

ORDINANCE 111390

AN ORDINANCE relating to land use; amending Sections 23.04.10, 23.24.40, 23.40.04, 23.40.20, 23.44.08, 23.44.10, 23.44.14, 23.44.16, 23.44.26, 23.44.42, 23.44.30, 23.44.82, 23.45.06, 23.45.14, 23.45.16, 23.45.18, 23.45.26, 23.45.28, 23.45.30, 23.45.32, 23.45.38, 23.45.40, 23.45.42, 23.45.44, 23.45.46, 23.45.54, 23.45.56, 23.45.58, 23.45.60, 23.45.70, 23.45.76, 23.45.124, 23.45.180, 23.45.182, 23.45.184, 23.45.190, 23.54.10, 23.54.20, 23.54.30, 23.84.04, 23.84.12, 23.84.14, 23.84.24, 23.84.26, 23.84.32, 23.84.36, 23.86.02, 23.86.10, 23.86.14, 23.86.16, 23.86.18, 23.94.10, 23.94.20, 24.62.120 and 24.62.140; and adding Sections 23.44.72 and 23.45.168; to clarify and remove ambiguities and to increase consistency with the intent of the Land Use Policies in the Land Use Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection D of Section 23.04.10, as last amended by Ordinance 110669, is further amended to read as follows:

23.04.10 Transition to the Land Use Code

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D. Special Transition Rule

1. The following transition rule shall apply only to provisions of the Land Use Code which are initiated by the City and become effective as part of a defined phase during the transition from Title 24 to Title 23. Once such a phase of the Land Use Code is adopted by the Council, any amendments to provisions included in the particular phase shall not invoke this transition rule.

2. Any proposal which is substantially underway on the date new Land Use Code provisions become effective shall be subject to either the new substantive provisions or to corresponding repealed or modified substantive provisions of Title 24, at the discretion of the applicant, provided that:

a. The applicant may elect only one set of standards which shall apply as appropriate to the entire proposal, except that the applicant may elect to meet all the standards of Section 23.54.30, Parking Space Standards, and meet the standards of Title 24 for the remainder of the proposal.

b. The election will be irrevocable and shall be made in writing at the time of application; and

c. The applicant shall have no election as to procedural requirements.

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

a. A Master Use Permit application has been completed and filed; provided that if an applicant has elected under Section 23.76.10B to file separate applications, only those specific approvals which are sought prior to the effective date of applicable provisions, shall be subject to this rule; or

b. A building permit application including, if appropriate, an environmental checklist, has been filed; or

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

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Section 2. Subsection A of Section 23.24.40, as last amended by Ordinance 110669, is further amended to read as follows:

23.24.40 Criteria for Approval

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

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

Section 3. Section 23.40.04, as last amended by Ordinance 110669, is further amended to read as follows:

23.40.04 Maintaining Minimum Standards

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

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

C. No minimum lot area, yard, setback, open space, landscaping access, screening or other element of a development used to meet a development standard for one use or structure may be used to meet the development standards of another use or structure except as specifically provided herein.

Section 4. Subsection C of Section 23.40.20, as last amended by Ordinance 110669, is further amended to read as follows:

23.40.20 Variances

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

1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code or Title 24 would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and
2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and
3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and
4. The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code or Title 24 would cause undue and unnecessary hardship~~((+))~~; and
5. The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted ~~((+))~~Land ~~((+))~~Use ~~((+))~~Policies or Comprehensive Plan component, as applicable.

\* \* \*

Section 5. Section 23.44.08 is amended to read as follows:

23.44.08 Development Standards for Uses Permitted Outright

A. The following development standards apply to principal and accessory uses permitted outright in ~~((+))~~Single ~~((+))~~Family zones.

B. All structures or uses shall be built or established on a lot or lots.

~~((B))C. Floating homes shall be subject ~~((only to the parking requirements imposed by this subsection and)) to the provisions of Chapter 24.60, Shoreline Master Program except they shall be subject to the parking provisions of this Chapter.~~~~

~~((E))D. An exception from one specific standard does not relieve the applicant from compliance with any other standard.~~

E. Methods for measurements are provided in Chapter 23.86. Standards for parking access and design are provided in Chapter 23.54.

F. A structure occupied by a permitted use other than single family residential use may be converted to single family residential use even if the structure does not conform to the development standards for single family structures. Expansions of converted nonconforming structures shall be regulated by Section 23.44.02. Conversion of structures occupied by

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nonconforming uses shall be regulated by Section 23.44.80.

Section 6. Subsection D of Section 23.44.10, as last amended by Ordinance 110793, is further amended to read as follows:

23.44.10 Lot Requirements

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D. Lot Coverage Exceptions

1. Lots Abutting Alleys and Corner Lots

For the purpose of computing the lot coverage only:

- a. The area of a corner lot where a side lot line abuts upon a street may be increased by one-half the width of the abutting side street.
- b. The area of a lot with alley or alleys abutting any lot line may be increased by one-half the width of the abutting alley or alleys.
- c. The total lot area for any lot may not be increased by the provisions of this section by more than twenty-five 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 for Barrier-Free 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 ~~((+))~~ principal and accessory structures.

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

Section 7: Subsections B and D of Section 23.44.14, as last amended by Ordinance 110669, is further amended to read as follows:

#### 23.44.14 Yards

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#### B. Rear Yards

The rear yard shall be twenty-five feet.

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

When the required rear yard abuts upon an alley along a lot line, the center line of the alley between the side lot lines extended shall be assumed to be a lot line for purposes of the ~~((rear yard provisions))~~ provision of rear yard and the determination of lot depth, provided that at no point shall the principal structure be closer than five feet to the alley.

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

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#### D. Exceptions from Standard Yard Requirements

##### 1. Certain Accessory Structures

Any accessory structure may be constructed in a side yard which abuts the rear or side yard of another lot upon recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties.

Any accessory structure which is a private garage may be located in that portion of a side yard which is either within thirty-five feet of the center line of an alley or within twenty-five feet of any rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.16.

##### 2. Side Yard Exception for Easement

The side yard for a single family structure may be less than five feet along one side lot line if an easement is provided along the side lot line of the abutting lot, sufficient to leave a ten foot separation between the two principal structures of the two lots. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side yard. No principal structure shall be located in the easement, except that the eaves of a principal structure may project a maximum of eighteen inches into the easement.

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#### 3. Certain Additions

Certain additions may extend into a required yard when the existing single family structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least sixty 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. New additions to the nonconforming wall or walls shall comply with the following requirements, Exhibit 44.14.A.

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

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

c. Front yard: When it is a front wall, it is at least fifteen feet from the front property line.

#### 4. Uncovered Porches

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

#### 5. Special Features of a Structure

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

#### 6. ~~((Garports-))~~ Private Garages, Covered Unenclosed Decks or Roofs Over Patios in Rear Yards

a. Any attached ~~((carports, attached))~~ private garages or covered, unenclosed decks or roofs over patios are ~~((extensions))~~ portions of principal structures. They may extend into the required rear yard, but shall not be within twelve feet of the center line of any alley, nor within twelve feet of any rear lot line which is not an alley lot line, nor closer than five feet to any accessory structure, nor exceed twelve feet in height, except the height of private garages shall meet the provisions of Section 23.44.16.

Any detached private garage meeting the requirements of Section 23.44.16, Parking, or detached permitted accessory structure meeting the requirements of Section 23.44.40, General Provisions for Accessory Uses, may be located in a rear yard.

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

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b. Attached or detached (~~garages~~) private garages, covered, unenclosed decks or roofs over patios, other accessory structures and nonconforming (~~sections~~) portions of principal structures are limited to a maximum combined coverage of forty percent of the required rear yard.

In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

#### 7. Private Garages in Front Yards of Through Lots

On through lots less than one hundred twenty-five feet in depth, either an accessory garage structure or ~~((an extension))~~ a portion of the principal structure containing a garage shall be permitted to locate in one of the front yards. Private garages, either as accessory structures or as a portion of the principal structure shall be limited as set forth in Section 23.44.16.

~~((An extension of the principal structure shall be limited to twelve feet in height, measured at its front facade. An accessory structure shall be subject to the requirements of Section 23.44.40, General Provisions for Accessory Uses.))~~

The front yard in which the garage may be located shall be determined by the Director based on the location of other accessory garages on the block.

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

#### 8. Access Bridges

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

#### 9. Barrier-Free Access

Access facilities for the disabled and elderly meeting Washington State Rules and Regulations for Barrier-Free Design are permitted in any required yards.

#### 10. Freestanding Structures and Bulkheads

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

#### 11. Decks in Yards

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

#### 12. Heat Pumps

Heat pumps and similar mechanical equipment, not including incinerators, may be permitted in required yards if the requirements of the Noise Control Ordinance, Chapter 25.08, are not violated. Any heat pump or similar equipment shall not be located within three feet of any lot line.

Section 8. Section 23.44.16, as last amended by Ordinance 110669, is further amended to read as follows:

#### 23.44.16 Parking

Parking shall be required as provided below.

##### A. Number of Spaces Required

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

2. The number of spaces required for uses authorized in existing or former public schools shall be as established for such uses in Section 23.44.22L.

3. The number of spaces required for administrative conditional uses is identified in Section 23.44.20, special residences; Section 23.44.22, institutions; Section 23.44.24, planned residential developments; Section 23.44.26, use of landmark structures; Section 23.44.28, structures unsuited to uses permitted outright; and Section 23.44.80H, nonconforming uses.

4. No offstreet parking spaces are required for existing cemeteries, public playgrounds, public or private parks or existing railroad rights of way except as may be required for any accessory use located within a park or playground as provided in Subchapter III of this Chapter.

##### B. Access

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

2. Access to parking is permitted through a required yard abutting a street only if the Director determines that one of the following conditions exists:

a. There is no adjacent improved alley; or

b. Existing topography does not permit alley access; or

c. A portion of the alley abuts a nonresidential zone; or

d. The alley is used for loading or unloading by an existing nonresidential use; or

e. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard.

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

((θ))C. Parking on Lot of Principal Use

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

2. Parking on planting strips is prohibited.

((θ))3. Parking accessory to a floating home may be located on another lot if within six hundred feet of the ((residence)) lot on which the floating home is located.

((θ))4. Parking accessory to a single family structure existing on ((the effective date of this provision)) June 11, 1982 may be established on another lot if all the following conditions are met:

((-)a. There is no vehicular access to permissible parking areas on the lot.

((-)b. Any garage constructed is for no more than two two-axled or two up-to-four wheeled vehicles.

((-)c. The garage is located and screened or landscaped as required by the Director, who shall consider development patterns of the block or nearby blocks.

((-)d. The garage lot is within the same block or across the alley from the principal use lot.

e. The garage shall meet the standards of subsection E.

f. The accessory parking shall be tied to the lot of the principal use by a covenant or other document recorded with the King County Department of Records and Elections.

((θ))D. Location of Parking on Lot

((1. Parking shall not be located in the required front yard except as provided in subsection D-1))

((θ))1. Parking may be located:

a. Within the principal structure, or

b. In the side or rear yard except a required side yard abutting a street or the first ten feet of a required rear yard abutting a street.

((2. Parking on planting strips is prohibited.))

2. Parking shall not be located in the required front yard except as provided in subsections D3, D4, D5 and D6.

((θ- Exceptions to Location Requirements))

((±))3. Lots With Uphill Front Yards

((Accessory parking for one two-axle or one up-to-four wheeled vehicle may be cut into a required front yard when access through the required front yard is permitted by 23.44.165 below and if the front yard grade where the parking will be located is more than six feet above the sidewalk grade. When there is no sidewalk, street grade shall be used. Both grades will be as set by the Seattle Engineering Department.))

Accessory parking for one two-axle or one up-to-four wheeled vehicle may be established in a required front yard when the following conditions are met:

a. The existing grade of the lot slopes upward from the street lot line an average of at least six feet above sidewalk grade at a line which is ten feet from the front lot line; and

b. The parking area or floor of a private garage shall be at least an average of six feet below the existing grade prior to excavation and/or construction at a line which is ten feet from the front lot line; and

c. Access to parking is permitted through the required front yard by subsection B, Exhibit 44.16A.

((θ))4. Lots With Downhill Front Yards

Accessory parking for one two-axle or one up-to-four wheeled vehicle may be located in a required front yard when the following conditions are met:

a. The existing grade slopes downward from the street lot line which the parking faces;

b. The lot has a vertical drop of at least twenty feet in the first sixty feet; and

c. Access to parking is permitted through the required front yard by subsection ((23.44.165))B.

5. Through Lots

On through lots less than one hundred twenty-five feet in depth, accessory parking for one two-axle or one up-to-four wheeled vehicle may be located in one of the required front yards.

The front yard in which the parking may be located shall be determined by the Director based on the location of other private garages or parking areas on the block.

If no pattern of parking location can be determined, the Director shall determine in which yard the parking shall be located based on the prevailing character and setback patterns of the block.

((θ))6. Lots With Uphill, ((θ-)) Downhill or Through Lot Front Yards Fronting on Streets Which Prohibit Parking

Accessory parking for two two-axle or four-wheeled vehicles may be located in either uphill, ((θ-)) downhill or through lot front yards as

provided in subsections ((01 or 02 above)) 03, 04 or 05 if uninterrupted parking for twenty-four hours is not permitted on both sides of the street within a reasonable distance of the side lot line. The Director may authorize a curb cut wider than would be permitted under Section 23.54.30 if necessary for access.

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

(E. Access

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

2. Access to parking is permitted through the required front yard only if the Director determines that one of the following conditions exists:

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

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

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

F. Curb Cuts

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

E. Private Garages Located in Required Yards

Private garages which are either detached accessory structures, or portions of a principal structure may enclose parking permitted in required yards according to the following conditions:

1. Maximum coverage and size

a. In accordance with Section 23.44.1406, private garages together with any other accessory structures and other portions of the principal structure, are limited to a maximum combined coverage of forty percent of the required rear yard.

In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the center line of the alley.

b. In accordance with Section 23.44.40, private garages located in side or rear yards shall not exceed one thousand square feet in area.

c. In front yards, the area of private garages shall be limited to three hundred square feet where one space is allowed and six hundred square feet where two spaces are allowed.

2. Height limits

a. Private garages shall be limited to twelve feet in height as measured on the facade containing the entrance for the vehicle.

b. The ridge of a pitched roof on a private garage located in a required yard may extend up to three feet above the twelve-foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than three to twelve. No portion of a shed roof shall be permitted to extend beyond the twelve-foot height limit under this provision.

c. Open rails around balconies or decks located on the roofs of private garages may exceed the twelve-foot height limit by a maximum of three feet.

3. Separations

a. Attached private garages are portions of principal structures. In accordance with Section 23.44.1406, they may extend into the required rear yard, but shall not be within twelve feet of the center line of any alley, nor within twelve feet of any rear lot line which is not an alley lot line nor closer than five feet to any accessory structure.

b. If the facade of a private garage which contains the entrance for the vehicle faces an alley, the garage shall not be within twelve feet of the center line of the alley.

c. In accordance with Section 23.44.40E, any private garage which is an accessory structure located in a required yard shall be separated from its principal structure by a minimum of five feet.

d. In accordance with Section 23.44.40G, on a reversed corner lot, no private garage which is an accessory structure shall be located in that portion of the required rear yard which abuts the required front yard of the adjoining key lot. Nor shall the private garage be located closer than five feet from the key lot's side lot line unless the provisions of Section 23.44.1401 apply.

e. In accordance with Section 23.44.1401, private garages which are accessory structures may extend into a required side yard which is either within thirty-five feet of the center line of an alley or within twenty-five feet of any rear lot line which is not an alley lot line.

Private garages which are accessory structures may extend into a required side yard which is more than thirty-five feet from the center line of an alley abutting the lot, or which is more than twenty-five feet from the rear lot line of a lot which does not abut an alley, upon the recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties.

#### F. Screening

1. Parking accessory to floating homes when located on a separate lot from the floating homes shall be screened from direct street view by a fence or wall between five 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 be located outside any required sight triangle.

2. The height of the visual barrier created by the screen required by subsection F1 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 44.16B.

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

#### 23.44.26 Use of Landmark Structures

A. The Director may authorize a use not otherwise permitted in the zone within a structure designated as a ((~~the~~)) Landmark, ((~~the~~)) pursuant to the Seattle Municipal Code, Chapter 25.12, Landmark Preservation Ordinance subject to the following development standards.

1. The use shall be compatible with the existing design and/or construction of the structure without significant alteration; and

2. The use shall be allowed only when it is demonstrated that uses permitted in the zone are impractical because of structure design and/or that no permitted use can provide adequate financial support necessary to sustain the ((~~the~~)) structure in a reasonably good physical condition; and

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

((~~A certificate of approval for the proposed use has been obtained from the Landmarks Board.~~))

((~~B. The Director may reduce or waive the minimum accessory off-street parking requirements for a use allowed in a "Landmark", provided, that in making any reduction or waiver, the Director shall assess area parking needs.~~))

((~~The Director may require the applicant to conduct a survey of streets and off-street parking availability. The Director may also consider the types and scale of uses proposed or practical in the subject "Landmark". The Director may take into account the level of transit service in the immediate area, the probable relative importance of~~

walk-in traffic; proposals by the applicant to encourage carpooling or transit use by employees; hours of operations; the controls imposed by landmark designation; and any other factor or factors considered relevant in determining parking impacts.))

B. The parking requirements for a use allowed in a Landmark are those listed in Part II of Subtitle IV of this Code or Section 24.64.120. These requirements may be waived pursuant to Section 23.54.20E.

Section 10. Section 23.44.42 is amended to read as follows:

#### 23.44.42 Parking and Private Garages

##### ((~~A. Elimination of Spaces~~

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

B. The number of spaces required for uses authorized in existing or former public schools shall be as established for such uses in Section 23.44.22L.

C. The number of spaces required for administrative conditional uses is identified in Section 23.44.200, Special Residences, and Section 23.44.22L, Institutions; Section 23.44.23, Structures Unsited to Uses Permitted Outright, and Section 23.44.200, Nonconforming Uses.))

A. Private garages shall be permitted as accessory uses in single family zones and shall be subject to the development standards of Section 23.44.16 when located in a required yard or to the development standards for principal structures when not located in a required yard.

B. Parking accessory to a single family structure existing on June 11, 1982 may be established on another lot if all the following conditions are met:

1. There is no vehicular access to permissible parking areas on the lot.

2. Any garage constructed is for no more than two two-axled or two up-to-four wheeled vehicles.

3. The garage is located and screened or landscaped as required by the Director, who shall consider development patterns of the block or nearby blocks.

4. The garage lot is within the same block or across the alley from the principal use lot.

5. The garage shall meet the standards of Section 23.44.16E.

6. The accessory parking shall be tied to the lot of the principal use by a convenient or other document recorded with the King County Department of Records and Elections.

C. Parking accessory to a floating home may be located on another lot if within six hundred feet of the lot on which the floating home is located and if screened in accordance with Section 23.44.16F.

Section 11. Section 23.44.72 is added to read as follows:

23.44.72 Roomers, Boarders, Lodgers

The renting of rooms, with or without meals, by a resident family for lodging purposes only, for the accommodation of not more than two roomers, boarders or lodgers is permitted outright as an accessory use within a dwelling unit.

Section 12. Section 23.44.80, as last amended by Ordinance 110793, is further amended to read as follows:

23.44.80 Nonconforming Uses

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

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

C. A nonconforming use which is destroyed by fire or other act of nature may be resumed provided it meets the requirements of subsection 23.44.82D.)

D. Legally established multi-family residential structures may be improved, renovated and structurally altered but shall not be expanded except as necessary to improve access for the elderly and disabled or to make changes required by law for health or safety. Increasing the number of residential dwelling units in these structures is prohibited.

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

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

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.

H. Except as provided in subsections 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.)

A. 1. Any nonconforming use may be continued subject to the provisions of this Section.

2. Any nonconforming use which has been discontinued for more than twelve consecutive months shall not be reestablished or recommenced. A use shall be considered discontinued when:

a. A permit to change the use of the property or structure was issued and acted upon, or

b. The structure, or portion of a structure, is not being used for the use allowed by the most recent permit, or

c. The structure is vacant, or the portion of the structure formerly occupied by the nonconforming use is vacant. The use of the structure shall be considered discontinued even if materials from the former use remain or are stored on the property. A multi-family structure with one or more vacant dwelling units shall not be considered unused unless the total structure is unoccupied.

B. A nonresidential nonconforming use shall not be expanded or extended. A structure occupied by a nonresidential nonconforming use may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended except as otherwise required by law, as necessary to improve access for the elderly and disabled or as specifically permitted for nonconforming uses and nonconforming structures elsewhere in this Code.

C. A nonconforming use which is destroyed by fire or other act of nature may be resumed provided that any structure occupied by the nonconforming use may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed.

D. A nonconforming multi-family residential use shall not be expanded or extended nor shall the number of dwelling units be increased. A structure occupied by a nonconforming multi-family residential use may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended except as otherwise required by law, as necessary to improve access for the elderly and disabled, or as specifically permitted for nonconforming uses and nonconforming structures elsewhere in this Code. Structural features including, but not limited to, exterior decks and balconies, bay windows, dormers, eaves and solar collectors may be added to a principal structure, or a new or expanded accessory structure may be constructed, provided that the addition or new structure conforms to the development standards of the zone.

E. A structure occupied by a nonconforming use may be converted to single family residential use even if the structure does not conform to development standards of the zone. A converted structure may be expanded or

extended provided that the expansion or extension shall conform to the development standards of the zone and shall not cause an already nonconforming structure to become more nonconforming to development standards.

F. A nonconforming multi-family residential use may not be converted to any nonresidential use which is not otherwise permitted in the zone. Conversion to a permitted use shall conform to the standards for the new use.

G. A nonconforming use which was permitted outright under prior regulations but which is permitted under this Chapter only as a conditional use shall be governed by the provisions of Sections 23.44.18 through 23.44.32.

H. Except as provided in subsection F, a nonconforming use may be converted by an administrative conditional use authorization to another use not otherwise permitted in the Single Family zones, subject to the following conditions:

1. The Director must find that the new use is no more detrimental to properties in the zone and vicinity than the existing use. This determination shall be based on the following factors:

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

2. A single residential unit accessory to the nonconforming use, such as a caretaker's or proprietor's unit, may be converted along with the rest of the nonconforming use provided that it is the only residential use in the structure and comprises less than half of the total floor area of the structure.

3. Parking requirements for the use permitted under this Section shall be determined by the Director.

4. 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 13. Section 23.44.82, as last amended by Ordinance 110669, is further amended to read as follows:

#### 23.44.82 Nonconforming Structures

(A. Legally established structures existing as of the date of adoption of this Land Use Code which are not in conformance with one or more of the development standards for Single Family zones shall be prohibited from expanding in any manner which increases the extent of nonconformity, except as otherwise specified in this Code or necessary to improve access for the elderly and disabled or to make changes required by law for health or safety.

B. Existing structures which are above the height limit may add eaves, dormers, and/or clerestories to an existing pitched roof provided the additions are constructed below the highest point of the roof. An existing pitched roof which is above the height limit shall not be converted into a flat roof or the slope of the roof lowered below a three in twelve pitch.

C. An existing legally established nonconforming accessory structure or part of a principal structure located in a yard which is required by this Land Use Code may be renovated or replaced, but may not be expanded beyond its former dimensions.

D. If a legally established nonconforming structure is destroyed by fire or other act of nature it may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed.)

A. A nonconforming structure may be maintained, renovated, repaired or structurally altered but shall be prohibited from expanding or extending in any manner which increases the extent of nonconformity, or creates additional nonconformity, except as otherwise required by law, as necessary to improve access for the elderly and disabled or as specifically permitted for nonconforming uses and nonconforming structures elsewhere in this Code.

B. A nonconforming structure which is above the height limit may be expanded or extended to add eaves, dormers, and/or clerestories to an existing pitched roof provided the additions are constructed below the highest point of the roof. An existing pitched roof which is above the height limit shall not be converted into a flat roof nor shall the slope of the roof be lowered below a three in twelve pitch.

C. A nonconforming accessory structure or nonconforming part of a principal structure located in a yard which is required by the development standards of the zone may be rebuilt or replaced but may not be expanded or extended beyond its former dimensions except as permitted by Section 23.44.1403.

D. A nonconforming structure which is destroyed by fire or other act of nature may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed.

E. A structure located on a lot to which access is provided by a nonconforming easement may be replaced, provided that the number of dwelling units to which access is provided by the easement shall not be increased and the new structure conforms to all other development standards of the zone.

Section 14. Section 23.45.06 is amended by the addition of two new subsections and renumbering Subsection D as Subsection E to read as follows:

23.45.06 General Development Standards for Multi-family Structures

\* \* \*

D. An exception from one specific standard does not relieve the applicant from compliance with any other standard.

E. Methods for measurements are provided in Chapter 23.86. Standards for parking access and design are provided in Chapter 23.54.

F. A structure occupied by a permitted use other than single or multi-family residential use may be partially or wholly converted to single or multi-family residential use even if the structure does not conform to the development standards for residential uses in the multi-family zones. One unit may be added without a parking space according to provisions of Section 23.54.20. If the only use of the structure will be residential and if two or more units are being created and there is no feasible way to provide the required parking, then the Director may authorize reduction or waiver of parking as a special exception according to the standards of Section 23.54.20E. Expansions of nonconforming converted structures and conversions of structures occupied by nonconforming uses shall be regulated by Subchapter IV: Nonconforming Uses and Structures.

Section 15. Subsection A and C of Section 23.45.14, as last amended by Ordinance 110793, are further amended to read as follows:

23.45.14 Lowrise 1, Setbacks

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))~~ eight feet above existing grade shall be closer to the front lot line than five feet.
  - c. Portions of the facade which begin 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 eight feet or more above existing grade shall be no closer to the front lot line than three feet, Exhibit 45.14((B))A.

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 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 45.14D.

b. The side street setback of a reversed corner lot shall be as follows:

(1) When the required front setback of the key lot is less than five feet, the side street setback shall be equal to the key lot's front setback.

(2) When the required front setback of the key lot is at least five feet but not more than ten feet, the side street setback shall be five feet.

(3) When the required front setback of the key lot is greater than ten feet, the side street setback 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)). The setback may be averaged along the entire structure depth, but shall at no point be less than five feet. ((Averaging shall not be permitted, Exhibit 45.14D.))

(4) When the actual setback of the structure on the key lot is less than five feet, the side street setback shall be equal to the distance between the front lot line of the key lot and structure regardless of the

front setback requirement.

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 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 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 16. Subsection A and B of Section 23.45.16, as last amended by Ordinance 110793, are further 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, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit. Decks may project into setbacks in accordance with Section 23.45.140.

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, except as permitted in subsection B4, 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, unless the facing units are single family dwelling units.))

For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet where the following criteria are met:

a. Where the structure was constructed with floor-to-floor heights in excess of ten feet, the open space may be located a maximum of ten feet plus the height between floors in excess of ten feet, above or below the unit it serves; or

b. Where the structure was constructed with the first floor in excess of two feet above grade, the open space may be located a maximum of ten feet plus the additional height of the first floor in excess of two feet above grade, above or below the unit it serves.

5. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited, unless such openings are screened by view-obscuring fences, free-standing walls, or wingwalls. Fences, free-standing walls, or wingwalls located in setbacks shall be no more than six feet in height in accordance with Section 23.45.160.

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

\* \* \*

Section 17. Subsections B and C of Section 23.45.18, as last amended by Ordinance 110793, are further amended to read as follows:

23.45.18 Lowrise 1, Parking and Access Standards

\* \* \*

B. Access to parking

1. Alley access required

Except when one of the conditions listed in subsections 32 or 33 ((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))~~ Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard;

b. The lot does not abut a platted alley.

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. The alley borders a single family zone;

b. Topography makes alley access infeasible;

c. The alley is not improved to the standards of ~~((subs))~~ Section 23.54.10C. 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. Parking may be located ~~((+))~~ ~~((a. Between the structure and the side or rear lot line, except as provided in Section 23.45.1402, if the parking is screened from direct street view as provided in Section 23.45.180 below, Exhibit 45.18A. b. in))~~ in or under the structure, provided that the parking is screened from direct street view by the ~~((front))~~ street facing facades of the structure and/or by garage doors, Exhibit 45.18B, or by a fence and landscaping as provided in Section 23.45.180 ~~((below))~~, Exhibit 45.18A.

~~((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 subsections C4, C5, C6 and C7 of this Section.))~~

3. Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in Section 23.45.180.

a. Parking may be located between any structures on the same lot.

b. Rear lot lines

Parking may be located between any structure and the rear lot line of the lot, Exhibit 45.18C.

c. Side lot lines

Parking may be located between any structure and a side lot line which is not a street side lot line, Exhibit 45.18C. Where the loca-

tion between the structure and a side lot line is also between a portion of the same structure and the front lot line, subsection C3d(3) shall apply, Exhibit 45.18D.

d. Front and street side lot lines

Parking may be located between any structure and the front lot and street side lot lines provided that:

~~((4. For))~~ (1) On a through lot ~~((s less than one hundred feet))~~, parking may be located between the structure and one of the front lot lines provided that on lots one hundred twenty-five feet or more in depth, parking ~~((may be))~~ shall not be located in ~~((the))~~ either front setback ~~((which is))~~. The frontage in which the parking may be located shall be determined by the Director ~~((to be most consistent with the existing))~~ based on the prevailing character and setback patterns ~~((of))~~ of the block.

~~((5.))~~ (2) For corner lots, parking may be located between the structure and ~~((the))~~ a street lot line ~~((shall be permitted))~~ along one street frontage only.

(3) Parking may be located between the front lot line and a portion of a structure provided that:

- The parking is also located between a side lot line, other than a street side lot line, and a portion of the same structure which is equal to at least thirty percent of the total width of the structure, Exhibit 45.18D.

- The parking is not located in the front setback and in no case is closer than twenty feet to the front lot line.

4. Location of parking in special circumstances

a. For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street, Exhibit 45.18E.

~~((6.))~~ b. The Director may permit variations from the development standards for parking location and design and curbcut quantity and width, 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.))~~ (1) Street frontage of less than eighty feet;

~~((b.))~~ (2) Lot depth of less than one hundred feet;

~~((c.))~~ (3) A rise or drop of twelve feet or more in the first sixty feet from the street.

(4) Lots which are waterfront lots and are developed in accordance with Section 24.60.395, Shoreline Master Program.

In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the exception, and that the proposed alternative solution meets the following objectives: maintaining on-street parking capacity, an attractive environment at street level, landscaped ~~((+))~~ street setbacks ~~((+))~~, unobstructed traffic flow and, where applicable, the objectives of the Shoreline Master Program. In no case shall a curbcut be authorized to exceed thirty feet in width.

~~((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 45.180.))~~

\* \* \*

Section 18. Subsection C of Section 23.45.26, as last amended by Ordinance 110793, is further amended to read as follows:

23.45.26 Lowrise 2, Modulation Requirements

\* \* \*

C. Modulation standards

1. Minimum depth of modulation

- a. The minimum depth of modulation shall be four feet, 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 45.26B.

2. The minimum width of modulation shall be five feet, 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))~~ required by subsection C1, then for every additional full foot of modulation depth ~~((in excess of four feet))~~, the width of modulation may be increased by two and one-half feet, to a maximum width of forty feet and Section 23.36.02B, Measurements shall not apply.

(2) The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guideline: the width of modulation of such a facade shall be permitted to exceed 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 ~~((3.3.11 above,))~~ subsection C3b(1), 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 19. Subsections A and C of Section 23.45.28, as last amended by Ordinance 110793, are further amended to read as follows:

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))~~ eight feet above existing grade shall be closer to the front lot line than five feet.

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

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 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 45.28D.

b. The side street setback of a reversed corner lot shall be as follows:

(1) When the required front setback of the key lot is less than five feet, the side street setback shall be equal to the key lot's front setback.

(2) When the required front setback of the key lot is at least five feet but not more than ten feet, the side street setback shall be five feet.

(3) When the required front setback of the key lot is greater than ten feet, the side street setback 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~~). The setback may be averaged along the entire structure depth, but shall at no point be less than five feet. (~~Averaging shall not be permitted, Exhibit 45.28D.~~)

(4) When the actual setback of the structure on the key lot is less than five feet, the side street setback shall be equal to the distance between the front lot line of the key lot and structure regardless of the front setback requirement.

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 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).

\* \* \*

Section 20. Subsections A and B of Section 23.45.30, as last amended by Ordinance 110793, are further 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, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit. Decks may project into setbacks in accordance with Section 23.45.28D.

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 except as permitted in subsection 81d.

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, unless the facing units are single family dwelling units.))~~

For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten feet, the open space may be located a maximum of ten feet plus the height between floors in excess of ten feet, above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two feet above grade, the open space may be located a maximum of ten feet plus the additional height of the first floor in excess of two feet above grade, above or below the unit it serves.

e. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited, unless such openings are screened by view-obscuring fences, freestanding walls, or wingwalls. Fences, free-standing walls or wingwalls located in setbacks shall be no more than six feet in height in accordance with section 23.45.280.

f. 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, 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 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.

\*\*\*

Section 21. Subsections B and C of Section 23.45.32, as last amended by Ordinance 110793, are further amended to read as follows:

23.45.32 Lowrise 2, Parking and Access Standards

\*\*\*

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))~~ Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard;

b. The lot does not abut a platted alley.

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. The alley borders a Single Family zone;

b. Topography makes alley access infeasible;

c. The alley is not improved to the standards of ~~((subs))~~ Section 23.54.10C. If such an alley is used for access, it shall be improved according to the standards of ~~((subs))~~ Section 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 in or under the structure provided that:

~~((a))~~ Between the structure and the side or rear lot line, Exhibit 45.32A, except as provided in Section 23.45.2802, if the parking is screened from direct street view as provided in Section 23.45.329 below, or)

~~((b-c))~~ a. For ground-related housing ~~((+ in or under the structure, provided that))~~ the parking is screened from direct street view

by the ~~((front))~~ street facing facades of the structure, Exhibit 45.32B, by garage doors, or by a fence and landscaping as provided in Section 23.45.32D ~~((below))~~, Exhibit 45.32~~((e, or))~~ A.

~~((e))~~b. For ~~((A))~~apartments and terraced housing ~~((in or under the structure, provided that))~~ the parking is screened from direct street view by the ~~((front))~~ street facing facades of the structure. For each permitted curb cut, the facades may contain one garage door, not to exceed the maximum width allowed for curb cuts, Exhibit 45.32B.

~~((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 subsections C4, C5, C6, and C7 of this Section.))~~

3. Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in Section 23.45.32D.

a. Parking may be located between any structures on the same lots.

b. Rear lot lines

Parking may be located between any structure and the rear lot line of the lot, Exhibit 45.32C.

c. Side lot lines

Parking may be located between any structure and a side lot line which is not a street side lot line, Exhibit 45.32C. Where the location between the structure and a side lot line is also between a portion of the same structure and the front lot line, subsection C3d(3) shall apply, Exhibit 45.32D.

d. Front and street side lot lines

Parking may be located between any structure and the front and street side lot lines provided that:

~~((4. For))~~(1) On a through lot ~~((less than one hundred feet))~~, parking may be located between the structure and one of the front lot lines provided that on lots one hundred twenty-five feet or more in depth, parking ~~((may be))~~ shall not be located in ~~((the))~~ either front setback ~~((which is))~~. The frontage in which the parking may be located shall be determined by the Director ~~((to be most consistent with the existing))~~ based on the prevailing character and setback patterns ~~((on))~~ of the block.

~~((5.))~~ (2) For ground-related housing on corner lots, parking may be located between the structure and ~~((the))~~ a street lot line ~~((shall be permitted))~~ along one street frontage only.

(3) Parking may be located between the front lot line and a portion of a structure provided that:

- The parking is also located between a side lot line, other than a street side lot line, and a portion of the same structure which is equal to at least thirty percent of the total width of the structure, Exhibit 45.32D.

- The parking is not located in the front setback and in no case is closer than twenty feet to the front lot line.

#### 4. Location of parking in special circumstances

a. For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street, Exhibit 45.32E.

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

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

- 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.

(3) Lots proposed for either ground-related, apartment or terraced housing which are waterfront lots and are developed in accordance with Section 24.60.395, Shoreline Master Program.

~~((b.))~~(4) On lots meeting the standards listed ~~((above))~~ in subsections C4b(1) through (3), 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 in or under the ~~((front of the))~~ structure if screened from direct street view by garage doors or by fencing and landscaping.

~~((c.))~~(5) In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the exception, and that the proposed alternative parking solution meets the following objectives: maintaining on-street parking capacity, an attractive environment at street level, landscaped ~~((front))~~ street setbacks ~~((and))~~, unobstructed traffic flow and, where applicable, the objectives of the Shoreline Master Program. In no case shall a curb cut be authorized to exceed thirty feet in width.

~~((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 45.32D.))~~

\* \* \*

Section 22. Subsection A of Section 23.45.38, as last amended by Ordinance 110793, is further amended to read as follows:

23.45.38 Lowrise 3, Structure Width and Depth

A. Maximum width

1. The maximum width of a structure on a lot when the front facade is not modulated according to the standards of Section 23.45.40 C shall be:

- a. Thirty feet if there is no principal entrance facing the street;
- b. Forty feet if a principal entrance faces the street.

2. When the front facade is modulated according to the standards of Section 23.45.40C, the maximum width of each structure on a lot shall be:

- a. Ground-related housing: one hundred fifty feet;
- b. Terraced housing: one hundred fifty feet;
- c. Apartments: ninety feet.

3. When the front facade is modulated according to the standards of Section 23.45.40C, the following width exceptions shall be made for apartments:

a. Apartments no more than thirty feet in height are permitted a maximum width of one hundred ten feet.

b. Apartments are permitted a maximum width of one ~~(-)~~ hundred ~~(and)~~ fifty feet, ~~(+F)~~ provided at least forty percent of the width is set back from the ~~(required front setback)~~ portion of the front facade closest to the front lot line a distance equal to at least twenty-five percent of the total depth of the structure, Exhibit 45.38A and provided that no parking shall be located in the additional setback area.

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Section 23. Subsection C of Section 23.45.40, as last amended by Ordinance 110793, is further amended to read as follows:

23.45.40 Lowrise 3, Modulation Requirements

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C. Modulation standards

1. Minimum depth of modulation

a. The minimum depth of modulation shall be four feet, Exhibit 45.408.

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 45.40C.

2. The minimum width of modulation shall be five feet, Exhibit 45.408.

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CS 19.2

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)~~ required by subsection C1, then for every additional full foot of modulation depth ~~(in excess of four feet)~~, the width of modulation may be increased by two and one-half feet, to a maximum width of forty-five feet and Section 23.86.02B, Measurements, shall not apply.

(2) The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guideline: the width of modulation of such a facade shall be permitted to exceed 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 ~~(2.b.(1) above)~~ subsection 3b(1), 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 A and C of Section 23.45.42, as last amended by Ordinance 110793, are further amended to read as follows:

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, 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)~~ eight feet above existing grade shall be closer to the front lot line than five feet.

c. Portions of the facade which begin 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 eight feet or more above existing grade shall be no closer than three feet to the front lot line, Exhibit 45.42A.

4. Front setback exceptions

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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 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 45.42D.

b. The side street setback of a reversed corner lot shall be as follows:

(1) When the required front setback of the key lot is less than five feet, the side street setback shall be equal to the key lot's front setback.

(2) When the required front setback of the key lot is at least five feet but not more than ten feet, the side street setback shall be five feet.

(3) When the required front setback of the key lot is

greater than ten feet, the side street setback 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~~). The setback may be averaged along the entire structure depth, but shall at no point be less than five feet. ((Averaging shall not be permitted, Exhibit 15.12E.))

(4) When the actual setback of the structure on the key lot is less than five feet, the side street setback shall be equal to the distance between the front lot line of the key lot and structure regardless of the front setback requirement.

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 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).

\* \* \*

Section 25. Subsections A and B of Section 23.45.44, as last amended by Ordinance 110793, are further amended to read as follows:

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, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit. Decks may project into setbacks in accordance with Section 23.45.42D.

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, except as permitted in subsection 81d.

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, unless the facing units are single-family dwelling units.)~~ For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten feet, the open space may be located a maximum of ten feet plus the height between floors in excess of ten feet, above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two feet above grade, the open space may be located a maximum of ten feet plus the additional height of the first floor in excess of two feet above grade, above or below the unit it serves.

e. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited, unless such openings are screened by view-obscuring fences, free-standing walls, or wingwalls. Fences, free-standing walls, or wingwalls located in setbacks shall be no more than six feet in height in accordance with Section 23.45.42D.

f. 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 greenhouses 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 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.

\* \* \*

Section 26. Subsections B and C of Section 23.45.46, as last amended by Ordinance 110793, are further amended to read as follows:

23.45.46 Lowrise 3, Parking and Access Requirements

\* \* \*

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~~) Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard;

b. The lot does not abut a platted alley;

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

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

b. Topography makes alley access infeasible;

c. The alley is not improved to the standards of (~~sub~~) Section 23.54.10C. If such an alley is used for access, it shall be improved according to the standards of (~~sub~~) Section 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 in or under the structure provided that:

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

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(~~b-c~~) a. For ground-related housing (~~in or under the structure, provided that~~) the parking is screened from direct street view by the (~~front~~) street facing facades of the structure, Exhibit 45.46B, by garage doors, or by a fence and landscaping as provided in Section 23.45.46D (~~below~~), Exhibit 45.46(~~e-or~~) A.

b. For (~~A~~) apartments and terraced housing (~~in or under the structure, provided that~~) the parking is screened from direct street view by the (~~front~~) street facing facades of the structure. For each permitted curb cut, the facades may contain one garage door, not to exceed the maximum width allowed for curb cuts, Exhibit 45.46B.

(~~or~~) No open parking shall be permitted between a structure and the front lot line, or in the required front setback, except as provided in subsections C4, C5, C6, and C7 of this Section.

3. Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in Section 23.45.46D.

a. Parking may be located between any structures on the same lot.

b. Rear lot lines

Parking may be located between any structure and the rear lot line of the lot, Exhibit 45.46C.

c. Side lot lines

Parking may be located between any structure and a side lot line which is not a street side lot line, Exhibit 45.46C. Where the location between the structure and a side lot line is also between a portion of the same structure and the front lot line, subsection C3d(3) shall apply, Exhibit 45.46D.

d. Front and street side lot lines

Parking may be located between any structure and the front and street side lot lines provided that:

(~~4-F~~) (1) On a through lot (~~less than one hundred feet~~), parking may be located between the structure and one of the front lot lines provided that on lots one hundred twenty-five feet or more in depth, parking (~~may be~~) shall not be located in (~~the~~) either front setback (~~which is~~). The frontage in which the parking may be located shall be determined by the Director (~~to be most consistent with the existing~~) based on the prevailing character and setback patterns (~~of~~) of the block.

(5.) (2) For ground-related housing on corner lots, parking may be located between the structure and (~~the~~) a street lot line (~~shall be permitted~~) along one street frontage only.

(3) Parking may be located between the front lot line and a portion of a structure provided that:

- The parking is also located between a side lot line, other than a street side lot line, and a portion of the same structure which is equal to at least thirty percent of the total width of the structure, Exhibit 45.46D.

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- The parking is not located in the front setback and in no case is closer than fifteen feet to the front lot line.

4. Location of parking in special circumstances

a. For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street, Exhibit 45.46E.

(6-\*)b. The Director may permit variations from the development standards for parking location and design and curbcut quantity and width, for lots meeting the following conditions:

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

- 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.

(3) Lots proposed for either ground-related, apartment or terraced housing which are waterfront lots and are developed in accordance with Section 24.60.395, Shoreline Master Program.

(4) On lots meeting the standards listed ~~(above)~~ in subsections C4b(1) through (3), 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 in or under the ~~(front of the)~~ structure if screened from direct street view by garage doors or by fencing and landscaping.

~~((5))~~ (5) In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the exception, and that the proposed alternative solution meets the following objectives: maintaining on-street parking capacity, an attractive environment at street level, landscaped ~~(front)~~ street setbacks ~~(and)~~, unobstructed traffic flow and, where applicable, the objectives of the Shoreline Master Program. In no case shall a curb cut be authorized to exceed thirty feet in width.

~~((7))~~ (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 45.46D.)

Section 27. Subsection C of Section 23.45.54, as last amended by Ordinance 110793, is further amended to read as follows:

23.45.54 Midrise, Modulation Requirements

\*\*\*

C. Modulation standards

1. Minimum depth of modulation

a. The minimum depth of modulation shall be eight feet, 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 45.54C.

2. The minimum width of modulation shall be ten feet, 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))~~ required by subsection C1, then for every additional full 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 and Section 23.86.02B, Measurements, shall not apply.

(2) The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guideline: the width of modulation of such a facade shall be permitted to exceed forty 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(1) above))~~ subsection C3b(1), 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 28. Subsections A and C of Section 23.45.56, as last amended by Ordinance 110793, are further 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 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 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))~~ eight feet above existing grade shall be closer to the front lot line than five feet.

c. Portions of the facade which begin 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 eight feet or more above existing grade shall be no closer than three feet to the front lot line, Exhibit 45.56A.

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 23.45.4202c, 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 setback of a reversed corner lot shall be as follows:

(1) When the required front setback of the key lot is less than eight feet, the side street setback shall be equal to the key lot's front setback.

(2) When the required front setback of the key lot is at least eight feet but not more than sixteen feet, the side street setback shall be eight feet.

(3) When the required front setback of the key lot is greater than sixteen feet, the side street setback 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)~~). The setback may be averaged along the entire structure depth, but shall at no point be less than five feet. (~~(Averaging shall not be permitted, Exhibit 45.56B.)~~)

(4) When the actual setback of the structure on the key lot is less than eight feet, the side street setback shall be equal to the distance between the front lot line of the key lot and structure regardless of the front setback requirement.

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 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	51-65
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).

\* \* \*

Section 29. Subsections A and B of Section 23.45.58, as last amended by Ordinance 110793, are further 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. Decks may project into setbacks in accordance with Section 23.45.56D.

b. On lots with slopes of twenty percent or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such

decks shall not cover the open space of another unit, nor be above the living space of any unit.

**2. Apartments**

a. A minimum of twenty-five 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 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, except as permitted in subsection B1d.

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, unless the facing units are single family dwelling units.)) For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten feet, the open space may be located a maximum of ten feet plus the height between floors in excess of ten feet, above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two feet above grade, the open space may be located a maximum of ten feet plus the additional height of the first floor in excess of two feet above grade, above or below the unit it serves.

e. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area

which directly faces the open space of a different unit are prohibited unless such openings are screened by view-obscuring fences, free-standing walls, or windwalls. Fences, free-standing walls, or windwalls located in setbacks shall be no more than six feet in height in accordance with Section 23.45.56D.

f. 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. In order to qualify as above ground open space, balconies, decks, roof gardens, solaria, 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, 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 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.

\*\*\*

Section 30. Subsections B and C of Section 23.45.60, as last amended by Ordinance 110793, are further amended to read as follows:

## 23.45.60 Midrise, Parking and Access Requirements

\*\*\*

### 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

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Access to parking shall be from the street when:

a. ((Location of alley)) Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard;

b. The lot does not abut a platted alley;

c. Apartments or terraced housing are proposed across an alley from a Single Family, Lowrise 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:

a. Ground-related housing is proposed across the alley from a Single Family, Lowrise 1 or Lowrise 2 zone;

b. Topography makes alley access infeasible;

c. The alley is not improved to the standards of ((sub)) Section 23.54.10C. If such an alley is used for access, it shall be improved according to the standards of ((sub)) Section 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 in or under the structure provided that:

((a-)) ~~Between the structure and the side or rear lot line Exhibit 45.60A, except as provided in Section 23.45.5602, if the parking is screened from direct street view as provided in Section 23.45.60B below, or)~~

((b-6)) a. For ground-related housing ((+ in or under the structure, provided that)) the parking is screened from direct street view by the ((front)) street facing facades of the structure, Exhibit 45.60B, by garage doors, or by a fence and landscaping as provided in Section 23.45.60D ((below)), Exhibit 45.60((E, or)) A.

b. For ((A)) apartments and terraced housing ((+ in or under the structure, provided that)) the parking is screened from direct street view by the ((front)) street facing facades of the structure. For each permitted curb cut, the facades may contain one garage door, not to exceed the maximum width allowed for curb cuts, Exhibit 45.60B.

((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 subsections C4, C5, C6, and C7 of this Section-))

3. Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in Section 23.45.60D.

a. Parking may be located between any structures on the same lot.

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b. Rear lot lines

Parking may be located between any structure and the rear lot line of the lot, Exhibit 45.60C.

c. Side lot lines

Parking may be located between any structure and a side lot line which is not a street side lot line, Exhibit 45.60C. Where the location between the structure and a side lot line is also between a portion of the same structure and the front lot line, subsection C3d(3) shall apply, Exhibit 45.60D.

d. Front and street side lot lines

Parking may be located between any structure and the front and street side lot lines provided that:

~~((4- For))~~(1) On a through lot (~~(is less than one hundred feet))~~, parking may be located between the structure and one of the front lot lines provided that on lots one hundred twenty-five feet or more in depth, parking ~~(may be)~~ shall not be located in ~~((the))~~ either front setback ~~((which is))~~. The frontage in which the parking may be located shall be determined by the Director ~~((to be most consistent with the existing))~~ based on the prevailing character and setback patterns ~~((em))~~ of the block.

~~((5.))~~(2) For ground-related housing on corner lots, parking may be located between the structure and ~~((the))~~ a street lot line ~~((shall be permitted))~~ along one street frontage only.

(3) Parking may be located between the front lot line and a portion of a structure provided that:

- The parking is also located between a side lot line, other than a street side lot line, and a portion of the same structure which is equal to at least thirty percent of the total width of the structure, Exhibit 45.60D.

- The parking is not located in the front setback and in no case is closer than fifteen feet to the front lot line.

4. Location of parking in special circumstances

a. For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street, Exhibit 45.60E.

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

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

(3) Lots proposed for either ground-related, apartment or terraced housing which are waterfront lots and are developed in accordance with Section 24.60.395, Shoreline Master Program.

~~((b-))~~(4) On lots meeting the standards listed ~~((above))~~ in subsections C4b(1) through (3), 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 in or under the ~~((front of the))~~ structure if screened from direct street view by garage doors or by fencing and landscaping.

~~((c-))~~(5) In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the exception, and that the proposed alternative solution meets the following objectives: maintaining on-street parking capacity, an attractive environment at street level, landscaped ~~((front))~~ street setbacks ~~((and))~~, unobstructed traffic flow and, where applicable, the objectives of the Shoreline Master Program. In no case shall a curb cut be authorized to exceed thirty feet in width.

~~((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 45.60B-))~~

\* \* \*

Section 31. Section 23.45.70, as last amended by Ordinance 110793, is further amended to read as follows:

23.45.70 Highrise, Modulation Requirements

A. Modulation shall be required along street fronts for facades thirty-seven feet or less in height, when the width of the facade exceeds thirty feet.

B. Modulation standards

1. The minimum depth of modulation shall be four feet, 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 45.70B.

3. The minimum width of modulation shall be five feet, 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))~~ required by subsections B1 and B2, then for every additional full foot of modulation depth ~~((in excess of four feet))~~, the width of modulation may be increased by two and one-half feet, to a maximum width of fifty feet and Section 23.86.02B, Measurements, shall not apply.

(2) The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guideline: the width of modulation of such a facade shall be permitted to exceed 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 ~~((4.5.11))~~ B4b(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 32. Subsections B and C of Section 23.45.76, as last amended by Ordinance 110793, are further amended to read as follows:

#### 23.45.76 Highrise, Parking and Access Requirements

\* \* \*

##### B. Access to parking

###### 1. Alley access required

Except when one of the conditions of 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))~~ Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard.

###### 3. Street or alley access permitted

Access to parking may be from either the alley or the street when the conditions listed in subsection B2 ~~((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 ~~((subs))~~ Section 23.54.10C. If such an alley is used for access, it shall be improved according to the standards of ~~((subs))~~ Section 23.54.10C.

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##### 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 ~~((+ or - between the structure and the side or rear lot line, Exhibit 45.76A, except as provided in Section 23.45.76B, if the parking is screened from direct street view as provided in subsection 23.45.76B below, or - or -))~~ in or under the structure, provided that the parking is screened from street view by the front facade of the structure, Exhibit 45.76(B)A. 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. For each permitted curb cut, the facades may contain one garage door, not to exceed the maximum width allowed for curb cuts.

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

3. Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in Section 23.45.76D.

a. Parking may be located between any structures on the same lot.

b. Parking may be located between any structure and the rear lot line of the lot, Exhibit 45.76B.

c. Parking may be located between any structure and the side lot lines of the lot, Exhibit 45.76B.

d. Parking shall not be located between any structure and the front lot line of a lot.

###### 4. Location of parking in special circumstances.

For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street, Exhibit 45.76C.

Section 33. Section 23.45.124, as last amended by Ordinance 110793, is further amended to read as follows:

#### 23.45.124 Landmark Structures

A. The Director may authorize a use not otherwise permitted in a multi-family zone within a structure designated as a ~~((L))~~Landmark~~((L))~~, pursuant to the Seattle Municipal Code, Chapter 25.12, Landmark Preservation Ordinance, subject to the following development standards:

1. The use shall be compatible with the existing design and/or construction of the structure without significant alteration; and

2. The use shall be allowed only when it is demonstrated that uses permitted by the zone are impractical because of structure design and/or that no permitted use can provide adequate financial support necessary to sustain the ~~((Landmark))~~ structure in reasonably good physical condition; and

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

8. The parking requirements for a use allowed in a ((#))Landmark((#)) are those listed in Part II of Subtitle IV of this Code, or in Section 24.64.120. These requirements may be waived pursuant to Section 23.54.20E.

Section 34. Section 23.45.168 is added to read as follows:

23.45.168 Roomers, Boarders, Lodgers

The renting of rooms, with or without meals, by a resident family for lodging purposes only, for the accommodation of not more than two roomers, boarders or lodgers is permitted outright as an accessory use within a dwelling unit.

Section 35. Section 23.45.180, as last amended by Ordinance 110793, is further 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 Subchapter--))

A. Any nonconforming use may be continued subject to the provisions of this Subchapter.

B. Any nonconforming use, except an apartment in a Lowrise 1 zone, which has been discontinued for more than twelve consecutive months shall not be reestablished or recommenced. A use shall be considered discontinued when:

1. A permit to change the use of the property or structure was issued and acted upon, or
2. The structure, or portion of a structure, is not being used for the use allowed by the most recent permit, or
3. The structure is vacant, or the portion of the structure formerly occupied by the nonconforming use is vacant. The use of the structure shall be considered discontinued even if materials from the former use remain or are stored on the property.

Section 36. Section 23.45.182, as last amended by Ordinance 110793, is further 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 23.45.19, 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 23.45.00 through 23.45.10, 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.

F. Existing structures or portions of structures containing office uses, or structures for which an application has been made, which are developed in former RHW 350, RHW 200 or RHW 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 23.45.190.))

A nonconforming use shall not be expanded or extended. A structure occupied by a nonconforming use may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended except as follows:

A. Expansions and extensions shall be permitted which are otherwise required by law, as necessary to improve access for the elderly and disabled or as specifically permitted for nonconforming uses and nonconforming structures elsewhere in this Code.

B. A structure containing a nonconforming apartment use in Lowrise 1 zones may be expanded or extended provided that the expansion or extension shall conform to the development standards of the Lowrise 1 zone and shall not cause an already nonconforming structure to become more nonconforming to development standards. Open space shall not be reduced to less than three hundred square feet per unit and no horizontal dimension of open space shall be less than ten feet. Existing ground-related units shall be maintained as ground-related.

C. Additional ground-related dwelling units may be added to a structure occupied by a nonconforming apartment use in Lowrise 1 zones provided that the addition shall conform to the development standards of the Lowrise 1 zone and shall not cause an already nonconforming structure to become

more nonconforming to development standards, except that one dwelling unit may be added without a parking space according to the provisions of Section 23.54.20. Open space for additional dwelling units shall be provided in addition to that required by subsection B.

D. Dwelling units may be added to a structure containing one or more nonconforming uses, even if in a nonconforming structure. The structure within the structure but not beyond the floor area permitted in the former zone nor into any floor area established after August 10, 1982. Types of offices shall be limited to those permitted in the former zone. Additional parking shall be provided according to Section 24.64.120 of the Zoning Code.

F. A nonconforming use which is destroyed by fire or other act of nature may be resumed provided that any structure occupied by the nonconforming use may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed.

Section 37. Section 23.45.184, as last amended by Ordinance 110793, is further amended to read as follows:

#### Section 23.45.184 - Changes To and From Nonconforming Uses

(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 special exception pursuant to Chapter 23.76, Master Use Permit.

B. Legally established residential uses may not be converted to nonresidential use.

C. 1. Except as provided in B above, legally established nonconforming uses may be changed to uses otherwise not permitted in the zone by an administrative conditional use authorization so long as the Director finds that the new use is not more detrimental to property in the zone and vicinity than the existing use. This determination shall be based on the following factors:

a. The zone in which both the existing use and the new use are first 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 nonconforming uses permitted under this subchapter shall be those listed at Section 24.64.120 listing parking requirements by use or, if not listed, as determined under Section 24.64.080 authorizing the Director's determination of the requirement. If the number of spaces required for the new use is greater than the number of spaces specified for the existing use at Section 24.64.120, or, if not specified, as determined under Section 24.64.080, then the number of spaces provided shall be the difference of the two requirements, except as provided in 3 below.

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 for outdoor recreation areas.

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.)

A. A structure occupied by a nonconforming use may be converted to residential use even if in a nonconforming structure. A converted structure may be expanded or extended provided that the expansion or extension shall conform to the development standards of the zone and shall not cause an already nonconforming structure to become more nonconforming to development standards. One unit may be established without a parking space according to the provisions of Section 23.54.20. If more than one unit is being established and there is no feasible way to provide the required parking, then the Director may authorize reduction or waiver of parking as a special exception according to the standards of Section 23.54.20E.

B. A nonconforming apartment use in Lowrise 1 zones may not be converted to any nonresidential use which is not otherwise permitted in the Lowrise 1 zone. Conversion to a permitted use shall conform to the development standards for the new use.

C. Except as provided in Subsection B, a nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone, subject to the following conditions:

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. A single residential unit accessory to the nonconforming use, such as a caretaker's or proprietor's unit, may be converted along with the rest of the nonconforming use provided that it is the only residential use in the structure and comprises less than half of the total floor area of the structure.

3. Parking requirements for the use permitted under this subchapter shall be those listed in Section 24.64.120 listing parking requirements by use or, if not listed, as determined under Section 24.64.080 authorizing the Director's determination of the requirement. If the number of spaces required for the new use is greater than the number of spaces specified for the existing use at Section 24.64.120, or, if not specified, as determined under Section 24.64.080, then the number of spaces provided shall be the difference of the two requirements, except as provided in subsection C3.

4. 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.

D. A nonconforming use which was permitted outright under prior regulations but which is permitted under this Chapter only as a conditional use shall be governed by the provisions of Sections 23.45.116 through 23.45.126.

Section 38. Section 23.45.190, as last amended by Ordinance 110793, is further amended to read as follows:

Section 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.~~

~~3. If a legally established nonconforming structure is destroyed by fire or other act of nature, it may be rebuilt to the same or smaller configurations existing immediately prior to the time the structure was destroyed.)~~

~~A. A nonconforming structure may be maintained, repaired, renovated or structurally altered but shall be prohibited from expanding or extending in any manner which increases the extent of nonconformity or creates additional nonconformity except as follows:~~

1. Expansions or extensions shall be permitted which are otherwise required by law, as necessary to improve access for the elderly and disabled or as specifically permitted for nonconforming uses and nonconforming structures elsewhere in this Code.

2. No parking space need be added for the first dwelling unit added to a structure according to the provisions of Section 23.54.20.

3. A nonconforming structure which is destroyed by fire or other act of nature may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed.

C. A nonconforming accessory structure or a nonconforming deck, porch, or balcony of a principal structure may be rebuilt or replaced but shall not be expanded or extended beyond its former dimensions excepted as permitted by subsection A.

D. A structure located on a lot to which access is provided by a nonconforming easement may be replaced, provided that the number of dwelling units to which access is provided by the easement shall not be increased and the new structure conforms to all other development standards of the zone.

Section 39. Subsections A and B of Section 23.54.10, as last amended by Ordinance 111100, are further 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 ((23.54.10)) A3 or on a permanent access easement to a street meeting the standards of subsection ((23.54.10)) B.

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.

f. Where a potential exists for extending the street system.

3. Street Improvement Standard

a. Streets providing access to and within residential development shall meet the following standards, except as provided in subsection A3b ~~((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 subsection A3a ~~((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) 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 not improved to standard, but is adequate for anticipated current and future needs.

8. Easements

Where ~~((a lot does not abut a street and where))~~ access by easement has been approved by the Director in accordance with subsection A ~~((23.54.10A2b, access to the lot shall be provided to a street by an))~~ the easement ~~((meeting))~~ shall meet the following standards:

1. Vehicle access ((E)) 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 ~~((-))~~;

d. Where the easement crosses a multi-family zoned lot, portions of multi-family structures may be built over an easement provided that a minimum vertical clearance of sixteen and one-half feet is maintained above the surface of the easement roadway and a minimum turning path radius in accordance with Section 23.54.30C, is maintained, Exhibit 54.10A.

2. Vehicle access ((E)) easements serving at least two but fewer than five single family dwelling units

- a. Easement width shall be a minimum of 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 ~~((-))~~;

f. Where the easement crosses a multi-family zoned lot, portions of multi-family structures may be built over an easement provided that a minimum vertical clearance of sixteen and one-half feet is maintained above the surface of the easement roadway and a minimum turning path radius in accordance with Section 23.54.30C, is maintained, Exhibit 54.10A.

3. Vehicle access ((E)) easements serving at least five but fewer than ten single family dwelling units, or fewer than ten multi-family units

- a. Easement width, surfaced width, length, turnaround, and curb cut width shall be as required in subsection B2 ~~((above))~~;
- b. No ~~((principal))~~ single family structure shall be closer than five feet to the easement ~~((-))~~;

c. Where the easement crosses a multi-family zoned lot, portions of multi-family structures may be built over an easement provided that a minimum vertical clearance of sixteen and one-half feet is maintained above the surface of the easement roadway and a minimum turning path radius in accordance with Section 23.54.30C, is maintained, Exhibit 54.10A.

4. Vehicle access ((E)) easements serving ten or more residential units

- 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 ~~(-);~~

h. Where the easement crosses a multi-family zoned lot, portions of multi-family structures may be built over an easement provided that a minimum vertical clearance of sixteen and one-half feet is maintained above the surface of the easement roadway and a minimum turning path radius in accordance with Section 23.54.30C, is maintained, Exhibit 54.10A.

#### 5. Pedestrian access easements

Where a lot proposed for residential use abuts an alley but does not abut a street and the provisions of the zone require access by vehicles from the alley or where alley access is an exercised option, an easement providing pedestrian access to a street from the lot shall be provided meeting the following standards:

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

b. Easements serving one or two dwelling units shall provide a paved sidewalk at least three feet wide;

c. Easements serving three or more dwelling units shall provide a paved sidewalk at least five feet wide;

d. Easements over one hundred feet in length shall provide lighting at intervals not to exceed fifty feet. Lighting placement shall not exceed fifteen feet in height;

e. Easements shall not exceed two hundred feet in length.

~~(f)~~ 6. Vehicle access ~~(e)~~ easements serving major institutions

a. Easement width, surfaced width, length, turnaround, and curb cut width shall be as required in subsection B4 ~~(above)~~;

b. 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;

c. Major institutional uses shall be set back from the easement according to the setback standards for major institution zones, Section 23.48.10. For the purpose of measuring setbacks, the easement shall be considered to be an alley.

\*\*\*

Section 40. Subsections C and E of Section 23.54.20, as last amended by Ordinance 110793, are further amended to read as follows:

23.54.20 Parking Quantity Exceptions

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#### 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.)~~ If an existing structure does not conform to the development standards for parking or is occupied by a nonconforming use when:

- dwelling units are added to the structure, or
- the structure is altered to create additional dwelling units, or
- the structure is completely converted to residential use;

then no parking space need be provided for the first new or added dwelling unit provided that the lot area is not increased and existing parking is screened and landscaped to the greatest extent practical. Additional parking provided shall meet all development standards for the particular multi-family classification.

\*\*\*

#### E. Parking Special Exception

The Director may reduce or waive the minimum accessory offstreet parking requirements for a use permitted in a ~~(4)~~ Landmark ~~(4)~~, or when a structure is completely converted to residential use according to Sections 23.45.06 or 23.45.184 as a special exception, Chapter 23.76, Master Use Permit.

1. In making any such reduction or waiver, the Director shall assess area parking needs. The Director may require a survey of on- and offstreet parking availability. ~~(The Director may also consider the types and scale of uses proposed or practical in the subject Landmark.)~~ The Director may take into account the level of transit service in the immediate area; the probable relative importance of walk-in traffic; proposals by the applicant to encourage carpooling or transit use by employees; hours of operation; ~~(the controls imposed by the landmark designation);~~ and any other factor or factors considered relevant in determining parking impact.

2. For Landmark structures the Director may also consider the types and scale of uses proposed or practical in the subject Landmark and the controls imposed by the landmark designation.

3. For conversion of structures to residential use the Director shall also determine that there is no feasible way to meet parking require-

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ments on the lot and that the proposal meets the objectives of the Multi-family policies.

\*\*\*

Section 41. Section 23.54.30, as last amended by Ordinance 111100, is further amended to read as follows:

23.54.30 Parking Space Standards

On lots subject to this Code, all parking spaces provided shall meet the following standards whether or not the spaces are required by this Code.

\*\*\*

D. Driveways

1. Residential zones

a. Driveways serving fewer than three parking spaces shall not be less than ~~(ten)~~ eight feet wide.

b. Driveways with a turning angle of more than thirty-five degrees shall conform to the minimum turning path radius shown in Exhibit 54.308.

~~((b))~~c. 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))~~d. Driveways serving at least three but not more than 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.

~~((d))~~e. For driveways serving at least three but no more than 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))~~f. 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.

g. Where two adjoining lots share a common driveway, the driveway shall meet the provisions of subsections 01a through 01f based on

the combined number of parking spaces on both lots which are accessed by the driveway. An easement shall be provided to each lot for use of the other lot for driveway purposes. The easement shall be recorded with the King County Department of Records and Elections. The common shared driveway need not meet the easement standards of Section 23.54.10 unless it also serves a lot with no street frontage.

2. Major institution zones

Driveways shall be a minimum of twelve feet in width for one-way traffic and twenty-two feet in width for two-way traffic. Driveways shall conform to the minimum turning path radius shown in Exhibit 54.308.

3. Maximum grade curvature shall not exceed the curvature shown in Exhibit 54.30C.

4. Parking aisles

a. Parking aisles shall be provided according to Exhibit 54.30D.

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

E. Curb cuts

1. Residential zones

a. ~~((Except as provided in subsection E1b 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.)

For lots not located on an arterial with more than fifteen thousand vehicle trips per day, according to Engineering Department data, the number of curb cuts permitted shall be according to the following chart:

Street or Easement Frontage of the Lot	Number of Curb Cuts Permitted
0 - 80 feet	1
81 - 160 feet	2
161 - 240 feet	3
241 - 320 feet	4

For lots with frontage in excess of three hundred twenty feet, the pattern established in the chart shall be continued.

b. Curb cuts shall not exceed a maximum width of ten feet except that one curb cut greater than ten feet but in no case greater than twenty feet in width may be substituted for each two curb cuts permitted by subsection E1a and except as specifically permitted by the development standards in a zone.

((b))c. For lots ((θ)) on arterials with more than fifteen thousand average vehicle trips per day, according to Engineering Department data, ((one twenty-three foot wide)) curb cuts of a maximum width of twenty-three feet shall be permitted according to the following chart. A list of such arterials shall be maintained by the Department.

Street Frontage of the Lot	Number of Curb Cuts Permitted
0 - 160 feet	1
161 - 320 feet	2
321 - 480 feet	3

For lots with street frontage in excess of four hundred eighty feet the pattern established in the chart shall be continued.

d. There shall be at least thirty feet between any two curb cuts located on a lot.

e. A curb cut may be less than the maximum width permitted but shall be at least as wide as the minimum required width of the driveway it serves.

f. Where two adjoining lots share a common driveway according to the provisions of Section 23.54.3001, the combined frontage of the two lots shall be considered one in determining the maximum number of permitted curb cuts.

.2. Major institution zones

a. A maximum of two curb cuts for one-way traffic or one curb cut for two-way traffic shall be permitted for each two hundred feet of street frontage, and on corner lots with less than two hundred feet of street frontage.

b. Curb cut widths

(1) The minimum width of curb cuts for one-way traffic shall be twelve feet, and the maximum width shall be fifteen feet.

(2) The minimum width of curb cuts for two-way traffic shall be twenty-two feet, and the maximum width shall be twenty-five feet.

3. Curb cut flare

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

\*\*\*

Section 42. Section 23.84.04, as last amended by Ordinance 110570, is further amended by adding a new subsection to read as follows:

23.84.04 "g"

\*\*\*

Boarder

A person who rents a room or rooms for lodging purposes within a dwelling unit on not less than a monthly basis.

\*\*\*

Section 43. Section 23.84.12, as last amended by Ordinance 110793, is further amended by amending subsection "Facade" to read as follows:

23.84.12 "F"

\*\*\*

Facade

Any exterior wall of a structure including projections from, and attachments to the wall. Projections and attachments shall include balconies, decks, porches, chimneys, unenclosed corridors, and similar projections.

\*\*\*

Section 44. Section 23.84.14 is amended by amending subsection "Garage, Private" to read as follows:

23.84.14 "G"

\*\*\*

Garage, private

See ((Parking)) Private garage

\*\*\*

Section 45. Section 23.84.24, as last amended by Ordinance 110793, is further amended by adding a new subsection to read as follows:

23.84.24 "L"

\*\*\*

Lodger

See Boarder.

\*\*\*

Section 46. Section 23.84.26 is amended by amending subsections "Nonconforming structure" and "Nonconforming use" to read as follows:

23.84.26 "N"

\*\*\*

Nonconforming structure

A structure which was lawful when established which does not now conform to the development standards of the zone in which it is located. A structure shall be considered established if it conformed to applicable zoning regulations at any time, or when it is built under permit, a permit for the structure has been granted and has not expired, or the structure is substantially underway in accordance with Section 23.04.100.

Nonconforming use

A use of land or structure which was lawful when established and which does not conform to the use regulations of the zone in which it is located. A use shall be considered established if it conformed to applicable zoning regulations at any time, or when it has commenced under permit, a permit for the use has been granted and has not expired, or a structure to be occupied by the use is substantially underway in accordance with Section 23.04.10D.

\*\*\*

Section 47. Section 23.84.32, as last amended by Ordinance 110793, is further amended by adding a new subsection to read as follows:

23.84.32 "R"

\*\*\*

Roomer

See Boarder.

\*\*\*

Section 48. Section 23.84.36, as last amended by Ordinance 111100, is further amended by amending subsection "Subdivision" to read as follows:

23.84.36 "S"

\*\*\*

Subdivision

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

\*\*\*

Section 49. Subsection B of Section 23.86.02 is amended to read as follows:

23.86.02 General Provisions

\*\*\*

8. When any measurement technique for determining the number of items required or allowed, including but not limited to parking or bicycle spaces, dwelling units or required trees or shrubs, results in fractional requirements, any fraction up to and including one-half of the applicable unit of measurement shall be disregarded and fractions over one-half shall require the next higher full unit of measurement.

When any measurement technique for determining required minimum or allowed maximum dimensions, including but not limited to height, yards, setbacks, lot coverage, open space, building depth, parking space size or curbcut width, results in fractional requirements, the dimension shall be measured to

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the nearest inch. Any fraction up to and including one-half of an inch shall be disregarded and fractions over one-half shall be included in the measurement.

Section 50. Subsections A and B of Section 23.86.10, as last amended by Ordinance 110793, are further amended to read as follows:

23.86.10 Yards

A. Measuring Required Yards

Required yard dimensions shall be horizontal distances, measured perpendicular to the appropriate lot lines, Exhibit 86.10A.

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

B. Front Yards

1. Determining Front Yard Requirements

Front yard requirements are presented in the development standards ~~((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))~~ single family structures and front lot lines of the nearest ~~((principal))~~ single family structures on each side of the lot, Exhibit 86.10B. When the front facade of the ~~((principal))~~ single family structure is not parallel to the front lot line, the shortest distance from the front lot line to the structure shall be used for averaging purposes, Exhibit 86.10C.

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))~~ single family 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 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))~~ single family structure. Enclosed porches shall be considered part of the ~~((principal))~~ single family structure for measurement purposes. Attached garages or carports permitted in front yards under either Sections ~~((23.44.0004))~~ 23.44.1407 or ~~((23.44.1905))~~ 23.44.16E, decks, uncovered porches, eaves, 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, w))~~ When the first ~~((principal))~~ single family 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))~~ single family structure within one hundred feet of the side lot line, the yard depth used for averaging purposes on that side shall be twenty feet, Exhibits 86.10D and 86.10E.

e. When the front yard of the first ~~((principal))~~ single family 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

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shall be twenty feet, Exhibit 86.10F.

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 51. Subsections B and C of Section 23.86.14, as last amended by Ordinance 110793, are further amended to read as follows:

23.86.14 Structure Width

\*\*\*

~~((2. Decks and balconies 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.~~

~~Or 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.)~~

B. Portions of a structure which shall be considered part of the principal structure for the purpose of measuring structure width are as follows:

1. Carports and garages attached to the principal structure unless attached by a structural feature not counted in structure width under subsection C.

2. Exterior corridors, hallways or open, above grade walkways, except portions which are elevated walkways connecting structures in a cluster development.

3. Enclosed porches, decks, balconies and other enclosed projections.

4. Chimneys used to meet modulation requirements.

5. Modulated and projecting segments of a facade unless excluded in subsection C.

C. Portions of a structure which shall not be considered part of the principal structure for the purpose of measuring structure width are as follows:

1. Eaves, cornices and gutters provided that when such features project more than eighteen inches from an exterior wall only eighteen inches shall be excluded in the measurement of structure width.

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2. The portion of elevated walkways connecting buildings in cluster developments.

3. Chimneys not used to meet modulation requirements provided that only eighteen inches shall be excluded in the measurement of structure width.

4. Attached solar greenhouses meeting minimum standards administered by the Director.

5. Unenclosed decks, balconies and porches, ten feet or less above existing grade, unless located on the roof of an attached garage or carport included in structure width in subsection B1.

6. Unenclosed decks, balconies and porches, more than ten feet above existing grade, provided that when such features project more than four feet from an exterior wall only four feet shall be excluded in the measurement of structure width. Such features shall be excluded whether or not used to meet modulation requirements.

\*\*\*

Section 52. Subsection A of Section 23.86.16, as last amended by Ordinance 110793, is further amended to read as follows:

23.86.16 Structure Depth

A. Measuring structure depth

In certain zones structure depth is limited by development standards. The following provisions shall apply for determining structure depth:

1. Structure depth shall be measured by the following method:

a. Draw a rectangle that encloses the principal structure.

b. Structure depth shall be the length of the sides of that rectangle most closely parallel to the side lot lines, Exhibit 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.)~~

2. Portions of a structure which shall be considered part of the principal structure for the purpose of measuring structure depth are as follows:

a. Carports and garages attached to the principal structure unless attached by a structural feature not counted in structure depth under subsection A3.

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b. Exterior corridors, hallways or open, above grade walkways, except portions which are elevated walkways connecting structures in a cluster development.

c. Enclosed porches, decks, balconies and other enclosed projections.

d. Chimneys used to meet modulation requirements.

e. Modulated and projecting segments of a facade unless excluded in subsection A3.

f. Accessory structures which are less than three feet from the principal structure at any point.

3. Portions of a structure which shall not be considered part of the principal structure for the purpose of measuring structure depth are as follows:

a. Eaves, cornices and gutters provided that when such features project more than eighteen inches from an exterior wall only eighteen inches shall be excluded in the measurement of structure depth.

b. The portion of elevated walkways connecting buildings in a cluster development.

c. Chimneys not used to meet modulation requirements provided that only eighteen inches shall be excluded in the measurement of structure depth.

d. Attached solar greenhouses meeting minimum standards administered by the Director.

e. Unenclosed decks, balconies and porches, ten feet or less above existing grade, unless located on the roof of an attached garage or carport included in structure depth in subsection A2a.

f. Unenclosed decks, balconies and porches, more than ten feet above existing grade, provided that when such features project more than four feet from an exterior wall only four feet shall be excluded in the measurement of structure depth. Such features shall be excluded whether or not used to meet modulation requirements.

\* \* \*

Section 53. Section 23.86.18, as last amended by Ordinance 110793, is further amended by amending subsections E and F and adding subsections G, H and I, to read as follows:

23.86.18 Open Space

\* \* \*

E. Development standards ((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.

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2. Pedestrian access areas shall not be considered to break the contiguity of open space on each side.

F. In shoreline areas, when determining the amount of open space required or provided, no land waterward of the ordinary high water mark shall be included in the calculation.

G. In order for a ground area, roof area, deck or balcony to be considered as open space, it shall have a minimum area and provide a minimum horizontal dimension as established in each zone. For the purpose of measuring the horizontal dimensions of open space, the following provisions shall apply:

1. For rectangular or square areas, each exterior dimension of the area shall meet the minimum dimension, Exhibit 86.18A.

2. For irregularly shaped areas where all lines intersect at or approximately at ninety degree angles, an area which is not less than sixty percent of the minimum dimension in width and does not extend further than sixty percent of the minimum dimension from a contiguous rectangular or square area of which all sides meet or exceed the minimum dimension, may be included as required open space, Exhibit 86.18B.

3. For triangular areas, all exterior dimensions of the area shall meet or exceed the minimum dimension, Exhibit 86.18C.

4. For circular areas, the diameter of the circle shall meet the minimum dimension; for semi-circular areas, the radius of the area shall meet the minimum dimension, Exhibit 86.18D.

5. In cases where the shape of the open space is so unusual that the above provisions cannot be applied, for example, a curvilinear shape, the Director shall determine when open space requirements have been met.

H. Open space for ground-related housing must be within ten feet, measured vertically, of the dwelling unit it serves. The ten feet shall be measured between the finished floor level of the principal living areas of a dwelling unit and the grade of at least fifty percent of the required open space. Direct access to the open space shall be from at least one habitable room of at least eighty square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination.

The grade of the open space can either be the existing grade or within eighteen inches of existing grade. The portion of the open space which is within ten feet of the unit shall include the point where the access to the open space from the unit occurs.

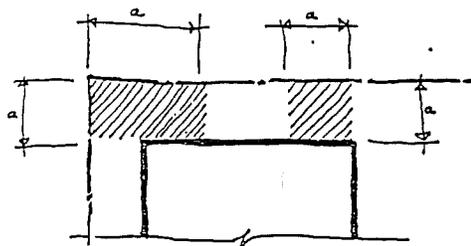
I. In the case of a lot where a portion is reserved as a vehicular access easement to another lot, when determining the amount of open space required or provided, no land within the limits of the easement shall be included in the calculation except where a portion of the structure is constructed over the easement.

Section 54. Section 23.94.10 is amended by dividing Subsection F into two subsections to read as follows:

23.94.10 Petition for Amendment

\* \* \*

-72-



"a" - Equal to or greater than minimum required dimension for square or rectangular areas.

EXHIBIT 86.18A  
Measurement of Rectangular Open Spaces

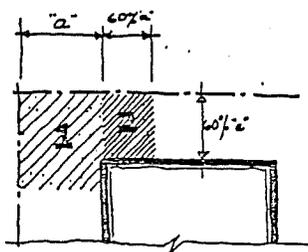


EXHIBIT 86.18B  
Measurement of Irregular Open Spaces

"a" = Minimum horizontal dimension of open space as established in each zone.

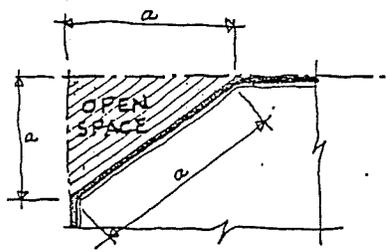


EXHIBIT 86.18C  
Measurement of Triangular Open Spaces

"a" = Minimum horizontal dimension of open space as established in each zone.

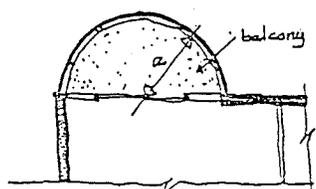
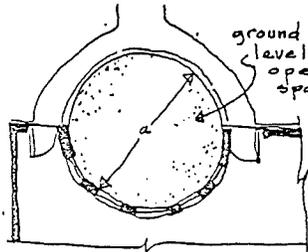
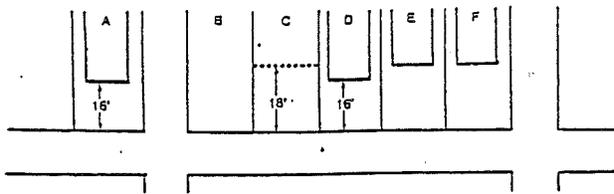


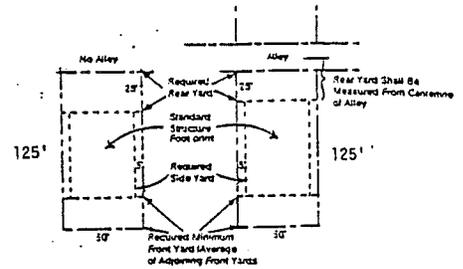
EXHIBIT 86.18D - Measurement of Circular Open Spaces

"a" = Minimum horizontal dimension of open space as established in each zone.

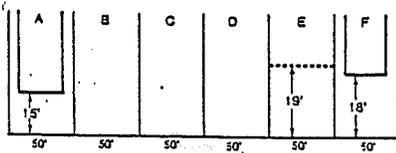


**EXHIBIT 86.10D**

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

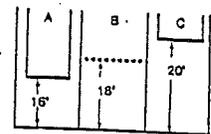
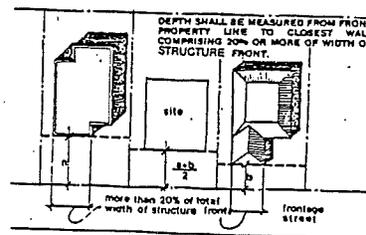


**EXHIBIT 86.10A** Standard Required Yards (SF zone example)



**EXHIBIT 86.10E** Minimum Required Front Yards, Adjoining Lots Unimproved

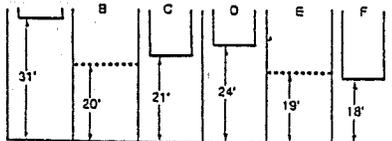
1. Front yard Lot F = 18'
2. Lots B, C, D unimproved.
3. Use 20' for averaging purposes on west side.
4. Minimum required front yard, Lot E =  $(20 + 18)/2 = 19'$



- Required minimum front setback for Lot B determined as follows:
1. Front setback, Lot A = 16'.
  2. Front setback, Lot C = 20'.
  3. Average front setback = 18'.
  4. Required minimum front setback for Lot B = 18'.

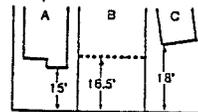
**EXHIBIT 86.10B**

Determination of Front Yard Setback



**EXHIBIT 86.10F**

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

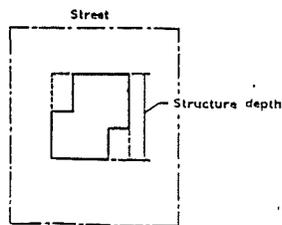


Minimum required front yard for Lot B:

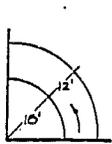
1. Front yard, Lot A = 15'.
2. Front yard, Lot C = 18'.
3. Average front yard = 16.5'.
4. Required minimum front yard for lot B = 16.5'

**EXHIBIT 86.10C**

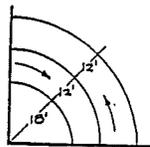
Calculating Minimum Required Front Yard, Unusual Front Walls



**EXHIBIT 86.16A** Structure Depth



ONE WAY TRAFFIC



TWO WAY TRAFFIC

EXHIBIT 54.30B TURNING PATH RADII

EXHIBIT 54.30C  
MAXIMUM GRADE CURVATURES

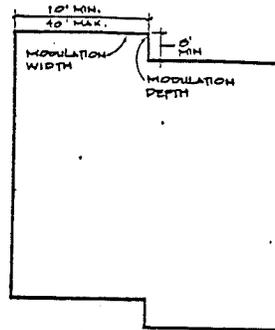
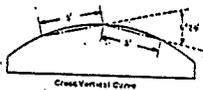
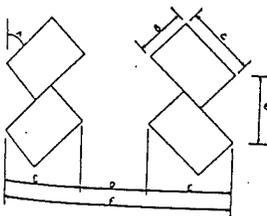


EXHIBIT 45.54B MIDRISE, REQUIRED WIDTH AND DEPTH OF MODULATION

A PARKING ANGLE	B STALL WIDTH	C STALL LENGTH	D AISLE WIDTH	E CAR'S DEPTH PER CAR	F UNIT WIDTH	G CAR'S LENGTH PER CAR
0°	7.5	180	100	75	250	180
	8.0	200	100	80	260	200
	8.5	240	120	85	290	240
45°	7.5	150	110	15.91	42.82	10.61
	8.0	160	130	16.97	46.90	11.3
	8.5	190	130	19.44	51.88	12.02
60°	7.5	150	130	16.74	44.78	8.66
	8.0	160	150	17.86	50.72	9.24
	8.5	190	175	20.70	58.90	9.82
75°	7.5	150	165	16.43	49.36	7.76
	8.0	160	185	17.52	53.54	8.25
	8.5	190	200	20.55	61.10	8.80
90°	7.5	150	200	150	500	75
	8.0	160	220	160	540	80
	8.5	190	240	190	620	85

\* REQUIRED AISLE WIDTH IS FOR ONE WAY TRAFFIC ONLY. IF TWO WAY TRAFFIC IS PROPOSED, THEN THE MINIMUM AISLE WIDTH SHALL BE 20.00' OR GREATER.



THE FOLLOWING EQUATIONS MAY BE USED TO COMPUTE DIMENSIONS FOR PARKING ANGLES OTHER THAN THOSE PROVIDED IN THE CHART ABOVE:

$$E = C \sin A \cos A$$

$$G = B / \sin A$$

NOTE: AISLE WIDTHS SHALL BE PROVIDED AS REQUIRED FOR THE NEXT GREATER PARKING ANGLE SHOWN IN THE CHART ABOVE.

EXHIBIT 54.30D PARKING AISLE DIMENSIONS

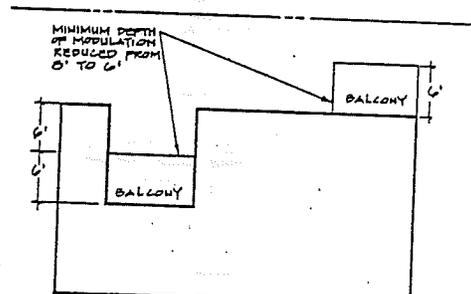
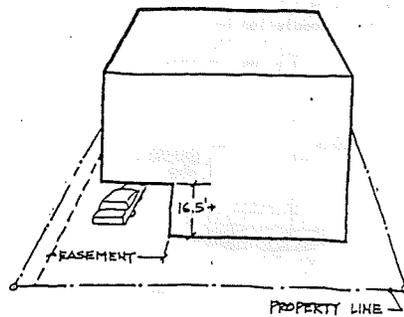
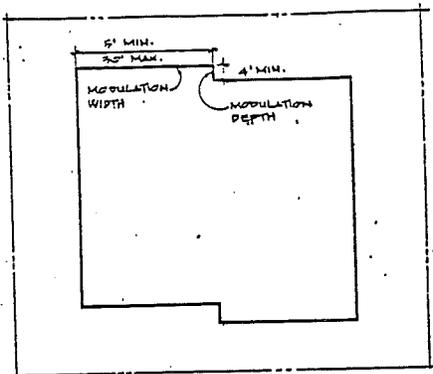


EXHIBIT 45.54C MIDRISE, REDUCTION IN MODULATION DEPTH FOR BALCONY

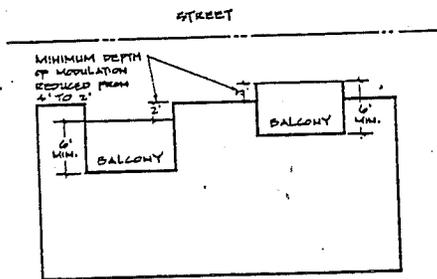


Minimum vertical clearance of 16.5 feet over easement roadway

EXHIBIT 54.10A Multi-family Structures Permitted to be Constructed Over Vehicle Access Easement.

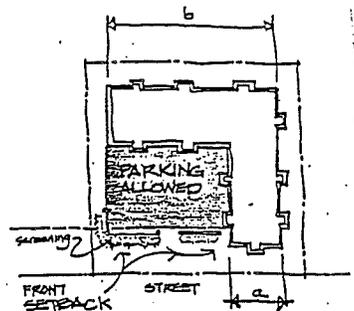
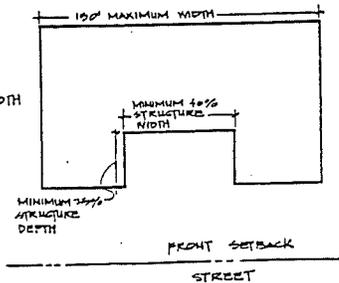


- EXHIBIT 45.26B Lowrise 2, Required Width and Depth of Modulation
- EXHIBIT 45.40B Lowrise 3, Required Width and Depth of Modulation
- EXHIBIT 45.70A Highrise, Required Width and Depth of Modulation



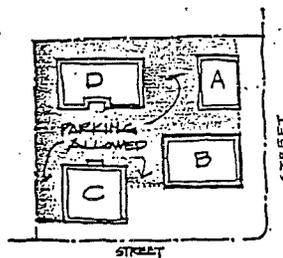
- EXHIBIT 45.26C Lowrise 2, Reduction in Modulation Depth for Balconies
- EXHIBIT 45.40C Lowrise 3, Reduction in Modulation Depth for Balconies
- EXHIBIT 45.70B Highrise, Reduction in Modulation Depth for Balconies

EXHIBIT 45.38A LOWRISE 3, STRUCTURE WIDTH EXCEPTION



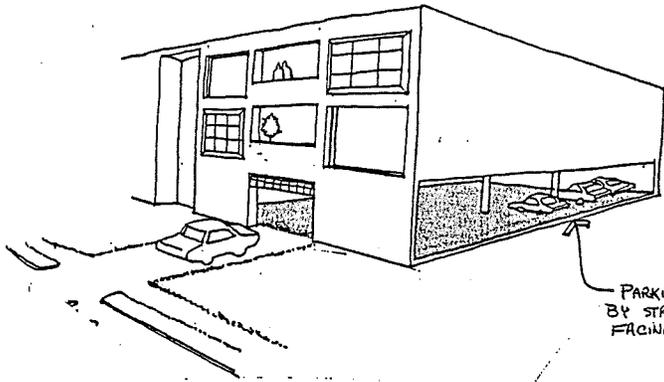
"a" must be at least 30% of "b".

- EXHIBIT 45.180 Parking In Front of the Structure When Beside a Portion of the Structure
- EXHIBIT 45.320 Parking In Front of the Structure When Beside a Portion of the Structure
- EXHIBIT 45.46D Parking In Front of the Structure When Beside a Portion of the Structure
- EXHIBIT 45.60D Parking In Front of the Structure When Beside a Portion of the Structure



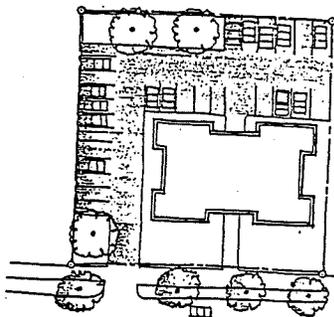
Parking permitted in shaded areas.

- EXHIBIT 45.18E Parking in a Cluster Development
- EXHIBIT 45.32E Parking in a Cluster Development
- EXHIBIT 45.46E Parking in a Cluster Development
- EXHIBIT 45.60E Parking in a Cluster Development
- EXHIBIT 45.76C Parking in a Cluster Development

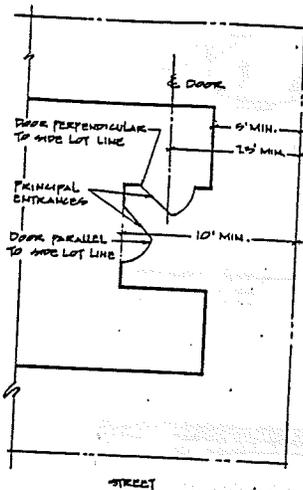


PARKING SCREENED BY STREET FACING FACADES

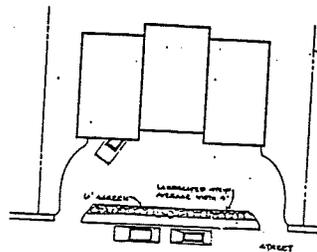
- EXHIBIT 45.18B Parking Screened by Street Facing Facades or Garage Doors
- EXHIBIT 45.32B Parking Screened by Street Facing Facades
- EXHIBIT 45.46B Parking Screened by Street Facing Facades
- EXHIBIT 45.60B Parking Screened by Street Facing Facades
- EXHIBIT 45.76A Parking Screened by Street Facing Facades



- EXHIBIT 45.18C Parking Permitted Between the Structure and Rear and Side Lot Lines
- EXHIBIT 45.32C Parking Permitted Between the Structure and Rear and Side Lot Lines
- EXHIBIT 45.46C Parking Permitted Between the Structure and Rear and Side Lot Lines
- EXHIBIT 45.60C Parking Permitted Between the Structure and Rear and Side Lot Lines
- EXHIBIT 45.76B Parking Permitted Between the Structure and Rear and Side Lot Lines



- EXHIBIT 45.14D Lowrise 1, Side Setbacks for Principal Entrances
- EXHIBIT 45.28D Lowrise 2, Side Setbacks for Principal Entrances
- EXHIBIT 45.42D Lowrise 3, Side Setbacks for Principal Entrances



- EXHIBIT 45.18A Parking Screened by Fence and Landscaping
- EXHIBIT 45.32A Parking Screened by Fence and Landscaping for Ground Related Housing
- EXHIBIT 45.46A Parking Screened by Fence and Landscaping for Ground Related Housing
- EXHIBIT 45.60A Parking Screened by Fence and Landscaping for Ground Related Housing

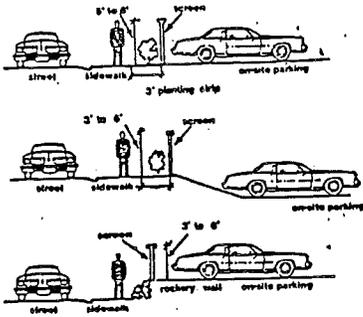
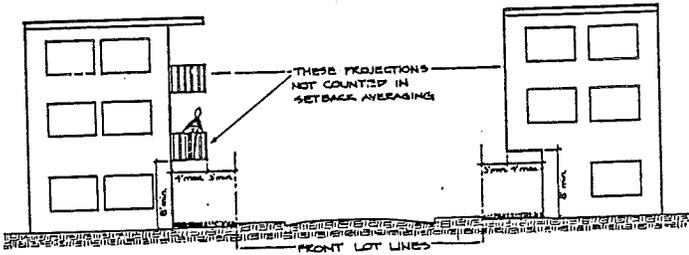


EXHIBIT 44.16B SCREENING OF PARKING



- EXHIBIT 45.14A Front Projections
- EXHIBIT 45.28A Front Projections
- EXHIBIT 45.42A Front Projections
- EXHIBIT 45.56A Front Projections

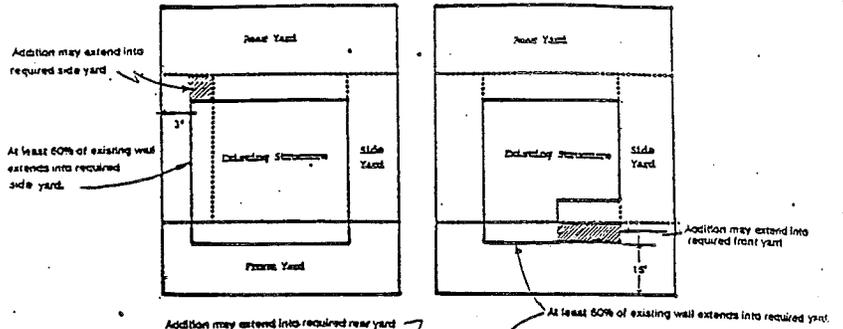


EXHIBIT 44.14A Permitted additions into required yards for existing single family residences.

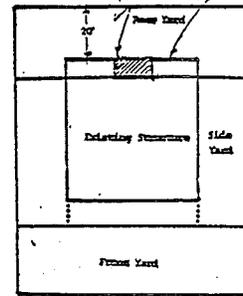
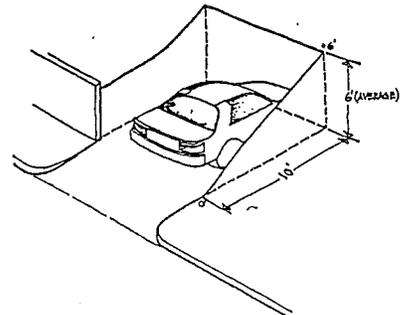


EXHIBIT 44.14A Permitted additions into required yards for existing single family residences.

EXHIBIT 44.16A  
Parking in Uphill Front Yards  
 Parking permitted when existing grade is an average of 6 feet above sidewalk grade at 10 feet from the lot line.



F. The Council shall consider the Director's report and testimony from the public hearing in its decision on the proposed text amendment.

G. If a petition for an amendment to the text of the Land Use Code is denied by the Council after public hearing, no identical or substantially the same amendment shall be considered until twelve months have passed since the filing of the denial of the petition.

Section 55. Section 23.94.20 is amended to read as follows:

23.94.20 City-Initiated Amendments

A. The Council or any ~~((other))~~ City department may initiate an amendment to the text of the Land Use Code by referring a proposal to the Director for a report and recommendation.

B. The proposed amendment shall be subject to the procedure established in Section 23.94.10~~((+C)-(G))~~C through G.

Section 56. Subsection A of Section 24.62.120 is amended to read as follows:

24.62.120 Side yard requirements for special conditions

A. When the side lot line of a lot in any B, C, M or I zone adjoins the side lot line of a lot in a less intensive zone regulated by this Title or the side lot line of a lot in a Single Family or Multi-family zone regulated by Title 23, then the adjoining side yard for the lot in the B, C, M or I zone shall not be less than the least side yard or side setback required in the less intensive, Single Family, or Multi-family zone.

\*\*\*

Section 57. Section 24.62.140 is amended to read as follows:

24.62.140 Rear yard requirements for special conditions

When the rear lot line of a lot in a B, C, M or I zone abuts upon a rear or side lot line of a lot in a less intensive zone regulated by this Title or of a lot in a Single Family or Multi-family zone regulated by Title 23, and a rear yard is not otherwise required by this subtitle for the lot in the ~~((more intensive))~~ B, C, M or I zone, then a rear yard shall be required for the lot in the ~~((more intensive))~~ B, C, M or I zone, and its depth shall be not less than one-half of the abutting rear or side yard or the rear or side setback of the lot in the less intensive, Single Family, or Multi-family zone.

Section 58. All section and subsection references in this ordinance are to the Seattle Municipal Code (SMC).

(To be used for all Ordinances except Emergency.)

Section 59. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 17<sup>th</sup> day of October, 1983, and signed by me in open session in authentication of its passage this 17<sup>th</sup> day of October, 1983.

*Alvin K. Williams*  
President of the City Council.

Approved by me this 25<sup>th</sup> day of October, 1983.

*Charles Royer*  
Mayor.

Filed by me this 25<sup>th</sup> day of October, 1983.

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

(SEAL)

Published.....

By *Theresa Dunbar*  
Deputy Clerk.