvement would remove natural
features such as trees or disrupt existing drainage patterns;

1 (5) ((An existing street serving the proposed
2 development is not at ordinance grade and new grading would
3 affect existing access)) Full street improvement would adver-
4 sely affect abutting property; or

5 (6) The street would provide access to a single
6 development, and would not carry through traffic; or

7 (7) The street is not improved to standard, but
8 is adequate for anticipated current and future needs.

9 B. Easements

10 Where a lot does not abut a street and where access
11 by easement has been approved by the Director in accordance
12 with 23.54.10A2, access to the lot shall be provided to a
13 street by an easement meeting the following standards:

14 1. Easements serving one single family dwelling
15 unit

16 a. Easement width shall be a minimum of ten
17 feet;

18 b. No maximum easement length shall be set.
19 If easement length is more than one hundred and fifty feet, a
20 vehicle turnaround shall be provided;

21 c. Curb cut width from the easement to the
22 street shall be the minimum necessary for safety and access.

23 2. Easements serving at least two but fewer than
24 five single family dwelling units

25 a. Easement width shall be a minimum of
26 ((sixteen)) twenty feet;

27 b. The easement shall provide a surfaced road-
28 way at least sixteen feet wide;

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

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

e. Curb cut width from the easement to the
street shall be the minimum necessary for safety and access.

3. Easements serving at least five but fewer than
ten single family dwelling units, or fewer than ten multi-
family unit

a. Easement width, surfaced width, length,
turnaround, and curb cut width shall be as required in
paragraph 2 above;

b. No principal structure shall be closer than
five feet to the easement.

4. Easements serving ten or more residential unit

a. Easement width shall be a minimum of thirty-two feet.

b. The easement shall provide a surfaced roadway at least twenty-four feet wide.

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

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

e. Curb cut width from the easement to the street shall be the minimum necessary for safety and access.

f. No single family structure shall be located closer than ten feet to an easement, and no multi-family structure shall be located closer than five feet to an easement.

g. One sidewalk shall be provided, extending the length of the easement.

C. Alleys

Alley access to parking shall be required according to the provisions of each zone. An alley shall be considered improved when it meets the following standards:

1. Grading to both right of way lines;

2. Standard pavement width and depth in accordance with rules as promulgated by the Director;

3. Drainage and grading according to the provisions of the Seattle Municipal Code.

Section 55. Subsections 23.54.20C, F, and G are amended to read as follows:

((E)) C. Adding units to existing structures in multi-family zones

1. If an existing residential structure in a multi-family zone has parking which meets the development standards, and the lot area is not increased, one unit may be added without additional parking. If two units are added, one space will be required; three units will require two spaces, etc. Additional parking must meet all development standards for the particular multi-family classification.

2. Exceptions to the quantity of required parking shall be permitted when residential units are added to a structure in a multi-family zone which has parking not conforming to development standards, or when units are added to a nonconforming use, according to the provisions of Chapter 23.45, Subchapter 4, Nonconforming Uses and Structures.

F. Joint Use of Parking

The Director may authorize the joint use of parking for the following uses or activities under the following conditions:

1. Up to fifty percent of the parking required for a theater, bowling alley, dance hall, bar, restaurant, roller or ice skating rink, or other similar primarily nighttime use may be supplied by the off-street parking provided by the uses specified in subsection F4 below.

2. Up to fifty percent of the off-street parking required for any use specified under subsection F4 may be supplied by the parking provided for uses specified in subsection F5 below.

3. Up to one hundred percent of the parking required for a church or for an auditorium incidental to a public or private school may be supplied by the off-street parking provided by uses specified in subsection F4 below.

4. For the purposes of this section, the following uses are considered as daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and other similar primarily, daytime uses when authorized by the Director.

5. For the purpose of this section, the following uses are considered as nighttime or Sunday uses: auditoriums incidental to a public or private school, churches, bowling alleys, dance halls, theaters, bars or restaurants, roller or ice skating rinks, and other similar primarily nighttime uses when authorized by the Director.

6. Conditions required for joint use:

a. The use for which application is being made to utilize the off-street parking provided by another use shall be located within eight hundred feet of the parking.

b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two uses for which joint use of off-street parking is proposed.

c. An agreement providing for joint use parking executed by the parties concerned shall, together with the applicable use permit, be filed with the Director. The Director may condition the use permit to assure compliance with the joint use parking agreement. Joint use parking privileges shall continue in effect only so long as the agreement, binding on all parties, remains in force. If the agreement becomes legally ineffective, then parking shall be provided as otherwise required by this Land Use Code.

G. For non-school uses located in a former or existing public school, the school use criteria of Chapter 23.78, Establishment of Criteria for Joint Use and Reuse of Schools, shall determine the off-street parking requirement.

Section 56. Subsection 23.54.30C is amended to read as follows:

C. Ingress and egress

1. Backing distances and moving other vehicles

a. Adequate ingress to and egress from all parking spaces shall be provided without having to move another vehicle, except for single family dwellings.

b. Except for lots with fewer than three parking spaces, ingress to and egress from all parking spaces shall be provided without requiring backing more than fifty feet.

2. Curb cuts

a. Except as provided in paragraph b((τ)) below, curb cuts for driveways shall be provided as follows:

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

(2) For lots with street or easement frontage greater than eighty feet, a maximum of two ten-foot-wide curb cuts or one twenty-foot-wide curb cut per development shall be permitted.

b. On arterials with more than fifteen thousand average vehicle trips per day, according to Engineering Department data, one twenty-three-foot-wide curb cut shall be permitted. A list of such arterials shall be maintained by the Department.

c. A flare with a maximum width of two and one-half feet shall be permitted on either side of any curb cut.

3. Driveways

a. Driveways shall be not less than ten feet wide. ~~((τ and shall provide the minimum turning path radius as shown on Figure 2Aτ))~~ Driveways with a turning angle of more than thirty-five degrees shall conform to the minimum turning path radius shown in Exhibit 54.30B.

b. Vehicles may back onto the street from a parking area serving five or fewer vehicles, provided that:

(1) The street is not an arterial as defined by the Seattle Municipal Code, Section 11.18.010, Arterial Street Map, and

(2) The slope of the driveway does not exceed ten percent in the first twenty feet back from the property line.

1 c. Driveways serving thirty or fewer parking
2 spaces and less than one((-))hundred feet in length shall be a
3 minimum of ten feet in width for one- or two-way traffic.
4 ((Driveways with a turning angle of more than thirty-five
5 degrees shall conform to the minimum turning path radius shown
6 in Figure 4A.))

7 d. For driveways serving thirty or fewer
8 parking spaces and greater than one-hundred feet in length,
9 the driveway shall either:

10 (1) Be a minimum of sixteen feet wide,
11 tapered over a twenty-foot distance to a ten-foot opening at
12 the property line; or

13 (2) Provide a passing areas at least
14 twenty feet wide and twenty feet long. The passing area shall
15 begin twenty feet from the property line, and an appropriate
16 taper to meet the ten-foot opening at the property line shall
17 be provided. If a taper is provided at the other end of the
18 passing area, it shall have a minimum length of twenty feet.

19 e. Driveways serving more than thirty parking
20 spaces shall provide a minimum ten-foot-wide driveway for one-
21 way traffic or a minimum twenty-foot-wide driveway for two-way
22 traffic. ((Driveways with a turning angle of more than
23 thirty-five degrees shall conform to the minimum turning
24 radius shown on Exhibits 2A and 2B.))

25 f. Maximum grade curvature shall not exceed
26 the curvature shown in Exhibit ((3)) 54.30C.

27 4. Parking aisles

28 a. Parking aisles shall be provided according
to Exhibit 4.

b. Turning and maneuvering areas shall be
located on private property, except that alleys may be
credited as aisle space.

Section 57. Subsections 23.76.14C and E are amended to
read as follows:

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

1. Short Plat, sidewalk cafes, structural building
overhangs, areaways, special exceptions, design departure,
temporary use for more than three weeks: four placards posted
on or near the site, general mailed release.

2. Variances, administrative conditional use: four
placards posted on or near site, general mailed release,
mailed notice.

3. Substantial development permit, shoreline
variance, shoreline conditional use: four placards posted on
or near site, general mailed release, publish notice in City
official newspaper once each week for two consecutive weeks.

1 E. No notice of application is required for a temporary
2 three week use or for the following Master Use Permit approvals
3 if they are determined to be exempt from SEPA.

4 1. Establishment or change of use permitted
5 outright.

6 2. Curb cuts; landscaping associated with develop-
7 ment proposals; additional onstreet parking; street and alley
8 improvements.

9 3. Lot boundary adjustments.

10 Section 58. Subsection 23.76.24A is amended to read as
11 follows:

12 23.76.24 Director's Decision on Master Use Permit

13 A. Master Use Permit Review Criteria

14 The Director shall grant, deny, or condition approval
15 of a Master Use Permit based on the applicant's compliance
16 with the Seattle Municipal Code, Chapter 25.04, SEPA Policies,
17 ((Ch. 25.04, Subchapter III)) and with the substantive
18 requirements applicable to the specific approval effective at
19 the time the Director issues a decision. The Director may
20 impose conditions in order to mitigate adverse environmental
21 impacts associated with the construction process.

22 Section 59. Subsection 23.76.36B is amended to read as
23 follows:

24 B. All appealable Master Use Permit decisions other than
25 shoreline decisions as identified in Subsection 23.76.36A,
26 shall be filed with the Hearing Examiner subject to the
27 following:

28 1. Standing. All appealable Master Use Permit
decisions may be appealed by any person, significantly
affected by or interested in the permit.

2. Time of Filing. Appeals shall be filed with the
Hearing Examiner by five o'clock p.m. of the fourteenth calendar
day following publication of notice of the decision. When the
last day of the appeal period so computed is a Saturday,
Sunday, or federal or City holiday, the period shall run until
five o'clock p.m. on the next business day. The appeal shall
be in writing and shall clearly identify the approval(s) being
appealed. The appeal shall be accompanied by payment of the
22 filing fee as set forth in the Seattle Municipal Code, Section
23 3.02.125, Hearing Examiner Filing Fees. Specific objections
24 to the Director's decision and the relief sought shall be
stated. In form and content, the appeal shall conform with
the rules of the Hearing Examiner.

3. Consolidated Appeals. All appeals of a Master
Use Permit shall be considered together in a consolidated
hearing.

1 4. Pre-hearing Conference. On the Hearing
2 Examiner's motion, or at the request of any party of record,
the Hearing Examiner may have a conference prior to the
hearing in order to entertain pre-hearing motions, clarify
issues, or consider other relevant matters.

3 5. Notice of Hearing. Notice of the hearing on the
4 appeal shall be mailed at least twenty days prior to the
5 scheduled hearing date to parties of record and those
6 requesting notice of the specific hearing. Notice shall also
7 be included in a general mailed release.

8 6. Scope of Review. Appeals shall be considered de
9 novo. The Hearing Examiner shall entertain issues cited in
10 the appeal which relate to procedural irregularities,
11 compliance with substantive criteria, the adequacy of the
12 environmental documentation upon which the decision was made,
13 or failure to properly condition or deny a permit based on
14 disclosed environmental impacts.

15 7. Standard of Review. The Director's decision
16 shall be given substantial weight, except that, for any
17 decision which includes determinations on a variance or
18 conditional use, that part of the Director's decision shall be
19 given no deference.

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

24 9. Hearing Examiner's Decision. The Hearing
25 Examiner shall issue a decision within fourteen days after
26 closing the record.

27 The Hearing Examiner may affirm, reverse, remand
28 or modify the Director's decision. Written findings and
conclusions supporting the Hearing Examiner's decision shall
be made.

10. Notice of Hearing Examiner Decision.

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

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

Section 60. Subsection 23.78.10 is amended to read as
follows:

23.78.10 SUAC Responsibilities

The (~~appealed~~) SUAC shall:

A. Conduct a minimum of three public meetings within a
ninety day period from forming of the SUAC.

B. Gather and evaluate public comment;

C. Develop criteria for structure and grounds use which are compatible with the surrounding community, including but not limited to: benefits to the community and public; population to be served; community access; use of the school grounds within the context of recreational and aesthetic resources of the neighborhood; mitigation of large structure bulk; traffic impacts; generation, circulation, and parking; landscaping and maintenance of grounds; exterior appearance of the structure, including signing; noise; hazards; and other potential nuisances; and

D. Recommend criteria to the Director of DCD no later than ninety days after its first meeting unless a ten day extension is requested, in writing, by a majority of the SUAC and granted by the Director of DCD.

Section 61. The following subsections of Section 23.84.06 "C" are amended to read as follows:

23.84.06 "C"

Cluster development

A development containing two or more principal structures on one lot. In Highrise zones, two or more towers on one base structure shall also be considered a cluster development.

Community center

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

Section 62. The following subsection of Section 23.84.08 "D" is amended to read as follows:

23.84.08 "D"

Day care center

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

Director

The Director of the Department of Construction and Land Use, or the Director's designee.

Section 63. Section 23.84.10 "E" is amended to add a subsection as follows:

23.84.10 "E"

Elevated walkway

A pedestrian walkway connecting structures within a cluster development and located above existing grade.

Section 64. Section 23.84.12 "F" is amended to add the following subsections:

23.84.12 "F"

Facade, Front

The facade extending the full width of the structure, including modulations, which is closest to and most nearly parallels the front lot line.

Facade, Rear

The facade extending the full width of the structure, including modulations, that is closest to and most nearly parallels the rear lot line.

Facade, Side

The facade extending the full width of the structure, including modulations, that is closest to and most nearly parallels the side lot line.

Facade, Interior

Any facade of a structure within a cluster development, which faces, or portions of which face, the facade(s) of another structure(s) within the same development. Any facade defined as a front, rear or side facade would not be considered an interior facade.

Facade, Perimeter

Any facade of a structure within a cluster development, which is either a front, rear or side facade.

Section 65. The following subsection of Section 23.84.24 "L" is amended to read as follows:

23.84.24 "L"

Lot grade, existing

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

Section 66. The following subsection of Section 23.84.25 "M" is amended to read as follows:

23.84.25 "M"

Museum

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

Section 67. The following subsections of Section 23.84.32 "R" are amended to read as follows:

23.84.32 "R"

Religious facility

An institution, such as ((A)) a church, temple, mosque, synagogue or other structure together with its accessory structures, used primarily for religious worship.

Roof, shed

See shed roof.

Section 68. The following subsections of Section 23.84.36 "S" are amended to read as follows:

School, public or private

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

Shed roof

A roof having only one sloping plane.

Short Subdivision

The division or redivision of land into ((four)) nine or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, development, or financing, and shall include all resubdivision of previously platted land and properties divided for the purpose of sale or lease of townhouse units.

Solar greenhouse

A solar collector which is a structure or portion of a structure ((which uses)) utilizing glass or similar glazing material to collect direct sunlight for space heating purposes.

Section 69. Section 23.84.38 "T" is amended to delete a subsection as follows:

((Tandem houses

Two unattached ground-related dwelling units occupying the same lot.))

Section 70. The following subsection of Section 23.84.44 "W" is amended to read as follows:

23.84.44 "W"

Wall, exterior

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

Section 71. Subsection 23.86.10B, last amended in Ordinance 110669 is amended to read as follows:

B. Front Yards

1. Determining Front Yard Requirements

(Exhibit 86E(1)-(7))

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

a. The required depth of the front yard shall be the average of the distance between principal structures and front lot lines of the nearest principal structures on each side of the lot. When the front facade of the principal structure is not parallel to the front lot line, the shortest distance from the front lot line to the structure shall be used for averaging purposes.

b. The yards used for front yard averaging shall be on the same block front as the lot, and shall be the front yards 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 wall nearest to the street (~~((comprising))~~) or where there is no wall, the plane between supports, which comprises twenty percent or more of the width of the front facade of the principal structure. 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, decks, (~~((unenclosed))~~) uncovered 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 twenty feet.

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.

1 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 2. Sloped lots in single family zones

3 For lots in single family zones, reduction of
4 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
5 along the centerline of the lot. In the case of irregularly
shaped lots, the Director shall determine the line along which
6 slope is calculated.

7 Section 72. Subsection 23.86.12A is amended to read as
follows:

8 23.86.12 Setbacks in Multi-Family Zones

9 A. Front setbacks

10 1. Determining front setback requirements

11 Front setback requirements are presented in the
standard development requirements for each zone. Where the
12 minimum required front setback is to be determined by
averaging the setbacks of structures on either side of the
subject lot, the following provisions shall apply:

13 a. The required depth of the front ((yard))
14 setback shall be the average of the distance between principal
structures and front lot lines of the nearest principal structures
15 on each side of the subject lot, ((~~Exhibit 86-E~~)) Exhibit
86.12A.

16 b. The setbacks used for front setback
averaging shall be on the same blockfront as the subject lot,
17 and shall be the front setbacks of the nearest principal
structures within one hundred feet of the side lot lines of
18 the subject lot.

19 c. For averaging purposes, front setback depth
shall be measured from the front lot line to the nearest wall,
20 or where there is no wall, the plane between supports, which
21 ((comprising)) comprises twenty percent or more of the width
of the front facade of the principal structure on either side.
Attached garages and enclosed porches shall be considered part
of the principal structure for measurement purposes. Decks
22 less than eighteen inches above existing grade, ((~~unenclosed~~))
uncovered porches ((~~with or without roofs~~)), eaves, ((~~posts~~))
23 attached solar collectors, and other similar parts of the
structure shall not be considered part of the principal structure.
When the front facade of the principal structure is not
24 parallel to the front lot line, the shortest distance from the
front lot line to the structure shall be used for averaging
25 purposes.

26 d. When the first principal structure within
one hundred feet of a side lot line of the subject lot is not
27 on the same block front or when there is no principal structure

1 within one hundred feet of the side lot line, the setback
2 depth used for averaging purposes on that side shall be ten
3 feet.

4 e. When the front setback of the first principal
5 structure within one hundred feet of the side lot line of the
6 subject lot exceeds twenty feet, the setback depth used for
7 averaging purposes on that side shall be twenty feet.

8 f. In cases where the street is very steep or
9 winding, the Director shall determine which adjacent structures
10 should be used for averaging purposes.

11 ~~((g. In the case of a through lot, the setback
12 used for front setback averaging on each side shall be the
13 lesser of the two front setbacks provided by each adjoining
14 through lot.))~~

15 g. In the case of a through lot, the require-
16 ment for front setbacks shall be determined independently for
17 each street frontage. The measurement techniques of this
18 section shall be applied for each street frontage separately.

19 h. For cluster development, the front setback
20 of a principal structure on the same lot may be used for
21 averaging purposes.

22 2. Features projecting into required front setbacks

23 In certain zones portions of the front facade
24 may project into the required front setback, provided that the
25 average distance from the front lot line to the facade satisfies
26 the minimum front setback requirement. In such cases the
27 following provisions shall apply:

28 a. The front setback shall be averaged for the
entire width of the structure.

b. Portions of the facade at existing grade
shall be used in determining the average setback.

c. Projections of the front facade which begin
at least ~~((ten))~~ eight feet above existing grade and project
less than four feet from the lower portion of the facade shall
not be included in the setback averaging. For such projections
which project more than four feet from the lower portion of
the facade, only the first four feet shall be exempt from the
averaging calculation. This provision applies to such
features as cantilevered floor area, decks, and bay windows.
Eaves, gutters, and cornices are permitted to project eighteen
inches beyond any front facade without being counted in
averaging.

3. Measuring street-facing setbacks for institu- tions and public facilities in multi-family zones

a. In multi-family zones, the depth of setback
from a street lot line may be averaged along the width and
height of the facade for institutions and public facilities,
as an alternative providing greater design flexibility than
standard modulation requirements.

1 b. This average setback shall be calculated by
2 dividing the three-dimensional volume of setback by the area
3 of the structure facade.

4 (1) Find the sum of volumes within the
5 space defined by extension of the roof line, the planes of the
6 side walls, and the vertical extension of the front lot line;
7 and

8 (2) Divide this sum by the area of the
9 street-facing facade, calculated as the product of facade
10 height and facade width, ~~((Exhibit 86F))~~ Exhibit 86.12B.

11 Section 73. Section 23.86.14 is amended to read as
12 follows:

13 23.86.14 Structure Width

14 A. Structure width shall be measured by the following
15 method:

16 1. Draw ~~((the smallest))~~ a rectangle that encloses
17 the principal structure.

18 2. Structure width shall be the length of the side
19 of that rectangle most closely parallel to the front lot line,
20 ~~((Exhibit 86H))~~ Exhibit 86.14A.

21 B. Decks and balconies ~~((ten))~~ eight feet or less above
22 existing grade, unenclosed porches with or without roofs,
23 eaves, gutters, chimneys not used to meet modulation require-
24 ments, and attached solar greenhouses meeting minimum stan-
25 dards administered by the Director shall not be considered
26 part of the principal structure for the purpose of measuring
27 the width of a structure.

28 C. Decks and balconies more than ten feet above existing
grade, enclosed porches, attached garages and carports, and
modulated or projecting segments of a facade shall be considered
part of the principal structure for the purpose of measuring
the width of a structure.

D. Structure width exception

In certain multi-family zones, apartment structures
are allowed greater width when at least forty percent of the
width is sets back from the portion of the front facade closest
to the front lot line a distance equivalent to twenty-five
percent of the structure depth. In such cases the following
provisions shall apply:

1. When the front facade(s) is(are) not essentially
parallel to the property line, the facade containing the point
closest to the street shall be considered the facade closest
to the street.

2. The twenty-five percent of building depth may be
achieved by adding together the depths of more than one facade
segment. The forty percent of structure width may also be
composed of more than one facade segment meeting the twenty-
five percent setback requirement.

Section 74. Section 23.86.16 is amended to read as follows:

23.86.16 Structure Depth

A. Measuring structure depth

In certain zones structure depth is limited by standard development requirements. The following provisions shall apply for determining structure depth:

1. Structure depth shall be measured by the following method:

a. Draw ~~((the smallest))~~ a rectangle that encloses the principal structure.

b. Structure depth shall be the length of the sides of that rectangle most closely parallel to the side lot lines, ~~((Exhibit 86H))~~ Exhibit 86.16A.

2. Decks and balconies ten feet or less above existing grade, unenclosed porches with or without roofs, eaves, gutters, chimneys not used to meet modulation requirements, and attached solar greenhouses meeting minimum standards administered by the Director shall not be considered part of the principal structure for the purpose of measuring the depth of a structure.

3. Decks and balconies more than ten feet above existing grade, balconies, enclosed porches, attached garages and carports, modulated or projecting segments of a facade, shall be considered part of the principal structure for the purpose of measuring the depth of a structure.

B. Determining maximum permitted structure depth

In certain zones, structure depth is limited to a percentage of lot depth. For those cases the following provisions shall apply:

1. When the lot is essentially rectangular and has a rear lot line which is ~~((essentially))~~ within fifteen degrees of parallel to the front lot line, ((for its entire distance)) the lot depth shall be the horizontal distance between the midpoints of the front and rear lot lines, ~~((Figure 33))~~ Exhibit 86.16B.

2. When the lot is triangular or ~~((pie))~~ wedge-shaped, lot depth shall be the horizontal distances between the midpoint of the front lot line and the rear point of the lot. If such a lot does not actually come to a point, lot depth shall be measured from midpoint of front lot line to midpoint of rear lot line, Exhibit 86.16C.

3. In the case of a through lot, lot depth shall be measured ~~((from front lot line to))~~ between midpoints of front lot lines.

4. When lot shape is so irregular that provisions 1, 2, or 3 cannot be used, lot depth shall be that distance

1 equal to the result of lot area divided by length of front lot
2 line, provided that in no case shall lot depth be greater than
3 the distance from front lot line to the furthest point on the
4 perimeter of the lot, (~~Exhibit 86K~~) Exhibit 86.16D.

5 C. Measuring structural depth exceptions

6 In certain zones, exceptions permit increased structure
7 depth. For those cases total permitted lot coverage shall
8 equal maximum width times maximum depth less the area required
9 for modulation, according to the following provisions:

10 1. Maximum width shall be considered to be the
11 width of the lot less the total required side setbacks, but
12 shall in no case exceed the maximum width permitted for the
13 housing type and zone.

14 2. Maximum depth shall be considered to be the
15 percentage of lot depth permitted for the proposed housing
16 type.

17 3. The area of minimum required modulation shall be
18 subtracted from the calculation to determine maximum lot
19 coverage permitted.

20 Section 75. Subsection 23.86.18 is amended to read as
21 follows:

22 23.86.18 Open Space

23 Certain zones require a minimum amount of open space to be
24 provided on the lot. For those cases where open space is
25 required, the following provisions shall apply

26 A. In order for a portion of a lot to qualify as open
27 space, the ground's surface shall be permeable, except for
28 patios, paved areas designed for recreation, and pedestrian
access which meets the Washington State Rules and Regulations
for Barrier-Free Design. The area shall be landscaped with
grass, ground cover, bushes, and/or trees.

B. Driveways, parking areas, and pedestrian access,
except for pedestrian access meeting the Washington State
Rules and Regulations for Barrier-Free Design, shall not be
counted as open space.

C. The area covered or enclosed by solar collectors
meeting minimum standards administered by the Director may be
counted as required open space.

D. Portions of a structure which begin eight feet or
more above existing grade may project up to four feet over
required ground-level open space.

24 ((G)) E. Standard development requirements for certain
25 zones specify a minimum contiguous area for open space. Open
26 space areas smaller than the minimum contiguous area specified
27 for such zones shall not be counted toward fulfilling total
28 open space requirements for that lot.

1. Driveways and parking areas, paved or unpaved, shall be considered to separate open space areas they bisect.

2. Pedestrian access areas shall not be considered to break the contiguity of open space on each side.

((D)) F. In shoreline areas, when determined the amount of open space required or provided, no land waterward of the ordinary high water mark shall be included in the calculation.

Section 76. Subsection 23.88.20A is amended to read as follows:

23.88.20 Land Use Interpretations

A. A decision by the Director as to the meaning, application, or intent of any provision of ((this)) Title 23, Land Use Code, or Title 24, Zoning and Subdivisions, as it relates to a specific piece of property is known as an "interpretation". An interpretation may be requested in writing by any person or may be initiated by the Director.

Section 77. Subsection 23.90.18A is amended to read as follows:

23.90.18 Appeal to Hearing Examiner

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

Section 78. All section and subsection references in this ordinance are to the Seattle Municipal Code (SMC).

Section 79. The purpose of this ordinance is to clarify the intent of the City Council in connection with the multi-family provisions of the Land Use Code, to make the Code internally consistent, and to correct typographical errors, and the report and hearing requirements for text amendments of Section 23.94.10 of the Seattle Municipal Code are hereby superseded for purposes of this ordinance.

1 Section 80. This ordinance shall take effect and be in
2 force thirty days from and after its passage and approval, if
3 approved by the Mayor; otherwise it shall take effect at the
4 time it shall become a law under the provisions of the city
5 charter.

6 Passed by the City Council the 27th day of September,
7 1982, and signed by me in open session in authentication of
8 its passage this 27th day of September, 1982.

9 Harold Williams
10 President of the City Council

11 Approved by me this 7th day of October, 1982.

12 Charles Roper
13 Mayor

14 Filed by me this 7th day of October, 1982.

15 ATTEST:

16 Jim Hill
17 City Comptroller and City Clerk

18 By:

19 Theresa Dunbar
20 Deputy

21 (SEAL)

22 Published _____
23
24
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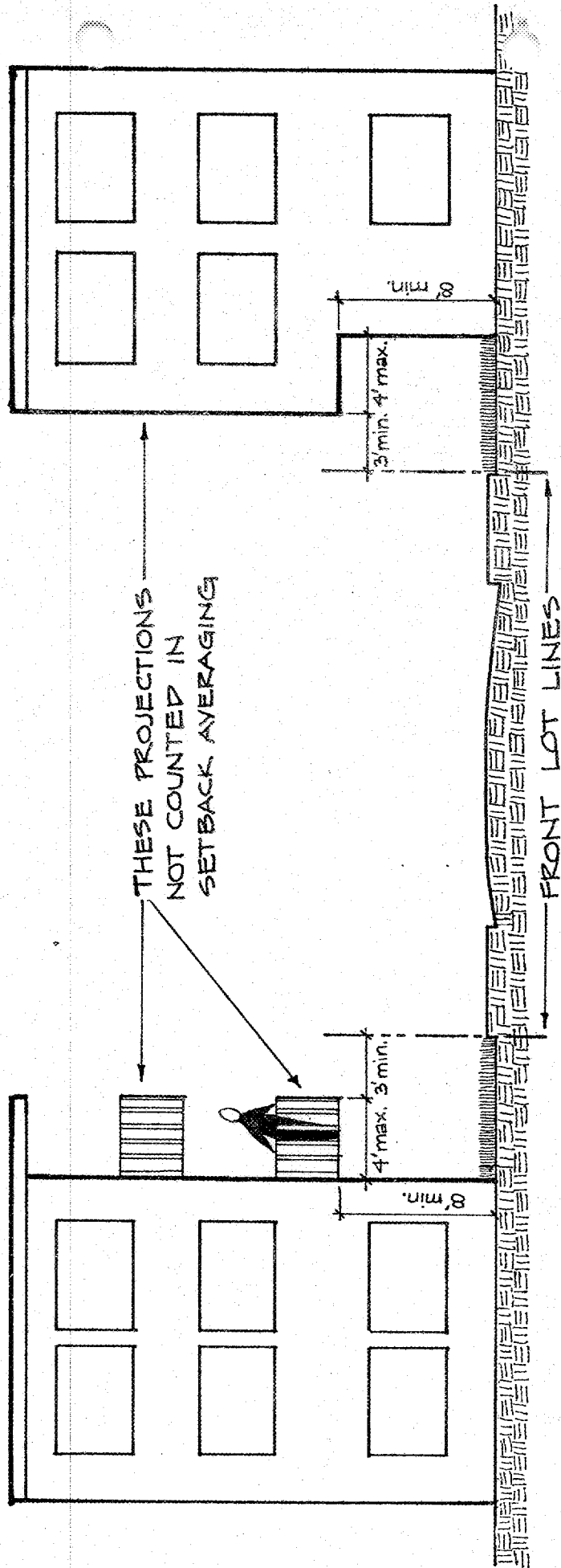


EXHIBIT 45.14A FRONT PROJECTIONS

- EXHIBIT 45.28A
- EXHIBIT 45.42A
- EXHIBIT 45.56A

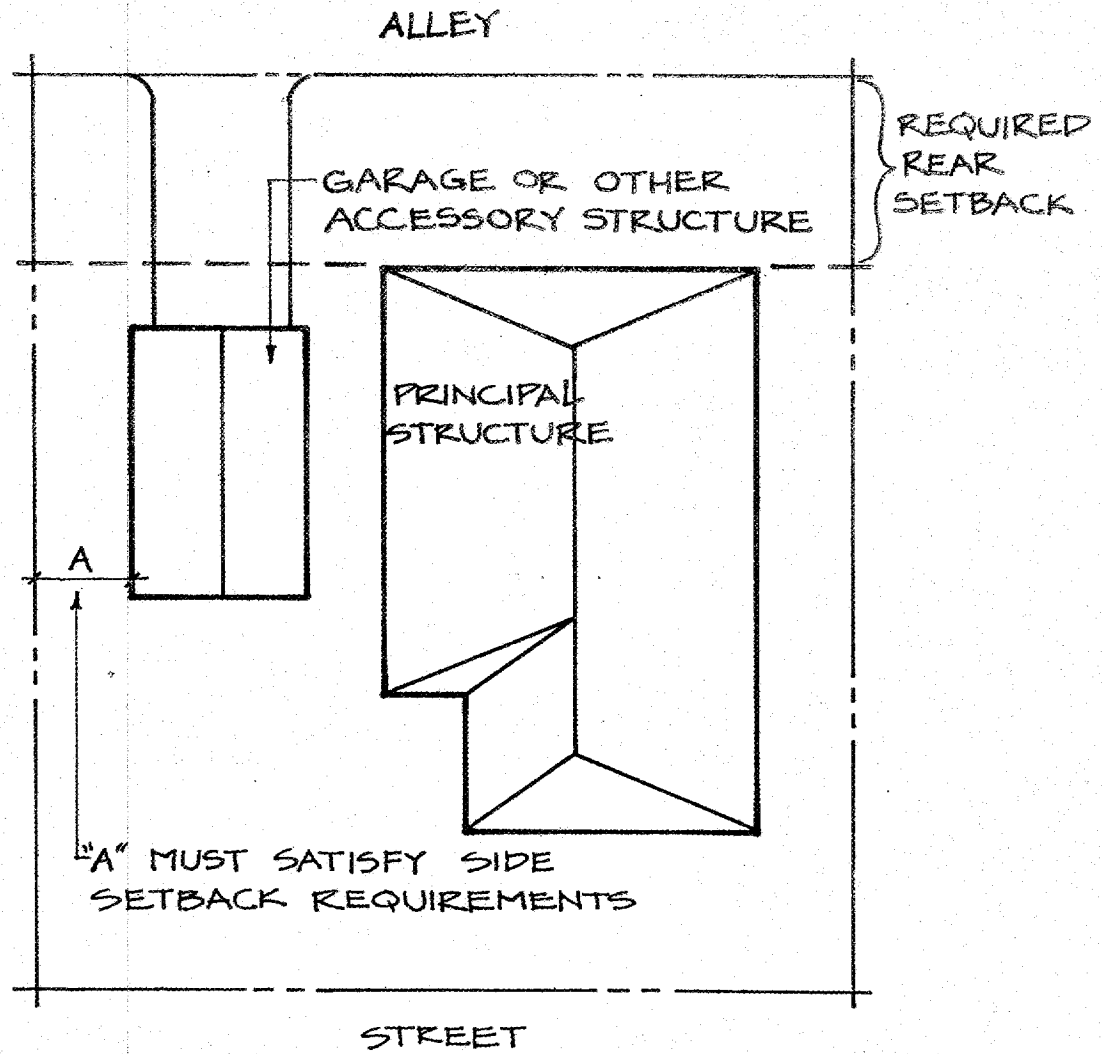


EXHIBIT 45.14F ACCESSORY STRUCTURES
IN REQUIRED SETBACKS

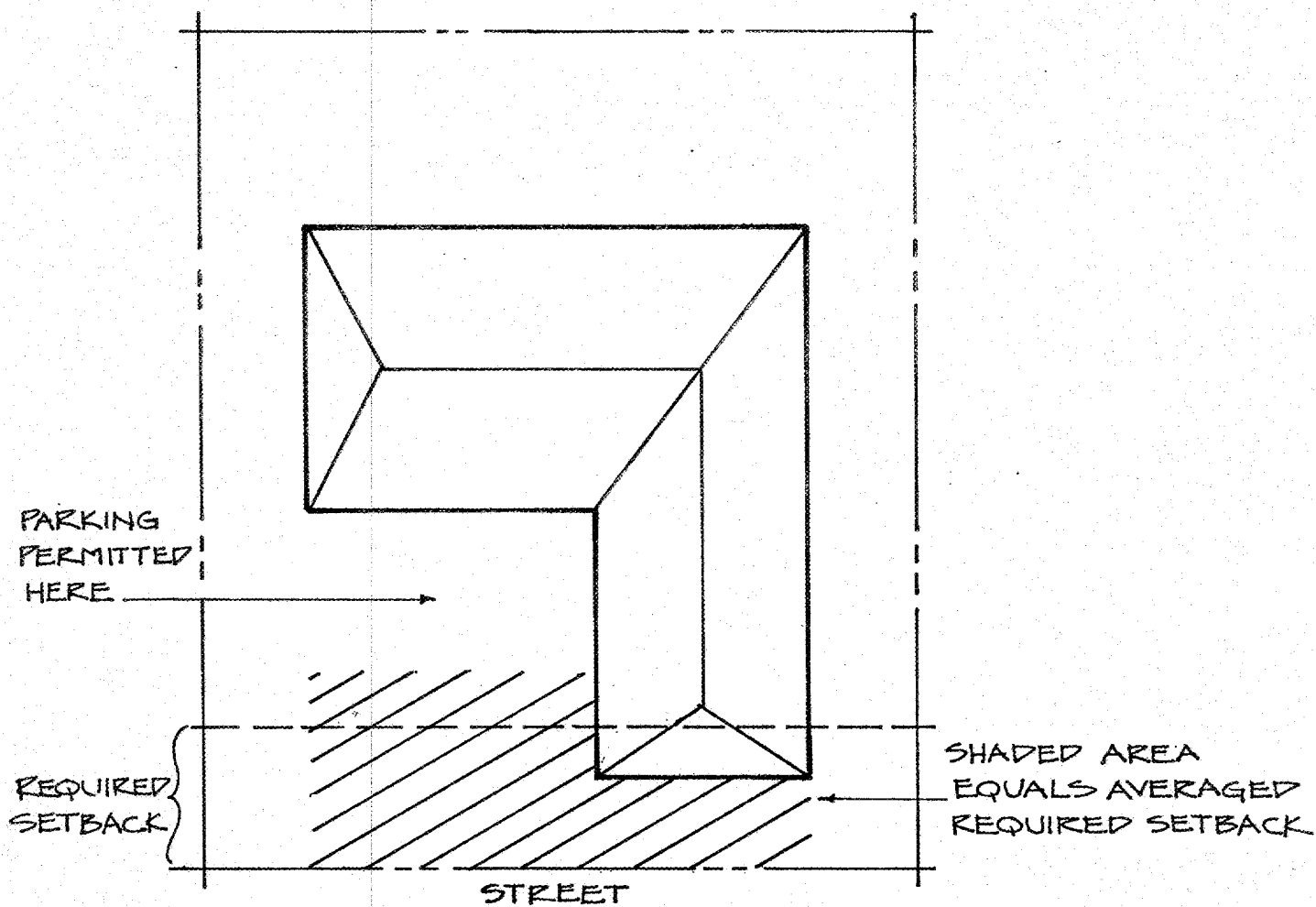


EXHIBIT 45.32D AVERAGED FRONT SETBACK AND PARKING

EXHIBIT 45.46D

EXHIBIT 45.76D

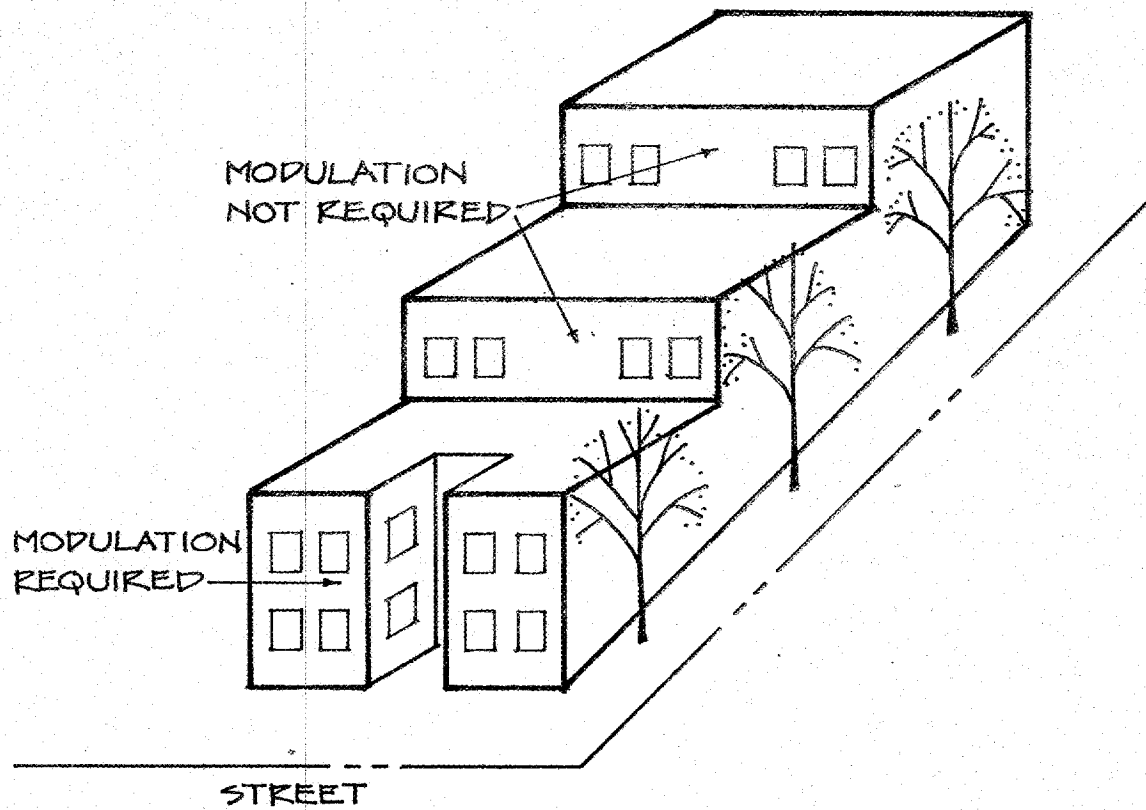


EXHIBIT 45.26A TERRACED HOUSING MODULATION

EXHIBIT 45.40A

EXHIBIT 45.54 A

Section 18. Subsections 23.45.08 C and D are amended to read as follows:

C. Pitched roofs

The ridge of pitched roofs on principal structures ((shall be allowed to)) may extend up to thirty-five feet, ((as long as the entire portion above thirty feet has a minimum of three-in-twelve pitch)) All parts of the roof above thirty feet must be pitched at a rate of not less than three to twelve. ((~~Exhibit 45.08B~~)) Exhibit 45.08B. No portion of a shed roof shall be permitted to extend beyond the thirty-foot height limit under this provision.

D. Rooftop features

1. Radio and television receiving aerials, flagpoles, and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.74, ((4)) Airport Height District ((4)), provided they are no closer than fifty percent of their height above existing grade, or, if attached only to the roof, no closer than fifty percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, ((~~chimneys~~)), clerestories, greenhouses, dish antennae, and parapets, and firewalls may extend four feet above the maximum height limit set in ((~~Section 23.45.08~~)) subsections A and B above.

3. The following rooftop features may extend ten feet above the maximum height limit set in Section 23.45.08 A and B above, so long as the combined total coverage of all features does not exceed fifteen percent of the roof area or twenty percent of the roof area if the total includes screened mechanical equipment:

- stair and elevator penthouses
- mechanical equipment
- play equipment and open mesh fencing which encloses it, so long as the fencing is at least five feet from the roof edge

- chimneys.

4. For height exceptions for solar collectors, see Section 23.45.145, Solar Collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21 at noon no more than would a structure built to maximum permitted built:

- solar collectors
- planters
- clerestories
- greenhouses
- dish antennae
- non-firewall parapets
- play equipment.

Section 11. Subsection 23.45.103 is amended to read as follows:

B. Maximum depth

The maximum depth of a structure shall be sixty-five percent of the depth of the lot.

((1. The maximum depth of a structure when the front facade is not modulated according to the standards of Section 23.45.120 or D shall be fifty percent of the depth of the lot.

2. The maximum depth of a structure when the front facade is modulated according to the standards of Section 23.45.120 or D shall be sixty-five percent of the depth of the lot.))

Section 12. Subsections 23.45.14A, C and D are amended to read as follows:

23.45.14 Lowrise 1, Setback Requirements

Front, rear and side setbacks shall be provided for all lots, according to the following provisions:

A. Front setback

The required front setback shall be the average of the setbacks of the first principal structures on either side, subject to the following provisions:

1. The front setback shall in no case be required to be more than five feet greater than the setback of the first principal structure on either side which is closer to the front lot line.

2. The front setback shall not be required to exceed twenty feet.

3. Portions of a structure in front setbacks

a. Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirement.

b. No portions of a structure between existing grade and ten feet above existing grade shall be closer to the front lot line than five feet.

c. Portions of the facade which begin ((~~ten~~)) eight feet or more above existing grade may project up to four feet beyond the lower portion of the facade without being counted in setback averaging. Exhibit 45.14A.

d. Portions of the facade which begin ((~~ten~~)) eight feet or more above existing grade shall be no closer to the front lot line than three feet. Exhibit 45.14B.

4. Front setback exceptions

a. Structures along heavily traveled arterials

In order to reduce noise and glare impacts, multi-family structures located on arterials with more than fifteen thousand average vehicle trips per day, according to Engineering Department data, shall be allowed a reduction in the required front setback. The required front setback along these arterials may be reduced to either fifty percent of the front setback specified in the development standards, or to the front setback of the principal structure on either side, whichever is less. A list of such arterials shall be maintained by the Department.

b. Through lots

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

C. Side setbacks

1. The required side setback in lowrise 1 zones shall be five feet. This setback may be averaged along the entire structure depth, but shall at no point be less than three feet.

2. Side setback exceptions

a. Where there is a principal entrance along a side facade, the minimum setback shall be five feet. Averaging shall not be permitted. When the entrance is essentially parallel to the side lot line, the minimum setback shall be ten feet. When the entrance is not essentially parallel to the side lot line, the midpoint of the door shall be no less than seven and one-half feet from the property line. ((~~Exhibit 23.45.14C~~)) Exhibit 45.14C.

b. The side street setback of a reversed corner lot shall be one half the depth of the key lot's front setback, but shall not be less than ten feet, nor be required to exceed twenty feet. Averaging shall not be permitted. ((~~Exhibit 23.45.14C~~)) Exhibit 45.14D.

c. When the depth of a structure exceeds sixty-five feet, an additional setback shall be required for that portion in excess of sixty-five feet. This additional setback may be averaged along the entire length of the wall. ((~~The additional setback~~)) The side setback requirement for portions of walls subject to this provision shall be provided as shown in the following chart:

Side Setback Requirements for Structures Greater than Sixty-Five Feet in Depth

H	D-10			
	0-10	11-20	21-30	31-40
Side Setback in Feet				
D				
66-75	6	7	8	9
76-85	7	8	9	10
86-95	8	9	10	11
96-105	9	10	11	12
106-115	10	11	12	13
116-125	11	12	13	14
126-135	12	13	14	15

For structures greater than 135 feet in depth, the pattern established in the charts shall be continued.

H = greatest height of facade beyond sixty-five-foot depth (in feet, measured from front of the structure). In the case of a through lot, the applicant may decide which street facade is to be considered the front.

D = depth of structure (in feet).

2. General setback exceptions

1. Required setbacks for cluster developments

Where two or more principal structures are located on one lot, ((~~Exhibit 23.45.14C~~)) Exhibit 45.14E, required setbacks between structures shall be provided as follows:

a. No walls shall be less than ten feet apart at any point.

b. A principal entrance to a structure shall be at least fifteen feet from the nearest interior facade which contains no principal entrance.

c. A principal entrance to a structure shall be at least twenty feet from the nearest interior facade which contains a principal entrance.

d. Within a cluster development, ((~~the maximum facade width without modulation shall be thirty feet for all interior facades~~)) all interior facades wider than forty feet shall be modulated according to the standards of Section 23.45.120, 2, and 4 provided that maximum modulation width shall be forty feet. Perimeter facades shall follow standard development requirements.

e. Structures in cluster developments may be connected by underground garages or elevated walkways ((~~if~~)), provided that:

((1)) One elevated walkway shall be permitted to connect any two structures in the development;

((2)) Additional elevated walkways, in excess of one, between any two structures may be permitted by the Director when it is determined that by their location or design a visual separation between structures is maintained.

2. Structures in required setbacks

a. Detached garages, carports, or other accessory structures are permitted in the required rear or side setbacks, provided that ((~~they are~~)) any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure. Exhibit 45.14F. All such accessory structures shall be no greater than twelve feet in height above existing grade, with open rails permitted above twelve feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Rules and Regulations for Barrier-Free Design, are permitted in required front, side, or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, free-standing walls, bulkheads, signs, and other similar structures, no greater than six feet in height, are permitted in required front, side, or rear setbacks.

e. Decks which average no more than eighteen inches above existing grade may project into required setbacks. Such decks shall not be permitted within five feet of any lot line, unless they abut a permitted fence or free-

standing wall, and are at least three feet below the top of the fence or wall. The fence or wall shall be no higher than six feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar Collectors.

3. Ground related housing developed as townhouse dwellings may have zero setbacks along common walls.

Section 13. Subsections 23.45.14 A and B are amended to read as follows:

23.45.16 Lowrise 1, Open Space Requirements

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity

1. A minimum of three hundred square feet per unit of private, landscaped open space, at ground level and directly accessible to each unit, shall be required.

2. On lots with slopes of twenty percent or more, ~~((when decks would provide more usable open space than would the existing ground-level open space))~~ decks of the same size as the required ground-level open space may be ~~((substituted to meet the))~~ built over the sloping ground-level open space, ~~((requirement. Decks provided to meet this requirement shall be at least three hundred square feet in size, and shall meet the standards of Section 23.45.16 B below. In order to qualify for this provision, the private open space for a unit may not be covered by the deck of another unit.))~~ In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit.

B. Development standards

1. The required open space shall be provided in one contiguous parcel, and no horizontal dimension of the open space shall be less than ten feet.

2. Required open space may be located in the front, sides, or rear of the structure.

3. Required open space may be located a maximum of ten feet above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open spaces, or the open space serving another unit.

4. To ensure the privacy of the open space, openings such as windows and doors on the ground floor of walls directly facing the open space of a different unit or common area, are prohibited. ~~((the open space areas of tandem houses are not subject to this provision))~~ unless the facing units are single family dwelling units.

5. Parking areas, driveways and pedestrian access except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

~~((Sections of a structure which begin ten feet or more above existing grade may project up to four feet over required open space.))~~

Section 14. Subsections 23.45.18 A, B and C are amended to read as follows:

23.45.18 Lowrise 1, Parking and Access Standards

A. Parking quantity

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

2. Reductions to the quantity of parking spaces provided may be made for: low-income housing for the elderly and disabled ~~((provision of spaces for two wheeled vehicles))~~ and the addition of residential units to existing structures, ~~((and the joint use of existing parking.))~~ 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 Subchapter 4, ~~((Nonconforming Uses and Structures))~~.

B. Access to parking

1. Alley access required

Except when one of the conditions listed in subsections B2 or B3 below applies, access to parking shall be from the alley when the site abuts a platted alley improved to the standards of Section 23.54.10C. Street access shall not be permitted.

2. Street access required

Access to parking shall be from the street when:

a. Location of alley access would create a significant safety hazard;

b. The lot does not abut a platted area.

3. Street or alley access permitted

Access to parking may be from either the alley or the street ~~((under any of the following conditions))~~ when the conditions listed in subsection B2 above do not apply, and one or more of the following conditions are met:

~~((b))~~a. The alley borders a single family zone;

~~((e))~~b. Topography makes alley access infeasible ~~((c))~~;

~~((a))~~c. The alley is not improved to the standards of subsection 23.45.10C. If such an alley is used for access, it shall be improved according to the standards of Section 23.54.10C.

C. Location of parking

1. Parking shall be located on the same site as the principal use.

~~((2))~~2. Parking may be located:

a. Between the structure and the side or rear lot line, except as provided in Section 23.45.14D2, if the parking is screened from direct street view as provided in Section 23.45.18D below, ~~((Exhibit 23.45.20))~~ Exhibit 45.18A.

b. In or under the structure, provided that the parking is screened from direct street view by the front facade of the structure and/or by garage doors, ~~((Exhibit 23.45.20))~~ Exhibit 23.18B, or by a fence and

landscaping as provided in Section 23.45.18D below, ~~((Exhibit 23.45.20))~~ Exhibit 45.18C.

~~((3))~~3. No open parking shall be permitted between a structure and the front lot line, or in the required front setback, except as provided in paragraphs C3, C4, C5, and C6 of this Section.

~~((3))~~4. For through lots less than one hundred feet in depth, parking may be located in the front setback which is determined by the Director to be most consistent with the existing pattern on the block.

~~((4))~~5. For corner lots, parking between the structure and the street shall be permitted along one street frontage only.

~~((5))~~6. The Director may permit variations from the development standards for parking location and design and curbside quantity, including permitting the location of parking between the structure and the front lot line, for lots which have no alley access and which meet one or more of the following conditions:

a. Street frontage of less than eighty feet;

b. Lot depth of less than one hundred feet;

c. A rise or drop of twelve feet or more in the first sixty feet from the street.

In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the exception, and that the proposed alternative solution meets the following objectives: maintaining on-street parking capacity, an attractive environment at street level, landscaped front setbacks and unobstructed traffic flow.

~~((6))~~7. When the front setback is averaged across the width of the front facade, parking shall be permitted between the structure and the front property lines but not in the required front setback, Exhibit 45.18B.

Section 15. Subsection 23.45.22 C and D are amended to read as follows:

C. Pitched roofs

The ridge of pitched roofs on principal structures ~~((shall be allowed to))~~ may extend up to thirty-five feet, ~~((as long as the entire portion above thirty feet has a minimum of three in twelve pitch (Exhibit 23.45.24))~~ All parts of the roof above thirty feet must be pitched at a rate of not less than three to twelve, Exhibit 45.26B. No portion of a shed roof shall be permitted to extend beyond the thirty-foot height limit under this provision.

D. Rooftop features

1. Radio and television receiving aerials, flagpoles, and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.74, ~~((Airport Height District))~~, provided they are no closer than fifty percent of their height above existing grade, or, if attached only to the roof, no closer than fifty percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, ~~((chimneys))~~ clerestories, greenhouses, dish antennae, and parapets, and firewalls may extend four feet above the maximum height limit set in ~~((Section 23.45.24))~~ subsections A and B above.

3. The following rooftop features may extend ten feet above the maximum height limit set in Section 23.45.22 A and B above, so long as the combined total coverage of all features does not exceed fifteen percent of the roof area or twenty percent of the roof area if the total includes screened mechanical equipment:

- stair and elevator penthouses

- mechanical equipment

- play equipment and open mesh fencing which encloses it, so long as the fencing is at least five feet from the roof edge

- ~~chimneys~~

4. For height exceptions for solar collectors, see Section 23.45.146, Solar Collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21 at noon no more than would a structure built to maximum permitted bulk:

- solar collectors

- planters

- clerestories

- greenhouses

- dish antennae

- non-firewall parapets

- play equipment.

Section 16. Subsection 23.45.24B is amended to read as follows:

B. Maximum depth

1. The maximum depth of a structure ~~((when the front facade is not modulated according to the standards of Section 23.45.24C or D shall be fifty percent of the depth of the lot.~~

2. When the front facade modulated according to the standards of Section 23.45.10C or D, the maximum permitted depth of each structure on a lot) shall be:

a. Ground-related housing: sixty-five percent of lot depth ~~((c))~~;

b. Terraced housing on slopes of twenty-five percent or more: no maximum depth limit ~~((c))~~; and

c. Apartments: sixty-five percent of lot depth.

~~((3))~~2. Exceptions to maximum depth requirements

~~((a))~~ Structure depth is permitted to exceed sixty-five percent of lot depth, ~~((Exhibit 23.45.24))~~ Exhibit 45.24A, subject to the following conditions:

((444)) E. The total lot coverage shall not be greater than that which would have been possible by meeting standard development requirements for maximum width, depth, and setbacks.

((444)) F. Any increased side setbacks created by using this exception shall be landscaped and shall not be used for parking.

((444)) G. Structure depth shall in no case exceed seventy-five feet.

((444)) H. Structures with depth greater than sixty-five percent of lot depth shall be modulated along the side setbacks, according to the standards of ((Section)) Sub-Section ((23.45.400-0)) 23.45.26C.

Section 17. Section 23.45.26 is amended to read as follows:

23.45.26 Lowrise 2, Modulation Requirements

(ORDINANCE 110793--Continued on Page 10)

(ORDINANCE 110793--Continued from Page 9)

Modulation of structure facades shall be required subject to the following criteria:

A. Front facades

1. Modulation shall be required if the front facade width exceeds thirty feet with no principal entrance facing the street, or forty feet with a principal entrance facing the street.

2. For terraced housing, only the portion of the front facade closest to the street is required to be modulated, Exhibit 45.26A.

B. Side facades

1. On corner lots, side facades which face the street shall be modulated if greater than forty feet in width for ground-related housing, and thirty feet in width for apartments. Modulation shall not be required for the side facades of terraced housing.

2. Apartments with a structure depth greater than sixty-five percent of lot depth shall be modulated along all side facades, ((wider than thirty feet)) according to the standards of subsection C below.

C. Modulation standards

1. Minimum depth of modulation

a. The minimum depth of modulation shall be four feet, ((Exhibit 23.45.30)) Exhibit 45.26B.

b. When balconies are part of the modulation and have a minimum dimension of at least six feet and a minimum area of at least sixty square feet, the minimum depth of modulation shall be two feet, ((Exhibit 23.45.30)) Exhibit 45.26C.

2. The minimum width of modulation shall be five feet, ((Exhibit 23.45.30)) Exhibit 45.26B.

3. Maximum width of modulation

a. The maximum width of modulation shall be thirty feet.

b. Exceptions to maximum width of modulation

(1) When facades provide greater depth of modulation than four feet, then for every foot of modulation depth in excess of four feet, the width of modulation may be increased two and one-half feet, to a maximum width of forty feet.

(2) The maximum width of modulation may be increased when facades are set back from the ((front)) lot line further than the required ((front)) setback, according to the following guidelines: the width of modulation of such a facade shall be permitted to exceed thirty feet by one foot for every foot of facade setback beyond the required ((front)) setback. This provision shall not be combined with the provisions of 3.b.(1) above, nor shall it permit facades to exceed forty-five feet in width without modulation.

4. Required modulation may start a maximum of ten feet above existing grade, and shall be continued up to the roof.

Section 18. Subsections 23.45.26A, C and D are amended to read as follows:

((23.45.14)) 23.45.28 Lowrise 2, Setback Requirements

Front, rear and side setbacks shall be provided for all lots, according to the following provisions:

A. Front setback

The required front setback shall be the average of the setbacks of the first principal structures on either side, subject to the following provisions:

1. The front setback shall in no case be required to be more than five feet greater than the setback of the first principal structure on either side which is closer to the front lot line.

2. The front setback shall not be required to exceed twenty feet.

3. Portions of a structure in front setbacks

a. Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirement.

b. No portions of a structure between existing grade and ten feet above existing grade shall be closer to the front lot line than five feet.

c. Portions of the facade which begin ((ten)) eight feet or more above existing grade may project up to four feet beyond the lower portion of the facade without being counted in setback averaging, Exhibit 45.28A.

d. Portions of the facade which begin ((ten)) eight feet or more above existing grade shall be no closer to the front lot line than three feet, Exhibit 45.28B.

4. Front setback exceptions

a. Structures along heavily traveled arterials

In order to reduce noise and glare impacts, multi-family structures located on arterials with more than fifteen thousand average vehicle trips per day, according to Engineering Department data, shall be allowed a reduction in

the required front setback. The required front setback along these arterials may be reduced to either fifty percent of the front setback specified in the development standards, or to the front setback of the principal structure on either side, whichever is less. A list of such arterials shall be maintained by the Department.

b. Through lots

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

c. Parking in rear

For sites which are required to locate the parking in the rear and have no alley, the required front setback shall be reduced by five feet, so long as this does not reduce the required front setback to less than ten feet.

C. Side Setbacks

1. The required side setback ((in Lowrise 2 cases)) shall be five feet. This setback may be averaged along the entire structure depth, but shall at no point be less than three feet.

2. Side setback exceptions

a. Where there is a principal entrance along a side facade, the minimum setback shall be five feet. Averaging shall not be permitted. When the entrance is essentially parallel to the side lot line, the minimum setback shall be ten feet. When the entrance is not essentially parallel to the side lot line, the midpoint of the door shall be no less than seven and one-half feet from the property line, ((Exhibit 23.45.26)) Exhibit 45.28C.

b. The side street setback of a reversed corner lot shall be one half the depth of the key lot's front setback, but shall not be less than ten feet, nor be required to exceed twenty feet. Averaging shall not be permitted, ((Exhibit 23.45.30)) Exhibit 45.28D.

c. When the depth of a structure exceeds sixty-five feet, an additional setback shall be required for that portion in excess of sixty-five feet. This additional setback may be averaged along the entire length of the wall. ((The additional setback)) The side setback requirement for portions of walls subject to this provision shall be provided as shown in the following chart:

Side Setback Requirements for Structures

Greater than Sixty-Five Feet in Depth

H	0-10	11-20	21-30	31-40
D	Side Setback in Feet			
66-75	6	7	8	9
76-85	7	8	9	10
86-95	8	9	10	11
96-105	9	10	11	12
106-115	10	11	12	13
116-125	11	12	13	14
126-135	12	13	14	15

For structures greater than 135 feet in depth, the pattern established in the chart shall be continued.

H = greatest height of facade beyond sixty-five-foot depth

(in feet, measured from the front of the structure). In the case of a through lot, the applicant may decide which street facade is to be considered the front.

D = depth of structure (in feet).

D. General setback exceptions

1. Required setbacks for cluster developments

Where two or more principal structures are located on one lot, ((Exhibit 23.45.40)) Exhibit 45.28E, required setbacks between structures shall be provided as follows:

a. No walls shall be less than ten feet apart at any point.

b. A principal entrance to a structure shall be at least fifteen feet from the nearest interior facade which contains no principal entrance.

c. A principal entrance to a structure shall be at least twenty feet from the nearest interior facade which contains a principal entrance.

d. Within a cluster development, ((the maximum facade width without modulation shall be thirty feet for all interior facades)) all interior facades wider than forty feet shall be modulated according to the standards of Section 23.45.26C, 2, and 4 provided that maximum modulation width shall be forty feet. Perimeter facades shall follow standard development requirements.

e. Structures in cluster developments may be connected by underground garages or elevated walkways ((-)), provided that:

(1) One elevated walkway shall be permitted to connect any two structures in the development;

(2) Additional elevated walkways, in excess of one, between any two structures may be permitted by the Director when it is determined that by their location or design a visual separation between structures is maintained.

2. Structures in required setbacks

a. Detached garages, carports, or other accessory structures are permitted in the required rear or side setbacks, provided that ((they are)) any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure, Exhibit 45.28F. All such accessory structures shall be no greater than twelve feet in height above existing grade, with open rails permitted above twelve feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Rules and Regulations for Barrier-Free Design, are permitted in required front, side, or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, free-standing walls, bulkheads, signs, and other similar structures, no greater than six feet in height, are permitted in required front, side, or rear setbacks.

e. Decks which average no more than eighteen inches above existing grade may project into required setbacks. Such decks shall not be permitted within five feet of any lot line, unless they abut a permitted fence or free-standing wall, and are at least three feet below the top of the fence or wall. The fence or wall shall be no higher than six feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar Collectors.

3. Ground related housing developed as townhouse dwellings may have zero setbacks along common walls.

Section 19. Section 23.45.30 is amended to read as follows:

23.45.30 Lowrise 2, Open Space Requirements

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity

1. Ground-related housing

a. A minimum of three hundred square feet per unit of private, landscaped open space, at ground level and directly accessible to each unit, shall be required.

b. On lots with slopes of twenty percent or more, ~~((when decks would provide more usable open space than would the existing ground-level open space,))~~ decks of the same size as the required ground-level open space may be ~~((substituted to meet the))~~ built over the sloping ground-level open space. ~~((requirements: Decks provided to meet this requirement shall be at least three hundred square feet in size, and shall meet the standards of Section 23.45.30B below. In order to qualify for this provision, the private open space for a unit may not be covered by the deck of another unit.))~~ In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit.

2. Apartments

A minimum of thirty percent of the lot area shall be provided as usable, landscaped open space at ground level.

3. Terraced housing on a slope of twenty-five percent or more

a. A minimum of forty percent of the lot area shall be provided as usable, landscaped open space.

b. Ground-level open space may be reduced from forty percent to ten percent of lot area when an equivalent amount of open space is provided above ground in the form of balconies, decks, and/or rooftop areas.

B. Development standards

1. Ground related housing

a. The required open space for each unit is not required to be in one contiguous area, but no open space area shall be less than one hundred twenty square feet, and no horizontal dimension shall be less than ten feet.

b. Required open space may be located in the front, sides, or rear of the structure.

c. Required open space may be located a maximum of ten feet above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open spaces, or the open space serving another unit.

d. To ensure the privacy of the open space, openings such as windows and doors on the ground floor of walls directly facing the open space of a different unit or common area, are prohibited. ~~((The open space areas of tandem houses are not subject to this provision.))~~ Unless the facing units are single family dwelling units.

e. Parking areas, driveways and pedestrian access except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

2. Apartments

a. No horizontal dimension for required ground-level open space shall be less than ten feet.

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

3. Terraced housing on a slope of twenty-five percent or more

a. No horizontal dimension for required ground-level open space shall be less than ten feet.

b. Required open space is permitted in the front, side or rear of the structure.

c. Parking areas, driveways and pedestrian access except for access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

d. In order to qualify as above ground-level open space, rooftop areas, balconies, or decks shall have a minimum horizontal dimension of at least ten feet, and a total area of at least one ~~((-))~~ hundred ~~((-))~~ twenty square feet.

C. Open space exception

When all uncovered surface parking and access to parking is surfaced in permeable material, the quantity of required ground level open space shall be reduced by five percent of the total lot area. ~~((When combined with the reduction in required ground level open space for structures which provide open space above ground level, the total amount of ground level open space shall not be reduced below twenty percent of lot area.))~~

Section 28. Subsections 23.45.32A, B, and C are amended to read as follows:

23.45.32 Lowrise 2, Parking and Access Standards

A. Parking quantity

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

2. For apartments and terraced housing, spaces for bicycles shall be provided in a sheltered and convenient location, according to the following chart:

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

3. Reductions to the quantity of parking spaces provided may be made for: low-income housing for the elderly and disabled ~~((; provision of spaces for two-wheeled vehicles;))~~ and the addition of residential units to existing structures ~~((; and the joint use of existing parking;))~~, according to Section 23.54.20, Parking Quantity Exceptions.

4. For apartment structures of more than twenty units, the Director may require parking in excess of the one-to-one parking ratio, up to a maximum of one and one-quarter

spaces per unit, according to the provisions of Section 23.54.20 ~~((B))~~ C.

5. Exceptions to the quantity of required parking shall be permitted when residential units are added to existing structures, according to the provisions of Subchapter 4, Nonconforming Uses and Structures.

B. Access to parking

1. Alley access required

Except when one of the conditions listed in subsections B2 or B3 below applies, access to parking shall be from the alley when the site abuts a platted alley improved to the standards of Section 23.54.10C. Street access shall not be permitted.

2. Street access required

Access to parking shall be from the street when:

a. Location of alley access would create a significant safety hazard;

b. The lot does not abut a platted ~~((area;))~~ alley.

3. Street or alley access permitted

Access to parking may be from either the alley or the street ~~((under any of the following conditions:))~~ when the conditions listed in subsection B2 above do not apply, and one or more of the following conditions are met:

~~((a))~~ a. The alley borders a ~~((e))~~ single ~~((d))~~ family zone;

~~((e))~~ b. Topography makes alley access infeasible ~~((-))~~;

~~((a))~~ c. The alley is not improved to the standards of ~~((Section))~~ subsection 23.54.10C ~~((-))~~. If such an alley is used for access, it shall be improved according to the standards of subsection 23.54.10C.

C. Location of parking

1. Parking shall be located on the same site as the principal use.

~~((2))~~ 2. Parking may be located:

a. Between the structure and the side or rear lot line, ~~((Exhibit 23.45.42A;))~~ Exhibit 45.32A, except as provided in Section 23.45.28B2, if the parking is screened from direct street view as provided in Section 23.45.12D below, or

b. Ground-related housing: In or under the structure, provided that the parking is screened from direct street view by the front facade of the structure, Exhibit 45.32B, by garage doors, or by a fence and landscaping as provided in Section 45.32.03B below, ~~((Exhibit 23.45.42A;))~~ Exhibit 45.32C, or

c. Apartments and terraced housing: In or under the structure, provided that the parking is screened from street view by the front facade of the structure, ~~((Exhibit 23.45.42A;))~~ Exhibit 45.32B.

~~((3))~~ 3. No open parking shall be permitted between a structure and the front lot line, or in the required front setback, except as provided in paragraphs C3, C4, C5 and C6 of this Section.

~~((4))~~ 4. For through lots less than one hundred feet in depth, parking may be located in the front setback which is determined by the Director to be most consistent with the existing pattern on the block.

~~((4))~~ 5. For corner lots, parking between the structure and the street shall be permitted along one street frontage only.

~~((5))~~ 5. a. The Director may permit variations from the development standards for parking location and design and curbside quantity ~~((-))~~ for lots meeting the following conditions:

(1) Lots proposed for ground-related housing with no feasible alley access and with

frontage, or

- Less than eighty feet of street

feet, or

- Lot depth of less than one hundred

feet, or

- A rise or drop in elevation of at least twelve feet in the first sixty feet from the front lot line, and

(2) Lots proposed for apartments and terraced housing with no feasible alley access and a rise or drop in elevation of at least twelve feet in the first sixty feet from the front lot line.

b. On lots meeting the standards listed above, the following variations may be permitted:

(1) Ground-related housing: parking may be located between the structure and the front lot line;

(2) Apartments or terraced housing: parking may be located under the front of the structure if screened by garage doors or by fencing and landscaping.

c. In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the exception, and that the proposed alternative solution meets the following objectives: maintaining on-street parking capacity, an attractive environment at street level, landscaped front setbacks and unobstructed traffic flow.

((4))7. When the front setback is averaged((r)) across the width of the front facade, parking shall be permitted between the structure and front property line, but not in the required front setback, Exhibit 45.32D.

Section 21. Subsections 23.45.36C and D are amended to read as follows:

C. Pitched roofs

The ridge of pitched roofs on principal structures ~~((shall be allowed to))~~ may extend up to forty-two feet. ~~((as long as the entire portion above thirty-seven feet has a minimum of three-in-twelve pitch (Exhibit 23.45.48))~~ All parts of the roof above thirty-seven feet must be pitched at a rate of not less than three to twelve, Exhibit 45.48B. No portion of a shed roof shall be permitted to extend beyond the thirty-seven foot height limit under this provision.

D. Rooftop features

1. Radio and television receiving aerials, flagpoles, and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.74.

((4))Airport Height District((4)), provided they are no closer than fifty percent of their height above existing grade, or, if attached only to the roof, no closer than fifty percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, ~~((chimneys))~~ clerestories, greenhouses, dish antennae, and parapets, and firewalls may extend four feet above the maximum height limit set in ~~((Section 23.45.08))~~ subsections A and B above.

3. The following rooftop features may extend ten feet above the maximum height limit set in Section ~~((23.45.22))~~ 23.45.16 A and B above, so long as the combined total coverage of all features does not exceed fifteen percent of the roof area, or twenty percent of the roof area if the total includes screened mechanical equipment:

- stair and elevator penthouses
- mechanical equipment
- play equipment and open mesh fencing which encloses it, so long as the fencing is at least five feet from the roof edge
- chimneys.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar Collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21 at noon no more than would a structure built to maximum permitted bulk:

- solar collectors
- planters
- clerestories
- greenhouses
- dish antennae
- non-firewall parapets
- play equipment.

Section 22. Subsection 23.45.38B is amended to read as follows:

B. Maximum depth

1. The maximum depth of a structure ~~((when the front facade is not modulated according to the standards of Section 23.45.12C or D shall be fifty percent of the depth of the lot.~~

4. When the front facade modulated according to the standards of Section 23.45.26 or D)) shall be:

- a. Ground-related housing: sixty-five percent of lot depth((r));
- b. Terraced housing on slopes of twenty-five percent or more: no maximum depth limit((r));
- c. Apartments: sixty-five percent of lot depth.

((2))2. Exceptions to maximum depth requirements

((a-)) Structure depth is permitted to exceed sixty-five percent of lot depth, ~~((Exhibit 23.45.42))~~ Exhibit 45.38B, subject to the following conditions:

((44)) a. The total lot coverage shall not be greater than that which would have been possible by meeting standard development requirements for maximum width, depth, and setbacks.

((42)) b. Any increased side setbacks provided to meet this condition shall be landscaped and shall not be used for parking.

((43)) c. Structure depth shall in no case exceed the maximum width permitted according to Section 23.45.38A.

((44)) d. Apartments with depth greater than sixty-five percent of lot depth shall be modulated along the side setbacks, according to the standards of ~~((Section))~~ subsection 23.45.48C ~~((see D))~~.

Section 23. Section 23.45.42 is amended to read as follows:

Section 23.45.42 Lowrise 3, Modulation Requirements

Modulation of structure facades shall be required subject to the following criteria:

A. Front facades

1. Modulation shall be required if the front facade width exceeds thirty feet with no principal entrance facing the street, or forty feet with a principal entrance facing the street.

2. For terraced housing, only the portion of the front facade closest to the street is required to be modulated, Exhibit 45.40A.

B. Side facades

1. On corner lots, side facades which face the street shall be modulated if greater than forty feet in width for ground-related housing, and thirty feet in width for apartments. Modulation shall not be required for the side facades of terraced housing.

2. Apartments with a structure depth greater than sixty-five percent of lot depth shall be modulated along all side facades, ~~((wider than thirty feet))~~ according to the Standards of Subsection C below.

C. Modulation standards

1. Minimum depth of modulation

a. The minimum depth of modulation shall be four feet, ~~((Exhibit 23.45.54))~~ Exhibit 45.26B.

b. When balconies are part of the modulation and have a minimum dimension of at least six feet and a minimum area of at least sixty square feet, the minimum depth of modulation shall be two feet, ~~((Exhibit 23.45.54))~~ Exhibit 45.26C.

2. The minimum width of modulation shall be five feet, ~~((Exhibit 23.45.54))~~ Exhibit 45.26B.

3. Maximum width of modulation

a. The maximum width of modulation shall be thirty feet.

b. Exceptions to maximum width of modulation

(1) When facades provide greater depth of modulation than four feet, then for every foot of modulation depth in excess of four feet, the width of modulation may be increased two and one-half feet, to a maximum width of forty feet.

(2) The maximum width of modulation may be increased when facades are set back from the ~~((front))~~ lot line further than the required ~~((front))~~ setback, according to the following guideline: the width of modulation of such a facade shall be permitted to exceed thirty feet by one foot for every foot of facade setback beyond the required ~~((front))~~ setback. This provision shall not be combined with the provisions of 3.b.(1) above, nor shall it permit facades to exceed forty-five feet in width without modulation.

4. Required modulation may start a maximum of ten feet above existing grade, and shall be continued up to the roof.

Section 24. Subsections 23.45.42A, C and D are amended to read as follows:

Section 23.45.42 Lowrise 3, Setback Requirements

Front, rear and side setbacks shall be provided for all lots, according to the following provisions:

A. Front setback

The required front setback shall be the average of the setbacks of the first principal structures on either side ~~((Figure 3))~~, subject to the following provisions:

1. The front setback shall in no case be required to be more than five feet greater than the setback of the first principal structure on either side which is closer to the front lot line.

2. The front setback shall not be required to exceed fifteen feet.

3. Portions of a structure in front setbacks

a. Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirement.

b. No portions of a structure between existing grade and ten feet above existing grade shall be closer to the front lot line than five feet.

c. Portions of the facade which begin ~~((ten))~~ eight feet or more above existing grade may project up to four feet beyond the lower portion of the facade without being counted in setback averaging, Exhibit 45.42A.

d. Portions of the facade which begin ~~((ten))~~ eight feet or more above existing grade shall be no closer than three feet to the front lot line, Exhibit 45.42B.

4. Front setback exceptions

a. Structures along heavily traveled arterials

In order to reduce noise and glare impacts, multi-family structures located on arterials with more than fifteen thousand average vehicle trips per day, according to Engineering Department data, shall be allowed a reduction in the required front setback. The required front setback along these arterials may be reduced to either fifty percent of the front setback specified in the development standards, or to the front setback of the principal structure on either side, whichever is less. A list of such arterials shall be maintained by the Department.

b. Through lots

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

c. Parking in rear

For sites which are required to locate the parking in the rear and have no alley, the required front setback shall be reduced by five feet, so long as this does not reduce the required front setback to less than ten feet.

d. Sloped lots

On sloped lots with no alley access, the required front setback shall be fifteen feet minus one foot for each two percent of slope. Slope shall be measured from the midpoint of the front lot line to the rear lot line, or for a depth of sixty feet, whichever is less.

C. Side setbacks

1. The required side setback ((in ~~lowrise 3 zones~~) shall be five feet. This setback may be averaged along the entire structure depth, but shall at no point be less than three feet.

2. Side setback exceptions

a. Where there is a principal entrance along a side facade, the minimum setback shall be five feet. Averaging shall not be permitted. When the entrance is essentially parallel to the side lot line, the minimum setback shall be ten feet. When the entrance is not essentially parallel to the side lot line, the midpoint of the door shall be no less than seven and one-half feet from the property line, ((~~Exhibit 23-45-44~~) Exhibit 45-42C).

b. The side street setback of a reversed corner lot shall be one half the depth of the key lot's front setback, but shall not be less than ten feet, nor be required to exceed twenty feet. Averaging shall not be permitted, ((~~Exhibit 23-45-44~~) Exhibit 45-42D).

c. When the depth of a structure exceeds sixty-five feet, an additional setback shall be required for that portion in excess of sixty-five feet. This additional setback may be averaged along the entire length of the wall. ((~~the additional setback~~) The side setback requirement for portions of walls subject to this provision shall be provided as shown in the following chart:

Side Setback Requirements for Structures

Greater than Sixty-Five Feet in Depth

H	8-10	11-20	21-30	31-42
D	Side Setback in Feet			
66-70	6	7	8	9
71-80	7	8	9	10
81-90	8	9	10	11

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(ORDINANCE 118793 - Continued from Page 10)

91-100	9	10	11	12
101-110	10	11	12	13
111-120	11	12	13	14
121-130	12	13	14	15
131-140	13	14	15	16

For structures greater than 140 feet in depth, the pattern established in the chart shall be continued.

H = greatest height of facade beyond sixty-five foot depth (in feet, measured from the front of the structure). In the case of a through lot, the applicant may decide which street facade is to be considered the front.

D = depth of structure (in feet).

D. General setback exceptions

1. Required setbacks for cluster developments

Where two or more principal structures are located on one lot, ((~~Exhibit 23-45-44~~) Exhibit 45-42B), required setbacks between structures shall be provided as follows:

a. No walls shall be less than ten feet apart at any point.

b. A principal entrance to a structure shall be at least fifteen feet from the nearest interior facade which contains no principal entrance.

c. A principal entrance to a structure shall be at least twenty feet from the nearest interior facade which contains a principal entrance.

d. Within a cluster development, ((~~the maximum facade width without modulation shall be thirty feet for all interior facades~~) all interior facades wider than forty feet shall be modulated according to the standards of subsection 23.45.40C provided that maximum modulation width shall be forty feet. Perimeter facades shall follow standard development requirements.

e. Structures in cluster developments may be connected by underground garages or elevated walkways((~~or~~)), provided that:

(1) One elevated walkway shall be permitted to connect any two structures in the development;

(2) Additional elevated walkways, in excess of one, between any two structures may be permitted by the Director when it is determined that by their location or design a visual separation between structures is maintained.

2. Structures in required setbacks

a. Detached garages, carports, or other accessory structures are permitted in the required rear or side setbacks, provided that ((~~they are~~) any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure, Exhibit 45-42F). All such accessory structures shall be no greater than twelve feet in height above existing grade, with open rails permitted above twelve feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Rules and Regulations for Barrier-Free Design, are permitted in required front, side, or rear setbacks.

c. Uncovered, enclosed pedestrian bridges, necessary for access and less than five feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, free-standing walls, bulkheads, signs, and other similar structures, no greater than six feet in height, are permitted in required front, side, or rear setbacks.

e. Decks which average no more than eighteen inches above existing grade may project into required setbacks. Such decks shall not be permitted within five feet of any lot line, unless they abut a permitted fence or free-standing wall, and are at least three feet below the top of the fence or wall. The fence or wall shall be no higher than six feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar Collectors.

3. Ground related housing developed as townhouse dwellings may have zero setbacks along common walls.

Section 23.45.44 is amended to read as follows:

Section 23.45.44 Lowrise 3, Open Space Requirements

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity

1. Ground-related housing

a. A minimum of three hundred square feet per unit of private, landscaped open space, at ground level and directly accessible to each unit, shall be required.

b. On lots with slopes of twenty percent or more, ((~~when decks would provide more usable open space than would the existing ground-level open space~~) decks of the same size as the required ground-level open space may be ((~~substituted to meet the~~) built over the sloping ground-level open space. ((~~requirement~~) Decks provided to meet this requirement shall be at least three hundred square feet in size and shall meet the standards of Section 23.45.44B below. In order to qualify for this provision, the private open space for a unit may not be covered by the deck of another unit.) In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit.

2. Apartments

a. A minimum of twenty-five percent of the lot area shall be provided as usable, landscaped open space at ground level.

b. Quantity exception for apartments

All required open space may be provided above ground, in the form of balconies, decks, solaria, greenhouses, or roof gardens. If less than twenty-five percent of lot area is provided as open space at ground level, all street setbacks shall be landscaped.

3. Terraced housing on a slope of twenty-five percent or more

a. A minimum of forty percent of the lot area shall be provided as usable, landscaped open space.

b. Ground-level open space may be reduced from forty percent to ten percent of lot area when an equivalent amount of open space is provided above ground in the form of balconies, decks, and/or rooftop areas.

B. Development standards

1. Ground-related housing

a. The required open space for each unit is not required to be in one contiguous area, but no open space area shall be less than one hundred twenty square feet, and no horizontal dimension shall be less than ten feet.

b. Required open space may be located in the front, sides, or rear of the structure.

c. Required open space may be located a maximum of ten feet above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit.

d. To ensure the privacy of the open space, openings such as windows and doors on the ground floor of walls directly facing the open space of a different unit or common area, are prohibited, ((~~the open space areas of tandem houses are not subject to this provision~~) unless the facing units are single family dwelling units.

e. Parking areas, driveways and pedestrian access except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

2. Apartments

a. No horizontal dimension for required ground level open space shall be less than ten feet.

b. Required open space is permitted in the front, sides, or rear of the structure.

c. Parking areas, driveways and pedestrian access except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

d. Balconies, decks, roof gardens, solaria, and greenhouse may be provided above ground as open space. No horizontal dimension shall be less than six feet, minimum area shall be sixty square feet.

3. Terraced housing on a slope of twenty-five percent or more

a. No horizontal dimension for required ground-level open space shall be less than ten feet.

b. Required open space is permitted in the front, sides, or rear of the structure.

c. Parking areas, driveways and pedestrian access except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

d. In order to qualify as above((~~the~~))ground open space, rooftop areas, balconies, or decks shall have a minimum horizontal dimension of at least ten feet, and a total area of at least one hundred twenty square feet.

C. Open space exception

When all uncovered surface parking and access to parking is surfaced in permeable material, the quantity of required ground-level open space shall be reduced by five percent of the total lot area. (When combined with the reduction in required ground-level open space for structures which provide open space above ground level, the total amount of ground-level open space shall not be reduced below twenty percent of the area.)

Section 26. Subsections 23.45.46A, B and C are amended to read as follows:

Section 23.45.46 Lowrise 3, Parking and Access Requirements

A. Parking quantity

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

2. For apartments and terraced housing, spaces for bicycles shall be provided in a sheltered and convenient location according to the following chart:

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

3. Reductions to the quantity of parking spaces provided may be made for: low-income housing for the elderly and disabled (provision of spaces for two-wheeled vehicles) and the addition of residential units to existing structures (and the joint use of existing parking), according to Section 23.54.20, Parking Quantity Exceptions.

4. For apartment structures of more than twenty units, the Director may require parking in excess of the one-to-one parking ratio, up to a maximum of one and one-quarter spaces per unit, according to the provisions of Section 23.54.20(B)(1).

5. Exceptions to the quantity of required parking shall be permitted when residential units are added to existing structures, according to the provisions of Subchapter 4, Nonconforming Uses and Structures.

B. Access to parking

1. Alley access required

Except when one of the conditions listed in subsection B2 or B3 below applies, access to parking shall be from the alley when the site abuts a platted alley improved to the standards of Section 23.54.10C. Street access shall not be permitted.

2. Street access required

Access to parking shall be from the street when:

a. Location of alley access would create a significant safety hazard;

b. The lot does not abut a platted (area) alley;

c. Apartments or terraced housing are proposed across an alley from a single family zone.

3. Street or alley access permitted

Access to parking may be from either the alley or the street when the conditions listed in subsection B2 above do not apply, and one or more of the following conditions are met:

((b))a. Ground-related housing is proposed across the alley from a single family zone;

((e))b. Topography makes alley access infeasible((-));

c. The alley is not improved to the standards of ((Section)) Subsection 23.54.10C((-)). If such an alley is used for access, it shall be improved according to the standards of subsection 23.54.10C.

C. Location of parking

1. Parking shall be located on the same site as the principal use.

((4))2. Parking may be located:

a. Between the structure and the side or rear lot line, ((Exhibit 23.45.46A)) Exhibit 45.46A, except as provided in Section 23.45.42D, if the parking is screened from direct street view as provided in Section 23.45.46D below, or

b. Ground-related housing: in or under the structure, provided that the parking is screened from direct street view by the front facade of the structure, ((Exhibit 23.45.46B)) Exhibit 45.46B, by garage doors, or by a fence and landscaping as provided in Section 23.45.46D below, ((Exhibit 23.45.46C)) Exhibit 45.46C, or

Apartment and terraced housing: in or under the structure, provided that the parking is screened from street view by the front facade of the structure, ((Exhibit 23.45.46B)) Exhibit 45.46B.

((4))3. No open parking shall be permitted between a structure and the front lot line, or in the required front setback, except as provided in paragraphs C3, C4, C5, and C6 of this Section.

((3))4. For through lots less than one hundred feet in depth, parking may be located in the front setback which is determined by the Director to be most consistent with the existing pattern on the block.

((4))5. For corner lots, parking between the structure and the street shall be permitted along one street frontage only.

((5))6. a. The Director may permit variations from the development standards for parking location and design and curbside quantity, for lots meeting the following conditions:

(1) Lots proposed for ground-related ((and terraced)) housing with no feasible alley access and with

- Less than eighty feet of street frontage, or

- Lot depth of less than one hundred feet, or

- A rise or drop in elevation of at least twelve feet in the first sixty feet from the front lot line, and

(2) Lots proposed for apartments and terraced housing with no feasible alley access and a rise or

drop in elevation of at least twelve feet in the first sixty feet from the front lot line.

b. On lots meeting the standards listed above, the following variations may be permitted:

(1) Ground-related housing: parking may be located between the structure and the front lot line;

(2) Apartments or terraced housing: parking may be located under the front of the structure if screened by garage doors or by fencing and landscaping.

c. In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the exception, and that the proposed alternative solution meets the following objectives: maintaining on-street parking capacity, an attractive environment at street level, landscaped front setbacks and unobstructed traffic flow.

((6))7. When the front setback is averaged((-)) across the width of the front facade, parking shall be permitted between the structure and the front property line, but not in the required front setback, Exhibit 45.46B.

Section 27. Subsections 23.45.50C and D are amended to read as follows:

C. Pitched roofs

The ridge of pitched roofs on principal structures ((shall be allowed to)) may extend up to sixty-five feet, ((, so long as the entire portion above sixty feet has a minimum of three-in-twelve pitch (Exhibit 23.45.72)) All parts of the roof above sixty feet must be pitched at a rate of not less than three to twelve, Exhibit 45.50B. No portion of a shed roof shall be permitted to extend beyond the sixty foot height limit under this provision.

D. Rooftop features

1. Radio and television receiving aerials, flagpoles, and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.74, Airport Height District ((Chapter 23.74)), provided they are no closer than fifty percent of their height above existing grade, or, if attached only to the roof, no closer than fifty percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, ((chimneys)) clerestories, greenhouses, dish antennae, and parapets, and firewalls may extend four feet above the maximum height limit set in ((Section 23.45.23)) Subsections A and B above.

3. The following rooftop features may extend ten feet above the maximum height limit set in Section 23.45.50 A and B above, so long as the combined total coverage of all features does not exceed fifteen percent of the roof area or twenty percent of the roof area if the total includes screened mechanical equipment:

- stair and elevator penthouses
- mechanical equipment
- play equipment and open mesh fencing which encloses it, so long as the fencing is at least five feet from the roof edge
- chimneys
- sun and wind screens
- penthouse pavilions for the common use of residents
- greenhouses which meet minimum energy standards administered by the Director.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar Collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21 at noon no more than would a structure built to maximum permitted bulk:

- solar collectors
- planters
- clerestories
- greenhouses
- dish antennae
- non-firewall parapets
- play equipment
- sun and wind screens
- penthouse pavilions for the common use of residents.

Section 23. Subsection 23.45.52B is amended to read as follows:

B. Maximum depth

1. The maximum depth of a structure ((is when the front facade is not modulated according to the standards of Section 23.45.12C or D shall be fifty percent of the depth of the lot).

2. The maximum depth of a structure when the front facade is modulated according to the standards of Section 23.45.12C or D) shall be:

a. Ground-related housing: sixty-five percent of the depth of the lot((-));

b. Terraced housing on slopes of twenty-five percent or more: no maximum depth limit((-));

c. Apartments: sixty-five percent of lot depth.

((3))2. Exceptions to maximum depth requirements

((a)) Structure depth is permitted to exceed sixty-five percent of lot depth, ((Exhibit 23.45.74)) Exhibit 45.52A, subject to the following conditions:

((4)) a. The total lot coverage shall not be greater than that which would have been possible by meeting standard development requirements for maximum width, depth and setbacks.

((4)) b. Any increased side setbacks provided to meet this condition shall be landscaped and shall not be used for parking.

((44)) c. Structure depth shall in no case exceed one hundred fifty feet.

((44)) d. Structures with depth greater than sixty-five percent of lot depth shall be modulated along the side setbacks, according to the standards of subsection 23.45.54C ((see B)).

Section 23. Section 23.45.54 is amended to read as follows:

Section 23.45.54 Midrise, Modulation Requirements

Modulation of structure facades shall be required subject to the following criteria:

A. Front facades

1. Modulation shall be required if the front facade width exceeds forty feet. Ground-related structures may follow either the modulation standards for Lowrise 3 zones (Section 23.45.49C) or the standards in this section.

2. For terraced housing, only the portion of the front facade closest to the street is required to be modulated((=)); Exhibit 45.54A.

B. Side facades

1. On corner lots, side facades which face the street shall be modulated if greater than forty feet in width. Modulation shall not be required for the side facades of terraced housing.

2. Apartments with a structure depth greater than sixty-five percent of lot depth shall be modulated along all side facades, ((wider than thirty feet)) according to the standards of subsection C below.

C. Modulation standards

1. Minimum depth of modulation

a. The minimum depth of modulation shall be eight feet, ((Exhibit 23.45.54A)) Exhibit 45.54B.

b. When balconies are part of the modulation and have a minimum depth of six feet and a minimum area of at least sixty square feet, the minimum depth of modulation shall be six feet, ((Exhibit 23.45.54A)) Exhibit 45.54C.

2. The minimum width of modulation shall be ten feet, ((Exhibit 23.45.54A)) Exhibit 45.54B.

3. Maximum width of modulation

a. The maximum width of modulation shall be forty feet.

b. Exceptions to maximum width of modulation

(1) When facades provide greater depth of modulation than eight feet, then for every foot of modulation depth in excess of eight feet, the width of modulation may be increased by two and one-half feet to a maximum width of fifty feet.

(2) The maximum width of modulation may be increased when facades are set back from the ((front)) lot line further than the required ((front)) setback, according to the following guideline: the width of modulation of such a facade shall be permitted to exceed forty feet by one foot for every foot of facade setback beyond the required setback. This provision shall not be combined with the provisions of ((3.4.44)) 3.4.44 above, nor shall it permit facades to exceed fifty feet in width without modulation.

4. Required modulation may start a maximum of ten feet above existing grade, and shall be continued up to the roof.

Section 38. Subsections 23.45.56A, C and D are amended to read as follows:

23.45.56 Midrise, Setback Requirements

Front, rear and side setbacks shall be provided for all lots, according to the following provisions:

A. Front setback

The required front setback shall be the average of the setbacks of the first principal structures on either side (Figure 5), subject to the following provisions:

1. The front setback shall in no case be required to be more than five feet greater than the setback of the first principal structure on either side which is closer to the front lot line.

2. The front setback shall in no case be required to exceed fifteen feet.

3. Portions of the structure in front setbacks((=))

a. Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirement.

b. No portions of a structure between existing grade and ten feet above existing grade shall be closer to the front lot line than five feet.

c. Portions of the facade which begin ((ten)) eight feet or more above existing grade may project up to four feet beyond the lower portion of the facade, without being counted in setback averaging, Exhibit 45.56A.

d. Portions of the facade which begin ((ten)) eight feet or more above existing grade shall be no closer than three feet to the front lot line, Exhibit 45.56B.

4. Front setback exceptions

a. Structures along heavily traveled arterials

In order to reduce noise and glare impacts, multi-family structures located on arterials with more than fifteen thousand average vehicle trips per day, according to Engineering Department data, shall be allowed a reduction in the required front setback. The required front setback along these arterials may be reduced to either fifty percent of the front setback specified in the Development Standards, or the front setback of the principal structure on either side, whichever is less. A list of such arterials shall be maintained by the Department.

b. Through lots

In the case of a through lot, each setback abutting a street except a side setback shall be a front setback

Rear setback requirements shall not apply to the lot.

C. Parking in rear

For sites which are required to locate the parking in the rear and have no alley, the required front setback shall be reduced by five feet, so long as this does not reduce the required front setback to less than ten feet.

d. Sloped lots

On sloped lots with no alley access, the required front setback shall be fifteen feet minus one foot for each two percent of slope. Slope shall be measured from the midpoint of the front lot line((=)) to the rear lot line, or for a depth of sixty feet, whichever is less.

C. Side setbacks

1. For structures thirty-seven feet or less in height, the required side setback shall be five feet. This side setback may be averaged along the entire structure depth, but shall at no point be less than three feet. For structures greater than sixty-five feet in depth, the provisions for setbacks for Lowrise 3 structures, ((Section 23.45.42B2e)) Section 23.45.42C2c, shall apply.

2. For structures more than thirty-seven feet in height, the required side setback shall be eight feet. This side setback may be averaged along the entire structure depth, but shall at no point be less than five feet.

3. Side setback exceptions

a. The side street side setback of a reversed corner lot shall be one half the depth of the key lot's front setback, but shall not be less than ten feet, nor be required to exceed twenty feet. Averaging shall not be permitted, ((Exhibit 23.45.56A)) Exhibit 45.56A.

b. For structures more than thirty-seven feet in height, when the depth of the structure exceeds sixty-five feet, an additional setback shall be required for that portion in excess of sixty-five feet. This additional setback may be averaged along the entire length of the wall. ((The additional setback)) The side setbacks requirement for portions of walls subject to this provision shall be provided as shown in the following chart:

Side Setback Requirements for Structures

Greater than Sixty-Five Feet in Depth

H	0-10	11-20	21-30	31-42	43-50	51-65
D						
66-70	9	10	11	12	13	14
71-80	10	11	12	13	14	15
81-90	11	12	13	14	15	16
91-100	12	13	14	15	16	17
101-110	13	14	15	16	17	18
111-120	14	15	16	17	18	19
121-130	15	16	17	18	19	20
131-140	16	17	18	19	20	21

For structures greater than 140 feet in depth, the pattern established in the chart shall be continued.

H = greatest height of facade beyond sixty-five foot depth (in feet, measured from the front of the structure). In the case of a through lot, the applicant may decide which street facade is to be considered the front.

D = depth of structure (in feet).

B. General setback exceptions

1. Required setbacks for cluster developments

Where two or more principal structures are located on one lot, ((Exhibit 23.45.56A)) Exhibit 45.56B, required setbacks between structures shall be provided as follows:

a. No walls shall be less than ((ten)) sixteen feet apart at any point.

b. A principal entrance to a structure shall be at least ((fifteen)) twenty-four feet from the nearest interior facade which contains no principal entrance.

c. A principal entrance to a structure shall be at least ((twenty)) thirty-two feet from the nearest interior facade which contains a principal entrance.

d. Within a cluster development, ((the maximum facade width without modulation shall be thirty feet. For interior facades)) all interior facades wider than fifty feet shall be modulated according to the standards of Section 23.45.54C, 2. and 3. provided that maximum modulation width shall be fifty feet. Exterior facades shall follow standard development requirements.

e. Structures in cluster developments may be connected by underground garages or elevated walkways((=)), provided that:

(1) One elevated walkway shall be permitted to connect any two structures in the development;

(2) Additional elevated walkways, in excess of one, between any two structures may be permitted by the Director when it is determined that by their location or design a visual separation between structures is maintained.

2. Structures in required setbacks

a. Detached garages, carports, or other accessory structures are permitted in the required rear or side setbacks, provided that ((they are)) any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure, Exhibit 45.56B. All such accessory structures shall be no greater than twelve feet in height above existing grade, with open rails permitted above twelve feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Rules and Regulations for Barrier-Free Design, are permitted in required front, side or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, free-standing walls, bulkheads, signs, and other similar structures, no greater than six feet in height, are permitted in required front, side or rear setbacks.

e. Decks which average no more than eighteen inches above existing grade may project into required setbacks. Such decks shall not be permitted within five feet of any lot line, unless they abut a permitted fence or free-standing wall, and are at least three feet below the top of the fence or wall. The fence or wall shall be no higher than six feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar Collectors.

3. Ground related housing developed as townhouse dwellings may have zero setbacks along common walls.

Section 23.45.58 is amended to read as follows:

23.45.58 Midrise, Open Space Requirements

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity

1. Ground-related housing

a. A minimum of three hundred square feet per unit of private, landscaped open space, at ground level and directly accessible to each unit, shall be required.

b. On lots with slopes of twenty percent or more, ((when decks would provide more usable open space than would the existing ground-level open space,)) decks of the same size as the required ground-level open space may be ((substituted as meet the)) built over the sloping ground-level open space. ((requirement. Decks provided to meet this requirement shall be at least three hundred square feet in size, and shall meet the standards of Section 23.45.308 below. In order to qualify for this provision, the private open space for a unit may not be covered by the deck of another unit.)) In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit.

2. Apartments

a. A minimum of twenty-five percent of the lot area shall be provided as usable, landscaped open space at ground level.

b. Quantity exception for apartments

All required open space may be provided above ground, in the form of balconies, decks, solaris, greenhouses, or roof gardens. If less than twenty-five percent of the lot area is provided as open space at ground level, all street setbacks shall be landscaped.

3. Terraced housing on slopes of twenty-five percent or more

a. A minimum of forty percent of the lot area shall be provided as usable, landscaped open space.

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b. Ground-level open space may be reduced from forty percent to ten percent of lot area when an equivalent amount of open space is provided above ground in the form of balconies, decks, and/or rooftop areas.

B. Development standards

1. Ground-related housing

a. The required open space for each unit is not required to be in one contiguous area, but no open space area shall be less than one hundred twenty square feet, and no horizontal dimension shall be less than ten feet.

b. Required open space may be located in the front, sides, or rear of the structure.

c. Required open space may be located a maximum of ten feet above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit.

d. To ensure the privacy of the open space, openings such as windows and doors on the ground floor of walls directly facing the open space of a different unit or common area, are prohibited. ((The open space areas of tandem houses are not subject to this provision.)) unless the facing units are single family dwelling units.

e. Parking areas, driveways and pedestrian access except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

2. Apartments

a. No horizontal dimension for required ground level open space shall be less than ten feet.

b. Required open space is permitted in the front, side, or rear of the structure.

c. Parking areas, driveways and pedestrian access except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

d. In order to qualify as above((--))ground open space, balconies, decks, roof gardens, solaris, and greenhouses shall have a minimum horizontal dimension of at least six feet, and minimum area shall be sixty square feet.

3. Terraced housing on a slope of twenty-five percent or more

a. No horizontal dimension for required ground-level open space shall be less than ten feet.

b. Required open space is permitted in the front, side or rear of the structure.

c. Parking areas, driveways and pedestrian access except for pedestrian access meeting the Washington

State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

d. In order to qualify as above ground open space, rooftop areas, balconies, or decks shall have a minimum horizontal dimension of at least ten feet, and a total area of at least one hundred twenty square feet.

C. Open space exception

When all uncovered surface parking and access to parking is surfaced in permeable material, the quantity of required ground-level open space shall be reduced by five percent of the total lot area. ((When combined with the reduction in required ground level open space for structures which provide open space above ground level, the total amount of ground level open space shall not be reduced below twenty percent of lot area.))

Section 23. Subsections 23.45.60A, B and C are amended to read as follows:

Section 23.45.60 Midrise, Parking and Access Requirements

A. Parking quantity

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

2. For apartments and terraced housing, spaces for bicycles shall be provided in a sheltered and convenient location according to the following chart:

Number of Units	Number of Bicycle Spaces Required
5-10	1
11-20	2
more than 20	1 per 10 units

3. Reductions to the quantity of parking spaces provided may be made for: low-income housing for the elderly

and disabled((; provision of spaces for two-wheeled vehicles)) and the addition of residential units to existing structures((; and the joint use of existing parking))., according to Section 23.54.20, Parking Quantity Exceptions.

4. For apartment structures of more than twenty units, the Director may require parking in excess of the one-to-one parking ratio, up to a maximum of one and one-quarter spaces per unit, according to the provisions of Section 23.54.40((a)).

5. Exceptions to the quantity of required parking shall be permitted when residential units are added to existing structures, according to the provisions of Subchapter 4, Nonconforming Uses and Structures.

B. Access to parking

1. Alley access required

Except when one of the conditions listed in subsections B2 or B3 below applies, access to parking shall be from the alley when the site abuts a platted alley improved to the standards of Section 23.54.10C. Street access shall not be permitted.

2. Street access required

Access to parking shall be from the street when:

a. Location of alley access would create a significant safety hazard((--));

b. The lot does not abut a platted alley;

c. Apartments or terraced housing are proposed across an alley from a Single Family, Lowrise 1 or Lowrise 2 zone.

3. Street or alley access permitted

Access to parking may be from either the alley or the street when((--)) the conditions listed in subsection B2 above do not apply, and one or more of the following conditions are met:

((b))a. Ground-related housing is proposed across the alley from a Single Family, Lowrise 1 or Lowrise 2 zone;

((e))b. Topography makes alley access infeasible((--));

((e))c. The alley is not improved to the standards of ((section)) subsection 23.54.10C((--)). If such an alley is used for access, it shall be improved according to the standards of subsection 23.54.10C.

C. Location of parking

1. Parking shall be located on the same site as the principal use.

((4))2. Parking may be located:

a. Between the structure and the side or rear lot line, ((Exhibit 23.45.54)) Exhibit 45.60A, except as provided in Section 23.45.60D, if the parking is screened from direct street view as provided in Section 23.45.60D below, or

b. Ground-related housing: in or under the structure, provided that the parking is screened from direct street view by the front facade of the structure, ((Exhibit 23.45.54)) Exhibit 45.60B, by garage doors, or by a fence and landscaping as provided in Section 23.45.60D below, ((Exhibit 23.45.54)) Exhibit 45.60C, or

c. Apartments and terraced housing: in or under the structure, provided that the parking is screened from street view by the front facade of the structure, ((Exhibit 23.45.54)) Exhibit 45.60B.

((4))3. No open parking shall be permitted between a structure and the front lot line, or in the required front setback, except as provided in paragraphs C3, C4, C5, and C6 of this Section.

((3))4. For through lots less than one hundred feet in depth, parking may be located in the front setback which is determined by the Director to be most consistent with the existing pattern on the block.

((4))5. For corner lots, parking between the structure and the street shall be permitted along one street frontage only.

((4))6. a. The Director may permit variations from the development standards for parking location and design and curb cut quantity, for lots meeting the following conditions:

- (1) Lots proposed for ground-related housing with no feasible alley access and with
- Less than eighty feet of street frontage,
 - or
 - Lot depth of less than one hundred feet,
 - or
 - A rise or drop in elevation of at least twelve feet in the first sixty feet from the front lot line.

(2) Lots proposed for apartments and terraced housing with no feasible alley access and a rise or drop in elevation of at least twelve feet in the first sixty feet from the front lot line.

b. On lots meeting the standards listed above, the following variations may be permitted:

(1) Ground-related housing: parking may be located between the structure and the front lot line.

(2) Apartments and terraced housing: parking may be located under the front of the structure if screened by garage doors or by fencing and landscaping.

c. In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the exception, and that the proposed alternative solution meets the following objectives: maintaining on-street parking capacity, an attractive environment at street level, landscaped front setbacks and unobstructed traffic flow.

((6))7. When the front setback of the structure is averaged((7)) across the width of the front facade, parking shall be permitted between the structure and the front property line, but not in the required front setback, Exhibit 45.60D.

Section 33. Subsections 23.45.56B and C are amended to read as follows:

B. Additional height permitted

The Director may authorize additional height up to a maximum height of two((-))hundred((-))forty feet, as a ((conditional development)) special exception pursuant to Chapter 23.76, Master Use Permit. In order to qualify, the applicant shall comply with the following provisions:

1. If the construction of the proposed development will involve the demolition of existing housing, no height above one hundred sixty feet will be allowed unless new housing is provided on site, equivalent to the square foot living area of the housing to be demolished. Such housing shall be provided at comparable cost pursuant to the Seattle Municipal Code, Chapter 22.210, Housing Preservation Ordinance.

2. The applicant shall provide for adequate spacing between existing and proposed towers in order to minimize blockage of views from public places, and to minimize casting of shadows on public places. The applicant shall provide shadow diagrams for December twenty-first, March twenty-first, and June twenty-first, as well as elevations showing the degree, if any, of view blockage that would occur. The Director may limit or condition the amount of extra height and bulk granted in order to minimize blocking of views from public places and to casting of shadows on public places.

3. If the proposed development does not involve the demolition of housing or measures have been taken to replace housing demolished according to the conditions of ((B-1)) subsection B1 above, and if the provisions of ((B-2)) subsection B2 above have been met, additional height above one hundred sixty feet may be allowed in return for the provision of one of the public benefits listed below, or any combination of these benefits. The amount of additional height shall be determined based on the following criteria, and on the design of the proposed project and the public benefits that are provided.

a. When a proposed highrise development provides new low- and/or moderate-income housing, or preserves existing low- and/or moderate-income housing, additional height may be allowed according to the following provisions:

(1) The housing provided in order to qualify for additional height shall be in addition to any housing provided to replace demolished units.

(2) Housing provided to replace demolished units must be provided on the same site as the proposed highrise. Additional housing preserved or provided to qualify for additional height may be either within the proposed project, or within its immediate vicinity.

(3) For every one percent of the total gross ((square footage)) floor area in the proposed structure that is reserved as low-income housing, an additional eight feet in height may be allowed; and for every one percent of the total gross ((square footage)) floor area in the proposed structure that is reserved as moderate income housing, an additional five feet in height may be allowed.

(4) The units provided to gain additional height shall be reserved as low- or moderate-income housing by ownership and restrictive covenants for a minimum of twenty years from the date a Certificate of Occupancy is issued.

(5) Two years after the adoption of this provision, or at a time when ((the)) an adequate number of projects are available for analysis, the Director shall review this provision and recommend any revisions that are necessary consistent with the City's land use and housing objectives.

b. Landscaped public open space

When proposed highrise developments provide ((landscaping)) landscaped, usable public open space in addition to the open space required for the exclusive use of residents of the development, additional height up to a maximum of forty feet may be allowed according to the following provisions((-)):

(1) Open space for public use shall either be dedicated, or upon written agreement with the City of Seattle be available to the public during reasonable and predictable hours each day of the week.

(2) The open space may be provided on site or in the immediate vicinity of the project.

(3) The location of the open space shall enhance street level activity by providing:

(a) A focal point in a highly dense or active area; and/or

(b) A unique amenity suited to the area and of public benefit; and

(c) Better pedestrian access and siting of an existing public facility or historic landmark.

(4) The space shall be of a sufficient size to be functional, and shall be contiguous to pedestrian pathways that make it readily accessible to users.

(5) The design of the open space shall enhance unique site characteristics such as views, topography, trail systems and significant trees or landscaping.

(6) Public open space and equipment located there shall be designed to provide safety and security for user groups.

(7) The open space shall be designed so that its solar exposure encourages its use.

(8) Outdoor common areas and pedestrian access shall be separated from the paths of moving vehicles.

(9) The outdoor common areas shall function as more than pedestrian walkways or passageways between areas. Active areas and/or passive areas shall be provided depending on the needs of the adjacent neighborhood.

c. Structures of architectural and historical significance

Additional heights may be allowed when new multi-family developments preserve structures of architectural or historical significance, according to the following provisions:

(1) Preservation of designated City landmarks, with proceedings and controls adopted pursuant to the Seattle Municipal Code, Chapter 25.12, Landmarks Preservation Ordinance, may qualify for eighty feet of additional height.

(2) The significant structure to be preserved may be located either on the project site or within the immediate vicinity.

C. Height exceptions

1. Radio and television receiving aerials, flagpoles, and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.74, Airport Height District ((Chapter 23.14)), provided they are no closer than fifty percent of their height above existing grade, or, if attached only to the roof, no closer than fifty percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, ((chimneys,)) clerestories, greenhouses, dish antennae, and parapets, and firewalls may extend four feet above the maximum height limit set in ((Section 23.45.60)) subsections A and B above.

3. The following rooftop features may extend up to ten feet above the maximum height limit, so long as the combined total coverage of all features does not exceed fifteen percent of the roof area, or twenty percent of the roof area if the total includes screened mechanical equipment:

- stair and elevator penthouses
- mechanical equipment
- play equipment and open mesh fencing which encloses it((- seen)), so long as the fencing ((shall be)) is at least five feet from the roof edge
- chimneys
- sun and wind screens
- penthouse pavilions for the common use of residents.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar Collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21 at noon so more than would a structure built to maximum permitted bulk:

- solar collectors
- planters
- clerestories
- greenhouses
- dish antennae
- non-firewall parapets
- play equipment
- sun and wind screens
- penthouse pavilions for the common use of residents.

Section 34. Subsection 23.45.70B is amended to read as follows:

B. Modulation standards

1. The minimum depth of modulation shall be four feet, ((Exhibit 23.45.62)) Exhibit 45.70A.

2. When balconies are part of the modulation and have a minimum dimension of at least six feet and a minimum area of sixty square feet, the minimum depth of modulation shall be reduced by two feet, ((Exhibit 23.45.64)) Exhibit 45.70B.

3. The minimum width of modulation shall be five feet, ((Exhibit 23.45.66)) Exhibit 45.70A.

4. Maximum width of modulation

a. The maximum width of modulation shall be thirty feet.

b. Exceptions to maximum width of modulation:

(1) When facades provide greater depth of modulation than four feet, then for every foot of modulation depth in excess of four feet, the width of modulation may be increased two and one-half feet, to a maximum width of fifty feet.

(2) The maximum width of modulation may be increased when facades are set back from the ((front)) lot line further than the required ((front)) setback, according to

the following guidelines: the width of modulation of such a facade shall be permitted to exceed thirty feet by one foot for every foot of facade setback beyond the required setback. This provision shall not be combined with the provisions of subsection 4.b.(1) above, nor shall it permit facades to exceed fifty feet in width without modulation.

5. Required modulation may start a maximum of ten feet above existing grade, and shall be continued up to a height of at least thirty-seven feet.

Section 35. Subsections 23.45.72B and D are amended to read as follows:

B. Rear setback

1. The minimum rear setback for structures or portions of structures sixty feet or less in height shall be ten feet.

2. The minimum rear setback for portions of structures greater than sixty feet in height shall be twenty feet.

D. General setback exceptions

1. Required setbacks for cluster developments

Where two or more principal structures are located on one lot, ~~((Exhibit 45.76A))~~ Exhibit 45.72B, ~~((required))~~ or where two or more portions of the same structure exceed sixty feet in height above existing grade, setbacks between structures or portions of structure shall be provided as follows:

~~((a. No walls shall be less than ten feet apart at any point.~~

~~b. A principal entrance to a structure shall be at least fifteen feet from the nearest interior facade which contains no principal entrance.~~

~~c. A principal entrance to a structure shall be at least twenty feet from the nearest interior facade which contains a principal entrance.))~~

a. Interior facades shall be separated as follows:

Elevation of Facade or Portion of Facade from Existing Grade	Minimum Separation
60 feet or less	16 feet
61-90 feet	20 feet
91-120 feet	28 feet
121 feet or higher	32 feet

~~((d))b. Within a cluster development, ((the maximum facade width without modulation shall be thirty feet for all interior facades)) interior facades need not be modulated. Perimeter facades shall follow standard development requirements.~~

~~((e))c. Structures ((in cluster developments)) or portions of structures over sixty feet in height, may be connected by underground garages or portions of structures thirty-seven feet or less in height.~~

2. Structures in required setbacks

a. Detached garages, carports, or other accessory structures are permitted in the required rear or side setbacks, provided that ~~((they are))~~ any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure. Exhibit 45.72C. All such accessory structures shall be no greater than twelve feet in height above existing grade, with open rails permitted above twelve feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Rules and Regulations for Barrier-Free Design, are permitted in required front, side or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, free-standing walls, bulkheads, signs, and other similar structures, no greater than six feet in height, are permitted in required front, side or rear setbacks.

e. Decks which average no more than eighteen inches above existing grade may project into required setbacks. Such decks shall not be permitted within five feet of any lot line, unless they abut a permitted fence or free-standing wall, and are at least three feet below the top of the fence or wall. The fence or wall shall be no higher than six feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar Collectors.

Section 36. Section 23.45.76 is amended to read as follows:

Section 23.45.76 Highrise, Parking and Access Requirements

A. Parking quantity

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

2. For apartments and terraced housing, spaces for bicycles shall be provided in a sheltered and convenient location according to the following chart:

Number of Spaces	Number of Bicycle Spaces Required
5-10	1
11-20	2
More than 20	1 per 10 units

3. Reductions to the quantity of parking spaces provided may be made for: low-income housing for the elderly and disabled~~((; provision of spaces for two-wheeled vehicles))~~ and the addition of residential units to existing structures~~((; and the joint use of existing parking))~~, according to Section 23.54.20, Parking Quantity Exceptions.

4. For apartment structures of more than twenty units, the Director may require parking in excess of the one-to-one parking ratio, up to a maximum of one and one-quarter spaces per unit, according to the provisions of Section 23.54.26(1)(b).

5. Exceptions to the quantity of required parking shall be permitted when residential units are added to existing structures, according to the provisions of Subchapter 4, Nonconforming Uses and Structures.

B. Access to parking

1. Alley access required

Except when one of the conditions of ~~((paragraphs))~~ Subsections B2 or B3 below applies, access to parking shall be from the alley when the site abuts a platted alley improved to the standards of Section 23.54.10C. Access from the street shall not be permitted.

2. Street access required

Access to parking shall be from the street when:

a. The alley borders on a Single Family, Lowrise 1 or Lowrise 2 zone;

b. The lot does not abut a platted alley;

c. Location of alley access would create a significant safety hazard.

3. Street or alley access permitted

Access to parking may be from either the alley or the street when~~((;))~~ the conditions listed in subsection B2 above do not apply, and one or more of the following conditions are met:

a. Topography makes alley access infeasible~~((;))~~

b. The alley is not improved to the standards of ~~((Section))~~ subsection 23.54.10C. If such an alley is used for access, it shall be improved according to the standards of subsection 23.54.10C.

C. Location of parking

1. Parking shall be located on the same site as the principal use, except accessory off-site parking permitted according to Section 23.45.166.

2. Parking may be located:

a. Between the structure and the side or rear lot line, Exhibit 45.76A, except as provided in Section 23.45.72b2, if the parking is screened from direct street view as provided in subsection 23.45.76D below, or

b. In or under the structure, provided that the parking is screened from street view by the front facade of the structure, Exhibit 45.76B. Parking is permitted on all levels of a base structure, with the limitation that a maximum of fifty percent of the area of the floor closest to the grade of the street may be used for parking. If the street-level facade is in retail use, sixty percent of the street-level floor area may be used for parking.

3. No open parking shall be permitted between a structure and the front lot line, or in the required front setback.

~~((On corner lots, two streets of retail may be permitted. On sloped sites, the Director may determine which street or streets are to be so regulated.))~~

D. Screening of parking

1. Parking shall be screened from direct street view by the facade of a structure, by garage doors, or by a fence or wall between five and six feet in height. When the fence or wall runs along the street front, there shall be a landscaped strip on the street side of the fence or wall. This strip may be between one and five feet deep, as measured from the property line, but the average distance from the property line to the fence shall be three feet. Such screening shall not be located within any required sight triangle.

2. The height of the visual barrier created by the screen required above shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three feet in height, Exhibit 45.72C.

Section 37. Subsection 23.45.86D is amended to read as follows:

D. Dispersion criteria

1. ~~((A lot used for a))~~ The lot line of any new or expanding halfway house shall be ~~((more than))~~ located six hundred feet or more from any lot line of any other halfway house or ~~((from a))~~ nursing home in a residential zone.

2. No halfway house shall be established where its location would increase to more than five the number of halfway houses and/or nursing homes within a one-half mile radius of the proposed site.

3. The Director shall determine whether a proposed facility meets the dispersion criteria from maps which shall note the location of current halfway house and nursing homes.

Any person who disputes the accuracy of the maps may furnish the Director with the correct information, and this information, if determined by the Director to be accurate, shall be used in processing applications.

Section 38. Subsection 23.45.90 is amended to read as follows:

23.45.90 Institutions: General Provisions

A. The establishment of new institutions, such as religious facilities, community centers, schools, and day care centers, which meet the development standards of Sections 23.45.92 through 23.45.102 shall be permitted outright in all multi-family zones. Institutions not meeting all the development standards of ~~((these))~~ these Sections may be permitted as administrative conditional uses subject to the requirements of Section ~~((23.45.122))~~ 23.45.122. If the expansion of an existing institution meets all development standards, it shall be permitted outright. Expansions not meeting development standards may be permitted as administrative conditional uses subject to the requirements of Section ~~((23.45.122))~~ 23.45.122.

Section 39. Subsection 23.45.96C is amended to read as follows:

C. Side setback

1. The minimum side setback shall be ten feet from a side lot line which abuts any other residentially zoned lot. A five foot setback shall be required in all other cases, except that the minimum side street side setback shall be ten feet.

In Highrise zones, structures which are between ninety-one and one~~((-))~~hundred~~((-))~~twenty feet in height shall

Have a minimum side setback of fourteen feet; structures which are taller than one hundred twenty feet shall have a minimum side setback of sixteen feet. ((Exhibit 23.45.102)) Exhibit 23.98B.

(3. When the depth of the structure exceeds sixty-five feet, the standard side setback requirement shall be increased by the distance indicated in the following chart. This additional side setback requirement may be satisfied by averaging the side setback along the depth of the structure.)

1. When the depth of a structure exceeds sixty-five feet, an additional setback shall be required for that portion in excess of sixty-five feet. This additional setback may be averaged along the entire length of the wall. The side setback requirement for portions of walls subject to this provision shall be provided as shown in the following chart:

Side Setback Requirements for Structures
Greater than Sixty-Five Feet in Depth

H	0-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100
D										
66-70	11	12	13	14	15	16	17	18		
71-80	12	13	14	15	16	17	18	19	20	21
81-90	13	14	15	16	17	18	19	20	21	22
91-100	14	15	16	17	18	19	20	21	22	23
101-110	15	16	17	18	19	20	21	22	23	24

For structures greater than one hundred ((#100)) ten feet in depth, the pattern established in the chart shall be continued.

H = Greatest height of facade beyond sixty-five foot depth (in feet, measured from the front of the structure). In the case of a through lot, the applicant may decide which street facade is to be considered the front.

D = Depth of structure (in feet).

Section 40. Subsections 23.45.98B and G are amended to read as follows:

B. ((Joint use or shared use of parking areas and facilities shall be permitted.)) An institution may make joint use of parking areas and facilities accessory to other uses if approved by the Director, according to the provisions of Section 23.54.20F, Joint Use Parking.

(G. Transportation plan

1. Threshold for requiring a transportation plan

The Director may modify the parking standards on a case by case basis for any proposed institution using a transportation plan. A transportation plan shall be required as an element of the Master Use Permit process for the establishment of new or the expansion of existing institutions which are larger than four thousand square feet of structure area and/or which are required to provide twenty or more parking spaces.

2. Contents of transportation plan

The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and scale of the proposed institution. Consideration of the following elements and other similar factors may be required:

a. Traffic

Number of staff during normal working hours; users, guests and others regularly associated with the institution; level of vehicular traffic generated; traffic peaking characteristics of the institution and the immediate area; likely vehicle use patterns; extent of congestion; types and number of vehicles associated with the user and mitigating measures to be taken by the applicant.

b. Parking area

Number of spaces; extent of screening from public or abutting lots; direction of vehicle light glare; direction of lighting sources of possible vibration; Prevailing direction of exhaust fumes; location of driveway

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and curb outer accessibility of accessways to the parking area; and a visioning measure to be taken by the applicant, such as parking space preferences for carpool or vanpool vehicles and provisions for bicycle racks.

c. Parking overflow

Number of vehicles expected to park in the street; percentage of on-street parking supply to be used by the proposed user; opportunities available to share existing parking spaces; trends in local area development and mitigating measures to be taken by the applicant.

d. Pedestrian safety

Number of driveways which cross pedestrian walkways; location of passenger loading areas.

e. Availability of public or private mass transportation system.

Bus line location and frequency; extent of private mass transportation, including carpools and vanpools to be provided by the applicant.

3. Evaluation of transportation plan

Based on an evaluation of the information disclosed in the transportation plan, the Director may increase the onsite parking or loading space requirements to reduce the overflow of vehicles into the on-street parking supply in the vicinity. The Director may also decrease the onsite parking requirement when the applicant can demonstrate that the anticipated use will not need the minimum number of required parking spaces.

Section 41. Section 23.45.102 is amended to read as follows:

23.45.102 Institutional Dispersion Criterion

((The establishment of a)) The lot line of any new or ((the expansion of an existing)) expanding institution shall ((new)) be located ((where)) six hundred feet or more from any lot line of any ((existing)) other institution ((as public facility)) in a residential zone.

Section 42. Subsection 23.45.106A is amended to read as follows:

23.45.106 Public Facilities

A. The location or expansion of the following public facilities shall be permitted outright in all multi-family zones, if all of the development standards for institutions (Sections 23.45.92 through 23.45.102) are met:

Police Precinct Stations

Fire Stations

Public Boat Moorage

Utility Service Uses

((Parks & Playgrounds

Museums))

Other similar uses.

Section 43. The following section is added to Chapter 23.45:

23.45.106 Public or Private Parks and Playgrounds

The establishment of new or expansion of existing public or private parks and playgrounds, including customary structures and activities, shall be permitted outright in all multi-family zones. 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 screened from view from such lot.

Section 44. Subsection 23.45.118B is amended to read as follows:

B. Dispersion criteria

1. A facility which does not meet the dispersion criteria of Section 23.45.86B may be permitted, upon determination by the Director that the intent of the dispersion requirements is satisfied. For example, physical elements (such as water bodies, large open spaces, or topographical features) or manmade elements (such as arterials, concentrations of non-residential uses, or freeways) may provide substantial separation from existing halfway houses and nursing homes.

2. If the intent of the dispersion criteria is met, an existing facility not in conformance with a dispersion standard may be permitted to expand. The existing facility shall not be permitted to expand beyond the ((basic requirement)) requirements of the other development standards for the zone in which it is located.

Section 45. Subsections 23.45.122D and E are amended to read as follows:

D. ((Traffic generation

The Director may condition a permit to mitigate potential traffic congestion problems. Measures which may be used by the Director for this purpose include, but are not limited to the following:

1. Implementing the institution's transportation plan.

2. Limiting the number or type of vehicles associated with the facility; encouraging the use of MRPD or private mass transit; requiring provision of sidewalks, and changing access, location or quantity of parking.)

E. Transportation plan

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

2. The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Consideration of the following elements and other similar factors may be required:

a. Traffic

Number of staff during normal working hours; users, guests and others regularly associated with the institution; level of vehicular traffic generated; traffic peaking characteristics of the institution and the immediate area; likely vehicle use patterns; extent of congestion; types and number of vehicles associated with the user; and mitigating measures to be taken by the applicant.

b. Parking area

Number of spaces; extent of screening from public or abutting lots; direction of vehicle light glare; direction of lighting sources of possible vibration; prevailing direction of exhaust fumes; location of driveway and curb outer accessibility and convenience of the parking area; and mitigating measures to be taken by the applicant, such as parking space preferences for carpool or vanpool vehicles and provisions for bicycle racks.

c. Parking overflow

Number of vehicles expected to park in the street; percentage of on-street parking supply to be used by the proposed user; opportunities available to share existing parking areas; trends in local area development and mitigating measures to be taken by the applicant.

d. Safety

Number of driveways which cross pedestrian walkways; location of passenger loading areas.

e. Availability of mass transportation

Bus route location and frequency of service; private transportation programs, including carpools and vanpools, to be provided by the applicant.

3. The Director may condition a permit to mitigate potential traffic and parking problems. Measures which may be used by the Director for this purpose include, but are not limited to the following:

a. Implementing the institution's transportation plan to encourage use of public or private mass transit;

b. Increasing onsite parking or loading space requirements to reduce overflow of vehicles into the on-street parking supply.

5. Changing access and location of parking:

d. Decreasing onsite parking or loading space requirements. ((§ 23.45.140)) If the applicant can demonstrate that less than the required amount of parking is necessary due to the specific features of the institution or the activities and programs it offers, the Director may reduce the amount of required parking. In such cases, the applicant shall enter into an agreement with the Director, specifying the amount of parking required and linking the parking reduction to the features of the institution which justify the reduction. Such parking reductions shall be valid only under the conditions specified, and if those conditions change, the standard requirement shall be satisfied.

Section 46. Section 23.45.140 is amended to add the following subsection:

c. Accessory structures shall be counted in structure width and depth if less than three feet from the principal structure at any point. Such detached accessory structures shall have a height limit of twelve feet.

Section 47. Subsections 23.45.146A and D are amended to read as follows:

B. Solar collectors in required setbacks

Solar collectors are permitted in required setbacks according to the following provisions:

1. Detached solar collectors shall be permitted in required rear setbacks; such collectors shall be no closer than five feet to any other principal or accessory structure.

2. Detached solar collectors shall be permitted in required side setbacks. Such collectors shall be no closer than five feet to any other principal or accessory structure, and no closer than three feet to the side lot line.

3. The area covered or enclosed by solar collectors ((shall not be included in)) may be counted as required open space ((calculations)).

4. Sunshades which provide shade for solar collectors which face within thirty degrees of true south may project into southern front or rear setbacks. Those which ((shall)) begin at ((least)) eight feet or more above existing grade ((level)) may be no closer than three feet from the property line. ((Those which are below ten feet may be no)) Sunshades which are between existing grade and eight feet above existing grade shall be no closer than five feet ((from)) to the property line.

B. Solar retrofits

The Director may permit the retrofitting of solar collectors on conforming or nonconforming structures existing on the effective date of this Land Use Code as a special exception pursuant to Chapter 23.76, ((4)) Master Use Permit((§)). Such a retrofit may be permitted even if it exceeds ((established)) the height limit established in subsection 23.45.146C above, if the following conditions are met:

1. There is no feasible alternative solution to placing the collector(s) on the roof;

2. The positioning of such collector(s) minimizes view blockage and shading of property to the north, while still providing adequate solar access for the collectors; and

3. Such collector(s) meet minimum energy standards administered by the Director.

Section 48. Section 23.45.154 is amended to read as follows:

23.45.154 Open Wet Moorage for Private Pleasure Craft

Open wet moorage facilities for residential structures are permitted as an accessory use as regulated in Chapter 23.70 SE Chapter 23.60, Shoreline Master Program, provided that only one slip per residential unit is provided.

Section 49. Subsection 23.45.166A is amended to read as follows:

A. The offsite parking facilities must be accessory to a multi-family structure ((unit)) existing before the ((effective)) effective date of this Land Use Code, which provides less than one parking space per unit, although it may include parking for a new residential development when developed jointly.

Section 50. Section 23.45.180 is amended to read as follows:

23.45.180 Continuation of Nonconforming Uses

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

Section 51. Section 23.45.182 is amended to read as follows:

23.45.182 Extensions, Expansions, and Structural Alterations of Nonconforming Uses

A nonconforming use shall not be expanded or extended, nor shall a structure containing a nonconforming use be expanded, extended or structurally altered except as follows:

A. Expansions, extensions or structural alterations otherwise required by law or necessary to improve access for the elderly and disabled shall be permitted.

B. Legally established apartments in Lowrise 1 zones may be improved, renovated, structurally altered, and expanded, provided that the improvement, renovation, alteration or expansion does not violate the development standards of Sections 23.45.18 through 23.45.18, nor cause an already nonconforming structure to further exceed development standards.

C. Additional dwelling units may be added to legally established apartments in Lowrise 1 zones so long as this addition does not violate the development standards of Sections ((23.45.18)) 23.45.08 through 23.45.18, nor cause an already nonconforming structure to further exceed development standards, except that one dwelling unit may be added without a parking space if the lot area is not increased, if new parking meets all development standards, and existing parking is screened and landscaped to the greatest extent practical.

D. Dwelling units may be added to structures in nonresidential use, even if in a nonconforming structure. Such structures may be altered or expanded so long as the alteration or expansion does not violate the development standards of this chapter, nor cause an already nonconforming structure to further exceed development standards, except that one unit may be added without a parking space.

E. A nonresidential nonconforming use shall not be expanded or extended. A structure containing a nonconforming use which is not residential shall not be expanded or extended except as otherwise required by law. Except as provided in

Subsections 23.45.181F and G below, or as necessary to improve access for the elderly and disabled.

((§)) F. Existing structures or portions of structures containing office uses, or structures for which an application has been made, which are developed in former RMH 350, RMV 200 or RMV 150 zones formerly regulated in Title 24 which meet the development standards of the respective zone, or were developed pursuant to variances, may be improved, renovated, or structurally altered. Structures containing office uses may not be expanded, and office uses may not be extended within the building beyond the floor area permitted in the former zone. Types of offices permitted shall be limited to those permitted in the former zone.

((§)) G. A nonconforming use which is destroyed by fire or other act of nature may be resumed provided it meets the requirements of Section 23.45.180.

Section 52. Subsections 23.45.184A and D are amended to read as follows:

23.45.184 Changes To and From Nonconforming Use

A. Existing nonresidential uses may be converted to residential use. When residential units are added to nonresidential uses, one unit may be added without a parking space. If the only use in the structure will be residential and there is no feasible way to provide the required parking, then the Director may authorize reduction or waiver of parking as a ((conditional development)) special exception pursuant to Chapter 23.76, ((4)) Master Use Permit((§)).

D. Legally established uses which were permitted outright under prior regulations but which are permitted under this chapter only as conditional uses shall be governed by the regulations of Sections 23.45.118 through 23.45.126.

Section 53. Subsection 23.45.190A is amended to read as follows:

23.45.192 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 the multi-family zone in which they are located shall be prohibited from expanding in any manner which increases the extent of nonconformity or creates additional nonconformity except as follows:

1. Expansions or extensions otherwise required by law or necessary to improve access for the elderly and disabled shall be permitted.

2. No parking space need be added for the first additional dwelling unit added to a structure if the lot area is not increased, the new parking meets all development standards, and existing parking is screened and landscaped to the greatest extent practical.

Section 54. Section 23.44.10 is amended to read as follows:

23.44.10 Access Standards

A. Streets

1. Street abutment required

At least ten feet of a lot line shall abut on a street meeting the standards of subsection 23.44.10A3, or on a permanent access easement meeting the standards of subsection 23.44.10B.

2. Access to new lots

When new lots are created or new easements are proposed, access by a street may be required by the Director when one or more of the following conditions exist:

a. Where access by easement would compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures.

b. If the improvement of a dedicated street is necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage.

c. If improvement of a dedicated street is necessary or desirable in order to provide on-street parking for overflow conditions.

d. Where it is demonstrated that potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines.

e. If the dedication and improvement of a street would provide better and/or more identifiable access for the public or for emergency vehicles.

3. Street Improvement Standard

a. Streets providing access to and within residential development shall meet the following standards, except as provided in ((paragraph b-)) subsection 3b below:

(1) Grading to both right of way lines;

(2) Standard pavement width and depth;

(3) Curbs on both sides of the street;

(4) Sidewalks on both sides of the street;

(5) Provision of landscaped planting strips and/or street trees on both sides of the street; and

(6) Drainage and grading according to the provisions of the Seattle Municipal Code.

b. The Director may authorize exceptions to the standards listed in ((paragraph a-)) subsection 2a above under the following conditions:

(1) Proposed development contains less than ten units;

(2) Proposed development is low income housing;

(3) Full street improvement would not be practical due to topography and/or location in an environmentally sensitive area;

(4) Street improvement would remove natural features such as trees or disrupt existing drainage patterns;

(5) ((An existing street serving the proposed development is not at grade and new grading would affect existing access)) full street improvement would adversely affect abutting property; or

(6) The street would provide access to a single development, and would not carry through traffic; or

(7) The street is

B. Easements

Where a lot does not abut a street and where access by easement has been approved by the Director in accordance with 23.54.10A3, access to the lot shall be provided to a street by an easement meeting the following standards:

1. Easements serving one single family dwelling unit
 - a. Easement width shall be a minimum of ten feet;
 - b. No maximum easement length shall be set. If easement length is more than one hundred and fifty feet, a vehicle turnaround shall be provided;
 - c. Curb cut width from the easement to the street shall be the minimum necessary for safety and access.
2. Easements serving at least two but fewer than five single family dwelling units
 - a. Easement width shall be a minimum of ~~(easement)~~ twenty feet;
 - b. The easement shall provide a surfaced roadway at least sixteen feet wide;
 - c. No maximum easement length shall be set. If the easement is over six hundred feet long, a fire hydrant may be required by the Director;
 - d. A turnaround shall be provided unless the easement extends from street to street;
 - e. Curb cut width from the easement to the street shall be the minimum necessary for safety and access.
3. Easements serving at least five but fewer than ten single family dwelling units, or fewer than ten multi-family unit
 - a. Easement width, surfaced width, length, turnaround, and curb cut width shall be as required in paragraph 2 above;
 - b. No principal structure shall be closer than five feet to the easement.
4. Easements serving ten or more residential unit
 - a. Easement width shall be a minimum of thirty-two feet.
 - b. The easement shall provide a surfaced roadway at least twenty-four feet wide.
 - c. No maximum length shall be set. If the easement is over six hundred feet long, a fire hydrant may be required by the Director.
 - d. A turnaround shall be provided unless the easement extends from street to street.
 - e. Curb cut width from the easement to the street shall be the minimum necessary for safety and access.
 - f. No single family structure shall be located closer than ten feet to an easement, and no multi-family structure shall be located closer than five feet to an easement.
 - g. One sidewalk shall be provided, extending the length of the easement.

C. Alleys

Alley access to parking shall be required according to the provisions of each zone. An alley shall be considered improved when it meets the following standards:

1. Grading to both right of way lines;
2. Standard pavement width and depth in accordance with rules as promulgated by the Director;
3. Drainage and grading according to the provisions of the Seattle Municipal Code.

Section 23. Subsections 23.54.10C, F, and G are amended to read as follows:

(F) C. Adding units to existing structures in multi-family zones

1. If an existing residential structure in a multi-family zone has parking which meets the development standards, and the lot area is not increased, one unit may be added without additional parking. If two units are added, one space will be required; three units will require two spaces, etc. Additional parking must meet all development standards for the particular multi-family classification.

2. Exceptions to the quantity of required parking shall be permitted when residential units are added to a structure in a multi-family zone which has parking not conforming to development standards, or when units are added to a nonconforming use, according to the provisions of Chapter 23.45, Subchapter 4, Nonconforming Uses and Structures.

E. Joint Use of Parking

The Director may authorize the joint use of parking for the following uses or activities under the following conditions:

1. Up to fifty percent of the parking required for a theater, bowling alley, dance hall, bar, restaurant, roller or ice skating rink, or other similar primarily nighttime use may be supplied by the off-street parking provided by the uses specified in subsection F4 below.

2. Up to fifty percent of the off-street parking required for any use specified under subsection F4 may be supplied by the parking provided for uses specified in subsection F5 below.

3. Up to one hundred percent of the parking required for a church or for an auditorium incidental to a public or private school may be supplied by the off-street parking provided by uses specified in subsection F4 below.

4. For the purposes of this section, the following uses are considered as daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing at store repair or service shops, manufacturing or wholesale buildings and other similar primarily, daytime uses when authorized by the Director.

5. For the purpose of this section, the following uses are considered as nighttime or Sunday uses: auditoriums incidental to a public or private school, churches, bowling alleys, dance halls, theaters, bars or restaurants, roller or ice skating rinks, and other similar primarily nighttime uses when authorized by the Director.

6. Conditions required for joint use:

2. The use for which application is being made to utilize the off-street parking provided by another use shall be located within eight hundred feet of the parking.

3. The applicant shall show that there is no substantial conflict in the principal operating hours of the two uses for which joint use of off-street parking is proposed.

4. An agreement providing for joint use parking executed by the parties concerned shall, together with the applicable use permit, be filed with the Director. The Director may condition the use permit to assure compliance with the joint use parking agreement. Joint use parking privileges shall continue in effect only so long as the agreement, binding on all parties, remains in force. If the agreement becomes legally ineffective, then parking shall be provided as otherwise required by this land use code.

5. For non-school uses located in a former or existing public school, the school use criteria of Chapter 23.74, Establishment of Criteria for Joint Use and Reuse of Schools, shall determine the off-street parking requirement.

Section 55. Subsection 23.54.30C is amended to read as follows:

C. Ingress and egress

1. Backing distances and moving other vehicles

a. Adequate ingress to and egress from all parking spaces shall be provided without having to move another vehicle, except for single family dwellings.

b. Except for lots with fewer than three parking spaces, ingress to and egress from all parking spaces shall be provided without requiring backing more than fifty feet.

2. Curb cuts

a. Except as provided in paragraph b(1)-(2) below, curb cuts ~~for~~ driveways shall be provided as follows:

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

(2) For lots with street or easement frontage greater than eighty feet, a maximum of two ten-foot-wide curb cuts or one twenty-foot-wide curb cut per development shall be permitted.

b. On arterials with more than fifteen thousand average vehicle trips per day, according to Engineering Department data, one twenty-three-foot-wide curb cut shall be permitted. A list of such arterials shall be maintained by the Department.

c. A flare with a maximum width of two and one-half feet shall be permitted on either side of any curb cut.

3. Driveways

a. Driveways shall be not less than ten feet wide, ~~(r and shall provide the minimum turning path radius as shown on Figure 24-1)~~ Driveways with a turning angle of more than thirty-five degrees shall conform to the minimum turning path radius shown in Exhibit 24.30B.

b. Vehicles may back onto the street from a parking area serving five or fewer vehicles, provided that:

(1) The street is not an arterial as defined by the Seattle Municipal Code, Section 11.18.010, Arterial Street Map; and

(2) The slope of the driveway does not exceed ten percent in the first twenty feet back from the property line.

c. Driveways serving thirty or fewer parking spaces and less than one hundred feet in length shall be a minimum of ten feet in width for one- or two-way traffic. ~~((Driveways with a turning angle of more than thirty-five degrees shall conform to the minimum turning path radius shown in Figure 24-1))~~

d. For driveways serving thirty or fewer parking spaces and greater than one hundred feet in length, the driveway shall either:

(1) Be a minimum of sixteen feet wide, tapered over a twenty-foot distance to a ten-foot opening at the property line; or

(2) Provide a passing area at least twenty feet wide and twenty feet long. The passing area shall begin twenty feet from the property line, and an appropriate taper to meet the ten-foot opening at the property line shall be provided. If a taper is provided at the other end of the passing area, it shall have a minimum length of twenty feet.

e. Driveways serving more than thirty parking spaces shall provide a minimum ten-foot-wide driveway for one-way traffic or a minimum twenty-foot-wide driveway for two-way traffic. ~~((Driveways with a turning angle of more than thirty-five degrees shall conform to the minimum turning radius shown on Exhibits 24 and 24-1))~~

f. Maximum grade curvature shall not exceed the curvature shown in Exhibit (24) 24.30C.

4. Parking aisles

a. Parking aisles shall be provided according to Exhibit 4.

b. Turning and maneuvering areas shall be located on private property, except that alleys may be credited as aisle space.

Section 57. Subsections 23.76.14C and E are amended to read as follows:

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

1. Short Plat, sidewalk cafes, structural building overhangs, awnings, special exceptions, design departure, temporary use for more than three weeks: four placards posted on or near the site, general mailed release.

2. Variances, administrative conditional use: four placards posted on or near site, general mailed release.

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.

4. No notice of application is required for a temporary three week use or for the following Master Use Permit approvals if they are determined to be exempt from sign.

1. Establishment or change of use permitted outright.

2. Curb cuts; landscaping associated with development proposals; additional onstreet parking; street and alley improvements.

3. Lot boundary adjustments.

Section 22. Subsection 23.76.24A is amended to read as follows:

23.76.24 Director's Decision on Master Use Permit

A. Master Use Permit Review Criteria

The Director shall grant, deny, or condition approval of a Master Use Permit based on the applicant's compliance with the Seattle Municipal Code, Chapter 23.04, SDCPA Policies, ((Ch. 23.04, Subsections 11-13)) and with the substantive requirements applicable to the specific approval effective at the time the Director issues a decision. The Director may impose conditions in order to mitigate adverse environmental impacts associated with the construction process.

Section 22. Subsection 23.76.16B is amended to read as follows:

B. All appealable Master Use Permit decisions other than shoreline decisions as identified in Subsection 23.76.36A, shall be filed with the Hearing Examiner subject to the following:

1. Standing. All appealable Master Use Permit decisions may be appealed by any person, significantly affected by or interested in the permit.

2. Time of Filing. Appeals shall be filed with the Hearing Examiner by five o'clock p.m. of the fourteenth calendar day following publication of notice of the decision. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five o'clock p.m. on the next business day. The appeal shall be in writing and shall clearly identify the approval(s) being appealed. The appeal shall be accompanied by payment of the filing fee as set forth in the Seattle Municipal Code, Section 1.08.125, Hearing Examiner Filing Fees. Specific objections to the Director's Decision and the relief sought shall be stated. In form and content, the appeal shall conform with the rules of the Hearing Examiner.

3. Consolidated Appeals. All appeals of a Master Use Permit shall be considered together in a consolidated hearing.

4. Pre-hearing Conference. On the Hearing Examiner's motion, or at the request of any party of record, the Hearing Examiner may have a conference prior to the hearing in order to entertain pre-hearing motions, clarify issues, or consider other relevant matters.

5. Notice of Hearing. Notice of the hearing on the appeal shall be mailed at least twenty days prior to the scheduled hearing date to parties of record and those requesting notice of the specific hearing. Notice shall also be included in a general mailed release.

6. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner shall entertain issues cited in the appeal which relate to procedural irregularities, compliance with substantive criteria, the adequacy of the environmental documentation upon which the decision was made, or failure to properly condition or deny a permit based on disclosed environmental impacts.

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

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

9. Hearing Examiner's Decision. The Hearing Examiner shall issue a decision within fourteen days after closing the record.

The Hearing Examiner may affirm, reverse, remand or modify the Director's decision. Written findings and conclusions supporting the Hearing Examiner's decision shall be made.

10. Notice of Hearing Examiner Decision.

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

11. An appeal of any Hearing Examiner's decision except those decisions appealable to the City Council pursuant to Seattle Municipal Code, Section 23.04.110, must be filed in King County Superior Court within fourteen days of the issuance of the decision.

Section 22. Subsection 23.78.10 is amended to read as follows:

23.78.10 SUAC Responsibilities

The ((repealed)) SUAC shall:

A. Conduct a minimum of three public meetings within a ninety day period from forecasting of the SUAC.

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B. Gather and evaluate public comment;

C. Develop criteria for structure and grounds use which are compatible with the surrounding community, including but not limited to: benefits to the community and public; population to be served; community access; use of the school grounds within the context of recreational and aesthetic resources of the neighborhood; mitigation of large structure bulk; traffic impacts; generation, circulation, and parking; landscaping; and maintenance of grounds; exterior appearance of the structure, including signage; noise; hazards; and other potential nuisances; and

D. Recommend criteria to the Director of DCD no later than ninety days after its first meeting unless a ten day extension is requested, in writing, by a majority of the SUAC and granted by the Director of DCD.

Section 21. The following subsections of Section 23.24.06 "C" are amended to read as follows:

23.24.06 "C"

Cluster Development

A development containing two or more principal structures on one lot. In addition, such two or more structures on one lot structure shall also be considered a cluster development.

Community center

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

Section 22. The following subsection of Section 23.24.08 "D" is amended to read as follows:

23.24.08 "D"

Day care center

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

Director

The Director of the Department of Construction and Land Use, or the Director's designee.

Section 23. Section 23.24.10 "E" is amended to add a subsection as follows:

23.24.10 "E"

Elevated walkway

A pedestrian walkway connecting structures within a cluster development and located above existing grade.

Section 24. Section 23.24.12 "F" is amended to add the following subsections:

23.24.12 "F"

Facade, Front

The facade extending the full width of the structure, including modulations, which is closest to and most nearly parallels the front lot line.

Facade, Rear

The facade extending the full width of the structure, including modulations, that is closest to and most nearly parallels the rear lot line.

Facade, Side

The facade extending the full width of the structure, including modulations, that is closest to and most nearly parallels the side lot line.

Facade, Interior

Any facade of a structure within a cluster development, which faces, or portions of which face, the facade(s) of another structure(s) within the same development. Any facade defined as a front, rear or side facade would not be considered an interior facade.

Facade, Perimeter

Any facade of a structure within a cluster development, which is either a front, rear or side facade.

Section 25. The following subsection of Section 23.24.24 "L" is amended to read as follows:

23.24.24 "L"

Lot grade, existing

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

Section 26. The following subsection of Section 23.24.25 "M" is amended to read as follows:

23.24.25 "M"

Museum

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

Section 27. The following subsections of Section 23.24.32 "R" are amended to read as follows:

23.24.32 "R"

Religious facility

An institution, such as ((A)) a church, temple, mosque, synagogue or other structure together with its accessory structures, used primarily for religious worship.

Roof, shed

See shed roof.

Section 28. The following subsections of Section 23.24.36 "S" are amended to read as follows:

School, public or private

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

Shed roof

A roof having only one sloping plane.

Short Subdivision

The division or redivision of land into ((four)) nine or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, development, or financing, and shall include all resubdivision of previously platted land and properties divided for the purpose of sale or lease of townhouse units.

Solar greenhouse

A solar collector which is a structure or portion of a structure ((which uses)) utilizing glass or similar glazing material to collect direct sunlight for space heating purposes.

Section 29. Section 23.24.38 "T" is amended to delete a subsection as follows:

((Tandem houses

Two unattached ground-related dwelling units occupying the same lot.))

Section 20. The following subsection of Section 23.84.44 "g" is amended to read as follows:

23.84.44 "g"

Wall, exterior

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

Section 21. Subsection 23.86.10B, last amended in Ordinance 110869 is amended to read as follows:

B. Front Yards

1. Determining Front Yard Requirements

(Habitat 162(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.

c. For averaging purposes, front yard depth shall be measured from the front lot line to the wall nearest to the street ~~((the nearest))~~ or where there is no wall, the plane between supports, which comprises twenty percent or more of the width of the front facade of the principal structure. Enclosed porches shall be considered part of the principal structure for measurement purposes. Attached garages or carports permitted in front yards under either Section 23.84.0804g or 23.84.10B, decks, ~~((unenclosed))~~ ~~((with or without roofs))~~, eaves, ~~((poorly))~~ 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 twenty feet.

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.

Section 22. Subsection 23.86.12A is amended to read as follows:

23.86.12 Setbacks in Multi-Family Zones

A. Front setbacks

1. Determining front setback requirements

Front setback requirements are presented in the standard development requirements for each zone. Where the minimum required front setback is to be determined by averaging the setbacks of structures on either side of the subject lot, the following provisions shall apply:

a. The required depth of the front ~~((yard))~~ setback shall be the average of the distance between principal structures and front lot lines of the nearest principal structures on each side of the subject lot, ~~((Habitat 86-B))~~ Exhibit 86.12A.

b. The setbacks used for front setback averaging shall be on the same blockfront as the subject lot, and shall be the front setbacks of the nearest principal structures within one hundred feet of the side lot lines of the subject lot.

c. For averaging purposes, front setback depth shall be measured from the front lot line to the nearest wall, or where there is no wall, the plane between supports, which ~~((comprises))~~ ~~((comprises))~~ twenty percent or more of the width of the front facade of the principal structure on either side. Attached garages and enclosed porches shall be considered part of the principal structure for measurement purposes. Decks less than eighteen inches above existing grade, ~~((unenclosed))~~ ~~((with or without roofs))~~, eaves, ~~((poorly))~~ attached solar collectors, and other similar parts of the structure shall not be considered part of the principal structure. When the front facade of the principal structure is not parallel to the front lot line, the shortest distance from the front lot line to the structure shall be used for averaging purposes.

d. When the first principal structure within one hundred feet of a side lot line of the subject lot is not on the same block front or when there is no principal structure within one hundred feet of the side lot line, the setback depth used for averaging purposes on that side shall be ten feet.

e. When the front setback of the first principal structure within one hundred feet of the side lot line of the subject lot exceeds twenty feet, the setback 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 structures should be used for averaging purposes.

~~((In the case of a through lot, the setback used for front setback averaging on each side shall be the lesser of the two front setbacks provided by each adjoining through lot.))~~

g. In the case of a through lot, the requirement for front setbacks shall be determined independently for each street frontage. The measurement techniques of this section shall be applied for each street frontage separately.

h. For cluster development, the front setback of a principal structure on the same lot may be used for averaging purposes.

2. Features projecting into required front setbacks

In certain zones portions of the front facade may project into the required front setback, provided that the average distance from the front lot line to the facade satisfies the minimum front setback requirement. In such cases the following provisions shall apply:

a. The front setback shall be averaged for the entire width of the structure.

b. Portions of the facade at existing grade shall be used in determining the average setback.

c. Projections of the front facade which begin at least ~~((ten))~~ eight feet above existing grade and project less than four feet from the lower portion of the facade shall not be included in the setback averaging. For such projections which project more than four feet from the lower portion of the facade, only the first four feet shall be exempt from the averaging calculation. This provision applies to such features as cantilevered floor area, decks, and bay windows. Eaves, gutters, and cornices are permitted to project eighteen inches beyond any front facade without being counted in averaging.

3. Measuring street-facing setbacks for institutions and public facilities in multi-family zones

a. In multi-family zones, the depth of setback from a street lot line may be averaged along the width and height of the facade for institutions and public facilities, as an alternative providing greater design flexibility than standard modulation requirements.

b. This average setback shall be calculated by dividing the three-dimensional volume of setback by the area of the structure facade.

(1) Find the sum of volumes within the space defined by extension of the roof line, the planes of the side walls, and the vertical extension of the front lot line; and

(2) Divide this sum by the area of the street-facing facade, calculated as the product of facade height and facade width, ~~((Habitat 86-B))~~ Exhibit 86.12B.

Section 23. Section 23.86.14 is amended to read as follows:

23.86.14 Structure Width

A. Structure width shall be measured by the following method:

1. Draw ~~((the smallest))~~ a rectangle that encloses the principal structure.

2. Structure width shall be the length of the side of that rectangle most closely parallel to the front lot line, ~~((Habitat 86-B))~~ Exhibit 86.14A.

B. Decks and balconies ~~((ten))~~ eight feet or less above existing grade, unenclosed porches with or without roofs, eaves, gutters, chimneys not used to meet modulation requirements, and attached solar greenhouses meeting minimum standards administered by the Director shall not be considered part of the principal structure for the purpose of measuring the width of a structure.

C. Decks and balconies more than ten feet above existing grade, enclosed porches, attached garages and carports, and modulated or projecting segments of a facade shall be considered part of the principal structure for the purpose of measuring the width of a structure.

D. Structure width exception

In certain multi-family zones, apartment structures are allowed greater width when at least forty percent of the width is set back from the portion of the front facade closest to the front lot line a distance equivalent to twenty-five percent of the structure depth. In such cases the following provisions shall apply:

1. When the front facade(s) is(are) not essentially parallel to the property line, the facade containing the point closest to the street shall be considered the facade closest to the street.

2. The twenty-five percent of building depth may be achieved by adding together the depths of more than one facade segment. The forty percent of structure width may also be composed of more than one facade segment meeting the twenty-five percent setback requirement.

Section 24. Section 23.86.16 is amended to read as follows:

23.86.16 Structure Depth

A. Measuring structure depth

In certain zones structure depth is limited by standard development requirements. The following provisions shall apply for determining structure depth:

1. Structure depth shall be measured by the following method:

a. Draw ~~((the smallest))~~ a rectangle that encloses the principal structure.

b. Structure depth shall be the length of the sides of that rectangle most closely parallel to the side lot lines, ~~((Habitat 86-B))~~ Exhibit 86.16A.

2. Decks and balconies ten feet or less above existing grade, unenclosed porches with or without roofs, eaves, gutters, chimneys not used to meet modulation requirements, and attached solar greenhouses meeting minimum standards administered by the Director shall not be considered part of the principal structure for the purpose of measuring the depth of a structure.

3. Decks and balconies more than ten feet above existing grade, balconies, enclosed porches, attached garages and carports, modulated or projecting segments of a facade, shall be considered part of the principal structure for the purpose of measuring the depth of a structure.

B. Determining maximum permitted structure depth

In certain zones, structure depth is limited to a percentage of lot depth. For those cases the following provisions shall apply:

1. When the lot is essentially rectangular and has a rear lot line which is (essentially) within fifteen degrees of parallel to the front lot line, (see the entire distance,) the lot depth shall be the horizontal distance between the midpoints of the front and rear lot lines. ((Figure 33)) Exhibit 86.16B.

2. When the lot is triangular or (pre) wedge-shaped, lot depth shall be the horizontal distance between the midpoint of the front lot line and the rear point of the lot. If such a lot does not actually come to a point, lot depth shall be measured from midpoint of front lot line to midpoint of rear lot line, Exhibit 86.16C.

3. In the case of a through lot, lot depth shall be measured ((from front lot line to)) between midpoints of front lot lines.

4. When lot shape is so irregular that provisions 1, 2, or 3 cannot be used, lot depth shall be that distance equal to the result of lot area divided by length of front lot line, provided that in no case shall lot depth be greater than the distance from front lot line to the furthest point on the perimeter of the lot, ((Exhibit 86.16D)) Exhibit 86.16D.

C. Measuring structural depth exceptions

In certain zones, exceptions permit increased structure depth. For those cases total permitted lot coverage shall equal maximum width times maximum depth less the area required for modulation, according to the following provisions:

1. Maximum width shall be considered to be the width of the lot less the total required side setbacks, but shall in no case exceed the maximum width permitted for the housing type and zone.

2. Maximum depth shall be considered to be the percentage of lot depth permitted for the proposed housing type.

3. The area of minimum required modulation shall be subtracted from the calculation to determine maximum lot coverage permitted.

Section 75. Subsection 23.86.18 is amended to read as follows:

23.86.18 Open Space

Certain zones require a minimum amount of open space to be provided on the lot. For those cases where open space is required, the following provisions shall apply:

A. In order for a portion of a lot to qualify as open space, the ground's surface shall be permeable, except for patios, paved areas designed for recreation, and pedestrian access which meets the Washington State Rules and Regulations for Barrier-Free Design. The area shall be landscaped with grass, ground cover, bushes, and/or trees.

B. Driveways, parking areas, and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

C. The area covered or enclosed by solar collectors meeting minimum standards administered by the Director may be counted as required open space.

D. Portions of a structure which begin eight feet or more above existing grade may project up to four feet over required ground-level open space.

((C)) E. Standard development requirements for certain zones specify a minimum contiguous area for open space. Open space areas smaller than the minimum contiguous area specified for such zones shall not be counted toward fulfilling total open space requirements for that lot.

1. Driveways and parking areas, paved or unpaved, shall be considered to separate open space areas they bisect.

2. Pedestrian access areas shall not be considered to break the contiguity of open space on each side.

((D)) F. In shoreline areas, when determined the amount of open space required or provided, no land waterward of the ordinary high water mark shall be included in the calculation.

Section 76. Subsection 23.88.20A is amended to read as follows:

23.88.20 Land Use Interpretations

A. A decision by the Director as to the meaning, application, or intent of any provision of ((Title)) Title 23, Land Use Code, or Title 24, Zoning and Subdivisions, as it relates to a specific piece of property is known as an "interpretation". An interpretation may be requested in writing by any person or may be initiated by the Director.

Section 77. Subsection 23.90.18A is amended to read as follows:

23.90.18 Appeal to Hearing Examiner

A. Any party affected by the final order may file a written notice of appeal with the Hearing Examiner stating in what respects the notice is erroneous and the specific grounds upon which the party affected relies for the reversal or modification of the order. The appeal shall be filed with the Hearing Examiner by five o'clock p.m. of the fourteenth calendar day following issuance of the final order of notice of violation. When the last day of the appeal period so computed is a Saturday, Sunday, federal or City holiday, the appeal period shall run until five o'clock p.m. on the next business day. The notice of appeal shall be accompanied by a receipt showing payment by the appellant of a filing fee as established in the Permit Fee Ordinance, Ch. 22.980.

Section 78. All section and subsection references in this ordinance are to the Seattle Municipal Code (SMC).

Section 79. The purpose of this ordinance is to clarify the intent of the City Council in connection with the multifamily provisions of the Land Use Code, to make the Code internally consistent, and to correct typographical errors, and the report and hearing requirements for text amendments of section 23.94.13 of the Seattle Municipal Code are hereby superseded for purposes of this ordinance.

Section 80. 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.

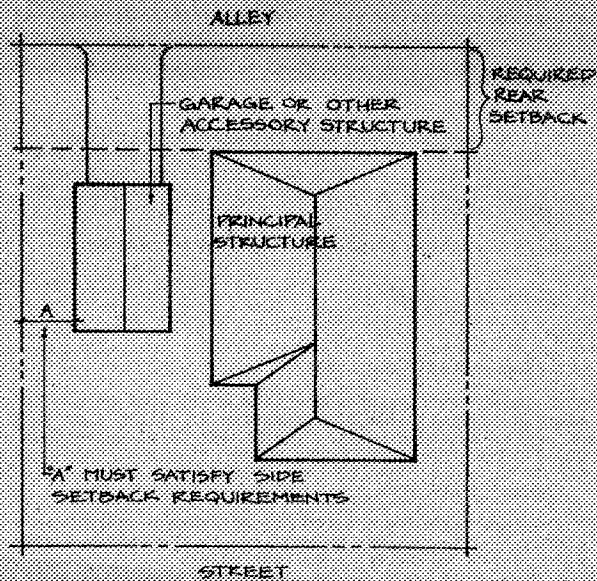


EXHIBIT 45.14F ACCESSORY STRUCTURES IN REQUIRED SETBACKS

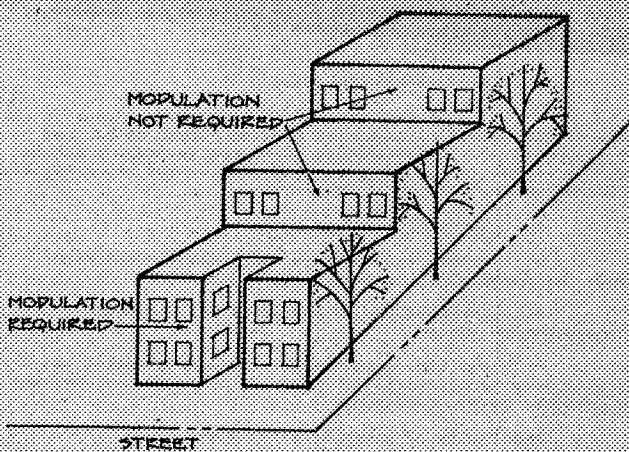


EXHIBIT 45.26A TERRACED HOUSING POPULATION

EXHIBIT 45.40A

EXHIBIT 45.54A

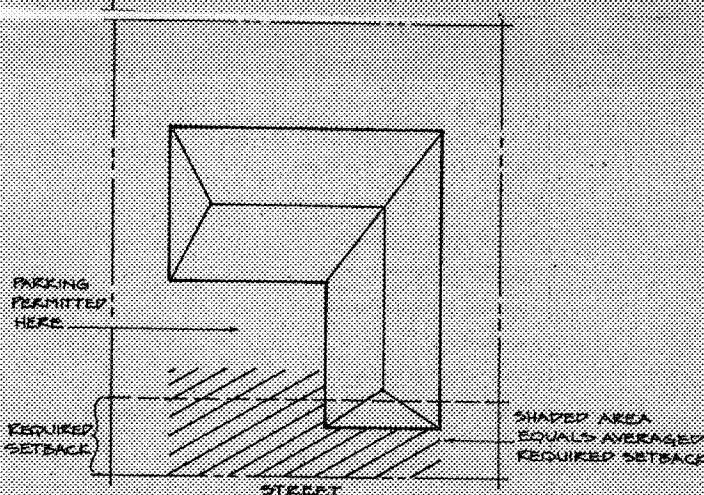


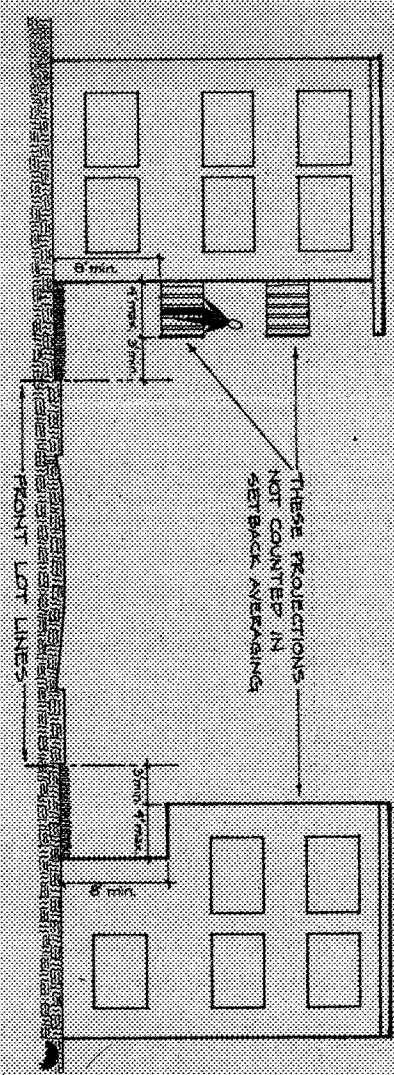
EXHIBIT 45.32D AVERAGED FRONT SETBACK AND PARKING

EXHIBIT 45.46D

EXHIBIT 45.76D

EXHIBIT 45.20A
EXHIBIT 45.42A
EXHIBIT 45.56A

EXHIBIT 45.44A FRONT PROJECTIONS



Passed by the City Council the 27th day of September, 1982, and signed by me in open session in authentication of its passage this 27th day of September, 1982.

David Williams
President of the City Council

Approved by me this 27th day of October, 1982.

Charles Brown
Mayor

Filed by me this 27th day of October, 1982.

ATTEST: Tim Hill
City Comptroller and City Clerk

By: J. H. Brown
Deputy

(SEAL)

Publication ordered by TIM HILL, Comptroller and City Clerk.

Date of Official Publication in the Daily Journal of Commerce, Seattle, October 1982.

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. 110793

was published on **October 12, 1982**

[Signature]
Subscribed and sworn to before me on
October 12, 1982

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

City of Seattle

821809



Executive Department-Office of Management and Budget

John D. Saven, Director
Charles Royer, Mayor

September 1, 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: An ordinance amending sections of the Land Use Code.

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

James Muller
for

John Saven
Budget Director

JS/jm/lb

Enclosure

cc: William J. Justen, Director

Pat.
not per se
draft only

ORDINANCE

AN ORDINANCE relating to land use; amending Sections 23.30.10, 23.34.34, 23.44.10, 23.44.12, 23.44.20, 23.44.46, 23.44.80, 23.45.04, 23.45.05, 23.45.08, 23.45.10, 23.45.14, 23.45.16, 23.45.18, 23.45.22, 23.45.24, 23.45.26, 23.45.28, 23.45.30, 23.45.32, 23.45.36, 23.45.38, 23.45.40, 23.45.42, 23.45.44, 23.45.46, 23.45.50, 23.45.52, 23.45.54, 23.45.56, 23.45.58, 23.45.60, 23.45.66, 23.45.70, 23.45.72, 23.45.76, 23.45.86, 23.45.90, 23.45.96, 23.45.98, 23.45.102, 23.45.106, 23.45.108, 23.45.118, 23.45.122, 23.45.140, 23.45.146, 23.45.154, 23.45.166, 23.45.180, 23.45.182, 23.45.184, 23.45.190, 23.54.10, 23.54.20, 23.54.30, 23.76.14, 23.76.24, 23.76.36, 23.78.10, 23.84.06, 23.84.08, 23.84.10, 23.84.12, 23.84.24, 23.84.25, 23.84.32, 23.84.36, 23.84.38, 23.84.44, 23.86.10, 23.86.12, 23.86.14, 23.86.16, 23.86.18, 23.88.20, 23.90.18.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.30.10 is amended to read as follows:

23.30.10 Classifications for the Purposes of this Subtitle

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

<u>Zones</u>	<u>Abbreviated</u>
Residential, Single Family 9600	SF 9600
Residential, Single Family 7200	SF 7200
Residential, Single Family 5000	SF 5000
Residential, Multi-Family, Lowrise 1	<u>L1</u>
Residential, Multi-Family, Lowrise 2	<u>L2</u>
Residential, Multi-Family, Lowrise 3	<u>L3</u>
Residential, Multi-Family, Midrise	<u>MR</u>
Residential, Multi-Family, Highrise	<u>HR</u>

Section 2. Section 23.34.34 is amended to read as follows:

23.34.34 Transition

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

Section 3. Subsection 23.44.10D, as last amended by Ordinance 110669, is further amended to read as follows:

D. Lot Coverage Exceptions

1. 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.

2. Special Structures and Portions of Structures

The following structures and portions of structures shall not be counted in lot coverage calculations:

a. Access Bridges

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

b. Barrier-Free Access

Ramps or other access for the disabled or elderly meeting Washington State Rules and ((#)) Regulations ((and rules)) for ((b)) Barrier-((#))Free ((access)) Design.

c. Decks

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

d. Freestanding Structures and Bulkheads

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

e. Underground Structures

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

f. Eaves and Gutters

The first eighteen inches of eaves and gutters
projecting from the principal structure.

g. Solar collectors meeting the provisions of
Section 23.44.46 and swimming pools meeting the provisions of
Section 23.44.44.

Section 4. Subsection 23.44.12B, last amended by Ordinance 110669, is further amended to read as follows:

1 B. Special Features.

2 1. Pitched Roofs

3 The ridge of a pitched roof on a principal
4 structure may extend up to five feet above the thirty-foot
5 height limit. All parts of the roof above the height limit
6 must be pitched at a rate of not less than three to twelve (~~(7)~~)
7 Exhibit (~~(§ 44A, B)~~) 44.12A.) No portion of a shed roof
8 shall be permitted to extend beyond the thirty-foot height
9 limit under this provision.

6 2. Sloped Lots

7 Additional height shall be permitted for sloped
8 lots, at the rate of one foot for each six percent of slope.
9 The additional height shall be permitted on the downhill side
10 of the structure only, as described in the measurements
11 portion of this Land Use Code, Exhibit 44.12B.

10 When the downhill portion of a sloped lot fronts
11 on a street and the required front yard exemption in subsection
12 23.44(~~.08(a)(1)~~)14A is claimed, the permitted height of the
13 wall along the lowest (~~(evaluation)~~) elevation of the site
14 shall be reduced one foot for each foot of exemption claimed.
15 In no case (~~(7)~~) shall the height of the wall be required to be
16 less than thirty feet.

13 Section 5. Subsection 23.44.20A is amended to read as
14 follows:

15 23.44.20 Special Residences

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

18 A. Dispersion

19 1. (~~(A)~~) The lot line of any new or expanding
20 special residence shall ((not)) be ((established or expanded
21 on a lot which is within)) located six hundred feet ((of)) or
22 more from any lot line of any other special residence in a
23 residential zone.

24 2. No special residence shall be established in an
25 area where it would increase the number of special residences
26 located within a one-half mile radius from the proposed
27 residence to more than five.

28 3. A proposed new or expanding special residence
which does not meet the dispersion criteria may be permitted
by the Director upon a determination that the intent of the
criteria is achieved because of the presence of physical
elements such as bodies of water, large open spaces, or
topographical breaks or other elements such as arterials,
freeways or non-residential uses, which provide substantial
separation from other existing special residences. In that

1 case, the Director's determination may permit both the
2 expansion of the structure and/or the number of beds.

3 Section 6. Subsection 23.44.46A, as last amended by
4 Ordinance 110669, is further amended to read as follows:

5 23.44.46 Solar Collectors

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

9 A. ~~((Freestanding s))~~ Solar collectors, ~~((or those projecting beyond the principal or accessory structure to which they are attached,))~~ including solar greenhouses which meet minimum standards and maximum size limits as determined by the Director, shall not be counted in lot coverage ~~((calculations))~~.

10 Section 7. Section 23.44.80, as last amended by Ordinance 110669, is amended to add the following subsection:

11 G. Legally established uses which were permitted
12 outright under prior regulations but which are permitted under
13 this chapter only as conditional uses shall be governed by the
14 regulations of Sections 23.44.18 through 23.44.32.

15 ((G))H. Except as provided in C and E above, legally
16 established nonconforming uses may be changed by an adminis-
17 trative conditional use authorization to other uses otherwise
18 not permitted in the zone.

19 1. The Director must find that the new use is no
20 more detrimental to property in the zone and vicinity than the
21 existing use. This determination shall be based on the
22 following factors:

23 a. The zones in which both the existing use
24 and the new use are allowed;

25 b. The number of employees and clients
26 associatd with the proposed use;

27 c. The relative parking, traffic, light,
28 glare, noise, odor and similar impacts of the two uses.

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

3. 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 standards, design
modification, or setting hours of operation.

Section 8. Subsection 23.45.04A is amended to read as
follows:

23.45.04 Principal Uses Permitted Outright

A. The following principal uses shall be permitted outright in Lowrise 1 zones:

1. Single family dwelling units
2. Ground-related multi-family structures such as duplexes, triplexes, and townhouses (~~(7 and tandem houses)~~)
3. Boarding houses
4. Group homes
5. Halfway houses meeting all development standards
6. Nursing homes meeting all development standards
7. Institutions meeting all development standards
8. Public facilities meeting all development standards

Section 9. Subsection 23.45.05B is amended to read as follows:

B. ((Required setbacks for existing single family structures may be reduced when the single family structure has a wall, sixty percent or more of which extends into a required setback. The line formed by the non-conforming wall of the structure shall be the delineation of the required setback for any additions, including basement additions (Exhibit 23.45.2). All new walls shall comply with the following requirements:))

Certain additions may extend into a required setback when an existing single family structure is already nonconforming with respect to that setback. The presently nonconforming section 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 basement additions, Exhibit 45.05A. New additions to the nonconforming wall or walls shall comply with the following requirements:

1. When it is a side wall, it is at least three feet from the side property line;
2. When it is a rear wall, it is at least ten feet from the rear property line or center line of an alley abutting the rear property line;
3. When it is a front wall, it is at least ten feet from the front property line.

Section 10. Subsections 23.45.08 C and D are amended to read as follows:

1 C. Pitched roofs

2 The ridge of pitched roofs on principal structures
3 shall be allowed to extend up to thirty-five feet, so long as
4 the entire portion above thirty feet has a minimum of three-
in-twelve pitch, ~~((Exhibit 23.45.6))~~ Exhibit 45.08B. No
portion of a shed roof shall be permitted to extend beyond the
thirty-foot height limit under this provision.

5 D. Rooftop features

6 1. Radio and television receiving aerials, flag-
poles, and spires for religious institutions are exempt from
7 height controls, except as regulated in Chapter 23.74,
8 ~~((+))~~ Airport Height District ~~((+))~~, provided they are no closer
than fifty percent of their height above existing grade, or,
if attached only to the roof, no closer than fifty percent of
their height above the roof portion where attached, to any
adjoining lot line.

9 2. Railings, planters, skylights, ~~((chimneys,))~~
10 clerestories, greenhouses, dish antennae, and parapets, and
firewalls may extend four feet above the maximum height limit
11 set in ~~((Section 23.45.08))~~ paragraphs A and B above.

12 3. The following rooftop features may extend ten
feet above the maximum height limit set in Section 23.45.08 A
13 and B above, so long as the combined total coverage of all
features does not exceed fifteen percent of the roof area or
14 twenty percent of the roof area if the total includes screened
mechanical equipment:

- 15 - stair and elevator penthouses
16 - mechanical equipment
17 - play equipment and open mesh fencing which
encloses it, so long as the fencing is at least five feet from
18 the roof edge
19 - chimneys.

20 4. For height exceptions for solar collectors, see
Section 23.45.146, Solar Collectors.

21 5. In order to protect solar access for property to
the north, the applicant shall either locate the rooftop
22 features listed below at least ten feet from the north edge of
the roof, or provide shadow diagrams to demonstrate that the
23 proposed location of such rooftop features would shade pro-
perty to the north on January 21 at noon no more than would a
structure built to maximum permitted bulk:

- 24 - solar collectors
25 - planters
26 - clerestories
27
28

- greenhouses
- dish antennae
- non-firewall parapets
- play equipment.

Section 11. Subsection 23.45.10B is amended to read as follows:

B. Maximum depth

1. The maximum depth of a structure greater than thirty feet in width when the front facade is not modulated according to the standards of Section 23.45.12C (~~(or D)~~) shall be fifty percent of the depth of the lot.

2. The maximum depth of (~~(a)~~) structures thirty feet or less in width, and wider structures when the front facade is modulated according to the standards of Section 23.45.12C (~~(or D)~~) shall be sixty-five percent of the depth of the lot.

Section 12. Subsections 23.45.14A and D are amended to read as follows:

23.45.14 Lowrise 1, Setback Requirements

Front, rear and side setbacks shall be provided for all lots, according to the following provisions:

A. Front setback

The required front setback shall be the average of the setbacks of the first principal structures on either side, subject to the following provisions:

1. The front setback shall in no case be required to be more than five feet greater than the setback of the first principal structure on either side which is closer to the front lot line.

2. The front setback shall not be required to exceed twenty feet.

3. Portions of a structure in front setbacks

a. Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirement.

b. No portions of a structure between existing grade and ten feet above existing grade shall be closer to the front lot line than five feet.

1 c. Portions of the facade which begin ~~((ten))~~
2 eight feet or more above existing grade may project up to four
3 feet beyond the lower portion of the facade without being
4 counted in setback averaging, Exhibit 45.14A.

5 d. Portions of the facade which begin ~~((ten))~~
6 eight feet or more above existing grade shall be no closer to
7 the front lot line than three feet, Exhibit 45.14B.

8 4. Front setback exceptions

9 a. Structures along heavily traveled arterials

10 In order to reduce noise and glare impacts,
11 multi-family structures located on arterials with more than
12 fifteen thousand average vehicle trips per day, according to
13 Engineering Department data, shall be allowed a reduction in
14 the required front setback. The required front setback along
15 these arterials may be reduced to either fifty percent of the
16 front setback specified in the development standards, or to
17 the front setback of the principal structure on either side,
18 whichever is less. A list of such arterials shall be
19 maintained by the Department.

20 b. Through lots

21 In the case of a through lot, each setback
22 abutting a street except a side setback shall be a front set-
23 back. Rear setback requirements shall not apply to the lot.

24 D. General setback exceptions

25 1. Required setbacks for cluster developments

26 Where two or more principal structures are
27 located on one lot, ~~((Exhibit 23.45.18))~~ Exhibit 45.14E,
28 required setbacks between structures shall be provided as
follows:

a. No walls shall be less than ten feet apart
at any point.

b. A principal entrance to a structure shall
be at least fifteen feet from the nearest interior facade
which contains no principal entrance.

c. A principal entrance to a structure shall
be at least twenty feet from the nearest interior facade which
contains a principal entrance.

d. Within a cluster development, ~~((the maximum
facade width without modulation shall be thirty feet for all
interior facades))~~ all interior facades wider than forty feet
shall be modulated according to the standards of Section
23.45.12C1, 2, and 4 provided that maximum modulation width
shall be forty feet. Perimeter facades shall follow standard
development requirements.

1 e. Structures in cluster developments may be
2 connected by underground garages or elevated walkways ((~~+~~)),
3 provided that:

4 (1) One elevated walkway shall be per-
5 mitted to connect any two structures in the development;

6 (2) Additional elevated walkways, in
7 excess of one, between any two structures may be permitted by
8 the Director when it is determined that by their location or
9 design a visual separation between structures is maintained.

10 2. Structures in required setbacks

11 a. Detached garages, carports, or other
12 accessory structures are permitted in the required rear or
13 side setbacks, provided that ((~~they are~~)) any accessory struc-
14 ture located between a principal structure and the side lot
15 line shall provide the setback required for the principal
16 structure, Exhibit 45.14F. All such accessory structures
17 shall be no greater than twelve feet in height above existing
18 grade, with open rails permitted above twelve feet.

19 b. Ramps or other devices necessary for access
20 for the disabled and elderly, which meet Washington State
21 Rules and Regulations for Barrier-Free Design, are permitted
22 in required front, side, or rear setbacks.

23 c. Uncovered, unenclosed pedestrian bridges,
24 necessary for access and less than five feet in width, are
25 permitted in required front, side and rear setbacks.

26 d. Permitted fences, free-standing walls,
27 bulkheads, signs, and other similar structures, no greater
28 than six feet in height, are permitted in required front,
side, or rear setbacks.

e. Decks which average no more than eighteen
inches above existing grade may project into required set-
backs. Such decks shall not be permitted within five feet of
any lot line, unless they abut a permitted fence or free-
standing wall, and are at least three feet below the top of
the fence or wall. The fence or wall shall be no higher than
six feet.

f. Underground structures are permitted in all
setbacks.

g. Solar collectors are permitted in required
setbacks, subject to the provisions of Section 23.45.146,
Solar Collectors.

3. Ground related housing developed as townhouse
dwellings may have zero setbacks along common walls.

Section 13. Subsections 23.45.16 A and B are amended to
read as follows:

23.45.16 Lowrise 1, Open Space Requirements

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity

1. A minimum of three hundred square feet per unit of private, landscaped open space, at ground level and directly accessible to each unit, shall be required.

2. On lots with slopes of twenty percent or more, ~~((when decks would provide more usable open space than would the existing ground-level open space,))~~ decks of the same size as the required ground-level open space may be ~~((substituted to meet the))~~ built over the sloping ground-level open space. ~~((requirement. Decks provided to meet this requirement shall be at least three hundred square feet in size, and shall meet the standards of Section 23.45.16-B below. In order to qualify for this provision, the private open space for a unit may not be covered by the deck of another unit.))~~ In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit.

B. Development standards

1. The required open space shall be provided in one contiguous parcel, and no horizontal dimension of the open space shall be less than ten feet.

2. Required open space may be located in the front, sides, or rear of the structure.

3. Required open space may be located a maximum of ten feet above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open spaces, or the open space serving another unit.

4. To ensure the privacy of the open space, openings such as windows and doors on the ground floor of walls directly facing the open space of a different unit or common area, are prohibited, ~~((The open space areas of tandem houses are not subject to this provision.))~~ unless the facing units are single family dwelling units.

5. Parking areas, driveways and pedestrian access except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

~~((6. Portions of a structure which begin ten feet or more above existing grade may project up to four feet over required open space.))~~

Section 14. Subsections 23.45.18 A, B and C are amended to read as follows:

23.45.18 Lowrise 1, Parking and Access Standards

A. Parking quantity

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

2. Reductions to the quantity of parking spaces provided may be made for: low-income housing for the elderly and disabled (~~(7 provision of spaces for two-wheeled vehicles,)~~) and the addition of residential units to existing structures, (~~(7 and the joint use of existing parking,)~~) 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 Subchapter 4, (~~(7)~~) Nonconforming Uses and Structures (~~(7)~~).

B. Access to parking

1. Alley access required

Except when one of the conditions listed in paragraphs B2 or B3 below applies, access to parking shall be from the alley when the site abuts a platted alley improved to the standards of Section 23.54.10C. Street access shall not be permitted.

2. Street access required

Access to parking shall be from the street when:

a. Location of alley access would create a significant safety hazard;

b. The lot does not abut a platted area.

3. Street or alley access permitted

Access to parking may be from either the alley or the street (~~(under any of the following conditions)~~) when the conditions listed in paragraph B2 above do not apply, and one or more of the following conditions are met:

~~((b))~~ a. The alley borders a single family zone;

~~((e))~~ b. Topography makes alley access infeasible (~~((7))~~);

~~((a))~~ c. The alley is not improved to the standards of subsection 23.43.10C. If such an alley is used for access, it shall be improved according to the standards of Section 23.54.10C.

C. Location of parking

1. Parking shall be located on the same site as the principal use.

1 ((±))2. Parking may be located:

2 a. Between the structure and the side or rear
3 lot line, except as provided in Section 23.45.14D2, if the
4 parking is screened from direct street view as provided in
5 Section 23.45.18D below, ~~((Exhibit 23.45.20))~~ Exhibit
6 45.18A.

7 b. In or under the structure, provided that the
8 parking is screened from direct street view by the front
9 facade of the structure and/or by garage doors,
10 ~~((Exhibit 23.45.20B))~~ Exhibit 45.18B, or by a fence and
11 landscaping as provided in Section 23.45.18D below,
12 ~~((Exhibit 23.45.20C))~~ Exhibit 45.18C.

13 ((2))3. No open parking shall be permitted between a
14 structure and the front lot line, or in the required front
15 setback, except as provided in paragraphs C3, C4, C5, and C6
16 of this Section.

17 ((3))4. For through lots less than one hundred feet in
18 depth, parking may be located in the front setback which is
19 determined by the Director to be most consistent with the
20 existing pattern on the block.

21 ((4))5. For corner lots, parking between the structure
22 and the street shall be permitted along one street frontage
23 only.

24 ((5))6. The Director may permit variations from the
25 development standards for parking location and design and
26 curbcut quantity, including permitting the location of parking
27 between the structure and the front lot line, for lots which
28 have no alley access and which meet one or more of the
following conditions:

- 29 a. Street frontage of less than eighty feet;
- 30 b. Lot depth of less than one hundred feet;
- 31 c. A rise or drop of twelve feet or more in
32 the first sixty feet from the street.

33 In order to permit such alternative parking
34 solutions, the Director must determine that siting conditions,
35 such as the topography of the rest of the lot, or soil and
36 drainage conditions, warrant the exception, and that the
37 proposed alternative solution meets the following objectives:
38 maintaining on-street parking capacity, an attractive
39 environment at street level, landscaped front setbacks and
40 unobstructed traffic flow.

41 ((6))7. When the front setback is averaged across the
42 width of the front facade, parking shall be permitted between
43 the structure and the front property lines but not in the
44 required front setback, Exhibit 45.18D.

45 Section 15. Subsection 23.45.22 C and D are amended to
46 read as follows:

1 C. Pitched roofs

2 The ridge of pitched roofs on principal structures
3 shall be allowed to extend up to thirty-five feet, so long as
4 the entire portion above thirty feet has a minimum of three-
in-twelve pitch, ~~((Exhibit 23.45.26))~~ Exhibit 45.26B. No
portion of a shed roof shall be permitted to extend beyond the
thirty-foot height limit under this provision.

5 D. Rooftop features

6 1. Radio and television receiving aerials, flag-
poles, and spires for religious institutions are exempt from
7 height controls, except as regulated in Chapter 23.74,
8 ~~((+))~~ Airport Height District ~~((+))~~, provided they are no closer
than fifty percent of their height above existing grade, or,
9 if attached only to the roof, no closer than fifty percent of
their height above the roof portion where attached, to any
adjoining lot line.

10 2. Railings, planters, skylights, ~~((chimneys,))~~
clerestories, greenhouses, dish antennae, and parapets, and
11 firewalls may extend four feet above the maximum height limit
set in ~~((Section 23.45.22))~~ paragraphs A and B above.

12 3. The following rooftop features may extend ten
feet above the maximum height limit set in Section 23.45.22 A
13 and B above, so long as the combined total coverage of all
features does not exceed fifteen percent of the roof area or
14 twenty percent of the roof area if the total includes screened
mechanical equipment:

- 15 - stair and elevator penthouses
16 - mechanical equipment
17 - play equipment and open mesh fencing which
encloses it, so long as the fencing is at least five feet from
18 the roof edge
19 - chimneys.

20 4. For height exceptions for solar collectors, see
Section 23.45.146, Solar Collectors.

21 5. In order to protect solar access for property to
the north, the applicant shall either locate the rooftop
22 features listed below at least ten feet from the north edge of
the roof, or provide shadow diagrams to demonstrate that the
23 proposed location of such rooftop features would shade pro-
perty to the north on January 21 at noon no more than would a
structure built to maximum permitted bulk:

- 24 - solar collectors
25 - planters
26 - clerestories
27
28

- greenhouses
- dish antennae
- non-firewall parapets
- play equipment.

Section 16. Subsection 23.45.24B is amended to read as follows:

B. Maximum depth

1. The maximum depth of a structure greater than thirty feet in width when the front facade is not modulated according to the standards of Section 23.45.26C ~~((or D))~~ shall be fifty percent of the depth of the lot.

2. When the front facade of the structure is thirty feet or less in width, or is greater than thirty feet and is modulated according to the standards of Section 23.45.12C ~~((or D))~~, the maximum permitted depth of each structure on a lot shall be:

a. Ground-related housing: sixty-five percent of lot depth ~~((or D))~~;

b. Terraced housing on slopes of twenty-five percent or more: no maximum depth limit ~~((or D))~~; and

c. Apartments: sixty-five percent of lot depth.

~~((3))~~ 2. Exceptions to maximum depth requirements

~~((a-))~~ Structure depth is permitted to exceed sixty-five percent of lot depth, ~~((Exhibit 23.45.28))~~ Exhibit 45.24A, subject to the following conditions:

~~((1))~~ a. The total lot coverage shall not be greater than that which would have been possible by meeting standard development requirements for maximum width, depth, and setbacks.

~~((2))~~ b. Any increased side setbacks created by using this exception shall be landscaped and shall not be used for parking.

~~((3))~~ c. Structure depth shall in no case exceed seventy-five feet.

~~((4))~~ d. Structures with depth greater than sixty-five percent of lot depth shall be modulated along the side setbacks, according to the standards of ~~((section))~~ subsection ~~((23.45.40C or D))~~ 23.45.26C.

1 Section 17. Section 23.45.26 is amended to read as
2 follows:

23.45.26 Lowrise 2, Modulation Requirements

3 Modulation of structure facades shall be required subject
4 to the following criteria:

5 A. Front facades

6 1. Modulation shall be required if the front facade
7 width exceeds thirty feet with no principal entrance facing
8 the street, or forty feet with a principal entrance facing the
9 street.

10 2. For terraced housing, only the portion of the
11 front facade closest to the street is required to be modulated,
12 Exhibit 45.26A.

13 B. Side facades

14 1. On corner lots, side facades which face the
15 street shall be modulated if greater than forty feet in width
16 for ground-related housing, and thirty feet in width for
17 apartments. Modulation shall not be required for the side
18 facades of terraced housing.

19 2. Apartments with a structure depth greater than
20 sixty-five percent of lot depth shall be modulated along all
21 side facades, ((wider than thirty feet)) according to the
22 standards of subsection C below.

23 C. Modulation standards

24 1. Minimum depth of modulation

25 a. The minimum depth of modulation shall be
26 four feet, ((~~Exhibit 23.45.30~~)) Exhibit 45.26B.

27 b. When balconies are part of the modulation
28 and have a minimum dimension of at least six feet and a
minimum area of at least sixty square feet, the minimum depth
of modulation shall be two feet, ((~~Exhibit 23.45.32~~))
Exhibit 45.26C.

2 2. The minimum width of modulation shall be five
feet, ((~~Exhibit 23.45.30~~)) Exhibit 45.26B.

3 3. Maximum width of modulation

4 a. The maximum width of modulation shall be
thirty feet.

5 b. Exceptions to maximum width of modulation

6 (1) When facades provide greater depth of
7 modulation than four feet, then for every foot of modulation
8 depth in excess of four feet, the width of modulation may be
9 increased two and one-half feet, to a maximum width of forty
10 feet.

1 (2) The maximum width of modulation may be
2 increased when facades are set back from the ((front)) lot
3 line further than the required ((front)) setback, according to
4 the following guideline: the width of modulation of such a
5 facade shall be permitted to exceed thirty feet by one foot
6 for every foot of facade setback beyond the required ((front))
7 setback. This provision shall not be combined with the provi-
8 sions of 3.b.(1) above, nor shall it permit facades to exceed
9 forty-five feet in width without modulation.

10 4. Required modulation may start a maximum of ((ten))
11 eight feet above existing grade, and shall be continued up to
12 the roof.

13 Section 18. Subsections 23.45.28A and D are amended to
14 read as follows:

15 ((23.45.14)) 23.45.28 Lowrise 2, Setback Requirements

16 Front, rear and side setbacks shall be provided for all
17 lots, according to the following provisions:

18 A. Front setback

19 The required front setback shall be the average of
20 the setbacks of the first principal structures on either side,
21 subject to the following provisions:

22 1. The front setback shall in no case be required to
23 be more than five feet greater than the setback of the first
24 principal structure on either side which is closer to the
25 front lot line.

26 2. The front setback shall not be required to exceed
27 twenty feet.

28 3. Portions of a structure in front setbacks

a. Portions of a structure may project into the
required front setback, as long as the average distance from
the front property line to the structure satisfies the minimum
front setback requirement.

b. No portions of a structure between existing
grade and ten feet above existing grade shall be closer to the
front lot line than five feet.

c. Portions of the facade which begin ((ten))
eight feet or more above existing grade may project up to four
feet beyond the lower portion of the facade without being
counted in setback averaging, Exhibit 45.28A.

d. Portions of the facade which begin ((ten))
eight feet or more above existing grade shall be no closer to
the front lot line than three feet, Exhibit 45.28B.

4. Front setback exceptions

1 a. Structures along heavily traveled arterials

2 In order to reduce noise and glare impacts,
3 multi-family structures located on arterials with more than
4 fifteen thousand average vehicle trips per day, according to
5 Engineering Department data, shall be allowed a reduction in
6 the required front setback. The required front setback along
7 these arterials may be reduced to either fifty percent of the
8 front setback specified in the development standards, or to
9 the front setback of the principal structure on either side,
10 whichever is less. A list of such arterials shall be
11 maintained by the Department.

12 b. Through lots

13 In the case of a through lot, each setback
14 abutting a street except a side setback shall be a front set-
15 back. Rear setback requirements shall not apply to the lot.

16 c. Parking in rear

17 For sites which are required to locate the
18 parking in the rear and have no alley, the required front set-
19 back shall be reduced by five feet, so long as this does not
20 reduce the required front setback to less than ten feet.

21 D. General setback exceptions

22 1. Required setbacks for cluster developments

23 Where two or more principal structures are
24 located on one lot, (~~((Exhibit 23.45.40))~~) Exhibit 45.28E,
25 required setbacks between structures shall be provided as
26 follows:

27 a. No walls shall be less than ten feet apart
28 at any point.

29 b. A principal entrance to a structure shall
30 be at least fifteen feet from the nearest interior facade
31 which contains no principal entrance.

32 c. A principal entrance to a structure shall
33 be at least twenty feet from the nearest interior facade which
34 contains a principal entrance.

35 d. Within a cluster development, (~~((the maximum~~
36 ~~facade width without modulation shall be thirty feet for all~~
37 ~~interior facades))~~) all interior facades wider than forty feet
38 shall be modulated according to the standards of Section
39 23.45.26C1, 2, and 4 provided that maximum modulation width
40 shall be forty feet. Perimeter facades shall follow standard
41 development requirements.

42 e. Structures in cluster developments may be
43 connected by underground garages or elevated walkways (~~((=))~~),
44 provided that:

1 (1) One elevated walkway shall be
2 permitted to connect any two structures in the development;

3 (2) Additional elevated walkways, in
4 excess of one, between any two structures may be permitted by
5 the Director when it is determined that by their location or
6 design a visual separation between structures is maintained.

7 2. Structures in required setbacks

8 a. Detached garages, carports, or other
9 accessory structures are permitted in the required rear or
10 side setbacks, provided that ((they are)) any accessory
11 structure located between a principal structure and the side
12 lot line shall provide the setback required for the principal
13 structure, Exhibit 45.28F. All such accessory structures
14 shall be no greater than twelve feet in height above existing
15 grade, with open rails permitted above twelve feet.

16 b. Ramps or other devices necessary for access
17 for the disabled and elderly, which meet Washington State
18 Rules and Regulations for Barrier-Free Design, are permitted
19 in required front, side, or rear setbacks.

20 c. Uncovered, unenclosed pedestrian bridges,
21 necessary for access and less than five feet in width, are
22 permitted in required front, side and rear setbacks.

23 d. Permitted fences, free-standing walls,
24 bulkheads, signs, and other similar structures, no greater
25 than six feet in height, are permitted in required front,
26 side, or rear setbacks.

27 e. Decks which average no more than eighteen
28 inches above existing grade may project into required set-
backs. Such decks shall not be permitted within five feet of
any lot line, unless they abut a permitted fence or free-
standing wall, and are at least three feet below the top of
the fence or wall. The fence or wall shall be no higher than
six feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar Collectors.

3. Ground related housing developed as townhouse
dwellings may have zero setbacks along common walls.

Section 19. Section 23.45.30 is amended to read as follows:

23.45.30 Lowrise 2, Open Space Requirements

Open space shall be provided for all lots, subject to the following provisions:

1 A. Quantity

2 1. Ground-related housing

3 a. A minimum of three hundred square feet per
4 unit of private, landscaped open space, at ground level and
5 directly accessible to each unit, shall be required.

6 b. On lots with slopes of twenty percent or
7 more, ~~((when decks would provide more usable open space than
8 would the existing ground-level open space,))~~ decks of the
9 same size as the required ground-level open space may be
10 ~~((substituted to meet the))~~ built over the sloping ground-
11 level open space. ~~((requirement. Decks provided to meet this~~
12 requirement shall be at least three hundred square feet in
13 size, and shall meet the standards of Section 23.45.30B below.
14 In order to qualify for this provision, the private open space
15 for a unit may not be covered by the deck of another unit.))
16 In order to qualify for this provision, such decks shall not
17 cover the open space of another unit, nor be above the living
18 space of any unit.

19 2. Apartments

20 A minimum of thirty percent of the lot area
21 shall be provided as usable, landscaped open space at ground
22 level.

23 3. Terraced housing on a slope of twenty-five
24 percent or more

25 a. A minimum of forty percent of the lot area
26 shall be provided as usable, landscaped open space.

27 b. Ground-level open space may be reduced from
28 forty percent to ten percent of lot area when an equivalent
29 amount of open space is provided above ground in the form of
30 balconies, decks, and/or rooftop areas.

31 B. Development standards

32 1. Ground related housing

33 a. The required open space for each unit is
34 not required to be in one contiguous area, but no open space
35 area shall be less than one hundred twenty square feet, and no
36 horizontal dimension shall be less than ten feet.

37 b. Required open space may be located in the
38 front, sides, or rear of the structure.

39 c. Required open space may be located a
40 maximum of ten feet above or below the unit it serves,
41 provided that the access to such open space does not go
42 through or over common circulation areas, common or public
43 open spaces, or the open space serving another unit.

44 d. To ensure the privacy of the open space,
45 openings such as windows and doors on the ground floor of

1 walls directly facing the open space of a different unit or
2 common area, are prohibited, ~~((The open space areas of tandem
houses are not subject to this provision.))~~ unless the facing
units are single family dwelling units.

3 e. Parking areas, driveways and pedestrian
4 access except for pedestrian access meeting the Washington
5 State Rules and Regulations for Barrier-Free Design, shall
6 not be counted as open space.

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2. Apartments

a. No horizontal dimension for required
ground-level open space shall be less than ten feet.

b. Required open space is permitted in the
front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian
access except for pedestrian access meeting the Washington
State Rules and Regulations for Barrier-Free Design, shall not
be counted as open space.

3. Terraced housing on a slope of twenty-five
percent or more

a. No horizontal dimension for required
ground-level open space shall be less than ten feet.

b. Required open space is permitted in the
front, side or rear of the structure.

c. Parking areas, driveways and pedestrian
access except for access meeting the Washington State Rules
and Regulations for Barrier-Free Design, shall not be counted
as open space.

d. In order to qualify as above ground-level
open space, rooftop areas, balconies, or decks shall have a
minimum horizontal dimension of at least ten feet, and a total
area of at least one ((-)) hundred ((-)) twenty square feet.

C. Open space exception

When all uncovered surface parking and access to
parking is surfaced in permeable material, the quantity of
required ground level open space shall be reduced by five
percent of the total lot area. ~~((When combined with the
reduction in required ground level open space for structures
which provide open space above ground level, the total amount
of ground level open space shall not be reduced below twenty
percent of lot area.))~~

Section 20. Subsections 23.45.32A, B, and C are amended
to read as follows:

1 a. The maximum width of modulation shall be
2 thirty feet.

3 b. Exceptions to maximum width of modulation

4 (1) When facades provide greater depth of
5 modulation than four feet, then for every foot of modulation
6 depth in excess of four feet, the width of modulation may be
7 increased two and one-half feet, to a maximum width of forty
8 feet.

9 (2) The maximum width of modulation may be
10 increased when facades are set back from the ((~~front~~)) lot line
11 further than the required ((~~front~~)) setback, according to the
12 following guideline: the width of modulation of such a facade
13 shall be permitted to exceed thirty feet by one foot for every
14 foot of facade setback beyond the required ((~~front~~)) setback.
15 This provision shall not be combined with the provisions of
16 3.b.(1) above, nor shall it permit facades to exceed forty-five
17 feet in width without modulation.

18 4. Required modulation may start a maximum of ((~~ten~~))
19 eight feet above existing grade, and shall be continued up to the
20 roof.

21 Section 18. Subsections 23.45.28A and D are amended to read
22 as follows:

23 ((~~23.45.14~~)) 23.45.28 Lowrise 2, Setback Requirements

24 Front, rear and side setbacks shall be provided for all lots,
25 according to the following provisions:

26 A. Front setback

27 The required front setback shall be the average of the
28 setbacks of the first principal structures on either side, sub-
ject to the following provisions:

1. The front setback shall in no case be required to be

3. Street or alley access permitted

Access to parking may be from either the alley or the street ~~((under any of the following conditions:))~~ when the conditions listed in paragraph B2 above do not apply, and one or more of the following conditions are met:

((b))a. The alley borders a ((s))Single ((f))Family zone;

((e))b. Topography makes alley access infeasible((+));

((a))c. The alley is not improved to the standards of ((Section)) subsection 23.54.10C((+)). If such an alley is used for access, it shall be improved according to the standards of subsection 23.54.10C.

C. Location of parking

1. Parking shall be located on the same site as the principal use.

((+))2. Parking may be located:

a. Between the structure and the side or rear lot line, ~~((Exhibit 23.45.42A))~~ Exhibit 45.32A, except as provided in Section 23.45.28D2, if the parking is screened from direct street view as provided in Section 23.45.32D below, or

b. Ground-related housing: In or under the structure, provided that the parking is screened from direct street view by the front facade of the structure, Exhibit 45.32B, by garage doors, or by a fence and landscaping as provided in Section 45.32.03D below, ~~((Exhibit 23.45.42B))~~ Exhibit 45.32C, or

c. Apartments and terraced housing: In or under the structure, provided that the parking is screened from street view by the front facade of the structure, ~~((Exhibit 23.45.42B))~~ Exhibit 45.32B.

((2))3. No open parking shall be permitted between a structure and the front lot line, or in the required front setback, except as provided in paragraphs C3, C4, C5 and C6 of this Section.

((3))4. For through lots less than one hundred feet in depth, parking may be located in the front setback which is determined by the Director to be most consistent with the existing pattern on the block.

((4))5. For corner lots, parking between the structure and the street shall be permitted along one street frontage only.

((5))6. a. The Director may permit variations from the development standards for parking location and design and curbcut quantity((+)) for lots meeting the following conditions:

1 (1) Lots proposed for ground-related
2 housing with no feasible alley access and with

3 - Less than eighty feet of street
4 frontage, or

5 - Lot depth of less than one hundred
6 feet, or

7 - A rise or drop in elevation of at
8 least twelve feet in the first sixty feet from the front lot
9 line, and

10 (2) Lots proposed for apartments and
11 terraced housing with no feasible alley access and a rise or
12 drop in elevation of at least twelve feet in the first sixty
13 feet from the front lot line.

14 b. On lots meeting the standards listed above,
15 the following variations may be permitted:

16 (1) Ground-related housing: parking may
17 be located between the structure and the front lot line;

18 (2) Apartments or terraced housing:
19 parking may be located under the front of the structure if
20 screened by garage doors or by fencing and landscaping.

21 c. In order to permit such alternative parking
22 solutions, the Director must determine that siting conditions,
23 such as the topography of the rest of the lot, or soil and
24 drainage conditions, warrant the exception, and that the
25 proposed alternative solution meets the following objectives:
26 maintaining on-street parking capacity, an attractive
27 environment at street level, landscaped front setbacks and
28 unobstructed traffic flow.

29 ((6))7. When the front setback is averaged((7)) across
30 the width of the front facade, parking shall be permitted bet-
31 ween the structure and front property line, but not in the
32 required front setback, Exhibit 45.32D.

33 Section 21. Subsections 23.45.36C and D are amended to
34 read as follows:

35 C. Pitched roofs

36 The ridge of pitched roofs on principal structures
37 shall be allowed to extend up to forty-two feet, so long as
38 the entire portion above thirty-seven feet has a minimum of
39 three-in-twelve pitch, ~~((Exhibit 23.45.48))~~ Exhibit 45.48B.
40 No portion of a shed roof shall be permitted to extend beyond
41 the thirty-seven foot height limit under this provision.

42 D. Rooftop features

43 1. Radio and television receiving aerials, flag-
44 poles, and spires for religious institutions are exempt from
45 height controls, except as regulated in Chapter 23.74,
46

1 ((+))Airport Height District((+)), provided they are no closer
2 than fifty percent of their height above existing grade, or,
3 if attached only to the roof, no closer than fifty percent of
4 their height above the roof portion where attached, to any
5 adjoining lot line.

6 2. Railings, planters, skylights, (~~chimneys~~)
7 clerestories, greenhouses, dish antennae, and parapets, and
8 firewalls may extend four feet above the maximum height limit
9 set in ((~~Section 23.45.08~~)) paragraphs A and B above.

10 3. The following rooftop features may extend ten
11 feet above the maximum height limit set in Section
12 ((~~23.45.22~~)) 23.45.36 A and B above, so long as the combined
13 total coverage of all features does not exceed fifteen percent
14 of the roof area, or twenty percent of the roof area if the
15 total includes screened mechanical equipment:

- 16 - stair and elevator penthouses
- 17 - mechanical equipment
- 18 - play equipment and open mesh fencing which
19 encloses it, so long as the fencing is at least five feet from
20 the roof edge
- 21 - chimneys.

22 4. For height exceptions for solar collectors, see
23 Section 23.45.146, Solar Collectors.

24 5. In order to protect solar access for property to
25 the north, the applicant shall either locate the rooftop
26 features listed below at least ten feet from the north edge of
27 the roof, or provide shadow diagrams to demonstrate that the
28 proposed location of such rooftop features would shade property
to the north on January 21 at noon no more than would a
structure built to maximum permitted bulk:

- solar collectors
- planters
- clerestories
- greenhouses
- dish antennae
- non-firewall parapets
- play equipment.

Section 22. Subsection 23.45.38B is amended to read as
follows:

B. Maximum depth

1. The maximum depth of a structure greater than
thirty feet in width when the front facade is not modulated

1 according to the standards of Section 23.45.12C ((~~or D~~)) shall
2 be fifty percent of the depth of the lot.

3 2. When the front facade of the structure is thirty
4 feet or less in width, or is greater than thirty feet and is
5 modulated according to the standards of Section ((23.45.26))
6 23.45.40C ((or D)) shall be:

7 a. Ground-related housing: sixty-five percent
8 of lot depth((~~+~~));

9 b. Terraced housing on slopes of twenty-five
10 percent or more: no maximum depth limit((~~+~~));

11 c. Apartments: sixty-five percent of lot
12 depth.

13 ((3))2. Exceptions to maximum depth requirements

14 ((a-)) Structure depth is permitted to exceed
15 sixty-five percent of lot depth, ((~~Exhibit 23.45.52~~))
16 Exhibit 45.38B, subject to the following conditions:

17 ((1-)) a. The total lot coverage shall not be
18 greater than that which would have been possible by meeting
19 standard development requirements for maximum width, depth,
20 and setbacks.

21 ((2-)) b. Any increased side setbacks provided
22 to meet this condition shall be landscaped and shall not be
23 used for parking.

24 ((3-)) c. Structure depth shall in no case
25 exceed the maximum width permitted according to Section
26 23.45.38A.

27 ((4-)) d. Apartments with depth greater than
28 sixty-five percent of lot depth shall be modulated along the
side setbacks, according to the standards of ((Section)) sub-
section 23.45.40C ((~~or D~~)).

Section 23. Subsection 23.45.40 is amended to read as
follows:

Section 23.45.40 Lowrise 3, Modulation Requirements

Modulation of structure facades shall be required subject
to the following criteria:

A. Front facades

1. Modulation shall be required if the front
facade width exceeds thirty feet with no principal entrance
facing the street, or forty feet with a principal entrance
facing the street.

2. For terraced housing, only the portion of the
front facade closest to the street is required to be modu-
lated, Exhibit 45.40A.

1 B. Side facades

2 1. On corner lots, side facades which face the
3 street shall be modulated if greater than forty feet in width
4 for ground-related housing, and thirty feet in width for
5 apartments. Modulation shall not be required for the side
6 facades of terraced housing.

7 2. Apartments with a structure depth greater than
8 sixty-five percent of lot depth shall be modulated along all
9 side facades, ~~((wider than thirty feet))~~ according to the
10 standards of subsection C below.

11 C. Modulation standards

12 1. Minimum depth of modulation

13 a. The minimum depth of modulation shall be
14 four feet, ~~((Exhibit 23.45.54))~~ Exhibit 45.26B.

15 b. When balconies are part of the modulation
16 and have a minimum dimension of at least six feet and a minimum
17 area of at least sixty square feet, the minimum depth of
18 modulation shall be two feet, ~~((Exhibit 23.45.56))~~ Exhibit
19 45.26C.

20 2. The minimum width of modulation shall be five
21 feet, ~~((Exhibit 23.45.54))~~ Exhibit 45.26B.

22 3. Maximum width of modulation

23 a. The maximum width of modulation shall be
24 thirty feet.

25 b. Exceptions to maximum width of modulation

26 (1) When facades provide greater depth of
27 modulation than four feet, then for every foot of modulation
28 depth in excess of four feet, the width of modulation may be
increased two and one-half feet, to a maximum width of forty
feet.

(2) The maximum width of modulation may be
increased when facades are set back from the ~~((front))~~ lot
line further than the required ~~((front))~~ setback, according to
the following guideline: the width of modulation of such a
facade shall be permitted to exceed thirty feet by one foot
for every foot of facade setback beyond the required ~~((front))~~
setback. This provision shall not be combined with the provi-
sions of 3.b.(1) above, nor shall it permit facades to exceed
forty-five feet in width without modulation.

4. Required modulation may start a maximum of ~~((ten))~~
eight feet above existing grade, and shall be continued up to
the roof.

Section 24. Subsections 23.45.42A and D are amended to
read as follows:

1 Section 23.45.42 Lowrise 3, Setback Requirements

2 Front, rear and side setbacks shall be provided for all
3 lots, according to the following provisions:

4 A. Front setback

5 The required front setback shall be the average of
6 the setbacks of the first principal structures on either side
7 ((Figure 5)), subject to the following provisions:

8 1. The front setback shall in no case be required to
9 be more than five feet greater than the setback of the first
10 principal structure on either side which is closer to the
11 front lot line.

12 2. The front setback shall not be required to
13 exceed fifteen feet.

14 3. Portions of a structure in front setbacks

15 a. Portions of a structure may project into
16 the required front setback, as long as the average distance
17 from the front property line to the structure satisfies the
18 minimum front setback requirement.

19 b. No portions of a structure between existing
20 grade and ten feet above existing grade shall be closer to the
21 front lot line than five feet.

22 c. Portions of the facade which begin ((ten))
23 eight feet or more above existing grade may project up to four
24 feet beyond the lower portion of the facade without being
25 counted in setback averaging, Exhibit 45.42A.

26 d. Portions of the facade which begin ((ten))
27 eight feet or more above existing grade shall be no closer
28 than three feet to the front lot line, Exhibit 45.42B.

4. Front setback exceptions

a. Structures along heavily traveled arterials

20 In order to reduce noise and glare impacts,
21 multi-family structures located on arterials with more than
22 fifteen thousand average vehicle trips per day, according to
23 Engineering Department data, shall be allowed a reduction in
24 the required front setback. The required front setback along
25 these arterials may be reduced to either fifty percent of the
26 front setback specified in the development standards, or to
27 the front setback of the principal structure on either side,
28 whichever is less. A list of such arterials shall be
maintained by the Department.

b. Through lots

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

1 c. Parking in rear

2 For sites which are required to locate the
3 parking in the rear and have no alley, the required front set-
back shall be reduced by five feet, so long as this does not
reduce the required front setback to less than ten feet.

4 d. Sloped lots

5 On sloped lots with no alley access, the
6 required front setback shall be fifteen feet minus one foot
7 for each two percent of slope. Slope shall be measured from
the midpoint of the front lot line to the rear lot line, or
for a depth of sixty feet, whichever is less.

8 D. General setback exceptions

9 1. Required setbacks for cluster developments

10 Where two or more principal structures are
located on one lot, (~~((Exhibit 23.45.64))~~) Exhibit 45.42E,
11 required setbacks between structures shall be provided as
follows:

12 a. No walls shall be less than ten feet apart
at any point.

13 b. A principal entrance to a structure shall
be at least fifteen feet from the nearest interior facade
14 which contains no principal entrance.

15 c. A principal entrance to a structure shall
be at least twenty feet from the nearest interior facade which
contains a principal entrance.

16 d. Within a cluster development, (~~((the maximum~~
17 ~~facade width without modulation shall be thirty feet for all~~
interior facades)) all interior facades wider than forty feet
18 shall be modulated according to the standards of subsection
23.45.40C provided that maximum modulation width shall be
19 forty feet. Perimeter facades shall follow standard develop-
ment requirements.

20 e. Structures in cluster developments may be
connected by underground garages or elevated walkways (~~((=))~~),
21 provided that:

22 (1) One elevated walkway shall be
permitted to connect any two structures in the development;

23 (2) Additional elevated walkways, in
24 excess of one, between any two structures may be permitted by
the Director when it is determined that by their location or
25 design a visual separation between structures is maintained.

26 2. Structures in required setbacks

27 a. Detached garages, carports, or other
accessory structures are permitted in the required rear or
28 side setbacks, provided that (~~((they are))~~) any accessory

1 structure located between a principal structure and the side
2 lot line shall provide the setback required for the principal
3 structure, Exhibit 45.42F. All such accessory structures
4 shall be no greater than twelve feet in height above existing
5 grade, with open rails permitted above twelve feet.

6 b. Ramps or other devices necessary for access
7 for the disabled and elderly, which meet Washington State
8 Rules and Regulations for Barrier-Free Design, are permitted
9 in required front, side, or rear setbacks.

10 c. Uncovered, unenclosed pedestrian bridges,
11 necessary for access and less than five feet in width, are
12 permitted in required front, side and rear setbacks.

13 d. Permitted fences, free-standing walls,
14 bulkheads, signs, and other similar structures, no greater
15 than six feet in height, are permitted in required front,
16 side, or rear setbacks.

17 e. Decks which average no more than eighteen
18 inches above existing grade may project into required set-
19 backs. Such decks shall not be permitted within five feet of
20 any lot line, unless they abut a permitted fence or free-
21 standing wall, and are at least three feet below the top of
22 the fence or wall. The fence or wall shall be no higher than
23 six feet.

24 f. Underground structures are permitted in all
25 setbacks.

26 g. Solar collectors are permitted in required
27 setbacks, subject to the provisions of Section 23.45.146,
28 Solar Collectors.

3. Ground related housing developed as townhouse
dwelling may have zero setbacks along common walls.

Section 25. Section 23.45.44 is amended to read as
follows:

Section 23.45.44 Lowrise 3, Open Space Requirements

Open space shall be provided for all lots, subject to the
following provisions:

A. Quantity

1. Ground-related housing

a. A minimum of three hundred square feet per
unit of private, landscaped open space, at ground level and
directly accessible to each unit, shall be required.

b. On lots with slopes of twenty percent or
more, ((when decks would provide more usable open space than
would the existing ground-level open space,)) decks of the
same size as the required ground-level open space may be
((substituted to meet the)) built over the sloping ground-

1 level open space. ((requirement. Decks provided to meet this
2 requirement shall be at least three hundred square feet in
3 size, and shall meet the standards of Section 23.45.44B below.
4 In order to qualify for this provision, the private open space
5 for a unit may not be covered by the deck of another unit.))
6 In order to qualify for this provision, such decks shall not
7 cover the open space of another unit, nor be above the living
8 space of any unit.

9 2. Apartments

10 a. A minimum of twenty-five percent of the lot
11 area shall be provided as usable, landscaped open space at
12 ground level.

13 b. Quantity exception for apartments

14 All required open space may be provided
15 above ground, in the form of balconies, decks, solarium,
16 greenhouses, or roof gardens. If less than twenty-five per-
17 cent of lot area is provided as open space at ground level,
18 all street setbacks shall be landscaped.

19 3. Terraced housing on a slope of twenty-five
20 percent or more

21 a. A minimum of forty percent of the lot area
22 shall be provided as usable, landscaped open space.

23 b. Ground-level open space may be reduced from
24 forty percent to ten percent of lot area when an equivalent
25 amount of open space is provided above ground in the form of
26 balconies, decks, and/or rooftop areas.

27 B. Development standards

28 1. Ground-related housing

a. The required open space for each unit is
not required to be in one contiguous area, but no open space
area shall be less than one hundred twenty square feet, and no
horizontal dimension shall be less than ten feet.

b. Required open space may be located in the
front, sides, or rear of the structure.

c. Required open space may be located a maximum
of ten feet above or below the unit it serves, provided that
the access to such open space does not go through or over common
circulation areas, common or public open space, or the open
space serving another unit.

d. To ensure the privacy of the open space,
openings such as windows and doors on the ground floor of
walls directly facing the open space of a different unit or
common area, are prohibited, ~~((The open space areas of tandem
houses are not subject to this provision.))~~ unless the facing
units are single family dwelling units.

1 e. Parking areas, driveways and pedestrian
2 access except for pedestrian access meeting the Washington
3 State Rules and Regulations for Barrier-Free Design, shall not
4 be counted as open space.

5 2. Apartments

6 a. No horizontal dimension for required ground
7 level open space shall be less than ten feet.

8 b. Required open space is permitted in the
9 front, sides, or rear of the structure.

10 c. Parking areas, driveways and pedestrian
11 access except for pedestrian access meeting the Washington
12 State Rules and Regulations for Barrier-Free Design, shall not
13 be counted as open space.

14 d. Balconies, decks, roof gardens, solarium,
15 and greenhouses may be provided above ground as open space.
16 No horizontal dimension shall be less than six feet, minimum
17 area shall be sixty square feet.

18 3. Terraced housing on a slope of twenty-five
19 percent or more

20 a. No horizontal dimension for required
21 ground-level open space shall be less than ten feet.

22 b. Required open space is permitted in the
23 front, sides, or rear of the structure.

24 c. Parking areas, driveways and pedestrian
25 access except for pedestrian access meeting the Washington
26 State Rules and Regulations for Barrier-Free Design, shall not
27 be counted as open space.

28 d. In order to qualify as above(-)ground
open space, rooftop areas, balconies, or decks shall have a
minimum horizontal dimension of at least ten feet, and a total
area of at least one hundred twenty square feet.

C. Open space exception

When all uncovered surface parking and access to
parking is surfaced in permeable material, the quantity of
required ground-level open space shall be reduced by five
percent of the total lot area. ((When combined with the
reduction in required ground level open space for structures
which provide open space above ground level, the total amount
of ground level open space shall not be reduced below twenty
percent of lot area.))

Section 26. Subsections 23.45.46A, B and C are amended to
read as follows:

Section 23.45.46 Lowrise 3, Parking and Access Requirements

A. Parking quantity

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

2. For apartments and terraced housing, spaces for bicycles shall be provided in a sheltered and convenient location according to the following chart:

<u>Number of Units</u>	<u>Number of Bicycle Spaces Required</u>
5-10	1
11-20	2
More than 20	1 for every 10 units

3. Reductions to the quantity of parking spaces provided may be made for: low-income housing for the elderly and disabled (~~(7 provision of spaces for two-wheeled vehicles)~~) and the addition of residential units to existing structures (~~(7 and the joint use of existing parking)~~), according to Section 23.54.20, Parking Quantity Exceptions.

4. For apartment structures of more than twenty units, the Director may require parking in excess of the one-to-one parking ratio, up to a maximum of one and one-quarter spaces per unit, according to the provisions of Section 23.54.20((E))D.

5. Exceptions to the quantity of required parking shall be permitted when residential units are added to existing structures, according to the provisions of Subchapter 4, Nonconforming Uses and Structures.

B. Access to parking

1. Alley access required

Except when one of the conditions listed in paragraphs B2 or B3 below applies, access to parking shall be from the alley when the site abuts a platted alley improved to the standards of Section 23.54.10C. Street access shall not be permitted.

2. Street access required

Access to parking shall be from the street when:

a. Location of alley access would create a significant safety hazard;

b. The lot does not abut a platted ~~((area))~~ alley.

c. Apartments or terraced housing are proposed across an alley from a single family zone.

3. Street or alley access permitted

Access to parking may be from either the alley or the street when the conditions listed in paragraph B2 above

do not apply, and one or more of the following conditions are met:

((b))a. Ground-related housing is proposed across the alley from a single family zone;

((c))b. Topography makes alley access infeasible((-));

c. The alley is not improved to the standards of ((Section)) subsection 23.54.10C((-)). If such an alley is used for access, it shall be improved according to the standards of subsection 23.54.10C.

C. Location of parking

1. Parking shall be located on the same site as the principal use.

((1))2. Parking may be located:

a. Between the structure and the side or rear lot line, ((~~Exhibit 23.45.66A~~)) Exhibit 45.46A, except as provided in Section 23.45.42D2, if the parking is screened from direct street view as provided in Section 23.45.46D below, or

b. Ground-related housing: in or under the structure, provided that the parking is screened from direct street view by the front facade of the structure, ((~~Exhibit 23.45.66B~~)) Exhibit 45.46B, by garage doors, or by a fence and landscaping as provided in Section 23.45.46D below, ((~~Exhibit 23.45.66C~~)) Exhibit 45.46C, or

Apartment and terraced housing: in or under the structure, provided that the parking is screened from street view by the front facade of the structure, ((~~Exhibit 23.45.66B~~)) Exhibit 45.46B.

((2))3. No open parking shall be permitted between a structure and the front lot line, or in the required front setback, except as provided in paragraphs C3, C4, C5, and C6 of this Section.

((3))4. For through lots less than one hundred feet in depth, parking may be located in the front setback which is determined by the Director to be most consistent with the existing pattern on the block.

((4))5. For corner lots, parking between the structure and the street shall be permitted along one street frontage only.

((5))6. a. The Director may permit variations from the development standards for parking location and design and curbcut quantity, for lots meeting the following conditions:

(1) Lots proposed for ground-related ((and terraced)) housing with no feasible alley access and with

1 frontage, or - Less than eighty feet of street
2 feet, or - Lot depth of less than one hundred
3
4 least twelve feet in the first sixty feet from the front lot
5 line, and

6 (2) Lots proposed for apartments and
7 terraced housing with no feasible alley access and a rise or
8 drop in elevation of at least twelve feet in the first sixty
9 feet from the front lot line.

10 b. On lots meeting the standards listed above,
11 the following variations may be permitted:

12 (1) Ground-related housing: parking may
13 be located between the structure and the front lot line;

14 (2) Apartments or terraced housing:
15 parking may be located under the front of the structure if
16 screened by garage doors or by fencing and landscaping.

17 c. In order to permit such alternative parking
18 solutions, the Director must determine that siting conditions,
19 such as the topography of the rest of the lot, or soil and
20 drainage conditions, warrant the exception, and that the
21 proposed alternative solution meets the following objectives:
22 maintaining on-street parking capacity, an attractive
23 environment at street level, landscaped front setbacks and
24 unobstructed traffic flow.

25 ((6))7. When the front setback is averaged((7)) across
26 the width of the front facade, parking shall be permitted bet-
27 ween the structure and the front property line, but not in the
28 required front setback, Exhibit 45.46D.

Section 27. Subsections 23.45.50C and D are amended to
read as follows:

C. Pitched roofs

The ridge of pitched roofs on principal structures
shall be allowed to extend up to sixty-five feet, so long as
the entire portion above sixty feet has a minimum of three-in-
twelve pitch, ~~((Exhibit 23.45.72))~~ Exhibit 45.72B. No
portion of a shed roof shall be permitted to extend beyond the
sixty foot height limit under this provision.

D. Rooftop features

1. Radio and television receiving aerials, flag-
poles, and spires for religious institutions are exempt from
height controls, except as regulated in Chapter 23.74, Airport
Height District ~~((Chapter 23.74))~~, provided they are no
closer than fifty percent of their height above existing
grade, or, if attached only to the roof, no closer than fifty
percent of their height above the roof portion where attached,
to any adjoining lot line.

1 2. Railings, planters, skylights, (~~chimneys~~)
2 clerestories, greenhouses, dish antennae, and parapets, and
3 firewalls may extend four feet above the maximum height limit
4 set in (~~Section 23.45.22~~) paragraphs A and B above.

5 3. The following rooftop features may extend ten
6 feet above the maximum height limit set in Section 23.45.50 A
7 and B above, so long as the combined total coverage of all
8 features does not exceed fifteen percent of the roof area or
9 twenty percent of the roof area if the total includes screened
10 mechanical equipment:

- 11 - stair and elevator penthouses
- 12 - mechanical equipment
- 13 - play equipment and open mesh fencing which
14 encloses it, so long as the fencing is at least five feet from
15 the roof edge
- 16 - chimneys
- 17 - sun and wind screens
- 18 - penthouse pavilions for the common use of
19 residents
- 20 - greenhouses which meet minimum energy stan-
21 dards administered by the Director.

22 4. For height exceptions for solar collectors, see
23 Section 23.45.146, Solar Collectors.

24 5. In order to protect solar access for property to
25 the north, the applicant shall either locate the rooftop
26 features listed below at least ten feet from the north edge of
27 the roof, or provide shadow diagrams to demonstrate that the
28 proposed location of such rooftop features would shade property
to the north on January 21 at noon no more than would a structure
built to maximum permitted bulk:

- 1 - solar collectors
- 2 - planters
- 3 - clerestories
- 4 - greenhouses
- 5 - dish antennae
- 6 - non-firewall parapets
- 7 - play equipment
- 8 - sun and wind screens
- 9 - penthouse pavilions for the common use of
10 residents.

1 Section 28. Subsection 23.45.52B is amended to read as
2 follows:

3 B. Maximum depth

4 1. The maximum depth of a structure ~~((a))~~ greater
5 than forty feet in width when the front facade is not modu-
6 lated according to the standards of Section 23.45.12C ~~((or D))~~
7 shall be fifty percent of the depth of the lot.

8 2. The maximum depth of ~~((a))~~ structures forty feet
9 or less in width, and wider structures when the front facade
10 is modulated according to the standards of Section 23.45.12C
11 ~~((or D))~~ shall be:

12 a. Ground-related housing: sixty-five percent
13 of the depth of the lot ~~((+))~~;

14 b. Terraced housing on slopes of twenty-five
15 percent or more: no maximum depth limit ~~((+))~~;

16 c. Apartments: sixty-five percent of lot
17 depth.

18 ~~((3))~~ 2. Exceptions to maximum depth requirements

19 ~~((a+))~~ Structure depth is permitted to exceed
20 sixty-five percent of lot depth, ~~((Exhibit 23.45.74))~~
21 Exhibit 45.52A, subject to the following conditions:

22 ~~((+1))~~ a. The total lot coverage shall not be
23 greater than that which would have been possible by meeting
24 standard development requirements for maximum width, depth and
25 setbacks.

26 ~~((+2))~~ b. Any increased side setbacks provided
27 to meet this condition shall be landscaped and shall not be
28 used for parking.

29 ~~((+3))~~ c. Structure depth shall in no case
30 exceed one-hundred fifty feet.

31 ~~((+4))~~ d. Structures with depth greater than
32 sixty-five percent of lot depth shall be modulated along the
33 side setbacks, according to the standards of subsection
34 23.45.54C ~~((or D))~~.

35 Section 29. Section 23.45.54 is amended to read as
36 follows:

37 Section 23.45.54 Midrise, Modulation Requirements

38 Modulation of structure facades shall be required subject
39 to the following criteria:

40 A. Front facades

41 1. Modulation shall be required if the front facade
42 width exceeds forty feet. Ground-related structures may

1 follow either the modulation standards for Lowrise 3 zones
2 (Section 23.45.40C) or the standards in this section.

3 2. For terraced housing, only the portion of the
4 front facade closest to the street is required to be
5 modulated ~~((-))~~, Exhibit 45.54A.

6 B. Side facades

7 1. On corner lots, side facades which face the
8 street shall be modulated if greater than forty feet in width.
9 Modulation shall not be required for the side facades of
10 terraced housing.

11 2. Apartments with a structure depth greater than
12 sixty-five percent of lot depth shall be modulated along all
13 side facades, ~~((wider than thirty feet))~~ according to the
14 standards of subsection C below.

15 C. Modulation standards

16 1. Minimum depth of modulation

17 a. The minimum depth of modulation shall be
18 eight feet, ~~((Exhibit 23.45.76))~~ Exhibit 45.54B.

19 b. When balconies are part of the modulation
20 and have a minimum depth of six feet and a minimum area of at
21 least sixty square feet, the minimum depth of modulation
22 shall be six feet, ~~((Exhibit 23.45.78))~~ Exhibit 45.54C.

23 2. The minimum width of modulation shall be ten
24 feet, ~~((Exhibit 23.45.76))~~ Exhibit 45.54B.

25 3. Maximum width of modulation

26 a. The maximum width of modulation shall be
27 forty feet.

28 b. Exceptions to maximum width of modulation

(1) When facades provide greater depth of
modulation than eight feet, then for every foot of modulation
depth in excess of eight feet, the width of modulation may be
increased by two and one-half feet to a maximum width of fifty
feet.

(2) The maximum width of modulation may be
increased when facades are set back from the ~~((front))~~ lot
line further than the required ~~((front))~~ setback, according to
the following guideline: the width of modulation of such a
facade shall be permitted to exceed forty feet by one foot for
every foot of facade setback beyond the required setback.
This provision shall not be combined with the provisions of
~~((3.b.(i)))~~ 3.b.(1) above, nor shall it permit facades to
exceed fifty feet in width without modulation.

4. Required modulation may start a maximum of
~~((ten))~~ eight feet above existing grade, and shall be
continued up to the roof.

1 Section 30. Subsections 23.45.56A and D are amended to
2 read as follows:

3 23.45.56 Midrise, Setback Requirements

4 Front, rear and side setbacks shall be provided for all
5 lots, according to the following provisions:

6 A. Front setback

7 The required front setback shall be the average of
8 the setbacks of the first principal structures on either side
9 (Figure 5), subject to the following provisions:

10 1. The front setback shall in no case be required to
11 be more than five feet greater than the setback of the first
12 principal structure on either side which is closer to the
13 front lot line.

14 2. The front setback shall in no case be required to
15 exceed fifteen feet.

16 3. Portions of the structure in front setbacks (~~(+)~~)

17 a. Portions of a structure may project into the
18 required front setback, as long as the average distance from
19 the front property line to the structure satisfies the minimum
20 front setback requirement.

21 b. No portions of a structure between existing
22 grade and ten feet above existing grade shall be closer to the
23 front lot line than five feet.

24 c. Portions of the facade which begin (~~(+ten)~~)
25 eight feet or more above existing grade may project up to four
26 feet beyond the lower portion of the facade, without being
27 counted in setback averaging, Exhibit 45.56A.

28 d. Portions of the facade which begin (~~(+ten)~~)
eight feet or more above existing grade shall be no closer
than three feet to the front lot line, Exhibit 45.56B.

4. Front setback exceptions

a. Structures along heavily traveled arterials

In order to reduce noise and glare impacts,
multi-family structures located on arterials with more than
fifteen thousand average vehicle trips per day, according to
Engineering Department data, shall be allowed a reduction in
the required front setback. The required front setback along
these arterials may be reduced to either fifty percent of the
front setback specified in the development standards, or the
front setback of the principal structure on either side,
whichever is less. A list of such arterials shall be
maintained by the Department.

b. Through lots

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

c. Parking in rear

For sites which are required to locate the parking in the rear and have no alley, the required front setback shall be reduced by five feet, so long as this does not reduce the required front setback to less than ten feet.

d. Sloped lots

On sloped lots with no alley access, the required front setback shall be fifteen feet minus one foot for each two percent of slope. Slope shall be measured from the midpoint of the front lot line((7)) to the rear lot line, or for a depth of sixty feet, whichever is less.

D. General setback exceptions

1. Required setbacks for cluster developments

Where two or more principal structures are located on one lot, ((~~Exhibit 23.45.82~~)) Exhibit 45.56B, required setbacks between structures shall be provided as follows:

a. No walls shall be less than ((~~ten~~)) sixteen feet apart at any point.

b. A principal entrance to a structure shall be at least ((~~fifteen~~)) twenty-four feet from the nearest interior facade which contains no principal entrance.

c. A principal entrance to a structure shall be at least ((~~twenty~~)) thirty-two feet from the nearest interior facade which contains a principal entrance.

d. Within a cluster development, ((~~the maximum facade width without modulation shall be thirty feet for all interior facades~~)) all interior facades wider than fifty feet shall be modulated according to the standards of Section 23.45.54C1, 2, and 4 provided that maximum modulation width shall be fifty feet. Perimeter facades shall follow standard development requirements.

e. Structures in cluster developments may be connected by underground garages or elevated walkways((7)) provided that:

(1) One elevated walkway shall be permitted to connect any two structures in the development;

1 (2) Additional elevated walkways, in
2 excess of one, between any two structures may be permitted by
3 the Director when it is determined that by their location or
4 design a visual separation between structures is maintained.

5 2. Structures in required setbacks

6 a. Detached garages, carports, or other
7 accessory structures are permitted in the required rear or
8 side setbacks, provided that ((they are)) any accessory
9 structure located between a principal structure and the side
10 lot line shall provide the setback required for the principal
11 structure, Exhibit 45.56F. All such accessory structures
12 shall be no greater than twelve feet in height above existing
13 grade, with open rails permitted above twelve feet.

14 b. Ramps or other devices necessary for access
15 for the disabled and elderly, which meet Washington State
16 Rules and Regulations for Barrier-Free Design, are permitted
17 in required front, side or rear setbacks.

18 c. Uncovered, unenclosed pedestrian bridges,
19 necessary for access and less than five feet in width, are
20 permitted in required front, side and rear setbacks.

21 d. Permitted fences, free-standing walls,
22 bulkheads, signs, and other similar structures, no greater
23 than six feet in height, are permitted in required front, side
24 or rear setbacks.

25 e. Decks which average no more than eighteen
26 inches above existing grade may project into required set-
27 backs. Such decks shall not be permitted within five feet of
28 any lot line, unless they abut a permitted fence or free-
standing wall, and are at least three feet below the top of
the fence or wall. The fence or wall shall be no higher than
six feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar Collectors.

3. Ground related housing developed as townhouse dwellings may have zero setbacks along common walls.

Section 31. Section 23.45.58 is amended to read as follows:

23.45.58 Midrise, Open Space Requirements

Open space shall be provided for all lots, subject to the following provisions:

1 A. Quantity

2 1. Ground-related housing

3 a. A minimum of three hundred square feet per
4 unit of private, landscaped open space, at ground level and
5 directly accessible to each unit, shall be required.

6 b. On lots with slopes of twenty percent or
7 more, ((when decks would provide more usable open space than
8 would the existing ground-level open space,)) decks of the
9 same size as the required ground-level open space may be
10 ((substituted to meet the)) built over the sloping ground-
11 level open space. ((requirement. Decks provided to meet this
12 requirement shall be at least three hundred square feet in
13 size, and shall meet the standards of Section 23.45.30B below.
14 In order to qualify for this provision, the private open space
15 for a unit may not be covered by the deck of another unit.))
16 In order to qualify for this provision, such decks shall not
17 cover the open space of another unit, nor be above the living
18 space of any unit.

19 2. Apartments

20 a. A minimum of twenty-five percent of the lot
21 area shall be provided as usable, landscaped open space at
22 ground level.

23 b. Quantity exception for apartments

24 All required open space may be provided
25 above ground, in the form of balconies, decks, solarium,
26 greenhouses, or roof gardens. If less than twenty-five
27 percent of the lot area is provided as open space at ground
28 level, all street setbacks shall be landscaped.

1 3. Terraced housing on slopes of twenty-five
2 percent or more

3 a. A minimum of forty percent of the lot area
4 shall be provided as usable, landscaped open space.

5 b. Ground-level open space may be reduced from
6 forty percent to ten percent of lot area when an equivalent
7 amount of open space is provided above ground in the form of
8 balconies, decks, and/or rooftop areas.

9 B. Development standards

10 1. Ground-related housing

11 a. The required open space for each unit is
12 not required to be in one contiguous area, but no open space
13 area shall be less than one hundred twenty square feet, and no
14 horizontal dimension shall be less than ten feet.

15 b. Required open space may be located in the
16 front, sides, or rear of the structure.

1 c. Required open space may be located a maxi-
2 mum of ten feet above or below the unit it serves, provided
3 that the access to such open space does not go through or over
4 common circulation areas, common or public open space, or the
5 open space serving another unit.

6 d. To ensure the privacy of the open space,
7 openings such as windows and doors on the ground floor of
8 walls directly facing the open space of a different unit or
9 common area, are prohibited, ~~((The open space areas of tandem
10 houses are not subject to this provision.))~~ unless the facing
11 units are single family dwelling units.

12 e. Parking areas, driveways and pedestrian
13 access except for pedestrian access meeting the Washington
14 State Rules and Regulations for Barrier-Free Design, shall not
15 be counted as open space.

16 2. Apartments

17 a. No horizontal dimension for required ground
18 level open space shall be less than ten feet.

19 b. Required open space is permitted in the
20 front, side, or rear of the structure.

21 c. Parking areas, driveways and pedestrian
22 access except for pedestrian access meeting the Washington
23 State Rules and Regulations for Barrier-Free Design, shall not
24 be counted as open space.

25 d. In order to qualify as above((-))ground
26 open space, balconies, decks, roof gardens, solariums, and
27 greenhouses shall have a minimum horizontal dimension of at
28 least six feet, and minimum area shall be sixty square feet.

2. Terraced housing on a slope of twenty-five
percent or more

a. No horizontal dimension for required
ground-level open space shall be less than ten feet.

b. Required open space is permitted in the
front, side or rear of the structure.

c. Parking areas, driveways and pedestrian
access except for pedestrian access meeting the Washington
State Rules and Regulations for Barrier-Free Design, shall not
be counted as open space.

d. In order to qualify as above ground open
space, rooftop areas, balconies, or decks shall have a minimum
horizontal dimension of at least ten feet, and a total area of
at least one hundred twenty square feet.

C. Open space exception

When all uncovered surface parking and access to
parking is surfaced in permeable material, the quantity of

1 required ground-level open space shall be reduced by five
2 percent of the total lot area. ((When combined with the
3 reduction in required ground level open space for structures
4 which provide open space above ground level, the total amount
5 of ground level open space shall not be reduced below twenty
6 percent of lot area.))

7 Section 32. Subsections 23.45.60A, B and C are amended to
8 read as follows:

9 Section 23.45.60 Midrise, Parking and Access Requirements

10 A. Parking quantity

11 1. One off-street parking space per dwelling unit is
12 required.

13 2. For apartments and terraced housing, spaces for
14 bicycles shall be provided in a sheltered and convenient loca-
15 tion according to the following chart:

Number of Units	Number of Bicycle Spaces Required
5-10	1
11-20	2
more than 20	1 per 10 units

16 3. Reductions to the quantity of parking spaces
17 provided may be made for: low-income housing for the elderly
18 and disabled (~~(; provision of spaces for two-wheeled~~
19 ~~vehicles;))~~ and the addition of residential units to existing
20 structures (~~(; and the joint use of existing parking))~~,
21 according to Section 23.54.20, Parking Quantity Exceptions.

22 4. For apartment structures of more than twenty
23 units, the Director may require parking in excess of the one-
24 to-one parking ratio, up to a maximum of one and one-quarter
25 spaces per unit, according to the provisions of Section
26 23.54.20((#))D.

27 5. Exceptions to the quantity of required parking
28 shall be permitted when residential units are added to
existing structures, according to the provisions of Subchapter
4, Nonconforming Uses and Structures.

B. Access to parking

1. Alley access required

Except when one of the conditions listed in
paragraphs B2 or B3 below applies, access to parking shall be
from the alley when the site abuts a platted alley improved to
the standards of Section 23.54.10C. Street access shall not
be permitted.

2. Street access required

Access to parking shall be from the street when:

a. Location of alley access would create a significant safety hazard((+));

b. The lot does not abut a platted alley;

c. Apartments or terraced housing are proposed across an alley from a Single Family, Lowrise 1 or Lowrise 2 zone.

3. Street or alley access permitted

Access to parking may be from either the alley or the street when((+)) the conditions listed in paragraph B2 above do not apply, and one or more of the following conditions are met:

((b))a. Ground-related housing is proposed across the alley from a Single Family, Lowrise 1 or Lowrise 2 zone;

((e))b. Topography makes alley access infeasible((+));

((a))c. The alley is not improved to the standards of ((Section)) subsection 23.54.10C((+)). If such an alley is used for access, it shall be improved according to the standards of subsection 23.54.10C.

b. Ground-related housing is proposed across the alley from a Single Family, Lowrise 1 or Lowrise 2 zone;

c. Topography makes alley access infeasible.

C. Location of parking

1. Parking shall be located on the same site as the principal use.

((+))2. Parking may be located:

a. Between the structure and the side or rear lot line, ((~~Exhibit 23.45.54A~~)) Exhibit 45.60A, except as provided in Section 23.45.56D2, if the parking is screened from direct street view as provided in Section 23.45.60d below, or

b. Ground-related housing: in or under the structure, provided that the parking is screened from direct street view by the front facade of the structure, ((~~Exhibit 23.45.84B~~)) Exhibit 45.60B, by garage doors, or by a fence and landscaping as provided in Section 23.45.60D below, ((~~Exhibit 23.45.84C~~)) Exhibit 45.60C, or

c. Apartments and terraced housing: in or under the structure, provided that the parking is screened from street view by the front facade of the structure, ((~~Exhibit 23.45.84B~~)) Exhibit 45.60B.

1 ((2))3. No open parking shall be permitted between a
2 structure and the front lot line, or in the required front
setback, except as provided in paragraphs C3, C4, C5, and C6
of this Section.

3 ((3))4. For through lots less than one hundred feet in
4 depth, parking may be located in the front setback which is
determined by the Director to be most consistent with the
existing pattern on the block.

5 ((4))5. For corner lots, parking between the structure
6 and the street shall be permitted along one street frontage
only.

7 ((5))6. a. The Director may permit variations from the
8 development standards for parking location and design and
curbcut quantity, for lots meeting the following conditions:

9 (1) Lots proposed for ground-related
housing with no feasible alley access and with

10 - Less than eighty feet of street
frontage,

11 or

12 - Lot depth of less than one hundred
feet,

13 or

14 - A rise or drop in elevation of at
least twelve feet in the first sixty feet from the front lot
line, and

15 (2) Lots proposed for apartments and
16 terraced housing with no feasible alley access and a rise or
drop in elevation of at least twelve feet in the first sixty
feet from the front lot line.

17 b. On lots meeting the standards listed above,
18 the following variations may be permitted:

19 (1) Ground-related housing: parking may
be located between the structure and the front lot line.

20 (2) Apartments and terraced housing:
21 parking may be located under the front of the structure if
screened by garage doors or by fencing and landscaping.

22 c. In order to permit such alternative parking
23 solutions, the Director must determine that siting conditions,
such as the topography of the rest of the lot, or soil and
24 drainage conditions, warrant the exception, and that the
proposed alternative solution meets the following objectives:
25 maintaining on-street parking capacity, an attractive
environment at street level, landscaped front setbacks and
unobstructed traffic flow.

1 ((6))7. When the front setback of the structure is
2 averaged((7)) across the width of the front facade, parking
3 shall be permitted between the structure and the front
4 property line, but not in the required front setback, Exhibit
5 45.60D.

6 Section 33. Subsections 23.45.66B and C are amended to
7 read as follows:

8 B. Additional height permitted

9 The Director may authorize additional height up to a
10 maximum height of two((-))hundred((-))forty feet, as a
11 ~~((conditional development))~~ special exception pursuant to
12 Chapter 23.76, Master Use Permit. In order to qualify, the
13 applicant shall comply with the following provisions:

14 1. If the construction of the proposed development
15 will involve the demolition of existing housing, no height
16 above one hundred sixty feet will be allowed unless new
17 housing is provided on site, equivalent to the square foot
18 living area of the housing to be demolished. Such housing
19 shall be provided at comparable cost pursuant to the Seattle
20 Municipal Code, Chapter 22.210, Housing Preservation
21 Ordinance.

22 2. The applicant shall provide for adequate spacing
23 between existing and proposed towers in order to minimize
24 blockage of views from public places, and to minimize casting
25 of shadows on public places. The applicant shall provide
26 shadow diagrams for December twenty-first, March twenty-first,
27 and June twenty-first, as well as elevations showing the
28 degree, if any, of view blockage that would occur. The
Director may limit or condition the amount of extra height and
bulk granted in order to minimize blocking of views from
public places and to casting of shadows on public places.

3. If the proposed development does not involve the
demolition of housing or measures have been taken to replace
housing demolished according to the conditions of ((B.1))
paragraph B1 above, and if the provisions of ((B.2)) paragraph
B2 above have been met, additional height above one hundred
sixty feet may be allowed in return for the provision of one
of the public benefits listed below, or any combination of
these benefits. The amount of additional height shall be
determined based on the following criteria, and on the design
of the proposed project and the public benefits that are
provided.

a. When a proposed highrise development provi-
des new low- and/or moderate-income housing, or preserves
existing low- and/or moderate-income housing, additional
height may be allowed according to the following provisions:

(1) The housing provided in order to
qualify for additional height shall be in addition to any
housing provided to replace demolished units.

1 (2) Housing provided to replace demolished
2 units must be provided on the same site as the proposed
3 highrise. Additional housing preserved or provided to qualify
4 for additional height may be either within the proposed
5 project, or within its immediate vicinity.

6 (3) For every one percent of the total
7 gross square footage in the proposed structure that is
8 reserved as low-income housing, an additional eight feet in
9 height may be allowed; and for every one percent of the total
10 gross square footage in the proposed structure that is
11 reserved as moderate income housing, an additional five feet
12 in height may be allowed.

13 (4) The units provided to gain additional
14 height shall be reserved as low- or moderate-income housing by
15 ownership and restrictive covenants for a minimum of twenty
16 years from the date a Certificate of Occupancy is issued.

17 (5) Two years after the adoption of this
18 provision, or at a time when ((the)) an adequate number of
19 projects are available for analysis, the Director shall review
20 this provision and recommend any revisions that are necessary
21 consistent with the City's land use and housing objectives.

22 b. Landscaped public open space

23 When proposed highrise developments provide
24 ((landscaping)) landscaped, usable public open space in addi-
25 tion to the open space required for the exclusive use of resi-
26 dents of the development, additional height up to a maximum of
27 forty feet may be allowed according to the following
28 provisions ((-)):

(1) Open space for public use shall either
be dedicated, or upon written agreement with the City of
Seattle be available to the public during reasonable and
predictable hours each day of the week.

(2) The open space may be provided on site
or in the immediate vicinity of the project.

(3) The location of the open space shall
enhance street level activity by providing:

(a) A focal point in a highly dense
or active area; and/or

(b) A unique amenity suited to the
area and of public benefit; and

(c) Better pedestrian access and
siting of an existing public facility or historic landmark.

(4) The space shall be of a sufficient
size to be functional, and shall be contiguous to pedestrian
pathways that make it readily accessible to users.

1 (5) The design of the open space shall
2 enhance unique site characteristics such as views, topography,
3 trail systems and significant trees or landscaping.

4 (6) Public open space and equipment
5 located there shall be designed to provide safety and security
6 for user groups.

7 (7) The open space shall be designed so
8 that its solar exposure encourages its use.

9 (8) Outdoor common areas and pedestrian
10 access shall be separated from the paths of moving vehicles.

11 (9) The outdoor common areas shall
12 function as more than pedestrian walkways or passageways
13 between areas. Active areas and/or passive areas shall be
14 provided depending on the needs of the adjacent neighborhood.

15 c. Structures of architectural and historical
16 significance

17 Additional heights may be allowed when new
18 multi-family developments preserve structures of architectural
19 or historical significance, according to the following
20 provisions:

21 (1) Preservation of designated City
22 landmarks, with proceedings and controls adopted pursuant to
23 the Seattle Municipal Code, Chapter 25.12, Landmarks
24 Preservation Ordinance, may qualify for eighty feet of
25 additional height.

26 (2) The significant structure to be
27 preserved may be located either on the project site or within
28 the immediate vicinity.

29 C. Height exceptions

30 1. Radio and television receiving aerials, flag-
31 poles, and spires for religious institutions are exempt from
32 height controls, except as regulated in Chapter 23.74, Airport
33 Height District ((Chapter 23.14)), provided they are no
34 closer than fifty percent of their height above existing
35 grade, or, if attached only to the roof, no closer than fifty
36 percent of their height above the roof portion where attached,
37 to any adjoining lot line.

38 2. Railings, planters, skylights, ((chimneys,))
39 clerestories, greenhouses, dish antennae, and parapets, and
40 firewalls may extend four feet above the maximum height limit
41 set in ((Section 23.45.08)) paragraphs A and B above.

42 3. The following rooftop features may extend up to
43 ten feet above the maximum height limit, so long as the
44 combined total coverage of all features does not exceed fif-
45 teen percent of the roof area, or twenty percent of the roof
46 area if the total includes screened mechanical equipment:

- stair and elevator penthouses
- mechanical equipment
- play equipment and open mesh fencing which encloses it ~~((= such))~~, so long as the fencing ((shall be)) is at least five feet from the roof edge
- chimneys
- sun and wind screens
- penthouse pavilions for the common use of residents.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar Collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21 at noon no more than would a structure built to maximum permitted bulk:

- solar collectors
- planters
- clerestories
- greenhouses
- dish antennae
- non-firewall parapets
- play equipment
- sun and wind screens
- penthouse pavilions for the common use of residents.

Section 34. Subsection 23.45.70B is amended to read as follows:

B. Modulation standards

1. The minimum depth of modulation shall be four feet, ~~((= Exhibit 23.45.92))~~ Exhibit 45.70A.

2. When balconies are part of the modulation and have a minimum dimension of at least six feet and a minimum area of sixty square feet, the minimum depth of modulation shall be reduced by two feet, ~~((= Exhibit 23.45.94))~~ Exhibit 45.70B.

1 3. The minimum width of modulation shall be five
2 feet, ~~((Exhibit 23.45.92))~~ Exhibit 45.70A.

3 4. Maximum width of modulation

4 a. The maximum width of modulation shall be
5 thirty feet.

6 b. Exceptions to maximum width of modulation:

7 (1) When facades provide greater depth of
8 modulation than four feet, then for every foot of modulation
9 depth in excess of four feet, the width of modulation may be
10 increased two and one-half feet, to a maximum width of fifty
11 feet.

12 (2) The maximum width of modulation may be
13 increased when facades are set back from the ~~((front))~~ lot
14 line further than the required ~~((front))~~ setback, according to
15 the following guideline: the width of modulation of such a
16 facade shall be permitted to exceed thirty feet by one foot
17 for every foot of facade setback beyond the required setback.
18 This provision shall not be combined with the provisions of
19 paragraph 4.b.(1) above, nor shall it permit facades to exceed
20 fifty feet in width without modulation.

21 5. Required modulation may start a maximum of
22 ~~((ten))~~ eight feet above existing grade, and shall be con-
23 tinued up to a height of at least thirty-seven feet.

24 Section 35. Subsections 23.45.72B and D are amended to
25 read as follows:

26 B. Rear setback

27 1. The minimum rear setback for structures or por-
28 tions of structures sixty feet or less in height shall be ten
feet.

 2. The minimum rear setback for portions of struc-
tures greater than sixty feet in height shall be twenty feet.

 D. General setback exceptions

 1. Required setbacks for cluster developments

 Where two or more principal structures are
located on one lot, ~~((Exhibit 23.45.98))~~ Exhibit 45.72B,
~~((required))~~ or where two or more portions of the same struc-
ture exceed sixty feet in height above existing grade, set-
backs between structures or portions of structure shall be
provided as follows:

~~((a. No walls shall be less than ten feet apart~~
~~at any point.~~

~~b. A principal entrance to a structure shall~~
~~be at least fifteen feet from the nearest interior facade~~
~~which contains no principal entrance.~~

c. A principal entrance to a structure shall be at least twenty feet from the nearest interior facade which contains a principal entrance.))

a. Interior facades shall be separated as follows:

<u>Elevation of Facade or Portion of Facade from Existing Grade</u>	<u>Minimum Separation</u>
<u>60 feet or less</u>	<u>16 feet</u>
<u>61-90 feet</u>	<u>20 feet</u>
<u>91-120 feet</u>	<u>28 feet</u>
<u>121 feet or higher</u>	<u>32 feet</u>

((d))b. Within a cluster development, ((the maximum facade width without modulation shall be thirty feet for all interior facades)) interior facades need not be modulated. Perimeter facades shall follow standard development requirements.

((e))c. Structures ((in cluster developments)) or portions of structures over sixty feet in height, may be connected by underground garages or portions of structures thirty-seven feet or less in height.

2. Structures in required setbacks

a. Detached garages, carports, or other accessory structures are permitted in the required rear or side setbacks, provided that ((they are)) any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure, Exhibit 45.72C. All such accessory structures shall be no greater than twelve feet in height above existing grade, with open rails permitted above twelve feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Rules and Regulations for Barrier-Free Design, are permitted in required front, side or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, free-standing walls, bulkheads, signs, and other similar structures, no greater than six feet in height, are permitted in required front, side or rear setbacks.

e. Decks which average no more than eighteen inches above existing grade may project into required setbacks. Such decks shall not be permitted within five feet of

any lot line, unless they abut a permitted fence or free-standing wall, and are at least three feet below the top of the fence or wall. The fence or wall shall be no higher than six feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar Collectors.

Section 36. Section 23.45.76 is amended to read as follows:

Section 23.45.76 Highrise, Parking and Access Requirements

A. Parking quantity

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

2. For apartments and terraced housing, spaces for bicycles shall be provided in a sheltered and convenient location according to the following chart:

Number of Bicycle Spaces	
<u>Number of Spaces</u>	<u>Required</u>
5-10	1
11-20	2
More than 20	1 per 10 units

3. Reductions to the quantity of parking spaces provided may be made for: low-income housing for the elderly and disabled (~~and provision of spaces for two-wheeled vehicles~~) and the addition of residential units to existing structures (~~and the joint use of existing parking~~), according to Section 23.54.20, Parking Quantity Exceptions.

4. For apartment structures of more than twenty units, the Director may require parking in excess of the one-to-one parking ratio, up to a maximum of one and one-quarter spaces per unit, according to the provisions of Section 23.54.20 (E) D.

5. Exceptions to the quantity of required parking shall be permitted when residential units are added to existing structures, according to the provisions of Subchapter 4, Nonconforming Uses and Structures.

B. Access to parking

1. Alley access required

Except when one of the conditions of paragraphs B2 or B3 below applies, access to parking shall be from the

1 alley when the site abuts a platted alley improved to the
2 standards of Section 23.54.10C. Access from the street shall
3 not be permitted.

4 2. Street access required

5 Access to parking shall be from the street when:

6 a. The alley borders on a Single Family,
7 Lowrise 1 or Lowrise 2 zone;

8 b. The lot does not abut a platted alley;

9 c. Location of alley access would create a
10 significant safety hazard.

11 3. Street or alley access permitted

12 Access to parking may be from either the alley
13 or the street when((+)) the conditions listed in paragraph B2
14 above do not apply, and one or more of the following con-
15 ditions are met:

16 a. Topography makes alley access infeasible((+));

17 b. The alley is not improved to the standards
18 of ((Section)) subsection 23.54.10C. If such an alley is used
19 for access, it shall be improved according to the standards of
20 subsection 23.54.10C.

21 C. Location of parking

22 1. Parking shall be located on the same site as the
23 principal use, except accessory off-site parking permitted
24 according to Section 23.45.166.

25 2. Parking may be located:

26 a. Between the structure and the side or rear
27 lot line, Exhibit 45.76A, except as provided in Section
28 23.45.72D2, if the parking is screened from direct street view
as provided in subsection 23.45.76D below, or

a. In or under the structure, provided that
the parking is screened from street view by the front facade
of the structure, Exhibit 45.76B. Parking is permitted on all
levels of a base structure, with the limitation that a maximum
of fifty percent of the area of the floor closest to the grade
of the street may be used for parking. If the street-level
facade is in retail use, sixty percent of the street-level
floor area may be used for parking.

3. No open parking shall be permitted between a
structure and the front lot line, or in the required front
setback.

((On corner lots, two streets of retail may be
permitted. On sloped sites, the Director may determine which
street or streets are to be so regulated.))

1 D. Screening of parking

2 1. Parking shall be screened from direct street
3 view by the front facade of a structure, by garage doors, or
4 by a fence or wall between five and six feet in height. When
5 the fence or wall runs along the street front, there shall be
6 a landscaped strip on the street side of the fence or wall.
7 This strip may be between one and five feet deep, as measured
8 from the property line, but the average distance from the pro-
9 perty line to the fence shall be three feet. Such screening
10 shall be located outside any required sight triangle.

11 2. The height of the visual barrier created by the
12 screen required above shall be measured from street level. If
13 the elevation of the lot line is different from the finished
14 elevation of the parking surface, the difference in elevation
15 may be measured as a portion of the required height of the
16 screen, so long as the screen itself is a minimum of three
17 feet in height, Exhibit 45.72C.

18 Section 37. Subsection 23.45.86D is amended to read as
19 follows:

20 D. Dispersion criteria

21 1. ~~((A lot used for a))~~ The lot line of any new or
22 expanding halfway house shall be ((more than)) located six
23 hundred feet or more from any lot line of any other halfway
24 house or ((from a)) nursing home in a residential zone.

25 2. No halfway house shall be established where its
26 location would increase to more than five the number of half-
27 way houses and/or nursing homes within a one-half mile radius
28 of the proposed site.

 3. The Director shall determine whether a proposed
facility meets the dispersion criteria from maps which shall
note the location of current halfway house and nursing homes.

 Any person who disputes the accuracy of the maps
may furnish the Director with the correct information, and
this information, if determined by the Director to be
accurate, shall be used in processing applications.

 Section 38. Subsection 23.45.90 is amended to read as
follows:

23.45.90 Institutions: General Provisions

 A. The establishment of new institutions, such as reli-
23 gious facilities, community centers, schools, and daycare cen-
24 ters, which meet the development standards of Sections
25 23.45.92 through 23.45.102 shall be permitted outright in all
26 multi-family zones. Institutions not meeting all the develop-
27 ment standards of ((this)) these Section may be permitted as
28 administrative conditional uses subject to the requirements of
Section ((23.45.112)) 23.45.122. If the expansion of an
existing institution meets all development standards, it shall
be permitted outright. Expansions not meeting development

standards may be permitted as administrative conditional uses subject to the requirements of Section ((23.45.118)) 23.45.122.

Section 39. Subsection 23.45.96C is amended to read as follows:

C. Side setback

1. The minimum side setback shall be ten feet from a side lot line which abuts any other residentially zoned lot. A five foot setback shall be required in all other cases, except that the minimum side street side setback shall be ten feet.

In Highrise zones, structures which are between ninety-one and one((-))hundred((-))twenty feet in height shall have a minimum side setback of fourteen feet; structures which are taller than one((-))hundred((-))twenty feet shall have a minimum side setback of sixteen feet, ((Exhibit 23.45.102)) Exhibit 45.96A.

((2. When the depth of the structure exceeds sixty-five feet, the standard side setback requirement shall be increased by the distances indicated in the following chart. This additional side setback requirement may be satisfied by averaging the side setback along the depth of the structure.))

2. When the depth of a structure exceeds sixty-five feet, an additional setback shall be required for that portion in excess of sixty-five feet. This additional setback may be averaged along the entire length of the wall. The additional setback shall be provided as shown in the following chart:

Side Setback Requirements for Structures

Greater than Sixty-Five Feet in Depth

H	0-10	11-21	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-160
D										
66-70	11	12	13	14	15	16	17	18		
71-80	12	13	14	15	16	17	18	19	20	21
81-90	13	14	15	16	17	18	19	20	21	22
91-100	14	15	16	17	18	19	20	21	22	23
101-110	15	16	17	18	19	20	21	22	23	24

1 For structures greater than one-hundred ((fifty)) ten feet in
2 depth, the pattern established in the chart shall be con-
3 tinued.

4 H = Greatest height of facade beyond sixty-five foot depth (in
5 feet, measured from the front of the structure). In the case
6 of a through lot, the applicant may decide which street
7 facade is to be considered the front.

8 D = Depth of structure (in feet).

9 Section 40. Subsections 23.45.98B and G are amended to
10 read as follows:

11 B. Joint use ((or shared use)) of existing parking areas
12 and facilities shall be permitted if approved by the Director,
13 according to the provisions of Section 23.54.20F, Joint Use
14 Parking.

15 ((G. Transportation plan

16 1. Threshold for requiring a transportation plan

17 The Director may modify the parking standards on
18 a case by case basis for any proposed institution using a
19 transportation plan. A transportation plan shall be required
20 as an element of the Master Use Permit process for the
21 establishment of new or the expansion of existing institutions
22 which are larger than four thousand square feet of structure
23 area and/or which are required to provide twenty or more
24 parking spaces.

25 2. Contents of transportation plan

26 The Director shall determine the level of detail
27 to be disclosed in the transportation plan based on the
28 probable impacts and scale of the proposed institution.
Consideration of the following elements and other similar
factors may be required:

a. Traffic

Number of staff during normal working
hours; users, guests and others regularly associated with the
institution; level of vehicular traffic generated; traffic
peaking characteristics of the institution and the immediate
area; likely vehicle use patterns; extent of congestion; types
and number of vehicles associated with the use; and mitigating
measures to be taken by the applicant.

b. Parking area

Number of spaces; extent of screening from
public or abutting lots; direction of vehicle light glare;
direction of lighting; sources of possible vibration;
Prevailing direction of exhaust fumes; location of driveway

1 and curb cuts; accessibility of convenience of the parking
2 area; and mitigating measures to be taken by the applicant,
such as parking space preferences for carpool or vanpool
vehicles and provisions for bicycle racks.

3 c. Parking overflow

4 Number of vehicles expected to park in the
5 street; percentage of on-street parking supply to be used by
the proposed use; opportunities available to share existing
6 parking areas; trends in local area development and mitigating
measures to be taken by the applicant.

7 d. Pedestrian safety

8 Number of driveways which cross pedestrian
walkways; location of passenger loading areas.

9 e. Availability of public or private mass
transportation system.

10 Bus line location and frequency; extent of
11 private mass transportation, including carpools and vanpools
if provided by the applicant.

12 3. Evaluation of transportation plan

13 Based on an evaluation of the information disclosed
14 in the transportation plan, the Director may increase the
onsite parking or loading space requirements to reduce the
15 overflow of vehicles into the onstreet parking supply in the
vicinity. The Director may also decrease the onsite parking
16 requirement when the applicant can demonstrate that the
anticipated use will not need the minimum number of required
parking spaces.))

17 Section 41. Section 23.45.102 is amended to read as
follows:

18 23.45.102 Institutions: Dispersion Criterion

19 ((The establishment of a)) The lot line of any new or
20 ((the expansion of an existing)) expanding institution shall
21 ((not)) be located ((within)) six hundred feet or more from
any lot line of any ((existing)) other institution ((or public
facility)) in a residential zone.

22 Section 42. Subsection 23.45.106A is amended to read as
follows:

23 23.45.106 Public Facilities

24 A. The location or expansion of the following public
25 facilities shall be permitted outright in all multi-family
zones, if all of the development standards for institutions
(Sections 23.45.92 through 23.45.102) are met:

1 Police Precinct Stations

2 Fire Stations

3 Public Boat Moorages

4 Utility Service Uses

5 ((Parks & Playgrounds
6 Museums))

7 Other similar uses.

8 Section 43. The following section is added to Chapter
9 23.45:

10 23.45.108 Public or Private Parks and Playgrounds

11 The establishment of new or expansion of existing public
12 or private parks and playgrounds, including customary struc-
13 tures and activities, shall be permitted outright in all
14 multi-family zones. Garages and service or storage areas
15 accessory to parks shall be located one hundred feet or more
16 from any other lot in a residential zone and shall be screened
17 from view from such lot.

18 Section 44. Subsection 23.45.118B is amended to read as
19 follows:

20 B. Dispersion criteria

21 1. A facility which does not meet the dispersion
22 criteria of Section 23.45.86D may be permitted, upon deter-
23 mination by the Director that the intent of the dispersion
24 requirements is satisfied. For example, physical elements
25 (such as water bodies, large open spaces, or topographical
26 features) or manmade elements (such as arterials, con-
27 centrations of non-residential uses, or freeways) may provide
28 substantial separation from existing halfway houses and
29 nursing homes.

30 2. If the intent of the dispersion criteria is met,
31 an existing facility not in conformance with a dispersion
32 standard may be permitted to expand. The existing facility
33 shall not be permitted to expand beyond the ((bulk
34 requirement)) requirements of the other development standards
35 for the zone in which it is located.

36 Section 45. Subsections 23.45.122D and E are amended to
37 read as follows:

38 D. ((Traffic generation

39 The Director may condition a permit to mitigate
40 potential traffic congestion problems. Measures which may be
41 used by the Director for this purpose include, but are not
42 limited to the following:

1 1. Implementing the institution's transportation
2 plan.

3 2. Limiting the number or type of vehicles
4 associated with the facility; encouraging the use of METRO or
5 private mass transit; requiring provision of sidewalks, and
6 changing access, location or quantity of parking.))

7 D. Transportation plan

8 1. A transportation plan shall be required for pro-
9 posed new institutions and for those institutions proposing
10 expansions which are larger than four thousand square feet of
11 structure area and/or required to provide twenty or more
12 parking spaces.

13 2. The Director shall determine the level of detail
14 to be disclosed in the transportation plan based on the pro-
15 bable impacts and/or scale of the proposed institution.
16 Consideration of the following elements and other similar fac-
17 tors may be required:

18 a. Traffic

19 Number of staff during normal working
20 hours; users, guests and others regularly associated with the
21 institution; level of vehicular traffic generated; traffic
22 peaking characteristics of the institution and the immediate
23 area; likely vehicle use patterns; extent of congestion; types
24 and number of vehicles associated with the use; and mitigating
25 measures to be taken by the applicant.

26 b. Parking area

27 Number of spaces; extent of screening from
28 public or abutting lots; direction of vehicle light glare;
29 direction of lighting; sources of possible vibration; pre-
30 vailing direction of exhaust fumes; location of driveway and
31 curb cuts; accessibility and convenience of the parking area;
32 and mitigating measures to be taken by the applicant, such as
33 parking space preferences for carpool or vanpool vehicles and
34 provisions for bicycle racks.

35 c. Parking overflow

36 Number of vehicles expected to park in the
37 street; percentage of onstreet parking supply to be used by
38 the proposed use; opportunities available to share existing
39 parking areas; trends in local area development and mitigating
40 measures to be taken by the applicant.

41 d. Safety

42 Number of driveways which cross pedestrian walk-
43 ways; location of passenger loading areas.

44 e. Availability of mass transportation

1 Bus route location and frequency of service;
2 private transportation programs, including carpools and van-
3 pools, to be provided by the applicant.

4 3. The Director may condition a permit to mitigate
5 potential traffic and parking problems. Measures which may be
6 used by the Director for this purpose include, but are not
7 limited to the following:

8 a. Implementing the institution's transportation
9 plan to encourage use of public or private mass transit;

10 b. Increasing onsite parking or loading space
11 requirements to reduce overflow of vehicles into the onstreet
12 parking supply;

13 c. Changing access and location of parking;

14 d. Decreasing onsite parking or loading space
15 requirements, ((B. Parking F)) if the applicant can
16 demonstrate that less than the required amount of parking is
17 necessary due to the specific features of the institution or
18 the activities and programs it offers ((, the Director may
19 reduce the amount of required parking)). In such cases, the
20 applicant shall enter into an agreement with the Director,
21 specifying the amount of parking required and linking the
22 parking reduction to the features of the institution which
23 justify the reduction. Such parking reductions shall be valid
24 only under the conditions specified, and if those conditions
25 change, the standard requirement shall be satisfied.

26 Section 46. Section 23.45.140 is amended to add the
27 following subsection:

28 C. Accessory structures shall be counted in structure
 width and depth if less than three feet from the principal
 structure at any point. Such detached accessory structures
 shall have a height limit of fifteen feet.

 Section 47. Subsections 23.45.146B and D are amended to
 read as follows:

 B. Solar collectors in required setbacks

 Solar collectors are permitted in required setbacks
 according to the following provisions:

 1. Detached solar collectors shall be permitted in
 required rear setbacks; such collectors shall be no closer
 than five feet to any other principal or accessory structure.

 2. Detached solar collectors shall be permitted in
 required side setbacks. Such collectors shall be no closer
 than five feet to any other principal or accessory structure,
 and no closer than three feet to the side lot line.

 3. The area covered or enclosed by solar collectors
 (~~shall not be included in~~) may be counted as required open
 space ((calculations)).

1 4. Sunshades which provide shade for solar collec-
2 tors which face within thirty degrees of true south may pro-
3 ject into southern front or rear setbacks. Those which
4 ~~((start))~~ begin at ~~((ten))~~ eight feet or more above existing
5 grade ~~((level))~~ may be no closer than three feet from the pro-
6 erty line. ~~((Those which are below ten feet may be no))~~
7 Sunshades which are between existing grade and eight feet
8 above existing grade shall be no closer than five feet
9 ~~((from))~~ to the property line.

5 D. Solar retrofits

6 The Director may permit the retrofitting of solar
7 collectors on conforming or nonconforming structures existing
8 on the effective date of this Land Use Code as a special
9 exception pursuant to Chapter 23.76, ~~((+))~~ Master Use
10 Permit~~((+))~~. Such a retrofit may be permitted even if it
11 exceeds ~~((established))~~ the height limit established in sub-
12 section 23.45.146C above, if the following conditions are met:

13 1. There is no feasible alternative solution to
14 placing the collector(s) on the roof;

15 2. The positioning of such collector(s) minimizes
16 view blockage and shading of property to the north, while
17 still providing adequate solar access for the collectors; and

18 3. Such collector(s) meet minimum energy standards
19 administered by the Director.

20 Section 48. Section 23.45.154 is amended to read as
21 follows:

22 23.45.154 Open Wet Moorage for Private Pleasure Craft

23 Open wet moorage facilities for residential structures are
24 permitted as an accessory use as regulated in Chapter 23.70 or
25 Chapter 24.60, Shoreline Master Program, provided that only
26 one slip per residential unit is provided.

27 Section 49. Subsection 23.45.166A is amended to read as
28 follows:

29 A. The offsite parking facilities must be accessory
30 to a multi-family structure ~~((built))~~ existing before the
31 ~~((adoption))~~ effective date of this Land Use Code, which pro-
32 vides less than one parking space per unit, although it may
33 include parking for a new residential development when deve-
34 loped jointly.

35 Section 50. Section 23.45.180 is amended to read as
36 follows:

37 23.45.180 Continuation of Nonconforming Uses

38 Any legally established nonconforming use existing on the
39 effective date of this provision which does not conform to the
40 applicable requirements of this Land Use Code may be continued
41 subject to the provisions of this ~~((section))~~ Subchapter.

1 Section 51. Section 23.45.182 is amended to read as
2 follows:

3 23.45.182 Extensions, Expansions, and Structural Alterations
4 of Nonconforming Uses

5 A nonconforming use shall not be expanded or extended, nor
6 shall a structure containing a nonconforming use be expanded,
7 extended or structurally altered except as follows:

8 A. Expansions, extensions or structural alterations
9 otherwise required by law or necessary to improve access for
10 the elderly and disabled shall be permitted.

11 B. Legally established apartments in Lowrise 1 zones may
12 be improved, renovated, structurally altered, and expanded,
13 provided that the improvement, renovation, alteration or
14 expansion does not violate the development standards of
15 Sections 23.45.10 through 23.45.18, nor cause an already non-
16 conforming structure to further exceed development standards.

17 C. Additional dwelling units may be added to legally
18 established apartments in Lowrise 1 zones so long as this
19 addition does not violate the development standards of
20 Sections (~~23.45.10~~) 23.45.08 through 23.45.18, nor cause an
21 already nonconforming structure to further exceed development
22 standards, except that one dwelling unit may be added without
23 a parking space if the lot area is not increased, if new
24 parking meets all development standards, and existing parking
25 is screened and landscaped to the greatest extent practical.

26 D. Dwelling units may be added to structures in nonresi-
27 dential use, even if in a nonconforming structure. Such
28 structures may be altered or expanded so long as the altera-
tion or expansion does not violate the development standards
of this chapter, nor cause an already nonconforming structure
to further exceed development standards, except that one unit
may be added without a parking space.

 E. A nonresidential nonconforming use shall not be
expanded or extended. A structure 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 Subsections 23.45.182F and G below, or
as necessary to improve access for the elderly and disabled.

 ((F)) F. Existing structures or portions of structures
containing office uses, or structures for which an application
has been made, which are developed in former RMH 350, RMV 200
or RMV 150 zones formerly regulated in Title 24 which meet the
development standards of the respective zone, or were deve-
loped pursuant to variances, may be improved, renovated, or
structurally altered. Structures containing office uses may
not be expanded, and office uses may not be extended within
the building beyond the floor area permitted in the former
zone. Types of offices permitted shall be limited to those
permitted in the former zone.

 ((G)) G. A nonconforming use which is destroyed by fire
or other act of nature may be resumed provided it meets the
requirements of Section 23.45.190.

1 Section 52. Subsections 23.45.184A and D are amended to
2 read as follows:

3 23.45.184 Changes To and From Nonconforming Use

4 A. Existing nonresidential uses may be converted to
5 residential use. When residential units are added to non-
6 residential uses, one unit may be added without a parking
7 space. If the only use in the structure will be residential
8 and there is no feasible way to provide the required parking,
9 then the Director may authorize reduction or waiver of parking
10 as a ~~((conditional development))~~ special exception pursuant to
11 Chapter 23.76, ~~((+))~~ Master Use Permit ~~((+))~~.

12 D. Legally established uses which were permitted
13 outright under prior regulations but which are permitted under
14 this chapter only as conditional uses shall be governed by the
15 regulations of Sections 23.45.116 through 23.45.126.

16 Section 53. Subsection 23.45.190A is amended to read as
17 follows:

18 23.45.190 Nonconforming Structures

19 A. Legally established structures existing as of the
20 date of adoption of this Land Use Code which are not in con-
21 formance with one or more of the development standards for the
22 multi-family zone in which they are located shall be prohi-
23 bited from expanding in any manner which increases the extent
24 of nonconformity or creates additional nonconformity except as
25 follows:

26 1. Expansions or extensions otherwise required by
27 law or necessary to improve access for the elderly and
28 disabled shall be permitted.

29 2. No parking space need be added for the first
30 additional dwelling unit added to a structure if the lot area
31 is not increased, the new parking meets all development stan-
32 dards, and existing parking is screened and landscaped to the
33 greatest extent practical.

34 Section 54. Section 23.54.10 is amended to read as
35 follows:

36 23.54.10 Access Standards

37 A. Streets

38 1. Street abutment required

39 At least ten feet of a lot line shall abut on a
40 street meeting the standards of subsection 23.54.10A3, or on a
41 permanent access easement meeting the standards of subsection
42 23.54.10B.

43 2. Access to new lots

44 When new lots are created or new easements are pro-
45 posed, access by a street may be required by the Director when
46 one or more of the following conditions exist:

1 a. Where access by easement would compromise the
2 goals of the Land Use Code to provide for adequate light, air
3 and usable open space between structures.

4 b. If the improvement of a dedicated street is
5 necessary or desirable to facilitate adequate water supply for
6 domestic water purposes or for fire protection, or to facili-
7 tate adequate storm drainage.

8 c. If improvement of a dedicated street is
9 necessary or desirable in order to provide on-street parking
10 for overflow conditions.

11 d. Where it is demonstrated that potential safety
12 hazards would result from multiple access points between
13 existing and future developments onto a roadway without curbs
14 and with limited sight lines.

15 e. If the dedication and improvement of a street
16 would provide better and/or more identifiable access for the
17 public or for emergency vehicles.

18 3. Street Improvement Standard

19 a. Streets providing access to and within residen-
20 tial development shall meet the following standards, except as
21 provided in paragraph ((b-)) 2b below:

- 22 (1) Grading to both right of way lines;
- 23 (2) Standard pavement width and depth;
- 24 (3) Curbs on both sides of the street;
- 25 (4) Sidewalks on both sides of the street;
- 26 (5) Provision of landscaped planting strips
27 and/or street trees on both sides of the street; and
- 28 (6) Drainage and grading according to the pro-
visions of the Seattle Municipal Code.

b. The Director may authorize exceptions to the
standards listed in paragraph ((a-)) 2a above under the
following conditions:

- (1) Proposed development contains less than ten
units;
- (2) Proposed development is low income housing;
- (3) Full street improvement would not be prac-
tical due to topography and/or location in an environmentally
sensitive area;
- (4) Street improvement would remove natural
features such as trees or disrupt existing drainage patterns;

1 (5) ((An existing street serving the proposed
2 development is not at ordinance grade and new grading would
3 affect existing access)) Full street improvement would adver-
4 sely affect abutting property; or

5 (6) The street would provide access to a single
6 development, and would not carry through traffic; or

7 (7) The street is not improved to standard, but
8 is adequate for anticipated current and future needs.

9 B. Easements

10 Where a lot does not abut a street and where access
11 by easement has been approved by the Director in accordance
12 with 23.54.10A2, access to the lot shall be provided to a
13 street by an easement meeting the following standards:

14 1. Easements serving one single family dwelling
15 unit

16 a. Easement width shall be a minimum of ten
17 feet;

18 b. No maximum easement length shall be set.
19 If easement length is more than one hundred and fifty feet, a
20 vehicle turnaround shall be provided;

21 c. Curb cut width from the easement to the
22 street shall be the minimum necessary for safety and access.

23 2. Easements serving at least two but fewer than
24 five single family dwelling units

25 a. Easement width shall be a minimum of
26 ((sixteen)) twenty feet;

27 b. The easement shall provide a surfaced road-
28 way at least sixteen feet wide;

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

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

e. Curb cut width from the easement to the
street shall be the minimum necessary for safety and access.

3. Easements serving at least five but fewer than
ten single family dwelling units, or fewer than ten multi-
family unit

a. Easement width, surfaced width, length,
turnaround, and curb cut width shall be as required in
paragraph 2 above;

b. No principal structure shall be closer than
five feet to the easement.

1 4. Easements serving ten or more residential unit

2 a. Easement width shall be a minimum of
3 thirty-two feet.

4 b. The easement shall provide a surfaced road-
5 way at least twenty-four feet wide.

6 c. No maximum length shall be set. If the
7 easement is over six hundred feet long, a fire hydrant may be
8 required by the Director.

9 d. A turnaround shall be provided unless the
10 easement extends from street to street.

11 e. Curb cut width from the easement to the
12 street shall be the minimum necessary for safety and access.

13 f. No single family structure shall be located
14 closer than ten feet to an easement, and no multi-family
15 structure shall be located closer than five feet to an ease-
16 ment.

17 g. One sidewalk shall be provided, extending
18 the length of the easement.

19 C. Alleys

20 Alley access to parking shall be required according
21 to the provisions of each zone. An alley shall be considered
22 improved when it meets the following standards:

23 1. Grading to both right of way lines;

24 2. Standard pavement width and depth;

25 3. Drainage and grading according to the provisions
26 of the Seattle Municipal Code.

27 Section 55. Subsections 23.54.20C, F, and G are amended
28 to read as follows:

 ((E)) C. Adding units to existing structures in multi-
family zones

1. If an existing residential structure in a multi-
family zone has parking which meets the development standards,
and the lot area is not increased, one unit may be added
without additional parking. If two units are added, one space
will be required; three units will require two spaces, etc.
Additional parking must meet all development standards for the
particular multi-family classification.

2. Exceptions to the quantity of required parking
shall be permitted when residential units are added to a
structure in a multi-family zone which has parking not con-
forming to development standards, or when units are added to a
nonconforming use, according to the provisions of Chapter
23.45, Subchapter 4, Nonconforming Uses and Structures.

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F. Joint Use of Parking

The Director may authorize the joint use of parking by the following uses or activities under the following conditions:

1. Up to fifty percent of the parking required for a theater, bowling alley, dance hall, bar, restaurant, roller or ice skating rink, or other similar primarily nighttime use may be supplied by the off-street parking provided by the uses specified in paragraph F4 below.

2. Up to fifty percent of the off-street parking required for any use specified under paragraph F4 may be supplied by the parking provided for uses specified in paragraph F5 below.

3. Up to one hundred percent of the parking required for a church or for an auditorium incidental to a public or private school may be supplied by the off-street parking provided by uses specified in paragraph F4 below.

4. For the purposes of this section, the following uses are considered as daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and other similar primarily, daytime uses when authorized by the Director.

5. For the purpose of this section, the following uses are considered as nighttime or Sunday uses: auditoriums incidental to a public or private school, churches, bowling alleys, dance halls, theaters, bars or restaurants, roller or ice skating rinks, and other similar primarily nighttime uses when authorized by the Director.

6. Conditions required for joint use:

a. The use for which application is being made to utilize the off-street parking provided by another use shall be located within eight hundred feet of the parking.

b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two uses for which joint use of off-street parking is proposed.

c. An agreement providing for joint use parking executed by the parties concerned shall, together with the applicable use permit be filed with the Director. The Director may condition the use permit to assure compliance with the joint use parking agreement. Joint use parking privileges shall continue in effect only so long as the agreement, binding on all parties, remains in force. If the agreement becomes legally ineffective, then parking shall be provided as otherwise required by this Land Use Code.

G. For non-school uses located in a former or existing public school, the school use criteria of Chapter 23.78, Establishment of Criteria for Joint Use and Reuse of Schools, shall determine the off-street parking requirement.

Section 56. Subsection 23.54.30C is amended to read as follows:

C. Ingress and egress

1. Backing distances and moving other vehicles

a. Adequate ingress to and egress from all parking spaces shall be provided without having to move another vehicle, except for single family dwellings.

b. Except for lots with fewer than three parking spaces, ingress to and egress from all parking spaces shall be provided without requiring backing more than fifty feet.

2. Curb cuts

a. Except as provided in paragraph b((-)) below, curb cuts for driveways shall be provided as follows:

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

(2) For lots with street or easement frontage greater than eighty feet, a maximum of two ten-foot-wide curb cuts or one twenty-foot-wide curb cut per development shall be permitted.

b. On arterials with more than fifteen thousand average vehicle trips per day, according to Engineering Department data, one twenty-three-foot-wide curb cut shall be permitted. A list of such arterials shall be maintained by the Department.

c. A flare with a maximum width of two and one-half feet shall be permitted on either side of any curb cut.

3. Driveways

a. Driveways shall be not less than ten feet wide. ~~((7 and shall provide the minimum turning path radius as shown on Figure 2A.))~~ Driveways with a turning angle of more than thirty-five degrees shall conform to the minimum turning path radius shown in Exhibit 54.30B.

b. Vehicles may back onto the street from a parking area serving five or fewer vehicles, provided that:

(1) The street is not an arterial as defined by the Seattle Municipal Code, Section 11.18.010, Arterial Street Map, and

1 (2) The slope of the driveway does not
2 exceed ten percent in the first twenty feet back from the
3 property line.

4 c. Driveways serving thirty or fewer parking
5 spaces and less than one((-))hundred feet in length shall be a
6 minimum of ten feet in width for one- or two-way traffic.
7 ((Driveways with a turning angle of more than thirty-five
8 degrees shall conform to the minimum turning path radius shown
9 in Figure 4A.))

10 d. For driveways serving thirty or fewer
11 parking spaces and greater than one-hundred feet in length,
12 the driveway shall either:

13 (1) Be a minimum of sixteen feet wide,
14 tapered over a twenty-foot distance to a ten-foot opening at
15 the property line; or

16 (2) Provide a passing areas at least
17 twenty feet wide and twenty feet long. The passing area shall
18 begin twenty feet from the property line, and an appropriate
19 taper to meet the ten-foot opening at the property line shall
20 be provided. If a taper is provided at the other end of the
21 passing area, it shall have a minimum length of twenty feet.

22 e. Driveways serving more than thirty parking
23 spaces shall provide a minimum ten-foot-wide driveway for one-
24 way traffic or a minimum twenty-foot-wide driveway for two-way
25 traffic. ((Driveways with a turning angle of more than
26 thirty-five degrees shall conform to the minimum turning
27 radius shown on Exhibits 2A and 2B.))

28 f. Maximum grade curvature shall not exceed
the curvature shown in Exhibit ((3)) 54.30C.

17 4. Parking aisles

18 a. Parking aisles shall be provided according
19 to Exhibit 4.

20 b. Turning and maneuvering areas shall be
21 located on private property, except that alleys may be
22 credited as aisle space.

23 Section 57. Subsections 23.76.14C and E are amended to
24 read as follows:

25 C. Notice of the application shall be provided by the
26 Director in the following manner:

27 1. Short Plat, sidewalk cafes, structural building
28 overhangs, areaways, special exceptions, design departure,
temporary use for more than three weeks: four placards posted
on or near the site, general mailed release.

2. Variances, administrative conditional use: four
placards posted on or near site, general mailed release,
mailed notice.

1 3. Substantial development permit, shoreline
2 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.

3 E. No notice of application is required for a temporary
4 three week use or for the following Master Use Permit approvals
if they are determined to be exempt from SEPA.

5 1. Establishment or change of use permitted
outright.

6 2. Curb cuts; landscaping associated with develop-
7 ment proposals; additional onstreet parking; street and alley
improvements.

8 3. Lot boundary adjustments.

9 Section 58. Subsection 23.76.24A is amended to read as
follows:

10 23.76.24 Director's Decision on Master Use Permit

11 A. Master Use Permit Review Criteria

12 The Director shall grant, deny, or condition approval
13 of a Master Use Permit based on the applicant's compliance
with the Seattle Municipal Code, Chapter 25.04, SEPA Policies,
14 ((Ch. 25.04, Subchapter III)) and with the substantive
requirements applicable to the specific approval effective at
15 the time the Director issues a decision. The Director may
impose conditions in order to mitigate adverse environmental
impacts associated with the construction process.

16 Section 59. Subsection 23.76.36B is amended to read as
follows:

17 B. All appealable Master Use Permit decisions other than
18 shoreline decisions as identified in Subsection 23.76.36A,
shall be filed with the Hearing Examiner subject to the
following:

19 1. Standing. All appealable Master Use Permit
20 decisions may be appealed by any person, significantly
affected by or interested in the permit.

21 2. Time of Filing. Appeals shall be filed with the
22 Hearing Examiner by five o'clock p.m. of the fourteenth calendar
day following publication of notice of the decision. When the
23 last day of the appeal period so computed is a Saturday,
Sunday, or federal or City holiday, the period shall run until
24 five o'clock p.m. on the next business day. The appeal shall
be in writing and shall clearly identify the approval(s) being
25 appealed. The appeal shall be accompanied by payment of the
filing fee as set forth in the Seattle Municipal Code, Section
3.02.125, Hearing Examiner Filing Fees. Specific objections
26 to the Director's decision and the relief sought shall be
stated. In form and content, the appeal shall conform with
27 the rules of the Hearing Examiner.

1 3. Consolidated Appeals. All appeals of a Master
2 Use Permit shall be considered together in a consolidated
3 hearing.

4 4. Pre-hearing Conference. On the Hearing
5 Examiner's motion, or at the request of any party of record,
6 the Hearing Examiner may have a conference prior to the
7 hearing in order to entertain pre-hearing motions, clarify
8 issues, or consider other relevant matters.

9 5. Notice of Hearing. Notice of the hearing on the
10 appeal shall be mailed at least twenty days prior to the
11 scheduled hearing date to parties of record and those
12 requesting notice of the specific hearing. Notice shall also
13 be included in a general mailed release.

14 6. Scope of Review. Appeals shall be considered de
15 novo. The Hearing Examiner shall entertain issues cited in
16 the appeal which relate to procedural irregularities,
17 compliance with substantive criteria, the adequacy of the
18 environmental documentation upon which the decision was made,
19 or failure to properly condition or deny a permit based on
20 disclosed environmental impacts.

21 7. Standard of Review. The Director's decision
22 shall be given substantial weight, except that, for any
23 decision which includes determinations on a variance or
24 conditional use, that part of the Director's decision shall be
25 given no deference.

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

 9. Hearing Examiner's Decision. The Hearing
Examiner shall issue a decision within fourteen days after
closing the record.

 The Hearing Examiner may affirm, reverse, remand
or modify the Director's decision. Written findings and
conclusions supporting the Hearing Examiner's decision shall
be made.

10. Notice of Hearing Examiner Decision.

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

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

1 Section 60. Subsection 23.78.10 is amended to read as
2 follows:

23.78.10 SUAC Responsibilities

3 The ((~~appealed~~)) SUAC shall:

4 A. Conduct a minimum of three public meetings within a
5 ninety day period from forming of the SUAC.

6 B. Gather and evaluate public comment;

7 C. Develop criteria for structure and grounds use which
8 are compatible with the surrounding community, including but
9 not limited to: benefits to the community and public; popula-
10 tion to be served; community access; use of the school grounds
11 within the context of recreational and aesthetic resources of
12 the neighborhood; mitigation of large structure bulk; traffic
13 impacts: generation, circulation, and parking; landscaping
14 and maintenance of grounds; exterior appearance of the structure,
15 including signing; noise; hazards; and other potential
16 nuisances; and

17 D. Recommend criteria to the Director of DCD no later
18 than ninety days after its first meeting unless a ten day
19 extension is requested, in writing, by a majority of the SUAC
20 and granted by the Director of DCD.

21 Section 61. Section 23.84.06 is amended to read as
22 follows:

23.84.06 "C"

Cluster development

24 A development containing two or more principal structures
25 on one lot. In Highrise zones, two or more towers on one base
26 structure shall also be considered a cluster development.

Community center

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

29 Section 62. Subsection 23.84.08 is amended to read as
30 follows:

23.84.08 "D"

Day care center

31 ((A facility)) An institution operated by any person or
32 organization which regularly provides care to a group of

1 children in other than a family setting for less than twenty-
2 four hours a day, whether for compensation or not. (See also
3 family day care home.)

4 Director

5 The Director of the Department of Construction and Land
6 Use, or the Director's designee.

7 Section 63. Section 23.84.10 is amended to add a subsec-
8 tion as follows:

9 23.84.10 "E"

10 Elevated walkway

11 A pedestrian walkway connecting structures within a
12 cluster development and located above existing grade.

13 Section 64. Section 23.84.12 is amended to add the
14 following subsections:

15 23.84.12 "F"

16 Facade, Front

17 The facade extending the full width of the structure,
18 including modulations, which is closest to and most nearly
19 parallels the front lot line.

20 Facade, Rear

21 The facade extending the full width of the structure,
22 including modulations, that is closest to and most nearly
23 parallels the rear lot line.

24 Facade, Side

25 The facade extending the full width of the structure,
26 including modulations, that is closest to and most nearly
27 parallels the side lot line.

28 Facade, Interior

Any facade of a structure within a cluster development,
which faces, or portions of which face, the facade(s) of
another structure(s) within the same development. Any facade
defined as a front, rear or side facade would not be considered
an interior facade.

Facade, Perimeter

Any facade of a structure within a cluster development,
which is either a front, rear or side facade.

Section 65. Section 23.84.24 is amended to read as
follows:

23.84.24 "L"

Lot grade, existing

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

Section 66. Section 23.84.25 is amended to read as follows:

23.84.25 "M"

Museum

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

Section 67. Section 23.84.32 is amended to read as follows:

23.84.32 "R"

Religious facility

An institution, such as ((A)) a church, temple, mosque, synagogue or other structure together with its accessory structures, used primarily for religious worship.

Roof, shed

See shed roof.

Section 68. Section 23.84.36 is amended to read as follows:

School, public or private

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

Shed roof

A roof having only one sloping plane.

Short Subdivision

The division or redivision of land into ((four)) nine or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, development, or financing, and shall include all resubdivision of previously platted land and properties divided for the purpose of sale or lease of townhouse units.

Solar greenhouse

A solar collector which is a structure or portion of a structure ((which uses)) utilizing glass or similar glazing material to collect direct sunlight for space heating purposes.

Section 69. Section 23.84.38 "T" is amended to delete a subsection as follows:

(~~Tandem~~ houses

Two unattached ground-related dwelling units occupying the same lot.))

Section 70. Section 23.84.44 is amended to read as follows:

23.84.44 "W"

Wall, exterior

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

Section 71. Subsection 23.86.10B, last amended in Ordinance 110669 is amended to read as follows:

B. Front Yards

1. Determining Front Yard Requirements

(Exhibit 86E(1)-(7))

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

a. The required depth of the front yard shall be the average of the distance between principal structures and front lot lines of the nearest principal structures on each side of the lot. When the front facade of the principal structure is not parallel to the front lot line, the shortest distance from the front lot line to the structure shall be used for averaging purposes.

b. The yards used for front yard averaging shall be on the same block front as the lot, and shall be the front yards 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 wall nearest to the street (~~((comprising))~~) or where there is no wall, the plane between supports, which comprises twenty percent or more of the width of the front facade of the principal structure. 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, decks, (~~((unenclosed))~~) uncovered 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.

1 d. In Single Family zones, when the first
2 principal structure within one hundred feet of a side lot line
3 of the lot is not on the same block front, or does not provide
4 its front yard on the same street, or when there is no principal
5 structure within one hundred feet of the side lot line, the
6 yard depth used for averaging purposes on that side shall be
7 twenty feet.

8 e. When the front yard of the first principal
9 structure within one hundred feet of the side lot line of the
10 lot exceeds twenty feet, the yard depth used for averaging
11 purposes on that side shall be twenty feet.

12 f. In cases where the street is very steep or
13 winding, the Director shall determine which adjacent single
14 family structures should be used for averaging purposes.

15 2. Sloped lots in single family zones

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

23 Section 72. Subsection 23.86.12A is amended to read as
24 follows:

25 23.86.12 Setbacks in Multi-Family Zones

26 A. Front setbacks

27 1. Determining front setback requirements

28 Front setback requirements are presented in the
standard development requirements for each zone. Where the
minimum required front setback is to be determined by
averaging the setbacks of structures on either side of the
subject lot, the following provisions shall apply:

a. The required depth of the front ((yard))
setback shall be the average of the distance between principal
structures and front lot lines of the nearest principal structures
on each side of the subject lot, ((~~Exhibit 86-E~~)) Exhibit
86.12A.

b. The setbacks used for front setback
averaging shall be on the same blockfront as the subject lot,
and shall be the front setbacks of the nearest principal
structures within one hundred feet of the side lot lines of
the subject lot.

c. For averaging purposes, front setback depth
shall be measured from the front lot line to the nearest wall,
or where there is no wall, the plane between supports, which
((comprising)) comprises twenty percent or more of the width
of the front facade of the principal structure on either side.

1 Attached garages and enclosed porches shall be considered part
2 of the principal structure for measurement purposes. Decks
3 less than eighteen inches above existing grade, ((unenclosed))
4 uncovered porches ((with or without roofs)), eaves, ((posts,))
5 attached solar collectors, and other similar parts of the
6 structure shall not be considered part of the principal structure.
7 When the front facade of the principal structure is not
8 parallel to the front lot line, the shortest distance from the
9 front lot line to the structure shall be used for averaging
10 purposes.

11 d. When the first principal structure within
12 one hundred feet of a side lot line of the subject lot is not
13 on the same block front or when there is no principal structure
14 within one hundred feet of the side lot line, the setback
15 depth used for averaging purposes on that side shall be ten
16 feet.

17 e. When the front setback of the first principal
18 structure within one hundred feet of the side lot line of the
19 subject lot exceeds twenty feet, the setback depth used for
20 averaging purposes on that side shall be twenty feet.

21 f. In cases where the street is very steep or
22 winding, the Director shall determine which adjacent structures
23 should be used for averaging purposes.

24 ((g. In the case of a through lot, the setback
25 used for front setback averaging on each side shall be the
26 lesser of the two front setbacks provided by each adjoining
27 through lot.))

28 g. In the case of a through lot, the require-
ment for front setbacks shall be determined independently for
each street frontage. The measurement techniques of this
section shall be applied for each street frontage separately.

h. For cluster development, the front setback
of a principal structure on the same lot may be used for
averaging purposes.

2. Features projecting into required front setbacks

In certain zones portions of the front facade
may project into the required front setback, provided that the
average distance from the front lot line to the facade satisfies
the minimum front setback requirement. In such cases the
following provisions shall apply:

a. The front setback shall be averaged for the
entire width of the structure.

b. Portions of the facade at existing grade
shall be used in determining the average setback.

c. Projections of the front facade which begin
at least ((ten)) eight feet above existing grade and project
less than four feet from the lower portion of the facade shall
not be included in the setback averaging. For such projections

1 which project more than four feet from the lower portion of
2 the facade, only the first four feet shall be exempt from the
3 averaging calculation. This provision applies to such
4 features as cantilevered floor area, decks, and bay windows.
5 Eaves, gutters, and cornices are permitted to project eighteen
6 inches beyond any front facade without being counted in
7 averaging.

8 3. Measuring street-facing setbacks for institu-
9 tions and public facilities in multi-family zones

10 a. In multi-family zones, the depth of setback
11 from a street lot line may be averaged along the width and
12 height of the facade for institutions and public facilities,
13 as an alternative providing greater design flexibility than
14 standard modulation requirements.

15 b. This average setback shall be calculated by
16 dividing the three-dimensional volume of setback by the area
17 of the structure facade.

18 (1) Find the sum of volumes within the
19 space defined by extension of the roof line, the planes of the
20 side walls, and the vertical extension of the front lot line;
21 and

22 (2) Divide this sum by the area of the
23 street-facing facade, calculated as the product of facade
24 height and facade width, ~~((Exhibit 86F))~~ Exhibit 86.12B.

25 Section 73. Section 23.86.14 is amended to read as
26 follows:

27 23.86.14 Structure Width

28 A. Structure width shall be measured by the following
method:

1. Draw ~~((the smallest))~~ a rectangle that encloses
the principal structure.

2. Structure width shall be the length of the side
of that rectangle most closely parallel to the front lot line,
~~((Exhibit 86H))~~ Exhibit 86.14A.

B. Decks and balconies ~~((ten))~~ eight feet or less above
existing grade, unenclosed porches with or without roofs,
eaves, gutters, chimneys not used to meet modulation require-
ments, and attached solar greenhouses meeting minimum stan-
dards administered by the Director shall not be considered
part of the principal structure for the purpose of measuring
the width of a structure.

C. Decks and balconies more than ten feet above existing
grade, enclosed porches, attached garages and carports, and
modulated or projecting segments of a facade shall be considered
part of the principal structure for the purpose of measuring
the width of a structure.

1 D. Structure width exception

2 In certain multi-family zones, apartment structures
3 are allowed greater width when at least forty percent of the
4 width is set back from the portion of the front facade closest
5 to the front lot line a distance equivalent to twenty-five
6 percent of the structure depth. In such cases the following
7 provisions shall apply:

8 1. When the front facade(s) is(are) not essentially
9 parallel to the property line, the facade containing the point
10 closest to the street shall be considered the facade closest
11 to the street.

12 2. The twenty-five percent of building depth may be
13 achieved by adding together the depths of more than one facade
14 segment. The forty percent of structure width may also be
15 composed of more than one facade segment meeting the twenty-
16 five percent setback requirement.

17 Section 74. Section 23.86.16 is amended to read as
18 follows:

19 23.86.16 Structure Depth

20 A. Measuring structure depth

21 In certain zones structure depth is limited by stan-
22 dard development requirements. The following provisions shall
23 apply for determining structure depth:

24 1. Structure depth shall be measured by the
25 following method:

26 a. Draw (~~the smallest~~) a rectangle that
27 encloses the principal structure.

28 b. Structure depth shall be the length of the
sides of that rectangle most closely parallel to the side lot
lines, (~~Exhibit 86H~~) Exhibit 86.16A.

2. Decks and balconies ten feet or less above
existing grade, unenclosed porches with or without roofs,
eaves, gutters, chimneys not used to meet modulation require-
ments, and attached solar greenhouses meeting minimum standards
administered by the Director shall not be considered part of
the principal structure for the purpose of measuring the depth
of a structure.

3. Decks and balconies more than ten feet above
existing grade, balconies, enclosed porches, attached garages
and carports, modulated or projecting segments of a facade,
shall be considered part of the principal structure for the
purpose of measuring the depth of a structure.

B. Determining maximum permitted structure depth

In certain zones, structure depth is limited to a
percentage of lot depth. For those cases the following provi-
sions shall apply:

1. When the lot is essentially rectangular and has a rear lot line which is ((essentially)) within fifteen degrees of parallel to the front lot line, ((for its entire distance,)) the lot depth shall be the horizontal distance between the midpoints of the front and rear lot lines, ((Figure 33)) Exhibit 86.16B.

2. When the lot is triangular or ((pie)) wedge-shaped, lot depth shall be the horizontal distances between the midpoint of the front lot line and the rear point of the lot. If such a lot does not actually come to a point, lot depth shall be measured from midpoint of front lot line to midpoint of rear lot line, Exhibit 86.16C.

3. In the case of a through lot, lot depth shall be measured ((from front lot line to)) between midpoints of front lot lines.

4. When lot shape is so irregular that provisions 1, 2, or 3 cannot be used, lot depth shall be that distance equal to the result of lot area divided by length of front lot line, provided that in no case shall lot depth be greater than the distance from front lot line to the furthest point on the perimeter of the lot, ((Exhibit 86K)) Exhibit 86.16D.

C. Measuring structural depth exceptions

In certain zones, exceptions permit increased structure depth. For those cases total permitted lot coverage shall equal maximum width times maximum depth less the area required for modulation, according to the following provisions:

1. Maximum width shall be considered to be the width of the lot less the total required side setbacks, but shall in no case exceed the maximum width permitted for the housing type and zone.

2. Maximum depth shall be considered to be the percentage of lot depth permitted for the proposed housing type.

3. The area of minimum required modulation shall be subtracted from the calculation to determine maximum lot coverage permitted.

Section 75. Subsection 23.86.18 is amended to read as follows:

23.86.18 Open Space

Certain zones require a minimum amount of open space to be provided on the lot. For those cases where open space is required, the following provisions shall apply

A. In order for a portion of a lot to qualify as open space, the ground's surface shall be permeable, except for patios, paved areas designed for recreation, and pedestrian access which meets the Washington State Rules and Regulations for Barrier-Free Design. The area shall be landscaped with grass, ground cover, bushes, and/or trees.

1 B. Driveways, parking areas, and pedestrian access,
2 except for pedestrian access meeting the Washington State
Rules and Regulations for Barrier-Free Design, shall not be
counted as open space.

3 C. The area covered or enclosed by solar collectors
4 meeting minimum standards administered by the Director may be
counted as required open space.

5 D. Portions of a structure which begin eight feet or
6 more above existing grade may project up to four feet over
required ground-level open space.

7 ((E)) E. Standard development requirements for certain
8 zones specify a minimum contiguous area for open space. Open
space areas smaller than the minimum contiguous area specified
for such zones shall not be counted toward fulfilling total
open space requirements for that lot.

9 1. Driveways and parking areas, paved or unpaved,
10 shall be considered to separate open space areas they bisect.

11 2. Pedestrian access areas shall not be considered
to break the contiguity of open space on each side.

12 ((D)) F. In shoreline areas, when determined the amount
13 of open space required or provided, no land waterward of the
ordinary high water mark shall be included in the calculation.

14 Section 76. Subsection 23.88.20A is amended to read as
follows:

15 23.88.20 Land Use Interpretations

16 A. A decision by the Director as to the meaning, appli-
17 cation, or intent of any provision of ((this)) Title 23, Land
18 Use Code, or Title 24, Zoning and Subdivisions, as it relates
to a specific piece of property is known as an "interpretation".
An interpretation may be requested in writing by any person or
may be initiated by the Director.

19 Section 77. Subsection 23.90.18A is amended to read as
follows:

20 23.90.18 Appeal to Hearing Examiner

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

1 Section 78. This ordinance shall take effect and be in
2 force thirty days from and after its passage and approval, if
3 approved by the Mayor; otherwise it shall take effect at the
4 time it shall become a law under the provisions of the city
5 charter.

6 Passed by the City Council the ____ day of _____,
7 19____, and signed by me in open session in authentication of
8 its passage this ____ day of _____, 19____.

9
10 _____
11 President of the City Council

12 Approved by me this ____ day of _____, 19____.

13 _____
14 Mayor

15 Filed by me this ____ day of _____, 19____.

16 ATTEST:

17 _____
18 City Comptroller and City Clerk

19 By: _____

20 Deputy

21 (SEAL)

22 Published _____