

2/3/86

ORDINANCE No. 112993

Law Department

2/3/86

COUNCIL BILL No. 105615

OK

The City of

AN ORDINANCE amending Ordinance 112777 to preserve rights, duties and proceedings accrued or commenced under provisions of the land Use Code in existence prior to Ordinance 112777.

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within report that we have considered the

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: JUL 7 1986	By: City Attorney
Referred: JUL 7 1986	To: Land Use
Referred:	To:
Referred:	To:
Reported: AUG 11 1986	Second Reading: AUG 11 1986
Third Reading: AUG 11 1986	Signed: AUG 11 1986
Presented to Mayor: AUG 12 1986	Approved: AUG 12 1986
Returned to City Clerk: AUG 19 1986	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

REC'D 12:01 AUG 11 1986

*Handwritten*

# The City of Seattle--Legislative Department

Date Reported  
and Adopted

## REPORT OF COMMITTEE

President:

Committee on

*Land Use*

was referred the within Council Bill No.

*105615*

that we have considered the same and respectfully recommend that the same:

*Pass*

*8/1/86*

*Vote 5-0*



Committee Chair

GFC:ndc  
07/02/86  
7:ORD4.1

ORDINANCE 112993

AN ORDINANCE amending Ordinance 112777 to preserve rights, duties and proceedings accrued or commenced under provisions of the Land Use Code in existence prior to Ordinance 112777.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That as of June 9, 1986, Ordinance 112777 (providing use and development standards and off-street parking requirements for Commercial and Residential-Commercial Zones) is amended to add a new Section 59A, to read as follows:

Section 59A. Savings Clause

The amendment or repeal by this ordinance if any section of the Land Use Code shall not affect any right or duty accrued or any proceeding commenced under the provisions of such amended or repealed sections prior to the effective date of this ordinance.

Section 2. Any act pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

(To be used for all Ordinances except Emergency.)

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 11<sup>th</sup> day of August, 1986,  
and signed by me in open session in authentication of its passage this 11<sup>th</sup> day of August, 1986.  
*[Signature]*  
President of the City Council.

Approved by me this 19<sup>th</sup> day of August, 1986.  
*[Signature]*  
Mayor.

Filed by me this 19<sup>th</sup> day of August, 1986.

Attest: *Norman J. Brooks*  
City Comptroller and City Clerk.

By *Margaret Centa*  
Deputy Clerk.

(SEAL)

Published .....

PUBLISH  DO NOT PUBLISH

CITY ATTORNEY \_\_\_\_\_



Seattle City Council

Memorandum

Date: July 29, 1986  
To: Land Use Committee  
From: Frank Kirk *FK*

*105615*  
*#2*

Subject: C.B. 105615. An Ordinance amending Ordinance 112777 (NCA) to preserve rights, duties and proceedings accrued or commenced under provisions of the land use code prior to Ordinance 112777.

The proposed ordinance is requested and recommended by DCLU and the Law Department. It is a standard "savings" clause which was inadvertently omitted from the NCA ordinance which the Council passed on March 31, 1986.

The practical purpose is to preserve the City's ability to pursue enforcement cases begun under the old code. The prime examples are 12-15 cases of enforcement against non-commercial junkyards ("junk yards") which are in process based on the old definition of junkyards. The NCA ordinance changed the title from junkyard to salvage yard and limited the definition to business establishments (see attachments). Without the proposed amendment, the City would have to drop the enforcement proceedings.

It is the Law Department's opinion that C.B. 105615 is a continuation of the NCA legislation and does not require a public hearing with 30-day notice. The effective date is retroactive to June 9, 1986, which is the effective date of the NCA ordinance.

FK:gm

Attachments

operated for nonprofit or profit-making purposes; and nonprofit organizations such as colleges and universities, elementary and secondary schools, community centers and clubs, private clubs, religious facilities, museums, and institutes for advanced study.  
(Ord. 111926 § 13, 1984; Ord. 110570 § 15, 1982; Ord. 110381 § 1(part), 1982.)

**23.84.020 "J."**

"Jail" means a public facility for the incarceration of persons under warrant, awaiting trial on felony or misdemeanor charges, or serving a sentence upon conviction. This definition does not include facilities for programs providing alternatives to imprisonment such as prerelease, work release or probationary programs.

→ "Junkyard" means a salvage or recycling use in which junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment. A junkyard shall not be construed to include such uses when conducted entirely within an enclosed building, nor pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

(Ord. 111926 § 14, 1984; Ord. 110570 § 16, 1982; Ord. 110381 § 1(part), 1982.)

**23.84.022 "K."**

"Kitchen." See "Food preparation area."  
(Ord. 110381 § 1(part), 1982.)

**23.84.024 "L."**

"Landmark structure" means a structure designated as a landmark, pursuant to the Landmark Preservation Ordinance, Chapter 25.12.

"Landscape" means to plant with vegetation in the form of hardy trees, shrubs, or grass or evergreen groundcover maintained in good condition. Landscaping may include flowerbeds, walkways, ornamental objects such as fountains, sculptures and other similar objects designed and

arranged to produce an aesthetically pleasing effect, provide a visual barrier, screen undesirable views, reduce stormwater runoff and/or erosion, and provide an acoustical barrier. The area landscaped is determined by the coverage of the plantings or other features.

"Large sign." See "Sign, large."

"Ledge" means a cantilevered or posted platform extending no more than eighteen inches (18") from a structure.

"Loading berth" means an off-street space for the temporary parking of a vehicle while loading or unloading merchandise or materials and which abuts on a street, alley or easement.

"Lodger." See "Boarder."

"Lodging" means a retail sales and service use in which the primary activity is the rental of rooms to the general public on a transient basis.

"Lot" means a platted or unplatted parcel or parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley (Exhibit 23.84.024 A).

"Lot area" means the total area of the horizontal plane within the lot lines of a lot.

"Lot coverage" means that portion of a lot occupied by the principal structure and its accessory structures, expressed as a percentage of the total lot area (Exhibit 23.84.024 B).

"Lot depth" means the horizontal distance between the front and rear lot lines.

"Lot grade, existing" means the natural surface contour of a lot, including minor adjustments to the surface of the lot in preparation for construction.

"Lot line, front" means, in the case of an interior lot, the lot line separating the lot from the street, and in the case of a corner lot, the lot line separating the lot from either street, provided the other is considered to be a side street lot line.

"Lot line, rear" means a lot line which is opposite and most distant from the front lot line.

"Lot line, side" means any lot line not a front lot line or a rear lot line.

"Lot line, side street" means a lot line, other than the front lot line, abutting upon a street.

"Lot lines" means the property lines bounding a lot.

# From NCA ordinance

## Sale of heating fuel

A Non-Household Sales and Service Use in which heating fuel, such as wood, oil, or coal is sold.

## Sales and rental of commercial equipment and construction materials

A non-household sales and service use in which commercial equipment not used in offices, such as building construction, farm, restaurant, or industrial equipment, is rented or sold; and/or in which building materials, farm supplies or industrial supplies are sold. Generally these uses carry a wide variety of one type of product, rather than a wide variety of products. Sales may either be retail or wholesale, and are generally made to businesses rather than to individual households.

## Salvage and recycling

→ A business establishment in which discarded or salvaged materials are collected, stored, transferred, sold, or reused.

1. Recycling Collection Station - A Salvage and Recycling Use in which containers are provided for the collection of secondhand goods and recyclable materials for processing at another location.
2. Recycling Center - A Salvage and Recycling Use in which recyclable materials are collected, stored, and/or processed, including but not limited to crushing, breaking, sorting and packaging operations, but not including any use which is defined as a salvage yard.
- 3. Salvage Yard - A Salvage and Recycling Use in which junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment. A "salvage yard" shall not be construed to include such activity when conducted entirely within an enclosed building, nor pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

## Salvage yard

See Salvage and recycling.

## Sanitarium

See Hospital.

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING . SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

July 7, 1986

City Council  
City of Seattle

RE: Land Use Code Amendments

Honorable Members:

Ordinance 112777 was passed by the City Council on March 31, 1986 and became effective sixty days after the Mayor approved it on April 10, 1986 (June 9). It adopted new use and development regulations and off-street parking requirements for Commercial and Residential-Commercial Zones.

The ordinance amended or repealed various sections of the existing Land Use Code (Title 23). A repeal or amendment extinguishes the prior law, and unless existing rights, duties and proceedings are preserved, the legal basis for them is gone when the new law becomes effective. Accordingly, it is usual practice for the City to "save" such rights, duties and proceedings by express provision in the amending or repealing ordinance, if such is the intent.

It has come to our attention that pending zoning enforcement actions may be affected by some of the amendments or repeals enacted by Ordinance 112777, which we perceive as an unintended effect of that ordinance. A savings clause was not attached to Ordinance 112777.

If you agree that existing rights, duties and proceedings should have been preserved, we recommend adoption of an ordinance amending Ordinance 112777 to add a savings clause. A Council Bill for such purpose is attached, and we recommend its adoption.

Very truly yours,

DOUGLAS N. JEWETT  
City Attorney

By

*Gordon F. Crandall*  
GORDON F. CRANDALL  
Assistant City Attorney

GFC:ndc

cc: Holly Miller, DCLU

## City of Seattle

### ORDINANCE 112777

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 11th day of August, 1986, and signed by me in open session in authentication of its passage this 11th day of August, 1986.

SAM SMITH,  
President of the City Council.

Approved by me this 19th day of August, 1986.

CHARLES ROYER,  
Mayor.

Filed by me this 19th day of August, 1986.

Attest: NORWARD J. BROOKS,  
City Comptroller and City Clerk.

(Seal) By MARGARET CARTER,  
Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, August 22, 1986. (C-418-X)

# Affidavit of Publication

STATE OF WASHINGTON  
KING COUNTY—SS.

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

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a \_\_\_\_\_  
Ordinance No. 112993

was published on August 22, 1986

*B. Blair*

Subscribed and sworn to before me on  
August 22, 1986

*Maureen Summers*  
Notary Public for the State of Washington,  
residing in Seattle.