

AN ORDINANCE relating to housing, land use and zoning; and amending Sections 23.22.024, 23.24.040, 23.42.020, 23.42.040, 23.44.006, 23.44.008, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.022, 23.44.040, 23.44.042, 23.44.044, 23.44.050, 23.45.004, 23.45.014, 23.45.054, 23.45.060, 23.45.076, 23.45.152, 23.45.182, 23.45.184, 23.45.190, 23.47.006, 23.47.011, 23.47.014, 23.47.016, 23.47.023, 23.47.036, 23.47.044, 23.49.033, 23.49.035, 23.49.052, 23.49.070, 23.49.072, 23.49.074, 23.49.076, 23.49.126, 23.49.128, 23.49.134, 23.49.152, 23.49.160, 23.49.162, 23.49.166, 23.49.248, 23.50.012, 23.53.025, 23.53.030, 23.54.020, 23.54.030, 23.76.004, 23.76.006, 23.76.010, 23.76.022, 23.76.034, 23.78.014, 23.79.012, 23.84.002, 23.84.006, 23.84.008, 23.84.014, 23.84.024, 23.84.028, 23.84.030, 23.84.032, 23.84.036, 23.84.046, 23.86.002, 23.86.008, 23.86.010, 23.90.006, 23.90.008, and 3.20.320 of the Seattle Municipal Code.

The City of

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COMPTROLLER FILE No.

Introduced: MAY 16 1984	By: HARRIS
Referred: MAY 16 1984	To: COMMUNITY DEVELOPMENT AND IMPROVEMENT
Referred:	To:
Referred:	To:
Reported: AUG 27 1984	Second Reading: AUG 27 1984
Third Reading:	Signed: AUG 27 1984
Presented to Mayor: AUG 27 1984	Approved: AUG 31 1984
Returned to City Clerk: AUG 31 1984	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Do pass  
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Full Court

OK

0172 AR

*Law Department*

# The City of Seattle--Legislative Department

Date Reported  
and Adopted

## REPORT OF COMMITTEE

President:

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

\_\_\_\_\_ referred the within Council Bill No. \_\_\_\_\_

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

*Do pass as amended*

*w/ a divided report on § 10*

*Full Council vote 7-0*

\_\_\_\_\_  
Committee Chair

ORDINANCE

117263

AN ORDINANCE relating to housing, land use and zoning; and amending Sections 23.22.024, 23.24.040, 23.42.020, 23.42.040, 23.44.006, 23.44.008, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.022, 23.44.040, 23.44.042, 23.44.044, 23.44.050, 23.45.004, 23.45.014, 23.45.054, 23.45.060, 23.45.076, 23.45.152, 23.45.182, 23.45.184, 23.45.190, 23.47.006, 23.47.011, 23.47.014, 23.47.016, 23.47.023, 23.47.036, 23.47.044, 23.49.033, 23.49.035, 23.49.052, 23.49.070, 23.49.072, 23.49.074, 23.49.076, 23.49.126, 23.49.128, 23.49.134, 23.49.152, 23.49.160, 23.49.162, 23.49.166, 23.49.248, 23.50.012, 23.53.025, 23.53.030, 23.54.020, 23.54.030, 23.76.004, 23.76.006, 23.76.010, 23.76.022, 23.76.034, 23.78.014, 23.79.012, 23.84.002, 23.84.006, 23.84.008, 23.84.014, 23.84.024, 23.84.028, 23.84.030, 23.84.032, 23.84.036, 23.84.046, 23.86.002, 23.86.008, 23.86.010, 23.90.006, 23.90.008, and 3.20.320 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.22.024 of the Seattle Municipal Code, as adopted by Ordinance 110570, is further amended as follows:

**23.22.024 Distribution of preliminary plans.**

If the Director determines that the subdivider has met all the application requirements for the preliminary plat and that the preliminary plat contains sufficient elements and data to furnish a basis for its approval or disapproval, the Director shall affix a file number and date of receipt to the application and promptly forward three (3) copies of the plat and the subdivider's preliminary plans for streets and other improvements to the Director of Engineering. The Director shall also forward a copy of the preliminary plat to each of the following:

- A. Director of Public Health;
- B. Superintendent of City Light;
- C. Director of Housing and Human Services ((DEB));
- D. Superintendent of Parks and Recreation;
- E. Superintendent of Water;
- F. Chief, Fire Department;
- G. Metropolitan Services Department ((Municipality-of Metropolitan-Seattle));

who shall review the preliminary plat and, within thirty (30) days, furnish the Director with a report as to the effect of the proposed subdivision upon the public health, safety and general welfare, and containing their recommendations for approval or disapproval of the preliminary plat. The reports of the Director of Engineering and the Superintendent of Water shall also include a recommendation as to the extent

1 and type of improvements to be provided in dedicated areas  
2 and a preliminary estimate of the cost of these improvements.

3 Section 2. Section 23.24.040 of the Seattle Municipal  
4 Code, as last amended by Ordinance 116262, is further amended  
5 as follows:

6 **23.24.040 Criteria for approval.**

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

- 10 1. Conformance to the applicable Land Use  
11 Policies and Zoning Code or Land Use Code provisions;
- 12 2. Adequacy of access for vehicles, utilities and  
13 fire protection as provided in Section 23.53.005  
14 ((23-54-010));
- 15 3. Adequacy of drainage, water supply and  
16 sanitary sewage disposal;
- 17 4. Whether the public use and interests are  
18 served by permitting the proposed division of land;
- 19 5. Conformance to the applicable provisions of  
20 SMC Section 25.09.100, Short subdivisions and subdivisions,  
21 in environmentally critical areas.

22 \* \* \*

23 Section 3. Section 23.42.020 of the Seattle Municipal  
24 Code, as last amended by Ordinance 113978, is further amended  
25 as follows:

26 **23.42.020 Accessory uses.**

27 A. Any accessory use not permitted by Title 23 or  
28 Title 24, either expressly or by the Director, shall be  
prohibited. The Director shall determine whether any  
accessory use on the lot is incidental to the principal use  
on the same lot, and shall also determine whether uses not  
listed as accessory uses are customarily incidental to a  
principal use.

((Permitted-uses-accessory-to-principal-uses-permitted  
outright-shall-be-permitted-outright,-and-uses-accessory-to  
principal-conditional-uses-shall-be-permitted-as-accessory  
conditional-uses,-except-when-specifically-stated-in-Title-23  
or-in-Title-24-)) Unless Title 23 or Title 24 expressly  
permits an accessory use as a principal use, a use permitted  
only as an accessory use shall not be permitted as a  
principal use.

\* \* \*

1 Section 4. Section 23.42.040 of the Seattle Municipal  
2 Code, as last amended by Ordinance 112840, is further amended  
3 as follows:

4 **23.42.040 Temporary uses.**

5 The Director may grant, deny or condition applications  
6 for temporary use authorization for uses not otherwise  
7 permitted or not meeting development standards in the zone,  
8 which are in keeping with the spirit and purpose of the Land  
9 Use Code.

10 A. Temporary Four (4) (~~Three-(3)~~) Week Use.

11 1. A Master Use Permit for any use which is to  
12 last no longer than four (4) (~~three-(3)~~) weeks and does not  
13 involve the erection of a permanent structure may be  
14 authorized under the following conditions:

15 a. The use shall not be materially  
16 detrimental to the public welfare; and

17 b. The use shall not be injurious to  
18 property in the vicinity.

19 2. The Director may impose conditions to ensure  
20 compatibility with adjacent uses and structures and to  
21 mitigate adverse impacts.

22 \* \* \*

23 D. Temporary Relocation of Police and Fire Stations  
24 (~~Uses~~), Twelve (12) Months or Less. A M(~~m~~)aster U(~~u~~)se  
25 P(~~p~~)ermit, issued for a period of twelve (12) months or  
26 less not involving the construction of any permanent  
27 structure, may be authorized subject to the conditions of  
28 subsection A of Section 23.42.040. Such permits shall not be  
renewable.

\* \* \*

Section 5. Section 23.44.006 of the Seattle Municipal  
Code, as last amended by Ordinance 114875, is further amended  
as follows:

**23.44.006 Principal uses permitted outright.**

\* \* \*

B. Floating Homes. Floating homes shall be permitted  
uses in single-family zones subject to the requirements of  
Chapter 23.60;

\* \* \*

1 Section 6. Section 23.44.008 of the Seattle Municipal  
2 Code, as last amended by Ordinance 116262, is further amended  
3 as follows:

4 **23.44.008 Development standards for uses permitted**  
5 **outright.**

6 \* \* \*

7 H. Exterior lighting shall be shielded and directed  
8 away from residentially-zoned lots. The Director may require  
9 that the intensity of illumination be limited and that the  
10 location of the lighting be changed.

11 Section 7. Section 23.44.010 of the Seattle Municipal  
12 Code, as last amended by Ordinance 116262, is further amended  
13 as follows:

14 **23.44.010 Lot Requirements**

15 \* \* \*

16 B. Exceptions to Minimum Lot Area. The following  
17 exceptions to minimum lot area are subject to the limits of  
18 subsection B5. A lot which does not satisfy the minimum lot  
19 area requirements of its zone may be developed or redeveloped  
20 as a separate building site according to the following:

21 1. In order to recognize separate building sites  
22 established in the public record under previous codes, to  
23 allow the consolidation of very small lots into larger lots,  
24 to adjust lot lines to permit more orderly development  
25 patterns, and to create additional buildable sites out of  
26 oversized lots which are compatible with surrounding lots,  
27 the following exceptions are permitted if the Director  
28 determines that:

a. The lot was established as a separate  
building site in the public records of the county or City  
prior to July 24, 1957 by deed, contract of sale, mortgage,  
property tax segregation, platting or building permit and has  
an area of at least seventy-five percent (75%) of the minimum  
required lot area and at least eighty percent (80%) of the  
mean lot area of the lots on the same block face and within  
the same zone in which the lot is located (Exhibit  
23.44.010A); or

b. The lot is or was created by subdivision,  
short subdivision or lot boundary adjustment, and is at least  
seventy-five percent (75%) of the minimum required lot area  
and is at least eighty percent (80%) of the mean lot area of  
the lots on the same block face within which the lot will be  
located and within the same zone (Exhibit 23.44.010A); or

2. The lot area deficit is the result of a  
dedication or sale of a portion of the lot to the City or  
state for street or highway purposes and payment was received  
for only that portion of the lot, and the lot area remaining  
is at least fifty percent (50%) of the minimum required; or

1           3. The lot would qualify as a legal building site  
2 under this section but for a reduction in lot area due to  
3 court-ordered adverse possession, and the amount by which the  
4 lot was so reduced was less than ten percent (10%) of the  
5 former area of the lot, provided that this exception shall  
6 not apply to lots reduced to less than fifty percent (50%) of  
7 the minimum area required under subsection A of Section  
8 23.44.010.

9           4. The lot was established as a separate building  
10 site in the public records of the county or City prior to  
11 July 24, 1957 by deed, contract of sale, mortgage, property  
12 tax segregation, platting or building permit, and falls into  
13 one of the following categories, provided that lots on  
14 totally submerged lands shall not qualify for this exception:

15           a. The lot is not held in common ownership  
16 with any contiguous lot on or after the effective date of the  
17 ordinance from which this subsection derives; or

18           b. The lot is or has been held in common  
19 ownership with a contiguous lot on or after the effective  
20 date of the ordinance from which this subsection derives and  
21 is or has been developed with a principal structure which is  
22 wholly within the lot boundaries; provided that no portion of  
23 any contiguous lot is required to meet the least restrictive  
24 of lot area, lot coverage, setback or yard requirements which  
25 were in effect at the time of the original construction of  
26 the principal structure, at the time of its subsequent  
27 additions, or which are in effect at the time of  
28 redevelopment of the lot (Exhibit 23.44.010B); or

          c. The lot is or has been held in common  
ownership with a contiguous lot on or after the effective  
date of the ordinance from which this subsection derives and  
is not developed with all or part of a principal structure;  
provided, that no portion of the lot is required to meet the  
least restrictive of lot area, lot coverage, setback or yard  
requirements which were in effect for a principal structure  
on the contiguous lot at the time of the construction of the  
principal structure, at the time of its subsequent additions,  
or which are in effect at the time of the development of the  
lot (Exhibit 23.44.010B); and provided further, that if any  
portion of the lot to be developed has been used to meet the  
parking requirement in effect for a principal structure on a  
contiguous lot, such parking requirement can and shall be  
legally met on the contiguous lot.

          For purposes of this subsection B4, ((paragraph-B3))  
removal of all or any part of a principal structure or  
destruction by fire or act of nature on or after the  
effective date of the ordinance from which this subsection  
derives shall not qualify the lot for the minimum lot area  
exception (Exhibit 23.44.010C).

          5. Development may occur on a substandard lot  
containing a riparian corridor buffer, a wetland and wetland  
buffer, or a steep slope and steep slope buffer pursuant to  
the provisions of SMC Chapter 25.09, Regulations for  
Environmentally Critical Areas, if the following conditions  
apply:

          a. The substandard lot is not held in common  
ownership with an adjacent lot or lots at any time after the  
effective date of SMC Chapter 25.09, Regulations for  
Environmentally Critical Areas; or

          b. The substandard lot is held in common  
ownership with an adjacent lot or lots, or has been held in  
common ownership at any time after the effective date of SMC  
Chapter 25.09, Regulations for Environmentally Critical

1 Areas, but proposed and future development will not intrude  
2 upon the environmentally critical area.

3 \* \* \*

4 D. Lot Coverage Exceptions.

5 1. Lots Abutting Alleys and Corner Lots. For  
6 purposes of computing the lot coverage only:

7 a. The area of a corner lot where a side lot  
8 line abuts upon a street may be increased by one-half (1/2)  
9 the width of the abutting side street.

10 b. The area of a lot with alley or alleys  
11 abutting any lot line may be increased by one-half (1/2) the  
12 width of the abutting alley or alleys.

13 c. The total lot area for any lot may not be  
14 increased by the provisions of this section by more than  
15 twenty-five percent (25%).

16 2. Special Structures and Portions of Structures.  
17 The following structures and portions of structures shall not  
18 be counted in lot coverage calculations:

19 a. Access Bridges. Uncovered, unenclosed  
20 pedestrian bridges of any height necessary for access and  
21 five feet (5') or less in width;

22 b. Barrier-free Access. Ramps or other  
23 access for the disabled or elderly meeting Washington State  
24 Building Code, Chapter 31 ((Rules-and-Regulations-for  
25 Barrier-free-Design));

26 c. Decks. Decks or parts of a deck which are  
27 eighteen inches (18") or less above the existing grade;

28 d. Freestanding Structures, and Bulkheads.  
29 Fences, freestanding walls except arbors, bulkheads, signs  
30 and other similar structures;

31 e. Underground Structures. An underground  
32 structure, or underground portion of a structure, may occupy  
33 any part of the entire lot;

34 f. Eaves and gutters. The first eighteen  
35 inches (18") of eaves and gutters projecting from principal  
36 and accessory structures, except that eaves associated with  
37 the roof of an arbor shall be included in lot coverage  
38 calculations.

39 g. Solar collectors meeting the provisions of  
40 Section 23.44.046 and swimming pools meeting the provisions  
41 of Section 23.44.044.

42 Section 8. Section 23.44.012 of the Seattle Municipal  
43 Code, as last amended by Ordinance 116295, is further amended  
44 as follows:

45 **23.44.012 Height limits.**

46 A. Base Height ((Maximum)) Established.

47 1. Except as provided in subsection A2, the base  
48 ((maximum)) permitted height for any structure not located in  
49 required yards, except as permitted in 23.44.014D3, shall not  
50 exceed the greater of the following:

51 a. Thirty feet (30');

1                   b. The average height of the two (2) single-  
2 family structures which the subject structure abuts if one  
3 (1) or both of the abutting structures exceed thirty feet  
4 (30').

5                   2. The base ((maximum)) permitted height for any  
6 structure on lots thirty feet (30') or less in width shall  
7 not exceed the greater of the following:

8                   a. Twenty-five feet (25');  
9                   b. The average height of the two (2) single-  
10 family structures on abutting lots, but not to exceed thirty  
11 feet (30').

12                   3. The methods of determining structure height,  
13 height averages, and lot width are detailed in Chapter 23.86,  
14 Measurements.

15                   B. Special Features.

16                   1. Pitched Roofs. The ridge of a pitched roof on  
17 a principal structure may extend up to five feet (5') above  
18 the base height limit, as determined under subsection A above  
19 ((~~thirty-foot-(30')~~-height-limit)). All parts of the roof  
20 above the height limit must be pitched at a rate of not less  
21 than three to twelve (3:12) (Exhibit 23.44.012A). No portion  
22 of a shed roof shall be permitted to extend beyond the base  
23 height limit, as determined under subsection A above.  
24 ((~~thirty-foot-(30')~~-height-limit-under-this-provision-))

25                   2. Sloped Lots. Additional height shall be  
26 permitted for sloped lots, at the rate of one foot (1') for  
27 each six percent (6%) of slope. The additional height shall  
28 be permitted on the downhill side of the structure only, as  
described in the measurements portion of this Land Use Code  
(Exhibit 23.44.012).

When the downhill portion of a sloped lot fronts on a  
street and the required front yard exemption in Section  
23.44.014 A is claimed, the permitted height of the wall  
along the lowest elevation of the site shall be reduced one  
foot (1') for each foot of exemption claimed. In no case  
shall the height of the wall be required to be less than the  
base height limit, as determined under subsection A above.  
((~~thirty-feet-(30')~~)).

C. Height Limit Exemptions.

1. Radio and Television Antennas and Flagpoles.  
Except in the Airport Height District, Chapter 23.64,  
receive-only radio and television antennas, except for  
dishes, and flagpoles are exempt from height limits, provided  
that they are no closer to any adjoining lot line than fifty  
percent (50%) of their height above existing grade, or, if  
attached only to a roof, no closer than fifty percent (50%)  
of their height above the roof portion where attached.

2. Other Features. Open rails, planters,  
skylights, and clerestories (~~chimneys~~) may extend no higher  
than the ridge of a pitched roof or four feet (4') above a  
flat roof. ~~C((e))chimneys may ((exceed-the-height-limits-by~~  
~~four-feet-(4')-or))~~ extend four feet (4') above the ridge of  
a pitched roof or above a flat roof.

3. Solar Collectors. For height exceptions for  
solar collectors, not including solar greenhouses, see  
Section 23.44.046.

1 Section 9. Section 23.44.014 of the Seattle Municipal  
2 Code, as last amended by Ordinance 116262, is further amended  
3 as follows:

4 **23.44.014 Yards.**

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

8 \* \* \*

9 D. Exceptions from Standard Yard Requirements.  
10 No structure shall be placed in a required yard except  
11 pursuant to the following subsections:

12 1. Certain Accessory Structures. Any accessory  
13 structure may be constructed in a side yard which abuts the  
14 rear or side yard of another lot upon recording with the King  
15 County Department of Records and Elections an agreement to  
16 this effect between the owners of record of the abutting  
17 properties.

18 Any accessory structure which is a private garage may be  
19 located in that portion of a side yard which is either within  
20 thirty-five feet (35') of the centerline of an alley or  
21 within twenty-five feet (25') of any rear lot line which is  
22 not an alley lot line, without providing an agreement as  
23 provided in Section 23.44.016.

24 2. A single family structure may extend into one  
25 side yard if an easement is provided along the side lot line  
26 of the abutting lot, sufficient to leave a ten-foot (10')  
27 separation between that structure and any principal  
28 structures on the abutting lot. Features and projections  
such as porches, eaves, and chimneys shall be permitted in  
the ten-foot (10') separation area as if the property line  
were five feet from the wall of the house on the dominant  
lot, provided that no portion of either principal structure  
including eaves shall cross the actual property line. ((Side  
Yard-Exception-for-Easement--The-side-yard-for-a-single-  
family-structure-may-be-less-than-five-feet-(5')-along-one  
(1)-side-lot-line-if-an-easement-is-provided-along-the-side  
lot-line-of-the-abutting-lot, sufficient-to-leave-a-ten-foot  
(10')-separation-between-the-two-(2)-principal-structures-of  
the-two-(2)-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-(18")-into-the  
easement-))

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 (60%) 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, except as described below.  
They may extend up to the height limit and may include  
basement additions. New additions to the nonconforming wall

1 or walls shall comply with the following requirements  
(Exhibit 23.44.014A):

2 a. Side yard: When the addition is a side  
3 wall, the existing wall line may be continued by the addition  
4 except that in no case shall the addition be closer than  
5 three feet (3') to the side lot line. ((When-it-is-a-side  
6 wall, it-is-at-least-three-feet-(3')-from-the-side-property  
7 line));

8 b. Rear yard: When the addition is a rear  
9 wall, the existing wall line may be continued by the addition  
10 except that in no case shall the addition be closer than  
11 twenty feet (20') to the rear lot line or centerline of an  
12 alley abutting the rear lot line. ((When-it-is-a-rear-wall,  
13 it-is-at-least-twenty-feet-(20')-from-the-rear-property-line  
14 or-centerline-of-an-alley-abutting-the-rear-property-line));

15 c. Front yard: When the addition is a front  
16 wall, the existing wall line may be continued by the addition  
17 except that in no case shall the addition be closer than  
18 fifteen feet (15') to the front lot line. ((When-it-is-a  
19 front-wall, it-is-at-least-fifteen-feet-(15')-from-the-front  
20 property-line)).

21 d. When the nonconforming wall of the single  
22 family structure is not parallel or is otherwise irregular,  
23 relative to the lot line, then the Director shall determine  
24 the limit of the wall extension, except that the wall  
25 extension shall not be located closer than specified in  
26 subsections D3a - c above.

27 4. Uncovered Porches. Uncovered, unenclosed  
28 porches or steps may project into any required yard, provided  
29 that they are no higher than four feet (4') on average above  
30 existing grade, no closer than three feet (3') to any side  
31 lot line, no wider than six feet (6') and project no more  
32 than six feet (6') into required front or rear yards.

33 5. Special Features of a Structure. Special  
34 features of a structure may extend into required yards  
35 subject to the following standards only, unless permitted  
36 elsewhere in this Chapter:

37 a) external architectural details with no  
38 living area, such as chimneys, cornices and columns, may  
39 project no more than eighteen inches (18") into any required  
40 yard;

41 b) bay windows may project no more than two  
42 feet (2') into a required front, rear, and street side yard;  
43 and

44 c) other projections which include interior  
45 space, such as garden windows, may extend no more than  
46 eighteen inches (18") into any required yard, starting a  
47 minimum of thirty inches (30") above finished floor, and with  
48 maximum dimensions of six feet (6') tall and eight feet (8')  
49 wide.

50 d) The combined area of features permitted in  
51 subsections D5b and c above may comprise no more than thirty  
52 percent (30%) of the area of the facade.

53 ~~((5--Special-Features-of-a-Structure--Unless~~  
54 ~~otherwise-permitted-in-this-chapter, special-features-of-a~~  
55 ~~structure-shall-project-no-more-than-eighteen-inches-(18")~~  
56 ~~into-any-required-yard.--Cornices, eaves-and-sun-shades-with~~  
57 ~~associated-gutters-shall-be-allowed-to-project-into-southern~~  
58 ~~front-or-rear-yards-not-more-than-six-feet-(6')-to-provide~~  
59 ~~shade-for-either-solar-collectors-or-windows-which-meet~~

1 minimum-written-energy-conservation-standards-administered-by  
2 the-Director-))

3 6. Private Garages, Covered Unenclosed Decks or  
4 Roofs Over Patios in Rear Yards.

5 a. Any attached private garages or covered,  
6 unenclosed decks or roofs over patios are portions of  
7 principal structures. They may extend into the required rear  
8 yard, but shall not be within twelve feet (12') of the  
9 centerline of any alley, nor within twelve feet (12') of any  
10 rear lot line which is not an alley lot line, nor closer than  
11 five feet (5') to any accessory structure, nor exceed twelve  
12 feet (12') in height, except the height of private garages  
13 shall meet the provisions of Section 23.44.016.

14 Any detached private garage meeting the requirements of  
15 Section 23.44.016, Parking, or detached permitted accessory  
16 structure meeting the requirements of Section 23.44.040,  
17 General provisions for accessory uses, may be located in a  
18 rear yard.

19 If a private garage has its vehicular access facing the  
20 alley, the private garage shall not be within twelve feet  
21 (12') of the centerline of the alley.

22 b. Garages meeting the standards of  
23 23.44.016, and other accessory structures meeting the  
24 standards of 23.44.040, shall be permitted in required rear  
25 yards, subject ((Attached-or-detached-private-garages,  
26 covered,-unenclosed-decks-or-roofs-over-patios,-other  
27 accessory-structures-and-nonconforming-portions-of-principal  
28 structures-are-limited)) to a maximum combined coverage of  
forty percent (40%) 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  
(125') in depth, either an accessory garage structure or a  
portion of the principal structure containing a garage shall  
be permitted to locate in one (1) 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 23.44.016.

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  
pedestrian bridges of any height, necessary for access and  
five feet (5') or less in width, are permitted in required  
yards except that in side yards an access bridge must be at  
least three feet (3') from any side lot line.

9. Barrier-Free Access. Access facilities for the  
disabled and elderly meeting Washington State Building Code,  
Chapter 31 ((Rules-and-Regulations-for-Barrier-Free-Design))  
are permitted in any required yards.

10. Freestanding Structures and Bulkheads.

a. Fences, freestanding walls, ((bulkheads,))  
signs and similar structures six feet (6') or less in height  
above existing or finished grade ((high-ground-level))  
whichever is lower, may be erected in any required yard. The  
six foot (6') height may be averaged along sloping grade for

1 each six foot (6') long segment of the fence, but in no case  
2 may any portion of the fence exceed eight feet (8').

3 Architectural features may be added to the top of the fence  
4 or freestanding wall above the six foot (6') height when the  
5 following provisions are met: horizontal architectural  
6 feature(s), no more than ten inches (10") high, and separated  
7 by a minimum of six inches (6") of open area, measured  
8 vertically from the top of the fence, may be permitted when  
9 the overall height of all parts of the structure, including  
10 post caps, are no more than eight feet (8') high; averaging  
11 the eight foot (8') height is not permitted. Structural  
12 supports for the horizontal architectural feature(s) may be  
13 spaced no closer than three feet (3') on center.

14 b. The Director may allow variation from the  
15 development standards listed in 10 (a) above, according to  
16 the following:

17 i. No part of the structure may exceed  
18 eight feet (8'); and

19 ii. Any portion of the structure above  
20 six feet (6') shall be predominately open, such that there is  
21 free circulation of light and air.

22 c. Bulkheads and retaining walls used to  
23 raise grade may be placed in any required yard when limited  
24 to six feet (6') in height, measured above existing grade. A  
25 guardrail no higher than forty two inches (42") may be placed  
26 on top of a bulkhead or retaining wall existing as of the  
27 date of this ordinance. If a fence is placed on top of a new  
28 bulkhead or retaining wall, the maximum combined height is  
29 limited to nine and one-half feet (9-1/2').

30 d. Bulkheads and retaining walls used to  
31 protect a cut into existing grade may not exceed the minimum  
32 height necessary to support the cut or six feet (6')  
33 whichever is greater. When the bulkhead is measured from the  
34 low side and it exceeds six feet (6'), an open guardrail of  
35 no more than forty two inches (42") meeting Building Code  
36 requirements may be placed on top of the bulkhead or  
37 retaining wall. A fence must be set back a minimum of three  
38 feet (3') from such a bulkhead or retaining wall.

39 e. When located in the shoreline setbacks or  
40 in view corridors in the Shoreline District as regulated in  
41 Chapter 23.60, these structures shall not obscure views  
42 protected by Chapter 23.60 and the Director shall determine  
43 the permitted height.

44 11. Decks in Yards. Decks no greater than  
45 eighteen inches (18") ((on-average)) above existing or  
46 finished grade, whichever is lower, may extend into required  
47 yards. ((, -but-not-within-five-feet-(5')-of-any-lot-line--if  
48 a-deck-is-adjacent-to-a-fence-or-freestanding-wall, -the-deck  
49 may-extend-to-that-fence-or-wall-provided-that-the-height-of  
50 the-deck-is-no-less-than-three-feet-(3')-from-the-top-of-the  
51 fence-or-wall.--The-fence-or-wall-shall-be-no-higher-than six  
52 feet-(6')-))

53 12. Heat Pumps. Heat pumps and similar mechanical  
54 equipment, not including incinerators, may be permitted in  
55 required yards if the requirements of the Noise Control  
56 Ordinance, Chapter 25.08, are not violated. Any heat pump or  
57 similar equipment shall not be located within three feet (3')  
58 of any lot line.

1           13. Solar Collectors. Solar collectors may be  
2 located in required yards, subject to the provisions of  
3 Section 23.44.046.

4           14. Front Yard Projections for Structures on Lots  
5 Thirty Feet (30') or Less in Width. For a structure on a lot  
6 which is thirty feet (30') or less in width, portions of the  
7 front facade which begin eight feet (8') or more above  
8 finished grade may project up to four feet (4') into the  
9 required front yard, provided that no portion of the facade,  
10 including eaves and gutters, shall be closer than five feet  
11 (5') to the front line (Exhibit 23.44.014B).

12           15. Front and rear yards may be reduced by twenty-  
13 five percent (25%), but no more than five feet (5'), if the  
14 site contains a required environmentally critical area buffer  
15 or other area of ((~~the~~)) the property which can not be disturbed  
16 pursuant to subsection A of Section 25.09.280 of SMC Chapter  
17 25.09, Regulations for Environmentally Critical Areas.

18           16. Arbors. Arbors may be permitted in required  
19 yards under the following conditions:

20           a. In any required yard, an arbor may be  
21 erected with no more than a forty (40) square foot footprint,  
22 measured on a horizontal roof plane inclusive of eaves, to a  
23 maximum height of eight feet (8'). Both the sides and the  
24 roof of the arbor must be at least fifty percent (50%) open,  
25 or, if latticework is used, there must be a minimum opening  
26 of two inches (2") between crosspieces.

27           b. In any required yard abutting a street, an  
28 arbor over a private pedestrian walkway with no more than a  
thirty (30) square foot footprint, measured on the horizontal  
roof plane and inclusive of eaves, may be erected to a  
maximum height of eight feet (8'). The sides of the arbor  
shall be at least fifty percent (50%) open, with a minimum  
opening of two inches (2") between crosspieces if latticework  
is used.

Section 10. Section 23.44.016 of the Seattle Municipal  
Code, as last amended by Ordinance 115326, is further amended  
to read as follows:

**23.44.016           Parking location and access.**

Parking shall be required as provided in Chapter 23.54  
and in accordance with the following:

A. 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 (1) of the following conditions exists:

a. There is no alley improved to the  
standards of Section 23.53.030C; 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

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

3 f. Parking access must be from the street in  
order to provide access to parking space(s) which meet the  
Washington State Building Code, Chapter 31 ((Rules-for  
4 Regulations-for-Barrier-Free-Design-)); or

5 g. Designation of any portion of the site as  
environmentally critical makes alley access unreasonable.

6 3. Where access to required parking spaces passes  
through a required yard, automobiles, motorcycles and similar  
vehicles may be parked on the access located in a required  
7 yard. Trailers, boats, recreational vehicles or similar  
equipment shall not be parked in any required yard abutting a  
street or on any access which is located in ((passes  
8 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 (10')  
9 of the rear yard abutting the street.

10 B. Parking on Lot of Principal Use.

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

12 2. Parking on planting strips is prohibited.

13 3. Parking accessory to a floating home may be  
located on another lot if within six hundred feet (600') of  
the lot on which the floating home is located.

14 4. 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:

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

16 b. Any garage constructed is for no more  
than two (2) two (2) axle((d)) or two (2) up-to-four (4)  
wheeled vehicles.

17 c. Any ((The)) garage is located and  
screened or landscaped per Section 23.44.016E if applicable,  
as required by the Director who shall consider development  
18 patterns of the block or nearby blocks.

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

20 ~~((e--The-garage-shall-meet-the-standards-of~~  
~~subsection-E-of-this-section--))~~

21 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.

22 5. Trailers, boats, recreational vehicles and  
23 similar equipment shall not be parked in required front and  
side yards.

24 C. Location of Parking on Lot.

25 1. Except for public school use, parking may be  
located:

26 a. Within the principal structure; or

27 b. In the side or rear yard except a  
required side yard abutting a street or the first ten feet  
(10') of a required rear yard abutting a street.

28 2. Parking shall not be located in the required  
front yard except as provided in subsections C3, C4, C5 and  
C6.

3. Lots With Uphill ((Front)) Yards Abutting  
Streets. Accessory parking for one (1) two (2) axle or one

1 (1) up-to-four (4) wheeled vehicle may be established in a  
2 required (~~front~~) yard abutting a street according to a or b  
3 below only if access to parking is permitted through that  
4 yard pursuant to subsection A of this section ((when the  
5 following conditions are met)).

6 a. Open parking space

7 i. The existing grade of the lot slopes  
8 upward from the street lot line an average of at least six  
9 feet (6') above sidewalk grade at a line which is ten feet  
10 (10') from the (~~front~~) street lot line; and

11 ii. (~~b.~~) The parking area (~~or floor of~~  
12 ~~a private garage~~) shall be at least an average of six feet  
13 (6') below the existing grade prior to excavation and/or  
14 construction at a line which is ten feet (10') from the  
15 (~~front~~) street lot line;

16 iii. The parking space shall be no wider  
17 than ten feet (10') for one parking space at the parking  
18 surface and no wider than twenty feet (20') for two parking  
19 spaces when permitted as provided in subsection C6.

20 b. Terraced Garage

21 i. The roof of a terraced garage shall be  
22 no higher than two feet (2') above existing or finished  
23 grade, whichever is lower, at any point which is ten feet  
24 (10') back from the street lot line;

25 ii. The terraced garage structure width  
26 may not exceed fourteen feet (14') for one (1) two- (2) axle  
27 or one (1) up-to-four wheeled vehicle or twenty four feet  
28 (24') when permitted to have two (2) two- (2) axle or two up-  
to-four (4) wheeled vehicles as provided in subsection C6;

iii. All above ground portions of the  
terraced garage shall be included in lot coverage; and

iv. The roof of the terraced garage may  
be used as a deck and shall be considered to be a part of the  
garage structure even if it is a separate structure on top of  
the garage.

~~((e. Access to parking is permitted through~~  
the required front yard by subsection B of this section  
~~((Exhibit 23.44.016A).))~~

4. Lots With Downhill ((Front)) Yards Abutting  
Streets. Accessory parking, either open or enclosed, for one  
(1) two (2) axle or one (1) up-to-four (4) wheeled vehicle  
may be located in a required (~~front~~) yard abutting a street  
when the following conditions are met:

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

b. For front yard parking ((F)) the lot has a  
vertical drop of at least twenty feet (20') in the first  
sixty feet (60') as measured along a line from the midpoint  
of the front lot line to the midpoint of the rear lot line;

c. Parking shall not be permitted in  
downhill required side yards abutting streets;

d. Parking in downhill rear yards shall be in  
accordance with Section 23.44.014 D6 and Section 23.44.016,  
subsections C1 and D3d;

e. (~~e.~~) Access to parking is permitted  
through the required (~~front~~) yard abutting the street by  
subsection A ((B)) of this section; and

f. A driveway access bridge may be permitted  
in any required downhill yard where necessary for access to  
parking. The access bridge shall be no wider than twelve feet  
(12') for access to one (1) parking space or eighteen feet  
(18') for access to two (2) or more parking spaces. The  
driveway access bridge may not be located closer than five

1 feet (5') to an adjacent property line and shall not be  
2 included in lot coverage calculations.

3 5. Through Lots. On through lots less than one  
4 hundred twenty-five feet (125') in depth, accessory parking  
5 for one (1) two (2) axle or one (1) up-to-four (4) wheeled  
6 vehicle may be located in one (1) of the required front  
7 yards.

8 The front yard in which the parking may be located  
9 shall be determined by the Director based on the location of  
10 other private garages or parking areas on the block. If no  
11 pattern of parking location can be determined, the Director  
12 shall determine in which yard the parking shall be located  
13 based on the prevailing character and setback patterns of the  
14 block.

15 6. Lots With Uphill((7)) Yards Abutting Streets  
16 Or Downhill Or Through Lot Front Yards Fronting On Streets  
17 Which Prohibit Parking. Accessory parking for two (2) two  
18 (2) axle or four (4) wheeled vehicles may be located in  
19 ((either)) uphill((7)) yards abutting streets or downhill or  
20 through lot front yards as provided in subsections C3, C4 or  
21 C5 if, in consultation with the Engineering Department, it is  
22 found that uninterrupted parking for twenty-four (24) hours  
23 is prohibited on at least one side of the street within two  
24 hundred feet (200') of the lot line over which access is  
25 proposed. ((not permitted on both sides of the street within  
26 a reasonable distance of the side lot line.)) The Director  
27 may authorize a curb cut wider than would be permitted under  
28 Section 23.54.030 if necessary for access.

D. Private Garages Located in Required Yards. Private  
garages which are either detached accessory structures or  
portions of a principal structure for the primary purpose of  
enclosing a two (2) axle or four-wheeled vehicle may  
((enclose parking)) be permitted in required yards according  
to the following conditions:

1. Maximum Coverage and Size.

a. In accordance with Section 23.44.014D6,  
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 (40%) 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.

b. In accordance with Section 23.44.040,  
private garages located in side or rear yards shall not  
exceed one thousand (1,000) square feet in area.

c. In front yards, the area of private  
garages shall be limited to three hundred (300) square feet  
with fourteen foot (14') maximum width where one space is  
allowed, and six hundred (600) square feet with twenty four  
foot (24') maximum width where two (2) spaces are allowed.  
Access driveway bridges permitted under Section 23.44.016 C4f  
shall not be included in this calculation.

2. Height Limits.

a. Private garages shall be limited to  
twelve feet (12') 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  
(3') above the twelve-foot (12') height limit. All parts of  
the roof above the height limit shall be pitched at a rate of  
not less than three to twelve (3:12). No portion of a shed  
roof shall be permitted to extend beyond the twelve-foot  
(12') height limit under this provision.

1 c. Open rails around balconies or decks  
2 located on the roofs of private garages may exceed the  
3 twelve-foot (12') height limit by a maximum of three feet  
4 (3').

5 3. Separations.

6 a. Attached private garages are portions of  
7 principal structures. In accordance with Section  
8 23.44.014D6, they may extend into the required rear yard, but  
9 shall not be within twelve feet (12') of the centerline of  
10 any alley, nor within twelve feet (12') of any rear lot line  
11 which is not an alley lot line nor closer than five feet (5')  
12 to any accessory structure.

13 b. If the facade of a private garage which  
14 contains the entrance for the vehicle faces an alley, the  
15 garage shall not be within twelve feet (12') of the  
16 centerline of the alley.

17 c. In accordance with Section 23.44.040 D  
18 ((E)), any private garage which is an accessory structure  
19 located in a required yard shall be separated from its  
20 principal structure by a minimum of five feet (5').

21 d. In accordance with Section 23.44.040 F,  
22 on a reversed corner lot, no private garage which is an  
23 accessory structure shall be located in that portion of the  
24 required rear yard which abuts the required front yard of the  
25 adjoining key lot, nor shall the private garage be located  
26 closer than five feet (5') from the key lot's side lot line  
27 unless the provisions of Section 23.44.014 D1 ((~~apply~~)) or  
28 23.44.016 C3b apply.

29 e. In accordance with Section 23.44.014D1,  
30 private garages which are accessory structures may extend  
31 into a required side yard which is either within thirty-five  
32 feet (35') of the centerline of an alley or within twenty-  
33 five feet (25') of any rear lot line which is not an alley  
34 lot line.

35 Private garages which are accessory structures  
36 may extend into a required side yard which is more than  
37 thirty-five feet (35') from the centerline of an alley  
38 abutting the lot, or which is more than twenty-five feet  
39 (25') from the rear lot line of a lot which does not abut an  
40 alley, upon the recording with the King County Department of  
41 Records and Elections an agreement to this effect between the  
42 owners of record of the abutting property.

43 \* \* \*

44 Section 11. Section 23.44.022 of the Seattle Municipal  
45 Code, as last amended by Ordinance 116146, is further amended  
46 as follows:

47 **23.44.022 Institutions.**

48 A. Institutions Identified. The following institutions  
49 may be permitted as conditional uses in single-family zones:

50 Community centers  
51 Child care centers  
52 Private schools  
53 Religious facilities  
54 Public or private libraries

1 Existing institutes for advanced study  
2 Other similar institutions

3 The following institutions are prohibited in single-  
4 family zones:

5 Hospitals  
6 Colleges and universities  
7 Museums  
8 Private clubs  
9 Vocational schools

10 \* \* \*

11 Section 12. Section 23.44.040 of the Seattle Municipal  
12 Code, as last amended by Ordinance 113978, is further amended  
13 as follows:

14 **23.44.040 General provisions.**

15 **A.** Accessory uses customarily incidental to principal  
16 uses permitted outright are permitted outright as provided  
17 below.

18 **B. ((A))** All accessory uses and structures must be  
19 located on the same lot as the principal use or structure  
20 unless specifically modified in this subchapter ((section)).

21 ~~((B--Any-use-which-is-permitted-because-it-is  
22 customarily-incidental-to-a-principal-use-permitted-outright  
23 is-also-permitted-as-accessory-to-uses-permitted  
24 conditionally-unless-otherwise-specified-in-this-section-))~~

25 \* \* \*

26 **F.** On a reversed corner lot, no accessory structure  
27 shall be located in that portion of the required rear yard  
28 which abuts the required front yard of the adjoining key lot,  
nor shall the accessory structure be located closer than five  
feet (5') from the key lot's side lot line unless the  
provisions of Section 23.44.014 D or 23.44.016 C3b, terraced  
garage, apply.

Section 13. Section 23.44.042 of the Seattle Municipal  
Code, as last amended by Ordinance 111390, is further amended  
as follows:

**23.44.042 Parking and private garages.**

\* \* \*

**C.** Parking accessory to a floating home may be located  
on another lot if within six hundred feet (600') of the lot  
on which the floating home is located and if screened in  
accordance with Section 23.44.016 E ((F)).

1  
2 Section 14. Section 23.44.044 of the Seattle Municipal  
3 Code, as last amended by Ordinance 110669, is further amended  
4 as follows:

5 **23.44.044 Swimming pools.**

6 \* \* \*

7 C. Private, permanent swimming pools, hot tubs and  
8 other similar uses may be placed in a required front or rear  
9 yard, ((?)) provided((?)) that:

10 1. No part of the structure shall project more  
11 than eighteen inches ((~~18"~~)) (18") above existing lot grade  
12 in a required front yard; and

13 2. No part of the structure ((~~No pool~~)) shall be  
14 placed closer than five feet (5') to any front or side lot  
15 line.

16 D. All swimming pools shall be enclosed with a fence,  
17 or located within a yard enclosed by a fence, not less than  
18 four feet (4') high and designed to resist the entrance of  
19 children.

20 \* \* \*

21 Section 15. Section 23.44.050 of the Seattle Municipal  
22 Code, as last amended by Ordinance 114875, is further amended  
23 as follows:

24 **23.44.050 Home occupations.**

25 A home occupation of a person residing in a dwelling  
26 unit is permitted in that dwelling unit subject to the  
27 following development standards:

28 \* \* \*

29 C. To discourage drop-in traffic, ((~~?~~)) the address of  
30 the home occupation shall not be given in any advertisement,  
31 including but not limited to commercial telephone  
32 directories, newspapers, magazines, signs, flyers, radio,  
33 television or other media. Addresses may be listed on  
34 business cards, but a statement must be included to the  
35 effect that business is by appointment only.

36 \* \* \*

37 E. To preserve the residential appearance of the  
38 structure, there shall be no evidence of the occupation from  
the exterior of the structure; provided, that outdoor play  
areas for child care ((~~daycare~~)) programs and outdoor  
activities normally associated with residential use shall be

1 permitted. No outdoor storage shall be permitted in  
2 connection with a home occupation.

3 F. To preserve the residential character and use of  
4 the structure, only internal alterations customary to  
5 residential use shall be permitted, and no external  
6 alterations shall be permitted to accommodate a home  
7 occupation, except as required by licensing or construction  
8 codes for child care programs.

9 G. Except for child care programs, not more than one  
10 (1) person, whether full-time or part-time, who is not a  
11 resident of the dwelling unit may work in the dwelling unit  
12 of the home occupation whether or not compensated. This  
13 includes persons working off-site who come to the site for  
14 business purposes at any time as well as persons working on  
15 site.

16 \* \* \*

17 L. Child care programs in the home of the operator  
18 shall be limited to twelve (12) children per day including  
19 the children of the operator.

20 Section 16. Section 23.45.004 of the Seattle Municipal  
21 Code, as last amended by Ordinance 115002, is further amended  
22 as follows:

23 **23.45.004 Principal uses permitted outright.**

24 A. The following principal uses shall be permitted  
25 outright in all multifamily zones:

- 26 1. Single-family dwelling units;
- 27 2. Multifamily structures;
- 28 3. Congregate residences;
- 1 4. Adult family homes;
- 2 5. Nursing homes;
- 3 6. Institutions meeting all development  
4 standards;
- 5 7. Major institution uses subject to Chapter  
6 23.69;
- 7 8. Public facilities meeting all development  
8 standards; ((-))
- 9 9. Existing cemeteries; and
- 10 10. Public or private parks and playgrounds  
11 including customary buildings and activities

12 \* \* \*

13 C. Uses in existing or former public schools:

14 1. Child care centers, preschools, public or  
15 private schools, educational and vocational training for the  
16 disabled, adult evening education classes, nonprofit  
17 libraries, community centers, community programs for the

1 elderly and similar uses shall be permitted in existing or  
2 former public schools.

3 2. Other nonschool uses shall be permitted in  
4 existing or former public schools pursuant to procedures  
5 established in Chapter 23.78, The Establishment of Criteria  
6 for Joint Use or Reuse of Schools.

7 Section 17. Section 23.45.014 of the Seattle Municipal  
8 Code, as last amended by Ordinance 117173, is further amended  
9 as follows:

10 **23.45.014 Setback requirements - Lowrise zones.**

11 \* \* \*

12 F. Projections into Required Setbacks.

13 1. Special Features of a Structure.

14 a. External ((A))architectural details with  
15 no living space ((features-of-a-structure)) including  
16 cornices, eaves, sunshades, gutters, and vertical  
17 architectural features which are less than eight feet (8') in  
18 width, may project a maximum of eighteen inches (18") into  
19 any required setback.

20 ((2---Sunshades-for-south-facing-windows-that-meet  
21 State-minimum-energy-conservation-standards-may-project-as  
22 necessary-to-no-closer-than-three-feet-(3')-to-any-lot  
23 line--))

24 b. ((3)) Bay windows may project no more than  
25 two feet (2') into a front, ((or)) rear, or street side  
26 setback((;-provided-they-are-a-minimum-of-ten-feet-(10')-from  
27 an-outside-corner-of-the-structure-and-comprise-no-more-than  
28 thirty-percent-(30%)-of-the-area-of-the-facade)). In no case  
shall bay windows be closer than five feet (5') to any lot  
line. ((Bay-window-projections-into-required-setbacks-shall  
begin-a-minimum-of-eight-feet-(8')-above-finished-grade  
except-for-bay-windows-provided-as-required-modulation-of  
townhouse-rows--))

29 c. Other projections which include interior  
30 space, such as garden windows, may extend no more than  
31 eighteen inches (18") into any required yard, starting a  
32 minimum of thirty inches (30") above finished floor, and with  
33 maximum dimensions of six feet (6') tall and eight feet (8')  
34 wide.

35 d. The combined area of features permitted in  
36 subsections E1b and c above may comprise no more than thirty  
37 percent (30%) of the area of the facade.

38 2. ((4)) Unenclosed Decks and Balconies.

39 a. Unenclosed decks and balconies may project  
40 a maximum of four feet (4') into the required front setback  
41 provided they are a minimum of ten feet (10') from the front  
42 lot line in Lowrise Duplex/Triplex and Lowrise 1 zones and  
43 eight feet (8') from the front lot line in Lowrise 2, Lowrise  
44 3 and Lowrise 4 zones.

45 b. Except as provided in subsection F5 of  
46 Section 23.45.014, unenclosed decks and balconies shall be  
47 permitted in side setbacks, provided they are a minimum of  
48 five feet (5') from a side lot line, and may project into the

1 required rear setback a maximum of four feet (4') provided  
2 they are a minimum of five feet (5') from a rear lot line.

3 c. Unenclosed decks and balconies permitted  
4 in required setbacks shall be limited to a maximum width of  
5 twenty feet (20') and shall be separated by a distance equal  
6 to at least one-half (1/2) the width of the projection.

7 3. ((5)) All permitted projections into required  
8 front and rear setbacks shall begin a minimum of eight feet  
9 (8') above finished grade except that an unenclosed porch or  
10 steps ((used-for-access-to-the-structure)) may extend a  
11 maximum of six feet (6') into the required front setback at  
12 ground level, provided that it is set back the same distance  
13 from the front lot line as that required for unenclosed decks  
14 and balconies.

15 G. Structures in Required Setbacks.

16 1. Detached garages, carports, or other accessory  
17 structures are permitted in the required rear setback,  
18 provided that any accessory structure located between a  
19 principal structure and a side lot line shall provide the  
20 setback required for the principal structure. (See Exhibit  
21 23.45.014A.)

22 All such accessory structures, including  
23 garages, shall be no greater than twelve feet (12') in  
24 height. The height of garages shall be measured on the  
25 facade containing the entrance for the vehicles, with open  
26 rails permitted above twelve feet (12').

27 2. Ramps or other devices necessary for access for  
28 the disabled and elderly, which meet Washington State  
Building Code, Chapter 31, are permitted in required front,  
side or rear setbacks.

3 3. Uncovered, unenclosed pedestrian bridges,  
necessary for access and less than five feet (5') in width,  
are permitted in required front, side and rear setbacks.

4 4. ((Permitted)) ((f)) Fences, freestanding walls,  
bulkheads, signs and other similar structures.

5 a. Fences, freestanding walls, signs and  
6 other similar structures ((7 no-greater-than)) six feet (6')  
7 or less in height above existing or finished grade whichever  
8 is lower, are permitted in required front, side, or rear  
9 setbacks. The six foot (6') height may be averaged above  
10 sloping grade for each six foot (6') long segment of the  
11 fence, but in no case may any portion of the fence exceed  
12 eight feet (8').

13 Architectural features may be added to the top of the fence  
14 or freestanding wall above the six foot (6') height when the  
15 following provisions are met: horizontal architectural  
16 feature(s), no more than ten inches (10") high and separated  
17 by a minimum of six inches (6") of open area, measured  
18 vertically from the top of the fence, may be permitted when  
19 the overall height of all parts of the structure, including  
20 post caps, are no more than eight feet (8') high; averaging  
21 the eight foot (8') height is not permitted. Structural  
22 supports for the horizontal architectural feature(s) may be  
23 spaced no closer than three feet (3') on center.

24 b. The Director may allow variation from the  
25 development standards listed in 4a above, according to the  
26 following:

27 i. No part of the structure may exceed  
28 eight feet (8');

1                   ii. Any portion of the structure above  
2 six feet (6') shall be predominately open, such that there is  
3 free circulation of light and air; and

4                   iii. The design does not present a fire  
5 or other safety hazard.

6                   c. Bulkheads and retaining walls used to  
7 raise grade may be placed in any required yard when limited  
8 to six feet (6') in height, measured above existing grade. A  
9 guardrail no higher than forty two inches (42") may be placed  
10 on top of a bulkhead or retaining wall existing as of the  
11 date of this ordinance. If a fence is placed on top of a new  
12 bulkhead or retaining wall, the maximum combined height is  
13 limited to nine and one-half feet (9-1/2').

14                   d. Bulkheads and retaining walls used to  
15 protect a cut into existing grade may not exceed the minimum  
16 height necessary to support the cut or six feet (6'),  
17 whichever is greater. When the bulkhead is measured from the  
18 low side and it exceeds six feet (6'), an open guardrail of  
19 no more than forty two inches (42") meeting Building Code  
20 requirements may be placed on top of the bulkhead or  
21 retaining wall. A fence must be set back a minimum of three  
22 feet (3') from such a bulkhead or retaining wall.

23                   5. Decks ((which-average)) no more than eighteen  
24 inches (18") above existing or finished grade, whichever is  
25 lower, may project into required setbacks. ((Such-decks  
26 shall-not-be-permitted-within-five-feet-(5'-)-of-any-lot-line,  
27 unless-they-abut-a-permitted-fence-or-freestanding-wall,-and  
28 are-at-least-three-feet-(3'-)-below-the-top-of-the-fence-or  
29 wall---The-fence-or-wall-shall-be-no-higher-than-six-feet  
30 (6'-)-above-existing-or-finished-grade,-whichever-is-lower-))

31                   6. Underground structures are permitted in all  
32 setbacks.

33                   7. Solar collectors are permitted in required  
34 setbacks, subject to the provisions of Section 23.45.146,  
35 Solar collectors.

36                   \* \* \*

37                   Section 18. Section 23.45.054 of the Seattle Municipal  
38 Code, as last amended by Ordinance 113041, is further amended  
39 as follows:

40                   **23.45.054            Midrise - Modulation requirements.**

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

43                   A. **Front Facades.**

44                   1. Modulation shall be required if the front  
45 facade width exceeds forty feet (40'). Ground-related  
46 structures may follow either the modulation standards for  
47 Lowrise 3 Zones (23.45.012D2) ((+Section-23-45-040E)) or the  
48 standards in this section.

49                   2. For terraced housing, only the portion of the  
50 front facade closest to the street is required to be  
51 modulated (Exhibit 23.45.054 A).

52                   \* \* \*

1  
2 Section 19. Section 23.45.060 of the Seattle Municipal  
3 Code, as last amended by Ordinance 115326, is further amended  
4 as follows:

5 **23.45.060 Midrise - Parking and access.**

6 \* \* \*

7 B. Access to Parking.

8 1. Alley Access Required. Except when one (1) of  
9 the conditions listed in subsections B2 or B3 applies, access  
10 to parking shall be from the alley when the site abuts an  
11 alley improved to the standards of Section 23.53.030 C  
12 ((23-54-010-E)). Street access shall not be permitted.

13 2. Street Access Required. Access to parking  
14 shall be from the street when:

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

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

19 c. Apartments or terraced housing are  
20 proposed across an alley from a Single Family, Lowrise  
21 Duplex/Triplex ((~~Single-Family-Attached~~)), Lowrise 1 or  
22 Lowrise 2 Zone.

23 3. Street or Alley Access Permitted. Access to  
24 parking may be from either the alley or the street when the  
25 conditions listed in subsection B2 do not apply, and when one  
26 (1) or more of the following conditions are met:

27 a. Ground-related housing is proposed across  
28 the alley from a Single Family, Lowrise Duplex/Triplex,  
29 ((~~Single-Family-Attached~~)) Lowrise 1 or Lowrise 2 Zone;

30 b. Topography or designation of any portion  
31 of the site as environmentally critical makes alley access  
32 infeasible;

33 c. The alley is not improved to the standards  
34 of Section 23.53.030 C. If such an alley is used for access,  
35 it shall be improved according to the standards of Section  
36 23.53.030 C;

37 d. Access to required barrier-free parking  
38 spaces which meet the Washington State Building Code, Chapter  
39 31 ((~~Rules-and-Regulations-for-Barrier-Free-Design~~)) may be  
40 from either the street or alley, or both.

41 \* \* \*

42 Section 20. Section 23.45.076 of the Seattle Municipal  
43 Code, as last amended by Ordinance 115326, is further amended  
44 as follows:

45 **23.45.076 Highrise - Parking and access.**

46 \* \* \*

47 B. Access to Parking.

1           1. Alley Access Required. Except when one (1) of  
2 the conditions of subsections B2 or B3 applies, access to  
3 parking shall be from the alley when the site abuts an alley  
4 improved to the standards of Section 23.53.030 C. Access from  
5 the street shall not be permitted.

6           2. Street Access Required. Access to parking  
7 shall be from the street when:

8           a. The alley borders on a Single Family,  
9 Lowrise Duplex/Triplex, ((Single-Family-Attached)) Lowrise 1  
10 or Lowrise 2 Zone;

11           b. The lot does not abut an alley;

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

15           3. Street or Alley Access Permitted. Access to  
16 parking may be from either the alley or the street when the  
17 conditions listed in subsection B2 do not apply, and one (1)  
18 or more of the following conditions are met:

19           a. Topography or designation of any portion  
20 of the site as environmentally critical makes alley access  
21 infeasible;

22           b. The alley is not improved to the  
23 standards of Section 23.53.030 C. If such an alley is used  
24 for access, it shall be improved according to the standards  
25 of Section 23.53.030C;

26           c. Access to required barrier-free parking  
27 spaces which meet the Washington State Building Code, Chapter  
28 31 ((Rules-and-Regulations-for-Barrier-Free-Design)) may be  
from either the street or alley, or both.

\* \* \*

Section 21. Section 23.45.152 of the Seattle Municipal  
Code, as last amended by Ordinance 114875, is further amended  
as follows:

**23.45.152           Home occupations.**

Home occupations of a person residing in a dwelling unit  
are permitted in that dwelling unit as accessory uses,  
subject to the following development standards:

\* \* \*

B. The address of the home occupation shall not be  
given in any advertisement, including but not limited to  
commercial telephone directories, newspapers, magazines, off-  
premises signs, flyers, radio, television and any other  
media. Addresses may be listed on business cards, but a  
statement must be included to the effect that business is by  
appointment only.

\* \* \*

1 Section 22. Section 23.45.182 of the Seattle Municipal  
2 Code, as last amended by Ordinance 114887, is further amended  
3 as follows:

4 **23.45.182 Extensions, expansions and structural  
alterations of nonconforming uses.**

5 \* \* \*

6 B. A nonconforming ground-related multi-family  
7 structure or apartment located in a Lowrise Duplex/Triplex  
8 zone may be expanded or extended provided the expansion or  
9 extension shall conform to the development standards of the  
10 Lowrise Duplex/Triplex zone and shall not cause an already  
11 nonconforming structure to become more nonconforming to  
12 development standards(~~(7-except-as-provided-in-Section~~  
13 ~~23-45-007-5)~~)).

14 \* \* \*

15 D. Additional residential units may be added to a  
16 structure occupied by a nonconforming ground-related multi-  
17 family structure or apartment located in a Lowrise  
18 Duplex/Triplex zone, provided the addition shall conform to  
19 the development standards of the Lowrise Duplex/Triplex zone  
20 and shall not cause an already nonconforming structure to  
21 become more nonconforming to development standards(~~(7-except~~  
22 ~~as-provided-in-Section-23-45-007-5)~~)).

23 \* \* \*

24 Section 23. Section 23.45.184 of the Seattle Municipal  
25 Code, as last amended by Ordinance 114887, is further amended  
26 as follows:

27 **23.45.184 Changes to and from nonconforming uses.**

28 A. A structure occupied by a nonconforming use may be  
converted to residential use even if in a nonconforming  
structure, provided that in Lowrise Duplex/Triplex zones the  
total number of dwelling units is limited to three (3), and  
the standards of the zone (~~(Sections-23-45-007-0-through~~  
~~23-45-007-6-)~~) are met. 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.

\* \* \*

D. Except as provided in subsections B and C, 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           1. The Director must find that the new use is no  
2 more detrimental to property in the zone and vicinity than  
3 the existing use. This determination shall be based on the  
4 following factors:

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

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

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

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

17           3. Parking requirements for the use permitted  
18 under this Subchapter shall be those listed in Section  
19 23.54.015 listing parking requirements by use or, if not  
20 listed, as determined under Section 23.54.015 B authorizing  
21 the Director's determination of the requirement. If the  
22 number of spaces required for the new use is greater than the  
23 number of spaces specified for the existing use at Section  
24 23.54.015 or, if not specified, as determined under Section  
25 23.54.015 B, then the number of spaces provided shall be the  
26 difference of the two (2) requirements, except as provided in  
27 subsection D4 ((E4)).

28           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 24. Section 23.45.190 of the Seattle Municipal  
Code, as last amended by Ordinance 115687, is further amended  
as follows:

**23.45.190           Nonconforming structures.**

\* \* \*

B. ((~~In-Lowrise-Duplex/Triplex-zones~~)) A ((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 to a flat roof nor shall the  
slope of the roof be lowered below a four in twelve (4:12)  
pitch.

\* \* \*

1 Section 25. Section 23.47.006 of the Seattle Municipal  
2 Code, as last amended by Ordinance 116907, is further amended  
3 as follows:

4 **23.47.006 Conditional uses.**

5 \* \* \*

6 B. The following uses identified as administrative  
7 conditional uses on Chart A of Section 23.47.004, may be  
8 permitted by the Director when the provisions of this  
9 subsection and subsection A are met:

10 1. Fast-food restaurants which have a gross floor  
11 area greater than seven hundred fifty (750) square feet are  
12 identified as heavy traffic generators and may be permitted  
13 as a conditional use according to the following criteria:

14 a. The design of the structure, including  
15 architectural treatment, signage, landscaping and lighting,  
16 is compatible with other structures in the vicinity; and

17 b. Appropriate litter-control measures are  
18 provided; and

19 c. The applicant, if required by the  
20 Director, prepares an analysis of traffic, circulation and  
21 parking impacts, and demonstrates that the use does not:

22 (1) Cause significant additional traffic to  
23 circulate through adjacent residential neighborhoods; or

24 (2) Disrupt the pedestrian character of an area by  
25 significantly increasing the potential for pedestrian-vehicle  
26 conflicts; or

27 (3) Create traffic or access problems which will  
28 require the expenditure of City funds to mitigate; or

(4) Interfere with peak-hour transit operations, by  
causing auto traffic to cross a designated high-occupancy  
vehicle lane adjacent to the lot; or

(5) Cause cars waiting to use the facility to queue  
across the sidewalk or onto the street; or

(6) Interrupt established retail or service  
frontage designed to serve pedestrians.

d. In addition to the criteria in  
subsections B1a, B1b and B1c, in pedestrian-designated zones,  
the use shall not:

(1) Include a drive-in facility; or

(2) Provide any accessory parking; or

(3) Attract a significant number of customers who  
drive to the pedestrian district for the primary purpose of  
patronizing the business.

This shall be determined by a transportation analysis of  
travel modes and patterns of customers of similar businesses  
in the same or similar commercial areas, which shall be  
prepared by a traffic consultant retained by the applicant.  
The Director shall review the application and the  
transportation analysis in conjunction with the Director of  
Engineering.

e. Fast-food restaurants which are drive-in  
businesses shall also comply with the provisions of Section  
23.47.028, Standards for drive-in businesses.

2. Taverns and brewpubs in NC1 and NC2 zones may  
be permitted as conditional uses. A tavern or brewpub in an  
NC1 or NC2 zone shall be evaluated according to the following  
criteria:

1 a. The size of the tavern or brewpub, design  
2 of the structure, signing and illumination shall be  
3 compatible with the character of the commercial area and  
4 other structures in the vicinity, particularly in areas where  
5 a distinct and definite pattern or style has been  
6 established.

7 b. The location, access and design of  
8 parking shall be compatible with adjacent residential zones.

9 c. Special consideration shall be given to  
10 the location and design of the doors and windows of taverns  
11 and brewpubs to ensure that noise standards will not be  
12 exceeded. The Director may require additional setbacks and/or  
13 restrict openings on lots which abut residential zones.

14 d. Taverns and brewpubs shall not generate  
15 traffic which creates traffic congestion or further  
16 aggravates spillover parking on residential streets.

17 3. Park-and-ride lots in NC3, C1 and C2 zones may  
18 be permitted as conditional uses.

19 a. Conditional Use Criteria.

20 (1) The park-and-ride lot shall have direct  
21 vehicular access to a designated arterial improved to City  
22 standards.

23 (2) If the proposed park-and-ride lot is located on  
24 a lot containing accessory parking for other uses, there  
25 shall be no substantial conflict in the principal operating  
26 hours of the park-and-ride lot and the other uses.

27 b. Mitigating Measures. Landscaping and  
28 screening in addition to that required for surface parking  
areas, noise mitigation, vehicular access controls, signage  
restrictions, and other measures may be required to provide  
comfort and safety for pedestrians and bicyclists and to  
insure the compatibility of the park-and-ride lot with the  
surrounding area.

4. In order to conserve the limited amount of  
commercially zoned land for commercial uses, single-purpose  
residential structures shall generally not be allowed in  
commercial zones; construction of additions to, or on-site  
accessory structures for, existing single-family structures  
is exempt from conditional use requirements.

Single-purpose residential structures as provided for in  
Section 23.47.008 otherwise may be permitted in NC1, NC2, NC3  
and C1 zones as an administrative conditional use only if the  
following circumstances exist:

a. The amount of residential development  
existing and proposed would not reduce the current viability  
or significantly impact the longer-term potential of the  
commercial area; and

b. Residential development would not  
displace existing commercial uses at street level or disrupt  
a continuous commercial street front, particularly of retail  
and personal services uses, or significantly detract from the  
area's overall commercial character; and

c. There is an ample amount of vacant  
commercial land in the zone and/or, due to location, terrain  
or parcel size, the proposed site is not particularly suited  
to commercial development; and

d. There is limited demand for commercial  
use in the commercial zone (as evidenced by a lack of  
commercial activity for a prolonged period of time (three (3)  
to five (5) years), commercial structures in disrepair,  
and/or high vacancy rates) coupled with a variety of  
commercial services available in nearby commercially zoned

1 areas, and/or ample land which is particularly suited for  
2 additional commercial development.

3 5. Residential Uses in C2 Zones.

4 a. Residential uses in single-purpose or  
5 mixed-use structures may be permitted in C2 zones as  
6 administrative conditional uses according to the following  
7 criteria:

8 (1) Availability of Suitable Land for C2  
9 Activities.

10 Residential uses shall generally be discouraged in areas  
11 which have limited vacant land and where, due to terrain and  
12 large parcel size, land is particularly suitable for  
13 commercial rather than residential development.

14 (2) Relationship to Transportation Systems.  
15 Residential uses shall generally be discouraged in areas with  
16 direct access to major transportation systems such as  
17 freeways, state routes and freight rail lines.

18 (3) Compatibility With Surrounding Areas.  
19 Residential uses shall not be allowed in close proximity to  
20 industrial areas and/or in areas where nonresidential uses  
21 may create a nuisance or adversely affect the desirability of  
22 the area for living purposes.

23 b. Residential uses required to obtain a  
24 shoreline conditional use shall not be required to obtain an  
25 administrative conditional use.

26 6. Residential Use in International Special  
27 Review District. Single-purpose residential structures shall  
28 be permitted outright in those parts of the International  
Special Review District east of the Interstate 5 Freeway as  
provided in Section 23.66.330.

7. Low-income Housing Projects. Single-purpose  
residential structures for low-income housing projects shall  
be permitted outright in all commercial zones if:

a. Applications for a reservation of tax  
credits for 1988 and 1989 under the low-income tax credit  
program administered by the Washington State Housing Finance  
Commission have been filed on or before March 15, 1988; or

b. A nonprofit corporation has purchased  
sites, signed options or entered into real estate purchase  
agreements prior to March 15, 1988.

8. Development of a medical service use over ten  
thousand (10,000) square feet, outside but within two  
thousand five hundred feet (2,500') of a medical Major  
Institution overlay district boundary, shall be subject to  
administrative conditional use approval, unless included in  
an adopted master plan. In making a determination whether to  
approve or deny a medical service use, the Director shall  
determine whether an adequate supply of commercially zoned  
land for businesses serving neighborhood residents will  
continue to exist. The following factors shall be used in  
making this determination:

a. Whether the amount of medical service use  
development existing and proposed in the vicinity would  
reduce the current viability or significantly impact the  
longer-term potential of the neighborhood-serving character  
of the commercial area; and

b. Whether medical service use development  
would displace existing neighborhood-serving commercial uses  
at street level or disrupt a continuous commercial street  
front, particularly of retail and personal services uses, or  
significantly detract from an area's overall neighborhood-  
serving commercial character.



1 Building Code, Chapter 31 ((Rules-and-Regulations-for  
2 Barrier-Free-Design)), are permitted in required setbacks.

3 4. Uncovered, unenclosed pedestrian bridges,  
4 necessary for access and less than five feet (5') in width,  
5 are permitted in required setbacks.

6 5. ~~((Permitted)) ((f))~~ Fences, freestanding walls  
7 ~~((7-bulkheads7))~~ and other similar structures.

8 a. Fences, freestanding walls and other  
9 similar structures ((7-no-greater-than)) six feet (6') or  
10 less in height above existing or finished grade, whichever is  
11 lower, are permitted in required setbacks. The six foot (6')  
12 height may be averaged along sloping grade for each six foot  
13 (6') long segment of the fence, but in no case may any  
14 portion of the fence exceed eight feet (8').

15 b. Bulkheads and retaining walls used to  
16 raise grade may be placed in any required setback when  
17 limited to six feet (6') in height, measured above existing  
18 grade. A guardrail no higher than forty two inches (42") may  
19 be placed on top of a bulkhead or retaining wall existing as  
20 of the date of this ordinance. If a fence is placed on top  
21 of a new bulkhead or retaining wall, the maximum combined  
22 fence is limited to nine and one-half feet (9-1/2').

23 c. Bulkheads and retaining walls used to  
24 protect a cut into existing grade may not exceed the minimum  
25 height necessary to support the cut or six feet (6'),  
26 whichever is greater. When the bulkhead is measured from the  
27 low side and it exceeds six feet (6'), an open guardrail of  
28 no more than forty two inches (42") meeting Building Code  
requirements may be placed on top of the bulkhead or  
retaining wall. A fence must be set back a minimum of three  
feet (3') from such a bulkhead or retaining wall.

6. Decks which are accessory to residential uses  
and are ((which-average)) no more than eighteen inches (18")  
above existing or finished grade, whichever is lower, may  
project into required setbacks. ((Such-decks-shall-not-be  
permitted-within-five-feet-(5'-)-of-any-lot-line,--unless-they  
abut-a-permitted-fence-or-freestanding-wall,--and-are-at-least  
three-feet-(3'-)-below-the-top-of-the-fence-or-wall.--The-fence  
or-wall-shall-be-no-higher-than-six-feet-(6'-)) .

7. Underground structures are permitted in all setbacks.

8. ~~((Solar-collectors-are-permitted-in-required setbacks,--according-to-the-following-provisions:))~~

9. ~~((a. ))~~ Detached solar collectors shall be permitted in required setbacks. Such collectors shall be no closer than five feet (5') to any other principal or accessory structure, and no closer than three feet (3') to any lot line which abuts a residentially zoned lot.

10. ~~((b. --Sunshades-which-provide-shade-for-solar collectors-which-meet-the-minimum-energy-standards administered-by-the-Director-may-project-into-southern-front or-rear-setbacks:--Those-which-begin-at-eight-feet-(8'-)-or more-above-finished-grade-may-be-no-closer-than-three-feet (3'-)-from-the-property-line.--Sunshades-which-are-between finished-grade-and-eight-feet-(8'-)-above-finished-grade-shall be-no-closer-than-five-feet-(5'-)-to-the-property-line.))~~

9. Dumpster and other trash receptacles, except  
for trash compactors, located outside of structures shall not  
be permitted within ten feet (10') of any lot line which  
abuts a residentially zoned lot and shall be screened from  
the residential lot with a minimum six foot (6') high screen  
fence.

\* \* \*

1  
2 Section 28. Exhibit 23.47.016D in Section 23.47.016 of  
3 the Seattle Municipal Code, as last amended by Ordinance  
4 116744, is amended by the substitution of the following  
5 exhibit:

6 (see page 32A)

7  
8 Section 29. Section 23.47.023 of the Seattle Municipal  
9 Code, as adopted by Ordinance 116795, is amended as follows:

10 **23.47.023 Standards for single-purpose residential  
11 structures.**

12 \* \* \*

13 ((~~E--The-development-standards-for-B1,-B2-and-B3-zones  
14 referred-to-in-subsections-A-through-D-of-this-section-shall  
15 be-as-supplemented-by-the-interim-controls-adopted-by  
16 Sections-23-45-006-5-and-23-45-007-.~~))

17 Section 30. Section 23.47.036 of the Seattle Municipal  
18 Code, as last amended by Ordinance 115164, is further amended  
19 as follows:

20 **23.47.036 Standards for nonconforming uses.**

21 \* \* \*

22 B. Extensions, Expansions, and Structural Alterations  
23 of Nonconforming Uses.

24 1. A nonconforming use shall not be expanded or  
25 extended, nor shall a structure or portion of a structure  
26 containing a nonconforming use be expanded or extended except  
27 as otherwise required by law or as necessary to improve  
28 access for the elderly and disabled, or as provided in  
subsection B4.

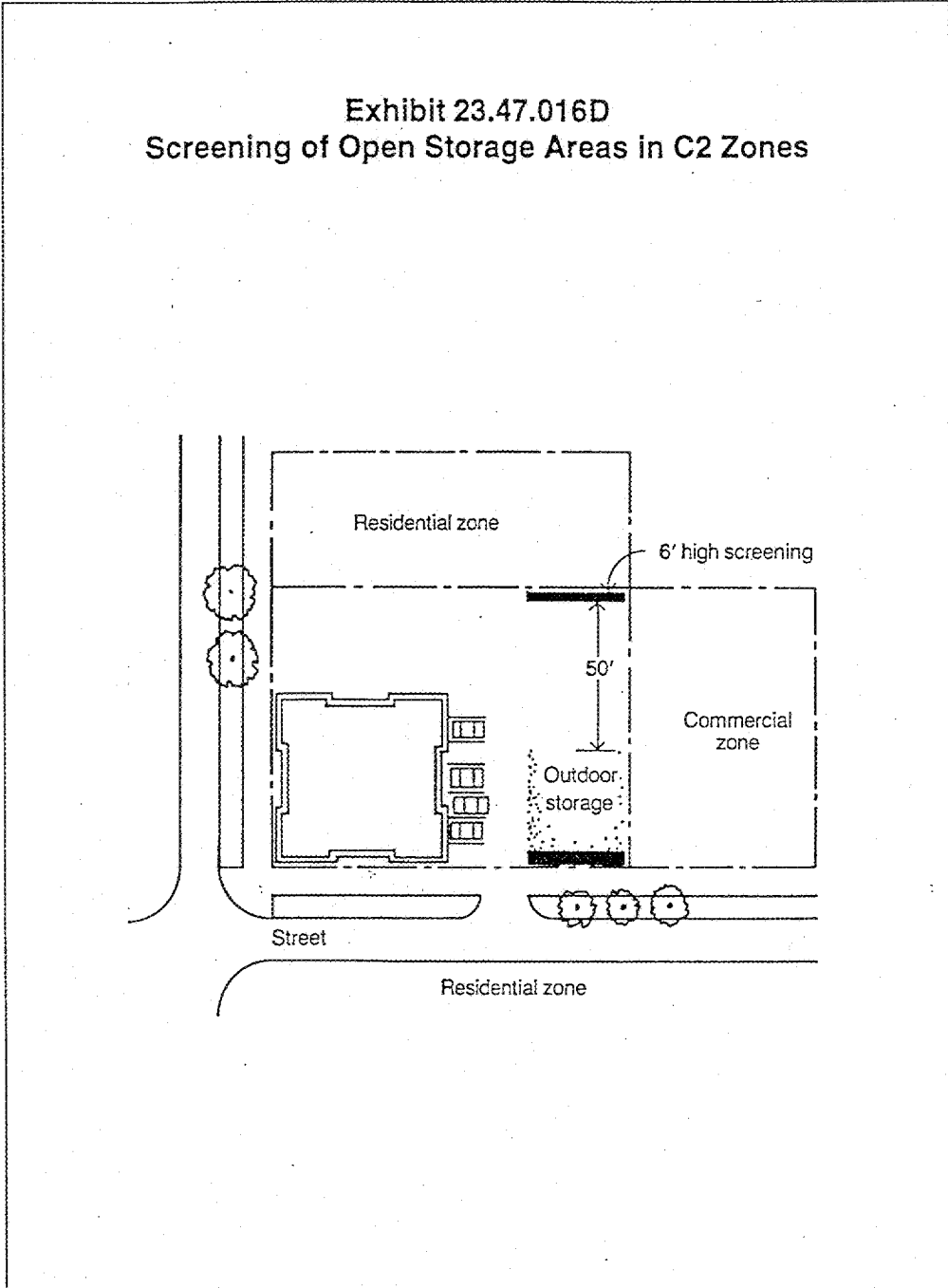
2. A nonconforming use which is destroyed by  
fire, act of nature, or other causes beyond the control of  
the owners may be resumed. The structure containing the  
nonconforming use may be rebuilt to the same or smaller  
configurations existing immediately prior to the time the  
structure was destroyed.

3. A structure containing a nonconforming use may  
be structurally altered.

4. A business establishment in an NC1, NC2 or NC3  
zone with nonconforming outdoor storage area may be extended,  
structurally altered or expanded if the outdoor storage area  
is not expanded and if it is screened and landscaped

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Exhibit 23.47.016D  
Screening of Open Storage Areas in C2 Zones



32A

1 according to the standards of subsection D ((e)) 5a of  
2 Section 23.47.016.

3 5. A nonconforming use with a nonconforming  
4 outdoor storage area may be structurally altered if the  
5 outdoor storage area is not expanded and is screened and  
6 landscaped according to the standards of subsection C5a of  
7 Section 23.47.016.

8 6. Surface parking areas which are nonconforming  
9 uses may be restriped according to the standards of Section  
10 23.54.030, Parking space standards. Surface parking areas  
11 which are nonconforming due to lack of required landscaping  
12 and are proposed to be expanded by ten percent (10%) or more  
13 in number of parking spaces or in area are required to be  
14 screened and landscaped according to the standards of Section  
15 23.47.016 to the extent feasible as determined by the  
16 Director.

17 \* \* \*

18 Section 31. Chart E in Section 23.47.044 of the Seattle  
19 Municipal Code, as last amended by Ordinance 113263, is  
20 further amended as follows:

21 (See page 33A)

22 Section 32. Section 23.49.033 of the Seattle Municipal  
23 Code, as last adopted by Ordinance 116513, is amended as  
24 follows:

25 **23.49.033** **Priority landmark theater TDR from landmark**  
26 **performing arts theaters in certain downtown**  
27 **zones.**

28 \* \* \*

29 B. Application Procedure.

30 1. Application. Any owner of a structure that  
31 is, or might qualify as, a landmark performing arts theater,  
32 may apply for priority landmark theater TDR by submitting an  
33 application in such form as required by the Director of  
34 Housing and Human Services and the Landmarks Preservation  
35 Board, with such supporting information as such Director may  
36 require, which may include, but is not limited to:

37 a. Detailed plans and specifications  
38 including architect-certified calculations of the dimensions  
39 of existing and intended improvements;

40 b. Site plan and survey;

41 c. Line item rehabilitation budget;

42 d. Historical financial information for the  
43 operations of the landmark performing arts theater and the  
44 sending site as a whole;

45 e. Pro forma financial information showing  
46 the expected results of operations of the landmark performing  
47 arts theater and the sending site as a whole after the

Chart E for Section 23.47.044  
 REDUCTION TO REQUIRED PARKING IN  
 P1 AND P2 DESIGNATED ZONES

P1

((Personal-and-household)) Retail sales and service uses, except eating and drinking establishments; customer service offices; and entertainment uses, except motion picture theaters.

NC1 - Parking waived for first 4,000 square feet

NC2 - Parking waived for first 15,000 square feet

NC3 - Parking waived for first 25,000 square feet

Parking waived for first 150 seats

P2

NC1 - Parking waived for first 4,000 square feet

NC2 - Parking waived for first 5,000 square feet

NC3 - Parking waived for first 5,000 square feet

Parking waived for first 150 seats

Motion picture theaters

Eating and drinking establishments

NC1, NC2 and NC3-  
 Parking waived for first 2,500 square feet

NC1, NC2 and NC3-  
 Parking waived for first 2,500 square feet

<sup>1</sup>Additional parking waiver for business establishments may be permitted as a special exception according to criteria of subsection C

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1 rehabilitation, in reasonable detail and based on specified  
reasonable assumptions;

2 f. A detailed analysis of available  
3 subsidies and funding sources for rehabilitation,  
4 preservation, and operation, including tax credits, grants,  
subsidized loans, and bonus credits for public benefit  
features, including housing (if applicable), including any  
commitments for financing;

5 g. Consultant reports and contracts;

6 h. Management plan for the theater.

7 2. Review of Application; Agreement Required.

8 a. The Director of Housing and Human  
9 Services (DHHS) shall analyze any application for priority  
10 landmark theater TDR in consultation with the Director of  
11 DCU, the Director of Neighborhoods and the Landmarks  
12 Preservation Board. The Director of Housing and Human  
13 Services shall approve a specific number of square feet of  
14 priority landmark theater TDR, not exceeding the total amount  
15 of TDR available for transfer under the applicable provisions  
16 for the zone in which the site is located, as eligible for  
17 sale from the site if:

18 (i) A structure on the sending site is  
19 eligible to qualify as a landmark performing arts theater;

20 (ii) The Landmarks Preservation Board  
21 and the Director of Housing and Human Services approve the  
22 plan of rehabilitation; and

23 (iii) Taking into account all other  
24 available sources of funding and incentives, a sale of TDR is  
25 necessary to fill a financing gap in order to permit the  
26 owner to rehabilitate the landmark performing arts theater  
27 and to rehabilitate any low- or low-moderate income housing  
28 on-site or to replace such housing off-site, and to have a  
reasonable expectation of receiving a reasonable economic  
return from the owner's investment, as determined by the  
Director of Housing and Human Services.

The number of square feet of priority landmark theater  
TDR may be modified by the Director of Housing and Human  
Services on application of the owner or upon a determination  
by such Director that any assumptions upon which such  
determination was based are inaccurate.

b. After approval by the Director of Housing  
and Human Services of priority landmark theater TDR, the  
owner shall sign a binding, recordable contract and obtain  
signatures of all parties holding interest in the site,  
including mortgagees, committing the owner:

(i) To sell the priority landmark  
theater TDR based upon the appraised value, at the price  
approved by the Director of Housing and Human Services, to  
any purchaser within a specified period approved by the  
Director of Housing and Human Services and to use the sales  
proceeds as required in subsection E below; and

(ii) To impose restrictive covenants  
and easements on the sending site upon such sale consistent  
with the requirements of the applicable sections of Chapter  
23.49 and the Public Benefit Features Rule; and

(iii) If a controls and incentives  
agreement for the theater is not already in effect, to  
execute a controls and incentives agreement in form and  
content approved by the Landmarks Preservation Board, so as  
to comply with the definition of landmark performing arts  
theater in Section 23.84.024.

c. The Director of Housing and Human  
Services shall not approve any priority landmark theater TDR

1 if the plan of rehabilitation includes the elimination of  
2 low-income or low-moderate income housing or conversion of  
3 low-income or low-moderate income housing to another use  
4 unless the owner enters into a voluntary agreement  
5 satisfactory to the Director of Housing and Human Services  
6 that guarantees the replacement of such low-income and low-  
7 moderate income housing. Provision of low-income or low-  
8 moderate income housing may include new construction,  
9 substantial rehabilitation, or preservation of housing that  
10 the Director determines would otherwise be converted to uses  
11 other than low-income or low-moderate income housing. In  
12 each case there shall be recorded covenants limiting the  
13 rents and occupancy of the replacement housing for a period  
14 of at least twenty (20) years. The housing shall be in a  
15 Downtown zone, except that the Director may approve housing  
16 elsewhere in the downtown Special Objectives Area (SOA), in  
17 the City's Comprehensive Housing Affordability Strategy  
18 (CHAS), consistent with the goals and policies of the CHAS  
19 (or successor document).

10 \* \* \*

11  
12 Section 33. Section 23.49.035 of the Seattle Municipal  
13 Code, as last amended by Ordinance 116513, is further amended  
14 as follows:

15 **23.49.035 Replacement of public benefit features.**

16 \* \* \*

17 B. The terms under which use as low-income  
18 housing or as a landmark performing arts theater may be  
19 discontinued or diminished and the sanctions for failure to  
20 continue such use shall be governed by the agreements and  
21 instruments executed by the owners of the properties on which  
22 such housing and theaters are located, as required by  
23 applicable provisions of the Land Use Code and the Public  
24 Benefit Features Rule, and any such change in use shall not  
25 affect ((the)) any other structure for which additional FAR  
26 was granted in return for the provision of such public  
27 benefit features.

22 \* \* \*

23  
24 Section 34. Section 23.49.052 of the Seattle Municipal  
25 Code, as last amended by Ordinance 116513, is further amended  
26 as follows:

27 **23.49.052 Downtown Office Core 1, transfer of  
28 development rights.**

28 \* \* \*

1 D. Transfer of Development Rights Agreements.

2 1. The fee owners of sending and receiving lots  
3 shall execute a deed or other agreement, with the written  
4 consent of all holders of encumbrances on the sending lot,  
5 unless such consent is waived by the Director of Housing and  
6 Human Services or her designee for good cause, which deed or  
7 other agreement shall be recorded with the title to both  
8 lots.

9 2. The agreement or deed shall be for a term  
10 which equals or exceeds the life of the project on the  
11 receiving lot for which the rights were transferred.

12 3. For transfers that are permitted based on the  
13 status of the sending site as a low-income housing TDR site  
14 or a landmark theater/housing TDR site, the owner of the  
15 sending site shall agree, with the written consent of all  
16 holders of encumbrances on the sending site, unless such  
17 consent is waived by the Director of Housing and Human  
18 Services for good cause, to provide for the maintenance of  
19 the required low-income housing on the sending lot for a  
20 minimum of twenty (20) years.

21 4. For any transfer that is permitted, or for  
22 which the sending site is granted priority, based on the  
23 status of the sending site as a landmark performing arts  
24 theater, the owner of the sending site shall sign a written  
25 agreement with the City with the approval of the Landmarks  
26 Preservation Board, with the written consent of all holders  
27 of encumbrances on the sending site, unless such consent is  
28 waived by the Director of Housing and Human Services for good  
cause. The owner of the sending site shall agree:

a. To maintain the structure in compliance  
with requirements in such agreement approved by the Landmarks  
Preservation Board, for a period of at least forty (40)  
years; and

b. To maintain the primary use of the  
theater portion of the structure as a performing arts theater  
for at least forty (40) years, and for so long thereafter as  
any of the interior features of the theater portion of the  
structure remain subject to controls under the Landmarks  
Ordinance, Chapter 25.12 of the Seattle Municipal Code, (or  
successor provisions), unless after the minimum forty (40)  
year period the owner demonstrates to the satisfaction of the  
Landmarks Preservation Board that a change of use is required  
to allow the owner a sufficient economic return under the  
standards then applicable to proceedings for removal or  
modification of such controls.

In the case of a partial purchase of TDRs by the City  
for the TDR Bank, the Director of Housing and Human Services  
may allow a shorter period of commitment. Any relief that  
may be granted from the landmark designation or from any  
controls or restrictions imposed in connection with that  
designation, under SMC Chapter 25.12 or otherwise, shall not  
affect the owner's obligations pursuant to any agreement  
under this subsection 4.

5. For any transfer to which subsection D4  
applies, a subsidy review shall be required if at the time of  
issuance of the building permit for the structure on the  
receiving site using the TDRs, the lot on which the landmark  
performing arts theater is located

a. Is being or has been used for any off-  
site bonus; or

b. Is subject to any restrictions on the  
use, occupancy or rents of such property resulting from any

1 public subsidy of any nature, direct or indirect, including  
2 without limitation any tax benefits, or will become subject  
3 to any such restrictions if any such subsidy for which an  
4 application has been made is granted.

5 6. When subsidy review is required according to  
6 one (1) or more of the above criteria:

7 a. The transfer of development rights shall  
8 be allowed only to the extent that the Director of Housing  
9 and Human Services shall determine, pursuant to a subsidy  
10 review, that the benefits of such transfer and the benefits  
11 of any off-site bonus, if applicable, are reasonably  
12 necessary to make economically feasible:

13 (i) The preservation of the landmark  
14 performing arts theater, and

15 (ii) Any replacement by the owner of  
16 such theater of low-income housing or low-to-moderate income  
17 housing that is reasonably required to be eliminated from the  
18 sending site to make preservation and operation of the  
19 performing arts theater economically feasible; and

20 b. The Director of Housing and Human  
21 Services may require, as a condition of the transfer, that  
22 the owner of the lot upon which the landmark performing arts  
23 theater is located agree to limit any other subsidies to be  
24 received for that lot.

25 7. The agreement or deed shall state that the  
26 development rights transferred from the sending lot to the  
27 receiving lot may not be reclaimed unless the project on the  
28 receiving lot, or that portion of the project for which the  
rights were transferred, is demolished. The deed or  
agreement shall also provide that its covenants or conditions  
shall run with the land and shall be specifically enforceable  
by any party or by The City of Seattle.

Section 35. The Table for Section 23.49.070 ("Floor  
Area Bonuses") of the Seattle Municipal Code, as last amended  
by Ordinance 116513, is further amended as follows:

(See page 37A)

Section 36. Section 23.49.072 of the Seattle Municipal  
Code, as last amended by Ordinance 116513, is further amended  
as follows:

**23.49.072           Downtown Office Core 2, transfer of  
development rights.**

\* \* \*

D. Transfer of Development Rights Agreements.

1. The fee owners of sending and receiving lots  
shall execute a deed or other agreement, with the written  
consent of all holders of encumbrances on the sending lot,  
unless such consent is waived by the Director of Housing and

Table for Section 23.49.070

FLOOR AREA BONUSES

Public Benefit Feature	Bonus Ratio <sup>1</sup>	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	9 <sup>6</sup>	10,000 square feet
Human service use in existing structure	4.5 <sup>6</sup>	10,000 square feet
Child care in new structure	16 <sup>6</sup>	10,000 square feet <sup>5</sup>
Child care in existing structure	8 <sup>4</sup>	10,000 square feet <sup>5</sup>
Cinema	9	15,000 square feet
Shopping atrium in areas shown on Map III B	6 or 8 <sup>2</sup>	15,000 square feet
Shopping corridor in areas shown on Map III B	6 or 7.5 <sup>3</sup>	7,200 square feet
Retail shopping in areas shown on Map III B	4	0.5 times the area of the lot, not to exceed 15,000 square feet
Parcel park	6.5	7,000 square feet
Green Street ((Street-park))	6.5	1 times the area of the lot
Rooftop garden, street-accessible	3	20% of lot area
Rooftop garden, interior-accessible	2	30% of lot area
Hillclimb assist in areas shown on Map III B	1.0 FAR <sup>4</sup>	Not applicable
Hillside terrace in areas shown on Map III B	6.5	6,000 square feet
Sidewalk widening if required by Section 23.49.016	3	Area necessary to meet required sidewalk width
Overhead weather protection on Pedestrian I streets designated on Map III D	3 or 4.5 <sup>3</sup>	10 times the street frontage of the lot 30,000 square feet
Sculptured building top	1.5 square feet per square foot of reduction	30,000 square feet
Small lot development	1.5 FAR <sup>4</sup>	Not applicable
Short-term parking, above grade, in areas shown on Map III B	1	200 parking spaces
Short-term parking, below grade, in areas shown on Map III B	2	200 parking spaces
Performing arts theater	12 (maximum) <sup>7</sup>	Subject to the Public Benefit Features Rule
Museum	6.5	30,000 square feet
Urban plaza	6.5	15,000 square feet
Public atrium	8	5,500 square feet
Transit station access easement	25,000 square feet	2 per lot
Grade level transit station access	25,000 square feet	2 per lot
Mechanical transit station access	30,000 square feet	2 per lot
Housing	Subject to the Public Benefit Features Rule	Subject to the Public Benefit Features Rule; maximum amount of bonus is 2 times in the area of the lot.

<sup>1</sup> Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.

<sup>2</sup> Amount depends on height of the shopping atrium.

<sup>3</sup> Higher bonus is granted when skylights are provided.

<sup>4</sup> This is the amount of bonus granted when the public benefit feature is provided, regardless of its size.

<sup>5</sup> Child care space from 3,001 to 10,000 square feet is bonused as human service uses.

<sup>6</sup> Human services and child care may be provided in another downtown zone; in that case, bonus ratio subject to Public Benefit Features Rule.

<sup>7</sup> Performing arts theaters may be provided or preserved off-site within landmark performing arts theaters; bonus ratio is variable depending on costs to provide or rehabilitate theater space and other factors, subject to the Public Benefit Features Rule.

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1 Human Services for good cause, which deed or agreement shall  
2 be recorded with the title to both lots.

3 2. The agreement or deed shall be for a term  
4 which equals or exceeds the life of the project on the  
5 receiving lot for which the rights were transferred.

6 3. For transfers that are permitted based on the  
7 status of the sending site as a low-income housing TDR site  
8 or a landmark theater/housing TDR site, the owner of the  
9 sending site shall agree, with the written consent of all  
10 holders of encumbrances on the sending site, unless such  
11 consent is waived by the Director of Housing and Human  
12 Services for good cause, to provide for the maintenance of  
13 the required low-income housing on the sending lot for a  
14 minimum of twenty (20) years.

15 4. For any transfer that is permitted, or for  
16 which the sending site is granted priority, based on the  
17 status of the sending site as a landmark performing arts  
18 theater, the owner of the sending site shall sign a written  
19 agreement with the City with the approval of the Landmarks  
20 Preservation Board, with the written consent of all holders  
21 of encumbrances on the sending site, unless such consent is  
22 waived by the Director of Housing and Human Services for good  
23 cause. The owner of the sending site shall agree:

24 a. To maintain the structure in compliance  
25 with requirements in such agreement approved by the Landmarks  
26 Preservation Board, for a period of at least forty (40)  
27 years, and

28 b. To maintain the primary use of the  
theater portion of the structure as a performing arts theater  
for at least forty (40) years, and for so long thereafter as  
any of the interior features of the theater portion of the  
structure remain subject to controls under the Landmarks  
Ordinance, Chapter 25.12 of the Seattle Municipal Code (or  
successor provisions), unless after the minimum forty (40)  
year period the owner demonstrates to the satisfaction of the  
Landmarks Preservation Board that a change of use is required  
to allow the owner a sufficient economic return under the  
standards then applicable to proceedings for removal or  
modification of such controls.

In the case of the partial purchase of TDRs by the City  
for the TDR Bank, the Director of Housing and Human Services  
may allow a shorter period of commitment. Any relief that  
may be granted from the landmark designation or from any  
controls or restrictions imposed in connection with that  
designation, under SMC Chapter 25.12 or otherwise, shall not  
affect the owner's obligations pursuant to any agreement  
under this subsection 4.

5. For any transfer to which subsection D4  
applies, a subsidy review shall be required if at the time of  
issuance of the building permit for the structure on the  
receiving site using the TDRs, the lot on which the landmark  
performing arts theater is located:

a. Is being or has been used for any  
off-site bonus; or

b. Is subject to any restrictions on  
the use, occupancy or rents of such property resulting from  
any public subsidy of any nature, direct or indirect,  
including without limitation any tax benefits, or will become  
subject to any such restrictions if any such subsidy for  
which an application has been made is granted.

6. When subsidy review is required according to  
one (1) or more of the above criteria:

1 a. The transfer of development rights shall  
2 be allowed only to the extent that the Director of Housing  
3 and Human Services shall determine, pursuant to a subsidy  
4 review, that the benefits of such transfer and the benefits  
5 of any off-site bonus, if applicable, are reasonably  
6 necessary to make economically feasible:

7 (i) The preservation of the landmark  
8 performing arts theater; and

9 (ii) Any replacement by the owner of  
10 such theater of low-income housing or low-to-moderate income  
11 housing that is reasonably required to be eliminated from the  
12 sending site to make preservation and operation of the  
13 performing arts theater economically feasible, and

14 b. The Director of Housing and Human  
15 Services may require, as a condition of the transfer, that  
16 the owner of the lot upon which the landmark performing arts  
17 theater is located agree to limit any other subsidies to be  
18 received for that lot.

19 7. The agreement or deed shall state that the  
20 development rights transferred from the sending lot to the  
21 receiving lot may not be reclaimed unless the project on the  
22 receiving lot or that portion of the project for which the  
23 rights were transferred is demolished. The deed or agreement  
24 shall also provide that its covenants or conditions shall run  
25 with the land and shall be specifically enforceable by any  
26 party or by The City of Seattle.

27 Section 37. Section 23.49.074 of the Seattle Municipal  
28 Code, as adopted by Ordinance 112303, is amended as follows:

29 **23.49.074 Downtown Office Core 2, street-level use  
30 requirements.**

31 \* \* \*

32 B. General Standards.

33 1. A minimum of seventy-five percent (75%) of  
34 each street frontage to which street-level use requirements  
35 apply shall be occupied by uses listed in subsection A. The  
36 remaining twenty-five percent (25%) of the street frontage  
37 may contain other permitted uses and/or pedestrian or  
38 vehicular entrances. The frontage of any exterior public  
open space which satisfies the Public Benefit Features Rule,  
whether it receives a bonus or not, and any outdoor common  
recreation area required for residential uses, shall not be  
counted in street frontage.

39 2. Required street-level uses shall be located  
40 within ten feet (10') of the street property line or shall  
41 abut a bonused public open space. When sidewalk widening is  
42 required by Section 23.49.022, the ten feet (10') shall be  
43 measured to the line established by the new sidewalk width,  
44 rather than the street property line.

45 3. Except for child ((day)) care centers,  
46 pedestrian access to required street-level uses shall be  
47 provided directly from the street or a bonused public open  
48 space. Pedestrian entrances shall be located no more than  
three feet (3') above or below sidewalk grade or shall be at  
the same elevation as the abutting bonused public open space.

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2  
3 Section 38. Section 23.49.076 of the Seattle Municipal  
4 Code, as last amended by Ordinance 116744, is further amended  
5 as follows:

6 **23.49.076 Downtown Office Core 2, street facade**  
7 **requirements.**

8 \* \* \*

9  
10 C. Facade Transparency Requirements.

11 1. Facade transparency requirements shall apply  
12 to the area of the facade between two feet (2') and eight  
13 feet (8') above the sidewalk. Only clear or lightly tinted  
14 glass in windows, doors, and display windows shall be  
15 considered transparent. Transparent areas shall allow views  
16 into the structure or into display windows from the outside.

17 2. When the transparency requirements of this  
18 subsection are inconsistent with the glazing limits in the  
19 Energy Code, this subsection shall apply.

20 3. Transparency requirements shall be as follows:

21 a. Class I pedestrian streets and green  
22 streets (~~(street-parks)~~): a minimum of sixty percent (60%) of  
23 the street level facade shall be transparent.

24 b. Class II pedestrian streets: a minimum of  
25 thirty percent (30%) of the street level facade shall be  
26 transparent.

27 c. When the slope of the street frontage of  
28 the facade exceeds seven and one-half percent (7-1/2%), the  
required amount of transparency shall be reduced to forty-  
five percent (45%) on Class I pedestrian streets and green  
streets (~~(street-parks)~~) and by twenty-two percent (22%) on  
Class II pedestrian streets.

D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits shall apply to the  
area of the facade between two feet (2') and eight feet (8')  
above the sidewalk.

b. Any portion of a facade which is not  
transparent shall be considered to be a blank facade.

2. Blank Facade Limits for Class I Pedestrian  
Streets and Green Streets (~~(Street-Parks)~~).

a. Blank facades shall be no more than  
fifteen feet (15') wide, except for garage doors which may  
exceed fifteen feet (15'). Blank facade width may be  
increased to thirty feet (30') if the Director determines  
that the facade is enhanced by architectural detailing,  
artwork, landscaping, or similar features that have visual  
interest. The width of garage doors shall be limited to the  
width of the driveway plus five feet (5').

b. Any blank segments of the facade shall be  
separated by transparent areas at least two feet (2') wide.

1 c. The total of all blank facade segments,  
2 including garage doors, shall not exceed forty percent (40%)  
3 of the street facade of the structure on each street frontage  
4 or fifty-five percent (55%) ((ef)) if the slope of the street  
5 frontage of the facade exceeds seven and one-half percent (7-  
6 1/2%).

7 3. Blank Facade Limits for Class II Pedestrian  
8 Streets.

9 a. Blank facades shall be no more than  
10 thirty feet (30') wide, except for garage doors which may  
11 exceed thirty feet (30'). Blank facade width may be increased  
12 to sixty feet (60') if the Director determines that the  
13 facade is enhanced by architectural detailing, artwork,  
14 landscaping, or similar features that have visual interest.  
15 The width of garage doors shall be limited to the width of  
16 the driveway plus five feet (5').

17 b. Any blank segments of the facade shall be  
18 separated by transparent areas at least two feet (2') wide.

19 c. The total of all blank facade segments,  
20 including garage doors, shall not exceed seventy percent  
21 (70%) of the street facade of the structure on each street  
22 frontage, or seventy-eight percent (78%) if the slope of the  
23 street frontage of the facade exceeds seven and one-half  
24 percent (7-1/2%).

25 E. Screening of Parking.

26 1. Parking located at or above street level in a  
27 garage shall be screened according to the following  
28 requirements:

a. On Class I pedestrian streets and green  
streets ((~~street-parks~~)), parking shall not be permitted at  
street level unless separated from the street by other uses,  
provided that garage doors need not be separated.

b. On Class II pedestrian streets, parking  
shall be permitted at street level when at least thirty  
percent (30%) of the street frontage of the parking area,  
excluding that portion of the frontage area occupied by  
garage doors, is separated from the street by other uses. The  
facade of the separating uses shall be subject to the  
transparency and blank wall standards for Class I pedestrian  
streets in subsections C and D. The remaining parking shall  
be screened from view at street level and the street facade  
shall be enhanced by architectural detailing, artwork,  
landscaping, or similar visual interest features.

c. The perimeter of each floor of parking  
garages above street level shall have an opaque screen at  
least three and one-half feet (3-1/2') high.

2. Surface parking areas shall be screened and  
landscaped pursuant to Section 23.49.020, Screening and  
landscaping of surface parking areas.

\* \* \*

Section 39. The Public Benefit Feature Bonus Table for  
Section 23.49.126 of the Seattle Municipal Code, as last  
amended by Ordinance 116513, is further amended as follows:

1 (See page 42A)

2  
3 Section 40. Section 23.49.128 of the Seattle Municipal  
4 Code, as last amended by Ordinance 116513, is further amended  
5 as follows:

6 **23.49.128 Downtown Mixed Commercial, transfer of  
7 development rights.**

8 \* \* \*

9 D. Transfer of Development Rights Agreements.

10 1. The fee owners of sending and receiving lots  
11 shall execute a deed or other agreement, with the written  
12 consent of all holders of encumbrances on the sending lot,  
13 unless such consent is waived by the Director of Housing and  
14 Human Services for good cause, which deed or agreement shall  
15 be recorded with the title to both lots.

16 2. The agreement or deed shall be for a term  
17 which equals or exceeds the life of the project on the  
18 receiving lot for which the rights were transferred.

19 3. For transfers that are permitted based on the  
20 status of the sending site as a low-income housing TDR site  
21 or a landmark theater/housing TDR site, the owner of the  
22 sending site shall agree, with the written consent of all  
23 holders of encumbrances on the sending site, unless such  
24 consent is waived by the Director of Housing and Human  
25 Services or her designee for good cause, to provide for the  
26 maintenance of the required low-income housing on the sending  
27 lot for a minimum of twenty (20) years.

28 4. For any transfer that is permitted, or for  
which the sending site is granted priority, based on the  
status of the sending site as a landmark performing arts  
theater, the owner of the sending site shall sign a written  
agreement with the City with the approval of the Landmarks  
Preservation Board, with the written consent of all holders  
of encumbrances on the sending site, unless such consent is  
waived by the Director of Housing and Human Services for good  
cause. The owner of the sending site shall agree:

a. To maintain the structure in compliance  
with such agreement for a period of at least forty (40)  
years, and

b. To maintain the primary use of the  
theater portion of the structure as a performing arts theater  
for at least forty (40) years, and for so long thereafter as  
any of the interior features of the theater portion of the  
structure remain subject to controls under the Landmarks  
Ordinance, Chapter 25.12 of the Seattle Municipal Code (or  
successor provisions), unless after the minimum forty (40)  
year period the owner demonstrates to the satisfaction of the  
Landmarks Preservation Board that a change of use is required  
to allow the owner a sufficient economic return under the  
standards then applicable to proceedings for removal or  
modification of such controls.

In the case of a partial purchase of TDRs by the City  
for the TDR Bank, the Director of Housing and Human Services  
may allow a shorter period of commitment. Any relief that  
may be granted from the landmark designation or from any  
controls or restrictions imposed in connection with that

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Public Benefit Feature Bonus Table for Section 23.49.126

Public Benefit Feature	Bonus Ratio <sup>1</sup>	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	6 <sup>6</sup>	10,000 square feet
Human service use in existing structure	3 <sup>6</sup>	10,000 square feet
Child care in new structure	11 <sup>6</sup>	10,000 square feet <sup>5</sup>
Child care in existing structure	5.5 <sup>6</sup>	10,000 square feet <sup>5</sup>
Cinema	6	15,000 square feet
Shopping atrium in areas shown on Map VB	6 or 8 <sup>2</sup>	15,000 square feet
Shopping corridor in areas shown on Map VB	6 or 7.5 <sup>3</sup>	7,200 square feet
Retail shopping in areas shown on Map VB	2.5	0.5 times the area of the lot, not to exceed 15,000 square feet
Parcel park	4	7,000 square feet
Green Street ((Street park))	4	1.0 times the area of the lot
Rooftop garden, street-accessible	2	20% of lot area
Rooftop garden, interior-accessible	1.5	30% of lot area
Hillclimb assist in areas shown on Map HB	1.0 FAR <sup>4</sup>	Not applicable
Hillside terrace in areas shown on Map VB	3	6,000 square feet
Sidewalk widening if required by Section 23.49.022	3	Area necessary to meet required sidewalk width
Small lot development in view corridors required by Section 23.49.024	1.0 FAR <sup>4</sup>	Not applicable
Small lot development on blocks with DOC1 zoning	5 FAR <sup>4</sup>	Not applicable
Overhead weather protection on Pedestrian T streets designated on Map VD	3 or 4.5 <sup>3</sup>	10 times the street frontage of the lot
Museum	5	30,000 square feet
Housing	Subject to the Public Benefit Features Rule	Subject to the Public Benefit Features Rule; maximum amount is 2 times the area of the lot

<sup>1</sup> Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.

<sup>2</sup> Amount depends on height of the shopping atrium.

<sup>3</sup> Higher bonus is granted when skylights are provided.

<sup>4</sup> This is the amount of bonus granted when the public benefit feature is provided, regardless of its size.

<sup>5</sup> Child care space from 3,001 to 10,000 square feet is bonused at same ratio as human service uses.

<sup>6</sup> Human services and child care may be provided in another downtown zone; in that case, bonus ratio is subject to Public Benefit Features Rule.

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1 designation under S.M.C. Chapter 25.12 or otherwise, shall  
2 not affect the owner's obligations to any agreement under  
3 this subsection 4.

4 5. For any transfer to which subsection D4  
5 applies, a subsidy review shall be required if at the time of  
6 issuance of the building permit for the structure on the  
7 receiving site using the TDRs, the lot on which the landmark  
8 performing arts theater is located: ((†))

9 a. Is being or has been used for any off-  
10 site bonus; or

11 b. Is subject to any restrictions on the  
12 use, occupancy or rents of such property resulting from any  
13 public subsidy of any nature, direct or indirect, including  
14 without limitation any tax benefits, or will become subject  
15 to any such restrictions if any such subsidy for which an  
16 application has been made is granted.

17 6. When subsidy review is required according to  
18 one or more of the above criteria:

19 a. The transfer of development rights shall  
20 be allowed only to the extent that the Director of Housing  
21 and Human Services shall determine, pursuant to a subsidy  
22 review, that the benefits of such transfer and the benefits  
23 of any off-site bonus, if applicable, are reasonably  
24 necessary to make economically feasible:

25 (i) The preservation of the landmarks  
26 performing arts theater; and

27 (ii) Any replacement by the owner of  
28 such theater of ((low)) low-income housing or low-to-moderate  
income housing that is reasonably required to be eliminated  
from the sending site to make preservation and operation of  
the performing arts theater economically feasible, and

29 b. The Director of Housing and Human  
30 Services may require, as a condition of the transfer, that  
31 the owner of the lot upon which the landmark performing arts  
32 theater is located agree to limit any other subsidies to be  
33 received for that lot.

34 7. The agreement or deed shall state that the  
35 development rights transferred from the sending lot to the  
36 receiving lot may not be reclaimed unless the project on the  
37 receiving lot or that portion of the project for which the  
38 rights were transferred is demolished. The deed or agreement  
39 also shall provide that its covenants and conditions shall  
40 run with the land and shall be specifically enforceable by  
41 any party and by the City of Seattle.

42 Section 41. Section 23.49.134 of the Seattle Municipal  
43 Code, as last amended by Ordinance 116744, is further amended  
44 as follows:

45 **23.49.134 Downtown Mixed Commercial, street facade  
46 requirements.**

47 Standards for the facades of structures are established  
48 for the following elements:

49 Minimum facade heights  
50 Setback limits  
51 Facade transparency  
52 Blank facade limits

1 Screening of parking  
2 Street trees.

3 These standards shall apply to each lot line of a lot which  
4 abuts a street designated on Map VD as having a pedestrian  
5 classification. The standards for each street frontage shall  
6 vary according to the pedestrian classification of the street  
7 on Map VD, and whether property line facades are required by  
8 Map VC.

9 A. Minimum Facade Height.

10 1. Minimum facade height shall be as described in  
11 the chart below and Exhibit 23.49.134 A, but minimum facade  
12 heights shall not apply when all portions of the structure  
13 are lower than the elevation of the required minimum facade  
14 height listed below.

15 All Streets Where 16 Property Line 17 Facades Are 18 Required	19 Class I Pedestrian 20 Streets and <u>Green</u> 21 Streets ((Parks))	22 Class II 23 Pedestrian Streets
24 Minimum Facade <sup>2</sup> 25 Height	26 Minimum Facade <sup>2</sup> 27 Height	28 Minimum Facade <sup>2</sup> Height
35'	25'	15'

<sup>2</sup>Except as modified by view corridor requirements.

2. On designated view corridors described in Section 23.49.024, the minimum facade height shall be the required elevation of the setback when it is less than the minimum facade height required in subsection A1 of this section.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map VC as requiring property line facades:

a. The facades of structures fifteen feet (15') or less in height shall be located within two feet (2') of the street property line.

b. Structures greater than fifteen feet (15') in height shall be governed by the following criteria:

(1) No setback limits shall apply up to an elevation of fifteen feet (15') above sidewalk grade.

(2) Between the elevations of fifteen (15) and thirty-five feet (35') above sidewalk grade, the facade shall be located within two feet (2') of the street property line, except that:

i. Any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five feet (35') above sidewalk grade at the property line shall be permitted according to the following standards. (See Exhibit 23.49.134 B.)

- The maximum setback shall be ten feet (10').
- The total area of a facade which is set back more than two feet (2') from the street property line shall not exceed forty percent (40%) of the total

1 facade area between the elevations of fifteen (15)  
and thirty-five feet (35').

- 2 - No setback deeper than two feet (2') shall be wider  
than twenty feet (20'), measured parallel to the  
3 street property line.  
4 - The facade of the structure shall return to within  
two feet (2') of the street property line between  
5 each setback area for a minimum of ten feet (10').  
Balcony railings and other nonstructural features  
or walls shall not be considered the facade of the  
structure.

6 c. When sidewalk widening is required by  
Section 23.49.022, setback standards shall be measured to the  
7 line established by the new sidewalk width rather than the  
street property line.

8 2. General Setback Limits. The following setback  
limits shall apply on streets not requiring property line  
9 facades, as shown on Map VC. Except when the entire structure  
is fifteen feet (15') or less in height or when the minimum  
10 ((~~mainimum~~)) facade height established in subsection A is  
fifteen feet (15'), the setback limits shall apply to the  
11 facade between an elevation of fifteen feet (15') above  
sidewalk grade and the minimum facade height established in  
12 subsection A of this section. (See Exhibit 23.49.134 C.) When  
the structure is fifteen feet (15') or less in height, the  
13 setback limits shall apply to the entire street facade. When  
the minimum facade height is fifteen feet (15'), the setback  
limits shall apply to the portion of the street facade which  
is fifteen feet (15') or less in height.

14 a. The maximum area of all setbacks between  
the lot line and facade along each street frontage of a lot  
15 shall not exceed the area determined by multiplying the  
averaging factor by the width of the street frontage of the  
16 structure along the street. (See Exhibit 23.49.134 D.) The  
averaging factor shall be five (5) on Class I pedestrian  
17 streets and ten (10) on Class II pedestrian streets and green  
streets ((~~street-parks~~)). Parking shall not be located  
between the facade and the street lot line.

18 b. The maximum width, measured along the  
street property line, of any setback area exceeding a depth  
19 of fifteen feet (15') from the street property line shall not  
exceed eighty feet (80'), or thirty percent (30%) of the lot  
20 frontage on that street, whichever is less. (See Exhibit  
23.49.134 D.)

21 c. The maximum setback of the facade from  
the street property lines at intersections shall be ten feet  
(10'). The minimum distance the facade must conform to under  
22 this limit shall be twenty feet (20') along each street. (See  
Exhibit 23.49.134 E.)

23 d. Any exterior public open space which  
satisfies the Public Benefit Features Rule, whether it  
24 receives a bonus or not, and any outdoor common recreation  
area required for residential uses, shall not be considered  
part of a setback. (See Exhibit 23.49.134 C.)

25 e. When sidewalk widening is required by  
Section 23.49.022, setback standards shall be measured to the  
26 line established by the new sidewalk width rather than the  
street property line.

27 C. Facade Transparency Requirements.

28 1. Facade transparency requirements shall apply  
to the area of the facade between two feet (2') and eight  
feet (8') above the sidewalk. Only clear or lightly tinted  
glass in windows, doors, and display windows shall be

1 considered transparent. Transparent areas shall allow views  
into the structure or into display windows from the outside.

2 2. Facade transparency requirements shall not  
apply to portions of structures in residential use.

3 3. When the transparency requirements of this  
subsection are inconsistent with the glazing requirements of  
the Energy Code this subsection shall apply.

4 4. Transparency requirements shall be as follows:

5 a. Class I pedestrian streets and green  
streets ((~~street-parks~~)): a minimum of sixty percent (60%) of  
the street level facade shall be transparent.

6 b. Class II pedestrian streets: a minimum of  
thirty percent (30%) of the street level facade shall be  
transparent.

7 c. When the slope of the street frontage of  
the facade exceeds seven and one-half percent (7-1/2%), the  
required amount of transparency shall be reduced to forty-  
five percent (45%) on Class I pedestrian streets and green  
streets ((~~street-parks~~)), and twenty-two percent (22%) on  
Class II pedestrian streets.

8 D. Blank Facade Limits.

9 1. General Provisions.

10 a. Blank facade limits shall apply to the  
area of the facade between two feet (2') and eight feet (8')  
above the sidewalk.

11 b. Any portion of a facade which is not  
transparent shall be considered to be a blank facade.

12 c. Blank facade limits shall not apply to  
portions of structures in residential use.

13 2. Blank Facade Limits for Class I Pedestrian  
Streets and Green Streets ((~~Street-Parks~~)).

14 a. Blank facades shall be limited to  
segments fifteen feet (15') wide, except for garage doors  
which may exceed fifteen feet (15'). Blank facade width may  
be increased to thirty feet (30') if the Director determines  
that the facade is enhanced by architectural detailing,  
artwork, landscaping, or similar features that have visual  
interest. The width of garage doors shall be limited to the  
width of the driveway plus five feet (5').

15 b. Any blank segments of the facade shall be  
separated by transparent areas at least two feet (2') wide.

16 c. The total of all blank facade segments,  
including garage doors, shall not exceed forty percent (40%)  
of the street facade of the structure on each street  
frontage; or fifty-five percent (55%) if the slope of the  
street frontage of the facade exceeds seven and one-half  
percent (7-1/2%).

17 3. Blank Facade Limits for Class II Pedestrian  
Streets.

18 a. Blank facades shall be no more than  
thirty feet (30') wide, except for garage doors which may  
exceed thirty feet (30').

19 Blank facade width may be increased to sixty feet (60')  
if the Director determines that the facade is enhanced by  
architectural detailing, artwork, landscaping, or similar  
features that have visual interest. The width of garage doors  
shall be limited to the width of the driveway plus five feet  
(5').

20 b. Any blank segments of the facade shall be  
separated by transparent areas at least two feet (2') wide.

21 c. The total of all blank facade segments,  
including garage doors, shall not exceed seventy percent  
(70%) of the street facade of the structure on each street

1 frontage; or seventy-eight percent (78%) if the slope of the  
2 street frontage of the facade exceeds seven and one-half  
3 percent (7-1/2%).

4 E. Screening of Parking.

5 1. Parking located at or above grade shall be  
6 screened according to the following requirements:

7 a. On Class I pedestrian streets and green  
8 streets (~~street-parks~~), parking shall not be permitted at  
9 street level unless separated from the street by other uses,  
10 provided that garage doors need not be separated.

11 b. On Class II pedestrian streets parking  
12 shall be permitted at street level when at least thirty  
13 percent (30%) of the street frontage of the parking area,  
14 excluding that portion of the frontage occupied by garage  
15 doors, is separated from the street by other uses. The facade  
16 of the separating uses shall be subject to the transparency  
17 and blank wall standards for Class I pedestrian streets in  
18 subsections C and D. The remaining parking shall be screened  
19 from view at street level and the street facade shall be  
20 enhanced by architectural detailing, artwork, landscaping, or  
21 similar visual interest features.

22 c. The perimeter of each floor of parking  
23 garages above street level shall have an opaque screen at  
24 least three and one-half feet (3-1/2') high.

25 2. Surface parking areas shall be screened and  
26 landscaped pursuant to Section 23.49.020, Screening and  
27 landscaping of surface parking areas.

28 \* \* \*

Section 42. Section 23.49.152 of the Seattle Municipal  
Code, as last amended by Ordinance 116513, is further amended  
as follows:

**23.49.152 Downtown Mixed Residential, ratios for public  
benefit features.**

A. General Provisions.

1. No floor area beyond the base FAR shall be  
granted for any project which causes the destruction of any  
designated feature of a Landmark structure unless authorized  
by the Landmarks Preservation Board.

2. Additional gross floor area may be permitted  
up to the "maximum FAR with housing" described in Section  
23.49.150 when low or low-moderate housing is included in the  
development proposal and the following criteria are met:

a. The housing bonus shall be granted only  
for the production of low or low-moderate housing in a new  
structure, or in a rehabilitated structure or portion of a  
rehabilitated structure which was not in residential use as  
of January 1, 1983.

b. The housing shall be located in a DMR  
zone.

c. The housing bonus shall be granted by the  
Director based on a finding by the Director of Housing and  
Human Services that the proposed housing satisfies the Public  
Benefit Features Rule.

1 d. When the housing option as provided in  
2 Section 23.49.164C is used, the housing provided shall be for  
3 low-income households for a period of at least twenty (20)  
4 years in order to receive a housing bonus, and the bonus  
5 ratio shall be six (6) square feet of commercial floor area  
6 for every square foot of housing provided.

7 3. The Director shall review the design of any  
8 public benefit feature listed in subsection B to determine  
9 whether the feature, as proposed for a specific project,  
10 provides public benefits and is consistent with the  
11 definitions in Chapter 23.84 and the Public Benefit Features  
12 Rule.

13 4. Except for housing, human services and child  
14 ((day)) care, all public benefit features provided in return  
15 for a bonus shall be located on the same lot or abutting  
16 public right-of-way as the project in which the bonus floor  
17 area is used.

18 \* \* \*

19 Section 43. Section 23.49.160 of the Seattle Municipal  
20 Code, as adopted by Ordinance 112303, is amended to read as  
21 follows:

22 **23.49.160 Downtown Mixed Residential, street-level use  
23 requirements.**

24 Street-level uses listed in subsection A shall be  
25 required on the streets designated on Map VIB. Required  
26 street-level uses shall meet the standards of this section.

27 A. Types of Uses. The following uses shall qualify as  
28 required street-level uses:

1. Retail sales and services, except lodging;
2. Human service uses and child ((day)) care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters; and
5. Museums.

B. General Standards.

1. A minimum of seventy-five percent (75%) of each street frontage to which street-level use requirements apply shall be occupied by uses listed in subsection A. The remaining twenty-five percent (25%) may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be counted in street frontage.

2. Required street-level uses shall be located within ten feet (10') of the street property line or shall abut a public open space. When sidewalk widening is required by Section 23.49.022, the ten feet (10') shall be measured to the line established by the new sidewalk width rather than the street property line.

3. Except for child ((day)) care centers, pedestrian access to required street-level uses shall be provided directly from the street or a bonused public open

1 space. Pedestrian entrances shall be located no more than  
2 three feet (3') above or below sidewalk grade or shall be at  
3 the same elevation as the abutting bonused public open space.

4 Section 44. Section 23.49.162 of the Seattle Municipal  
5 Code, as last amended by Ordinance 116744, is further amended  
6 as follows:

7 **23.49.162 Downtown Mixed Residential, street facade  
8 requirements.**

9 Standards for the facades of structures are established  
10 for the following elements:

- 11 Minimum facade heights;
- 12 Setback limits;
- 13 Facade transparency;
- 14 Blank facade limits;
- 15 Screening of parking;
- 16 Landscaping.

17 These standards shall apply to each lot line of a lot  
18 which abuts a street designated on Map VID as having a  
19 pedestrian classification. The standards on each street  
20 frontage shall vary according to the pedestrian  
21 classification of the street on Map VID, and whether property  
22 line facades are required by Map VIC.

23 A. Minimum Facade Height.

24 1. Minimum facade height shall be as described in  
25 the chart below (and see Exhibit 23.49.162 A), but minimum  
26 facade heights shall not apply when all portions of the  
27 structure are lower than the elevation of the required  
28 minimum facade height listed below.

18 All Streets Where 19 Property Line Facades 20 Are Required	Class I 21 Pedestrian Streets 22 and <u>Green Streets</u> 23 ( <u>Street-Parks</u> )	Class II 24 Pedestrian 25 Streets
26 Minimum Facade <sup>1</sup> 27 Height	28 Minimum Facade <sup>1</sup> Height	Minimum Facade <sup>1</sup> Height
35 feet	25 feet	15 feet

<sup>1</sup> Except as modified by view corridor requirements.

2. On designated view corridors, Section 23.49.024, the minimum facade height shall be the required elevation of the setback, when it is less than the minimum facade height required in subsection A1.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map VIC as requiring property line facades:

a. The facades of structures fifteen feet (15') or less in height shall be located within two feet (2') of the street property line.

b. Structures greater than fifteen feet (15') in height shall be governed by the following criteria:

1 (1) No setback limits shall apply up to an  
elevation of fifteen feet (15') above sidewalk grade.

2 (2) Between the elevations of fifteen (15) and  
thirty-five feet (35') above sidewalk grade, the facade shall  
3 be located within two feet (2') of the street property line,  
except that:

4 i. Any exterior public open space which satisfies  
the Public Benefit Features Rule, whether it receives a bonus  
or not, and any outdoor common recreation area required for  
5 residential uses, shall not be considered part of a setback.

6 ii. Setbacks between the elevations of fifteen (15)  
and thirty-five feet (35') above sidewalk grade at the  
property line shall be permitted according to the following  
7 standards. (See Exhibit 23.49.162 B.)

- 8 - The maximum setback shall be ten feet (10').
- 9 - The total area of a facade which is set back more  
than two feet (2') from the street property line  
shall not exceed forty percent (40%) of the total  
10 facade area between the elevations of fifteen (15)  
and thirty-five feet (35').
- 11 - No setback deeper than two feet (2') shall be wider  
than twenty feet (20'), measured parallel to the  
street property line.
- 12 - The facade of the structure shall return to within  
two feet (2') of the street property line between  
each setback area for a minimum of ten feet (10').  
13 Balcony railings and other nonstructural features  
or walls shall not be considered the facade of the  
14 structure.

15 c. When sidewalk widening is required by  
Section 23.49.022, setback standards shall be measured to the  
line established by the new sidewalk width rather than the  
street property line.

16 2. General Setback Limits. The following setback  
limits shall apply on streets not requiring property line  
17 facades as shown on Map VIC. Except when the entire structure  
is fifteen feet (15') or less in height, or when the minimum  
18 facade height established in subsection A is fifteen feet  
(15'), the setback limits shall apply to the facade between  
19 an elevation of fifteen feet (15') above sidewalk grade and  
the minimum facade height established in subsection A (see  
20 Exhibit 23.49.162 C). When the structure is fifteen feet  
(15') or less in height, the setback limits shall apply to  
the entire street facade. When the minimum facade height is  
21 fifteen feet (15'), the setback limits shall apply to the  
portion of the street facade which is fifteen feet (15') or  
22 less in height.

23 a. The maximum area of all setbacks between  
the lot line and facade shall be limited according to an  
averaging technique. The maximum area of all setbacks along  
24 each street frontage of a lot shall not exceed the area  
determined by multiplying the averaging factor by the width  
of the street frontage of the structure along the street.  
25 (See Exhibit 23.49.162 D.) The averaging factor shall be five  
(5) on Class I pedestrian streets, twenty (20) on Class II  
26 pedestrian streets, and thirty (30) on green streets ((street  
parks)). Parking shall not be located between the facade and  
the street lot line.

27 b. The maximum width, measured along the  
street property line, of any setback area exceeding a depth  
28 of fifteen feet (15') from the street property line shall not  
exceed eighty feet (80'), or thirty percent (30%) of the lot

1 frontage on that street, whichever is less. (See Exhibit  
23.49.162 D.)

2 c. The maximum setback of the facade from  
3 the street property line at intersections shall be ten feet  
(10'). The minimum distance the facade must conform to under  
4 this limit shall be twenty feet (20') along each street. (See  
Exhibit 23.49.162 E.)

5 d. Any exterior public open space which  
6 satisfies the Public Benefit Features Rule, whether it  
7 receives a bonus or not, and any outdoor common recreation  
8 area required for residential uses, shall not be considered  
part of a setback. (See Exhibit 23.49.162 C.)

9 e. When sidewalk widening is required by  
10 Section 23.49.022, setback standards shall be measured to the  
11 line established by the new sidewalk width rather than the  
street property line.

12 C. Facade Transparency Requirements.

13 1. Facade transparency requirements shall apply  
14 to the area of the facade between two feet (2') and eight  
feet (8') above the sidewalk. Only clear or lightly tinted  
15 glass in windows, doors, and display windows shall be  
16 considered transparent. Transparent areas shall allow views  
into the structure or into display windows from the outside.

17 2. Facade transparency requirements shall not  
apply to portions of structures in residential use.

18 3. When the transparency requirements of this  
subsection are inconsistent with the glazing limits in the  
Energy Code, this subsection shall apply.

19 4. Transparency requirements shall be as follows:

20 a. Class I pedestrian streets: A minimum of  
sixty percent (60%) of the street-level facade shall be  
transparent.

21 b. Class II pedestrian streets and green  
streets (~~(street-parks)~~): A minimum of thirty percent (30%)  
of the street-level facade shall be transparent.

22 c. When the slope of the street frontage of  
the facade exceeds seven and one-half percent (7-1/2%), the  
required amount of transparency shall be reduced to forty-  
five percent (45%) on Class I pedestrian streets and twenty-  
two percent (22%) on Class II pedestrian streets and green  
streets (~~(street-parks)~~).

23 D. Blank Facade Limits.

24 1. General Provisions.

25 a. Blank facade limits shall apply to the  
area of the facade between two feet (2') and eight feet (8')  
above the sidewalk.

26 b. Any portion of a facade which is not  
transparent shall be considered to be a blank facade.

27 c. Blank facade limits shall not apply to  
portions of structures in residential use.

28 2. Blank Facade Limits for Class I Pedestrian  
Streets.

a. Blank facades shall be limited to  
segments fifteen feet (15') wide, except for garage doors  
which may exceed fifteen feet (15'). Blank facade width may  
be increased to thirty feet (30') if the Director determines  
that the facade is enhanced by architectural detailing,  
artwork, landscaping, or similar features that have visual  
interest. The width of garage doors shall be limited to the  
width of the driveway plus five feet (5').

b. Any blank segments of the facade shall be  
separated by transparent areas at least two feet (2') wide.

1 c. The total of all blank facade segments,  
2 including garage doors, shall not exceed forty percent (40%)  
3 of the street facade of the structure on each street  
4 frontage; or fifty-five percent (55%) if the slope of the  
5 street frontage of the facade exceeds seven and one-half  
6 percent (7-1/2%).

7 3. Blank Facade Limits for Class II Pedestrian  
8 Streets and Green Streets ((Street-Parks)).

9 a. Blank facades shall be limited to  
10 segments thirty feet (30') wide, except for garage doors  
11 which may exceed thirty feet (30'). Blank facade width may be  
12 increased to sixty feet (60') if the Director determines that  
13 the facade is enhanced by architectural detailing, artwork,  
14 landscaping, or similar features that have visual interest.  
15 The width of garage doors shall be limited to the width of  
16 the driveway plus five feet (5').

17 b. Any blank segments of the facade shall be  
18 separated by transparent areas at least two feet (2') wide.

19 c. The total of all blank facade segments  
20 including garage doors, shall not exceed seventy percent  
21 (70%) of the street facade of the structure on each street  
22 frontage; or seventy-eight percent (78%) if the slope of the  
23 street frontage of the facade exceeds seven and one-half  
24 percent (7-1/2%).

25 E. Screening of Parking.

26 1. Parking located at or above street level in a  
27 garage shall be screened according the following  
28 requirements:

a. On Class I pedestrian streets and green streets ((street-parks)), parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

b. On Class II pedestrian streets and green streets ((street-parks)), parking shall be permitted at street level when at least thirty percent (30%) of the street frontage of the parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the transparency and blank wall standards for Class I pedestrian streets in subsection D2. The remaining parking shall be screened from view at street level and the street facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

c. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half feet (3-1/2') high.

2. Surface parking areas shall be screened and landscaped pursuant to Section 23.49.020, Screening and landscaping of surface parking area.

F. Landscaping Requirements.

1. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to The City of Seattle Engineering Department Tree Planting Standards.

2. Landscaping in the Street Right-of-way. All new development shall provide landscaping in the sidewalk area of the street right-of-way. The square feet of landscaped area provided shall be at least one and one-half (1-1/2) times the length of the street property line. The

1 following standards shall apply to the required landscaped  
2 area:

3 a. The landscaped area shall be at least  
4 eighteen inches (18") wide and shall be located in the public  
5 right-of-way along the entire length of the street property  
6 line.

7 b. Exceptions shall be allowed for building  
8 entrances, vehicular access or other connections between the  
9 sidewalk and the lot, but in no case shall exceptions exceed  
10 fifty percent (50%) of the total length of the street  
11 property line(s).

12 c. As alternative to locating the  
13 landscaping at the street property line, all or a portion of  
14 the required landscaped area may be provided in the sidewalk  
15 within five feet of the curblin.

16 d. Landscaping provided within five feet  
17 (5') of the curblin shall be located and designed in  
18 relation to the required street tree planting and take into  
19 consideration use of the curb lane for parking and loading.

20 e. A minimum unobstructed sidewalk width of  
21 five feet (5') on east/west streets and eight feet (8') on  
22 avenues shall be provided.

23 f. All plant material shall be planted  
24 directly in the ground. A minimum of fifty percent (50%) of  
25 the plant material shall be perennial.

26 g. Where the required landscaping is on a  
27 green street (~~(street-park)~~) or street with urban design  
28 and/or landscaping guidelines promulgated by the Engineering  
Department, the planting shall be in conformance with those  
provisions.

3. Landscaping in Setbacks.

a. Twenty percent (20%) of areas on the  
street property line that are not covered by a structure,  
which have a depth of ten feet (10') or more from the street  
property line and are larger than three hundred (300) square  
feet, shall be landscaped.

Any area under canopies or marquees shall be considered  
uncovered. Any setback provided to meet the minimum sidewalk  
widths established by Section 23.49.022, shall be exempt from  
the calculation of the area to be landscaped.

b. All plant material shall be planted  
directly in the ground or in permanently installed planters.  
A minimum of fifty percent (50%) of the plant material shall  
be perennial and shall include trees when the setback exceeds  
six hundred (600) square feet.

Section 45. Section 23.49.166 of the Seattle Municipal  
Code, as last amended by Ordinance 114202, is further amended  
as follows:

23.49.166 Downtown Mixed Residential, side setback and  
green street (~~(street-park)~~) setback  
requirements.

\* \* \*

B. Green Street (~~(Street-Park)~~) Setbacks. Except on  
lots located in DMR/R eighty-five foot (85') height

1 districts, a setback from the street property line shall be  
2 required on green streets (~~street-parks~~) designated on Map  
VID at an elevation of sixty-five feet (65'). The setback  
shall be as follows:

3 Elevation of Portion of	
4 Structure	Required Setback
65' to 85'	10'
86' to 240'	(H- 85') x .2 + 10'

5 where H equals the highest point of the portion of the  
6 structure located within 120 feet of the green street  
(~~street-park~~) lot line, in feet.

7  
8 Section 46. Section 23.49.248 of the Seattle Municipal  
9 Code, as last amended by Ordinance 112519, is further amended  
10 as follows:

11 **23.49.248 International District Residential, side**  
12 **setback and green street (~~street-park~~)**  
**setback requirements.**

13 \* \* \*

14 B. Green Street (~~Street-Park~~) Setbacks. A setback  
15 from the street property line shall be required on green  
streets (~~street-parks~~), Map IXA, at an elevation of forty  
feet (40'). The setback shall be as follows:

16 Elevation of	
17 Portion of	Required Setback
Structure	
40' to 85'	10'
86' to 240'	$\frac{(H-85')}{(H-86')}$ x .2 + 10'

18 where H = Total structure height in feet.  
19

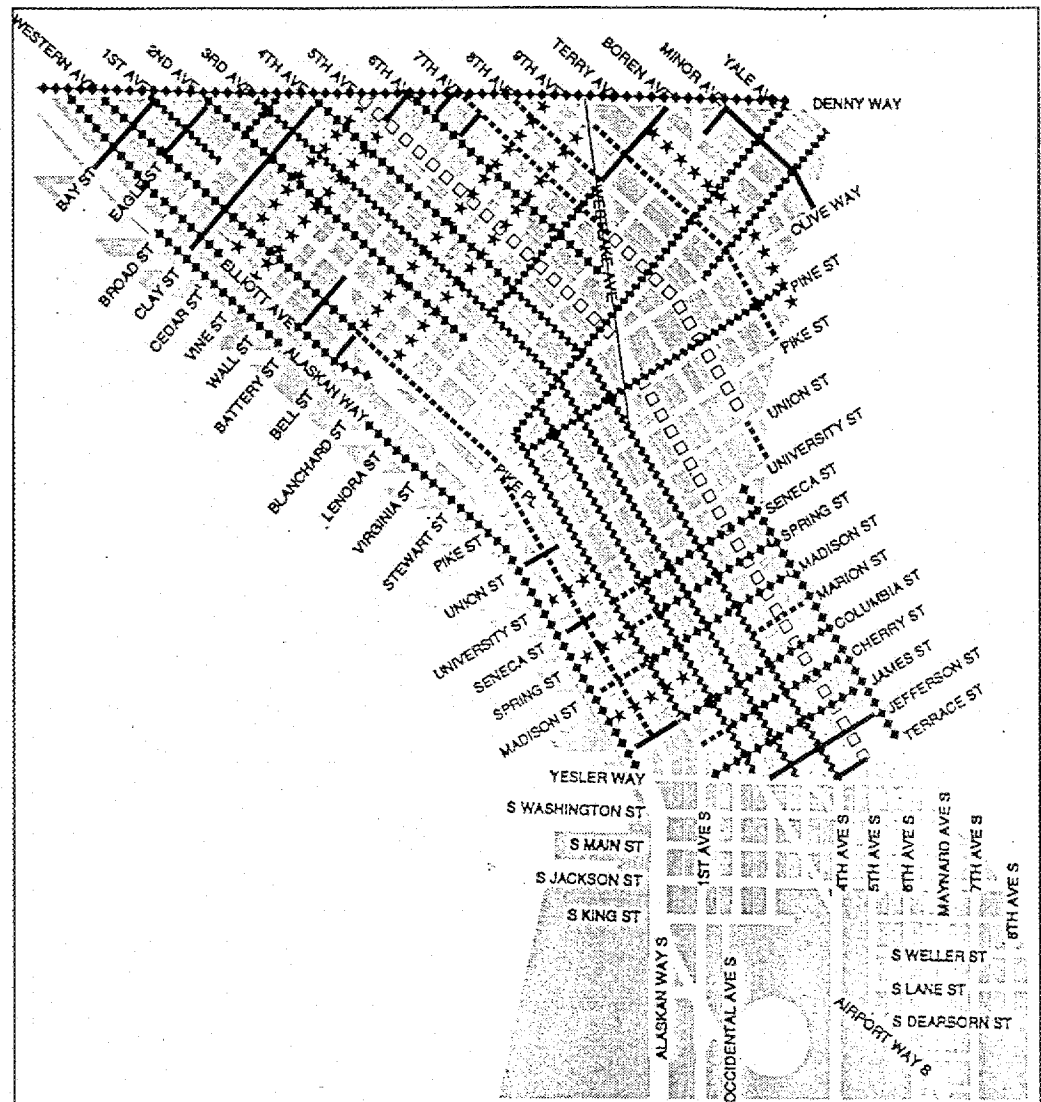
20  
21 Section 47. Maps 1B, IIID, VIA, and VID in Chapter  
22 23.49 of the Seattle Municipal Code are amended to read as  
follows:

23 (See pages 54A, 54B, 54C, and 54D)

24  
25 Section 48. Section 23.50.012 of the Seattle Municipal  
26 Code, as last amended by Ordinance 116907 is further amended  
27 as follows:

28 **23.50.012 Permitted and prohibited uses.**

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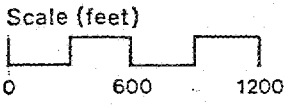
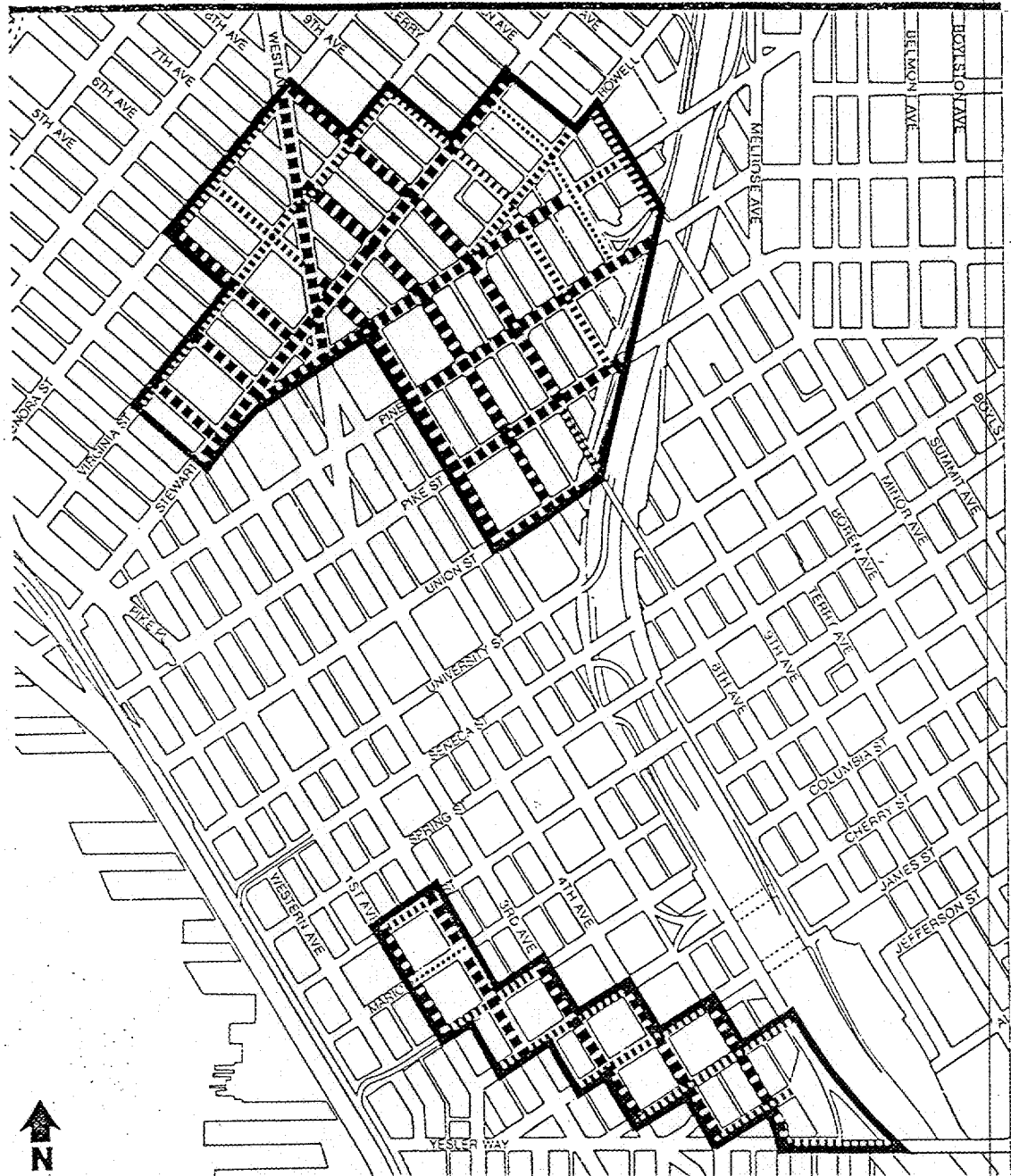
- Street Classifications**
- Access Street
  - ..... Class II Pedestrian Street/Minor Arterial
  - ◆◆◆◆◆ Class II Pedestrian Street/Principal Arterial
  - Class I Pedestrian Street/Minor Arterial
  - Class I Pedestrian Street/Principal Arterial
  - ~~~~~ Principal Transit Street
  - \*\*\*\*\* (Street Park) Green Street
  - Undeveloped Street




**Map 1B**

**Downtown  
Zones**

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-  Class I
-  Class II
-  ((Street-Park)) Green Street

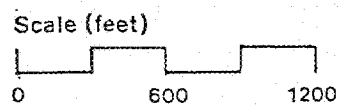
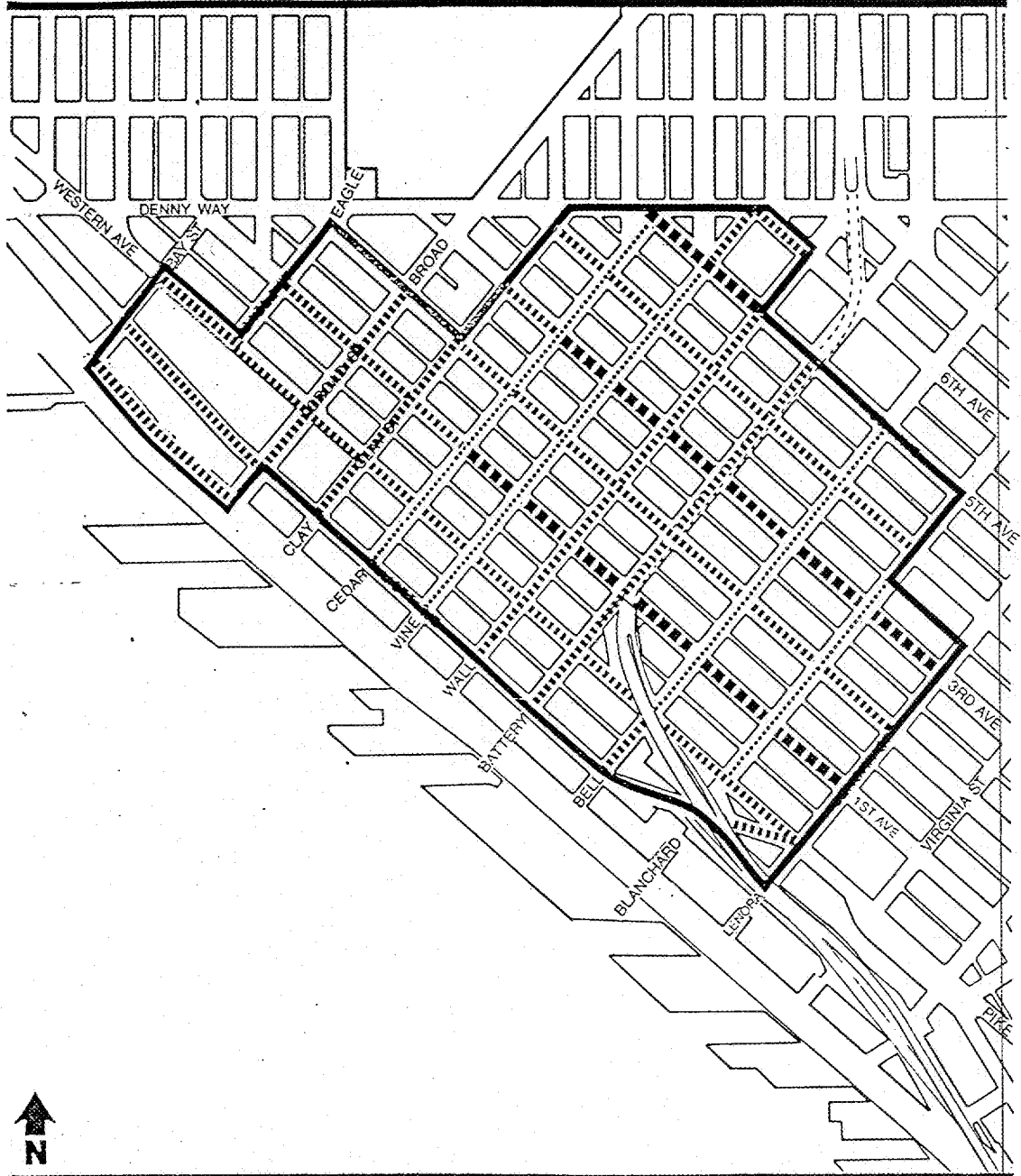
**Pedestrian Street Classifications**




**Map IIID**

Downtown  
Office  
Core-2

54B

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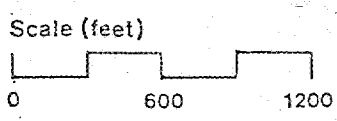
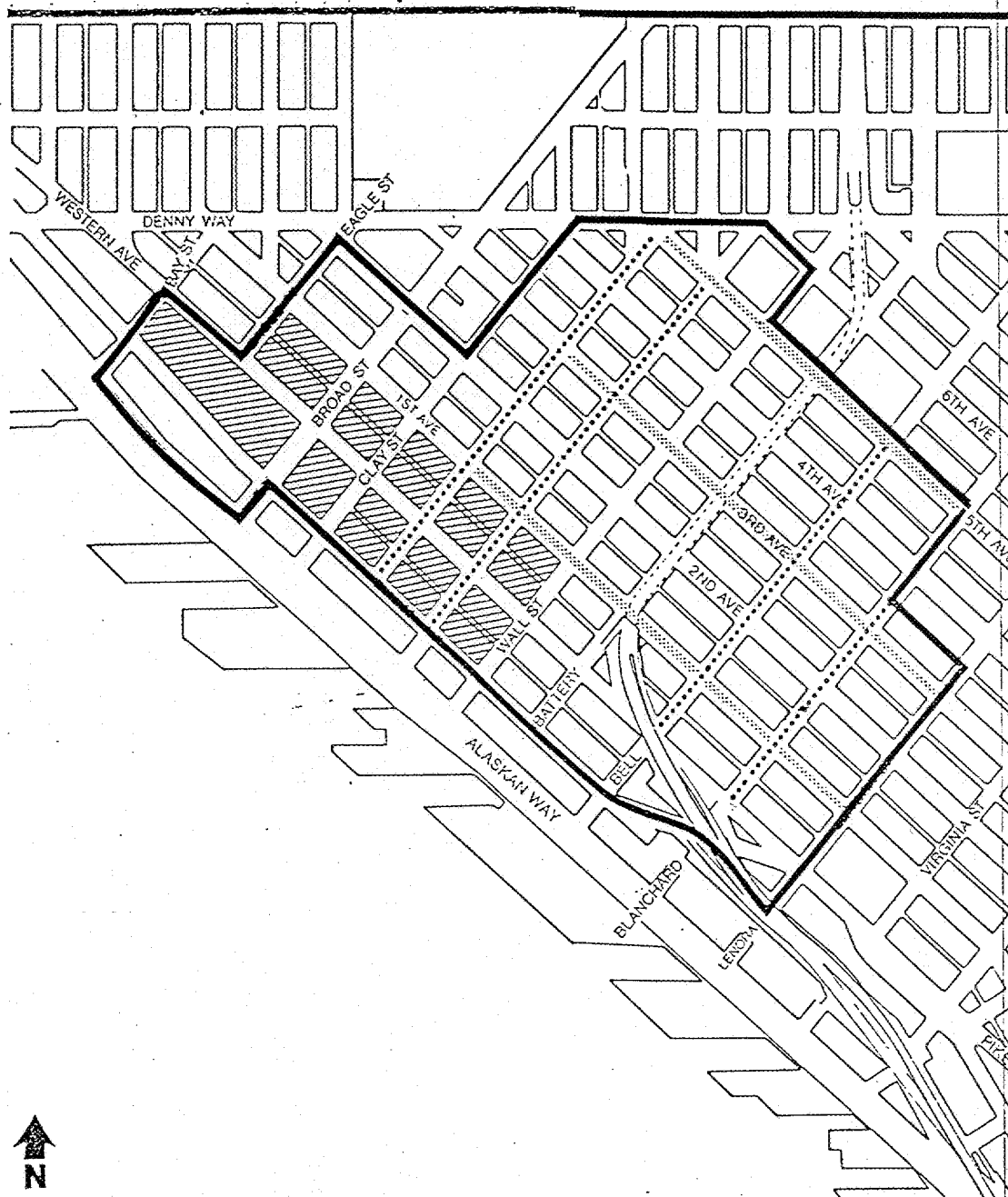
-  Class I
-  Class II
-  ((Street Park)) Green Street




**Map VI D**  
Downtown  
Mixed  
Residential

**Pedestrian Street Classifications**

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-  Hillside Terrace
-  ((Street Parks)) Green Streets
-  Retail Shopping Bonus

Public Benefit Features

**Map VIA**  
Downtown  
Mixed  
Residential

54D

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\* \* \*

C. City facilities and public projects which do not meet development standards may be permitted by the City Council pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use decisions.

Section 49. Section 23.53.025 of the Seattle Municipal Code, as last amended by Ordinance 115568, is further amended as follows:

**23.53.025 Access easement standards.**

When access by easement has been approved by the Director, the easement shall meet the following standards. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the Street Improvement Manual.

A. Vehicle Access Easements Serving One (1) Or Two (2) Single-Family Dwelling Units Or One (1) Duplex.

1. Easement width shall be a minimum of ten feet (10'), or twelve feet (12') if required by the Fire Chief ((Code)) due to distance of the structure from the easement.

2. No maximum easement length shall be set. If easement length is more than one hundred fifty feet (150'), a vehicle turnaround shall be provided.

3. Curbcut width from the easement to the street shall be the minimum necessary for safety and access.

B. Vehicle Access Easements Serving At Least Three (3) But Fewer Than Five (5) Single-Family Dwelling Units.

1. Easement width shall be a minimum of twenty feet (20');

2. The easement shall provide a hard-surfaced roadway at least twenty feet (20') (~~sixteen-feet-(16')~~) wide;

3. No maximum easement length shall be set. If the easement is over six hundred feet (600') long, a fire hydrant may be required by the Director;

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

5. Curbcut width from the easement to the street shall be the minimum necessary for safety and access.

\* \* \*

H. Exceptions From Access Easement Standards.

The Director, in consultation with the Fire Chief, may modify the requirements for easement width and surfacing for properties located in environmentally critical areas when it is determined that:

1. Such modification(s) would reduce adverse effects to identified environmentally critical areas, and

2. Adequate access and provisions for fire protection can be provided for structures served by the easement.

1  
2 Section 50. Section 23.53.030 of the Seattle Municipal  
3 Code, as last amended by Ordinance 116262, is further amended  
4 as follows:

5 **23.53.030 Alley improvements in all zones.**

6 \* \* \*

7 D. Minimum Widths Established.

8 1. The minimum required width for an existing  
9 alley right-of-way shall be as shown on Chart C for Section  
10 23.53.030.

11 **Chart C  
12 for Section 23.53.030**

13 **Required Minimum Right-of-Way  
14 Widths for Existing Alleys**

15 Zone Category	16 Right-of-Way Width
17 1. SF and LDT	18 no minimum width
19 2. L1, L2, NC1	20 12'
21 3. L3, L4, MR, HR, NC2	22 16'
23 4. NC3, C1, C2, all downtown zones	24 20'
25 5. <u>All industrial zones</u>	26 <u>20'</u>

27 2. When an alley abuts lots in more than one (1) zone  
28 category, the zone category with the most frontage on that  
block along both sides of the alley, excluding Zone Category  
1, determines the minimum width on the chart. If the zone  
categories have equal frontage, the one with the wider  
requirement shall be used to determine the minimum alley  
width.

19 \* \* \*

20  
21 Section 51. Section 23.54.020 of the Seattle Municipal  
22 Code, as last amended by Ordinance 114196, is further amended  
23 as follows:

24 **23.54.020 Parking quantity exceptions.**

25 The parking quantity exceptions set forth in this  
26 section shall apply in all zones except downtown zones, which  
are regulated by Section 23.49.016, and major institution  
zones, which are regulated by Section 23.48.018.

27 A. Adding Units to Existing Structures in Multifamily  
and Neighborhood Commercial Zones.

28 1. For the purposes of this section, "existing  
structures" shall be those structures which were established  
under permit, or for which a permit has been granted and has

1 not expired, or are substantially underway in accordance with  
2 subsection D of Section 23.04.010, as of the effective date  
of the applicable Chapter of this Land Use Code, as follows:

- 3 a. In multifamily zones, August 10, 1982;
- 4 b. In commercial zones, June 9, 1986.

5 2. If an existing residential structure in a  
6 multifamily or neighborhood commercial zone has parking which  
7 meets the development standards, and the lot area is not  
8 increased, one (1) unit may be added without additional  
9 parking. If two (2) units are added, one (1) space will be  
10 required; three (3) units will require two (2) spaces, etc.  
11 Additional parking must meet all development standards for  
12 the particular zone.

13 3. In a Lowrise Duplex/Triplex ((Single-Family  
14 Attached)) zone:

15 a. When an existing residential structure  
16 provides less than one (1) parking space per unit, one (1)  
17 parking space shall be required for each additional dwelling  
18 unit when dwelling units are added to the structure or the  
19 structure is altered to create additional dwelling units;

20 b. When an existing nonresidential structure  
21 is partially or completely converted to residential use, then  
22 no parking space shall be required for the first new dwelling  
23 unit, provided that the lot area is not increased and  
24 existing parking is screened and landscaped to the greatest  
25 extent practical.

26 Additional parking provided shall meet all  
27 development standards for the Lowrise Duplex/Triplex  
28 ((Single-Family-Attached)) zone.

29 4. If an existing structure does not conform to  
30 the development standards for parking, or is occupied by a  
31 nonconforming use, when:

32 --Dwelling units are added to the structure;  
33 or

34 --The structure is altered to create  
35 additional dwelling units; or

36 --The structure is completely converted to  
37 residential use,

38 then no parking space need be provided for the first new or  
39 added dwelling unit, provided that the lot area is not  
40 increased and existing parking is screened and landscaped to  
41 the greatest extent practical. Additional parking provided  
42 shall meet all development standards for the particular zone.  
43 This exception shall not apply in Lowrise Duplex/Triplex  
44 ((Single-Family-Attached)) zones.

45 \* \* \*

46 Section 52. Section 23.54.030 of the Seattle Municipal  
47 Code, as last amended by Ordinance 115568, is further amended  
48 as follows:

49 **23.54.030 Parking space standards.**

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

- 53 A. Parking Space Dimensions.

1           1. "Large vehicle" means the minimum size of a  
2 large vehicle parking space shall be eight and one-half feet  
(8-1/2') in width and nineteen feet (19') in length.

3           2. "Medium vehicle" means the minimum size of a  
4 medium vehicle parking space shall be eight feet (8') in  
5 width and sixteen feet (16') in length.

6           3. "Small vehicle" means the minimum size of a  
7 small vehicle parking space shall be seven and one-half feet  
8 (7-1/2') in width and fifteen feet (15') in length.

9           4. "Barrier-free parking" means a parking space  
10 meeting the following standards:

11           a. Parking spaces shall not be less than  
12 eight feet (8') in width and shall have an adjacent access  
13 aisle not less than five feet (5') in width. Van-accessible  
14 parking spaces shall have an adjacent access aisle not less  
15 than eight feet (8') in width. Where two adjacent spaces are  
16 provided, the access aisle may be shared between the two  
17 spaces. ((A minimum width of twelve and one-half feet (12-  
18 1/2'), except that where two (2) adjacent spaces are  
19 provided, total width may be reduced to twenty-one feet  
20 (21'), provided an access aisle with a minimum width of  
21 forty-eight inches (48") is located between the two (2)  
22 spaces.)) Boundaries of access aisles shall be marked so  
23 that aisles will not be used as parking space.

24           b. A minimum length of nineteen feet (19');  
25 or when more than one (1) barrier-free parking space is  
26 provided, at least one (1) shall have a minimum length of  
27 nineteen feet (19'), and other spaces may be the lengths of  
28 small, medium or large spaces in approximate proportion to  
the number of each size space provided on the lot.

          5. "Tandem parking" means a parking space equal to  
the width and two (2) times the length of the vehicle size  
standards in subsections A1, A2 and A3 for the size of the  
vehicle to be accommodated.

          6. Columns or other structural elements may  
encroach into the parking space a maximum of six inches (6")  
on a side, except in the area for car door opening, five feet  
(5') from the longitudinal centerline or four feet (4') from  
the transverse centerline of a parking space (Exhibit  
23.54.030 A). No wall, post, guardrail, or other  
obstruction, or property line, shall be permitted within the  
area for car door opening.

          7. If the parking space is next to a property  
line, the minimum width of the space shall be nine feet (9').

\* \* \*

22           D. Driveways. Driveway requirements for residential  
23 and nonresidential uses are described below. When a driveway  
24 is used for both residential and nonresidential parking, it  
25 shall meet the standards for nonresidential uses described in  
26 subsection D2.

          1. Residential uses.

27           a. Driveways shall be at least ten feet (10')  
28 wide. Driveways with a turning radius of more than thirty-  
five (35) degrees shall conform to the minimum turning path  
radius shown on Exhibit 23.54.030 B.

          b. Vehicles may back onto a street from a  
parking area serving five (5) or fewer vehicles, provided  
that:

1 (1) The street is not an arterial as  
defined in Section 11.18.010 of the Seattle Municipal Code;  
2 ((and))

3 (2) The slope of the driveway does not  
exceed ten percent (10%) in the first twenty feet (20') from  
the property line; and ((-))

4 (3) For one single family structure, the  
5 Director, in consultation with the Seattle Engineering  
6 Department, may waive the requirements of subsections D1b(1)  
7 and (2) above, and may modify the parking access standards  
8 based upon a safety analysis, addressing visibility, traffic  
9 volume and other relevant issues.

10 c. Driveways less than one hundred feet  
(100') in length, which serve thirty (30) or fewer parking  
spaces, shall be a minimum of ten feet (10') in width for one  
(1) way or two (2) way traffic.

11 d. Except for driveways serving one single-  
family dwelling, driveways more than one hundred feet (100')  
in length which serve thirty (30) or fewer parking spaces  
shall either:

12 (1) Be a minimum of sixteen feet (16')  
wide, tapered over a twenty-foot (20') distance to a ten-foot  
(10') opening at the property line; or

13 (2) Provide a passing area at least  
twenty feet (20') wide and twenty feet (20') long. The  
passing areas shall begin twenty feet (20') from the property  
line, with an appropriate taper to meet the ten-foot (10')  
opening at the property line. If a taper is provided at the  
other end of the passing area, it shall have a minimum length  
of twenty feet (20').

14 e. Driveways serving more than thirty (30)  
parking spaces shall provide a minimum ten-foot (10') wide  
driveway for one (1) way traffic or a minimum twenty-foot  
(20') wide driveway for two (2) way traffic.

15 f. Nonconforming driveways. The number of  
16 parking spaces served by an existing driveway that does not  
17 meet the standards of this subsection D1 shall not be  
18 increased. This prohibition may be waived by the Director in  
19 consultation with the Seattle Engineering Department based on  
20 a safety analysis.

## 2. Nonresidential Uses.

### a. Driveway Widths.

21 (1) The minimum width of driveways for  
one (1) way traffic shall be twelve feet (12') and the  
maximum width shall be fifteen feet (15').

22 (2) The minimum width of driveways for  
two (2) way traffic shall be twenty-two feet (22') and the  
maximum width shall be twenty-five feet (25').

23 b. Driveways shall conform to the minimum  
turning path radius shown in Exhibit 23.54.030 B.

24 3. Maximum grade curvature for all driveways shall  
not exceed the curvature shown in Exhibit 23.54.030 C.

25 4. Driveway Slope. No portion of a driveway,  
whether located on private property or on a right-of-way,  
shall exceed a slope of twenty percent (20%), except as  
provided in this subsection. The maximum twenty percent  
(20%) slope shall apply in relation to both the current grade  
of the right-of-way to which the driveway connects, and to  
the proposed finished grade of the right-of-way if it is  
different from the current grade. The Director may permit a  
driveway slope of more than twenty percent (20%) if it is  
found that:

- 1 a. The topography or other special  
characteristic of the lot makes a twenty percent (20%)  
2 maximum driveway slope infeasible;  
3 b. The additional amount of slope permitted  
is the least amount necessary to accommodate the conditions  
of the lot; and  
4 c. The driveway is still useable as access to  
the lot.

5 \* \* \*

6  
7 Section 53. Exhibit 23.76.004A in Section 23.76.004 of  
8 the Seattle Municipal Code, as last amended by Ordinance  
9 116795, is further amended to read as follows:

10 (See page 60A)

11  
12 Section 54. Section 23.76.006 of the Seattle Municipal  
13 Code, as last amended by Ordinance 116909, is further amended  
14 as follows:

15 **23.76.006 Master Use Permits required.**

16 \* \* \*

17 B. The following decisions are Type 1 decisions which  
are nonappealable:

18 1. Establishment or change of use for uses  
permitted outright, temporary uses for four (4) (~~three-(3)~~)  
19 weeks or less not otherwise permitted in the zone, and  
temporary relocation of police and fire stations for twelve  
20 (12) months or less;

21 2. The following street use approvals associated  
with a development proposal:

22 a. Curb cut for access to parking ((7)) ;  
b. Concept approval of street improvements,  
such as additional on-street parking, street landscaping,  
curbs and gutters, street drainage, sidewalks, and paving;

23 3. Lot boundary adjustments;  
4. Designation of greenbelt preserves;  
24 5. Modification of the following features bonused  
under Title 24:

25 a. Plazas,  
b. Shopping plazas,  
c. Arcades,  
26 d. Shopping arcades,  
e. Voluntary building setbacks;  
27 6. Declarations of Significance (determination  
that an Environmental Impact Statement is required) for  
28 Master Use Permits and for building, demolition, grading and  
other construction permits (supplemental procedures for

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Exhibit 23.76.004A  
LAND USE DECISION FRAMEWORK

DIRECTOR'S DECISIONS REQUIRING MASTER USE PERMITS

- | TYPE I<br>(Nonappealable)   | TYPE II<br>(Appealable to Hearing Examiner*)   | TYPE III<br>(Appealable to Council)  |
|---|--|--|
| <ul style="list-style-type: none"><li>• Uses permitted outright</li><li>• Temporary uses, (<del>three</del>) <u>four</u> weeks or less</li><li>• Certain street uses</li><li>• Lot boundary adjustments</li><li>• Greenbelt preserve designations</li><li>• Modifications of features bonused under Title 24</li><li>• Declarations of significance (EIS required)</li><li>• Temporary uses, twelve months or less, for relocation of police and fire protection</li><li>• Exemptions from right-of-way improvement requirements</li><li>• Special accommodation</li><li>• Reasonable accommodation</li></ul> | <ul style="list-style-type: none"><li>• Temporary uses, more than (<del>three</del>) <u>four</u> weeks</li><li>• Certain street uses</li><li>• Variances</li><li>• Administrative conditional uses</li><li>• Shoreline decisions (*Appealable to Shorelines Hearings Board along with all related environmental appeals)</li><li>• Short subdivisions</li><li>• Special exceptions</li><li>• Design Review</li><li>• Northgate General Development Plan</li><li>• The following environmental determinations:<ol style="list-style-type: none"><li>1. Declaration of nonsignificance (EIS not required)</li><li>2. Determination of final EIS adequacy</li></ol></li></ul> | <ul style="list-style-type: none"><li>• The decision to approve, condition or deny a project based on the SEPA Policies pursuant to SMC 25.05.660, provided that for projects subject to Design Review, a decision to approve, condition or deny pursuant to the SEPA Height, Bulk and Scale policy shall be a Type II decision.</li></ul> |

COUNCIL LAND USE DECISIONS

- | TYPE IV<br>(Quasi-Judicial)  | TYPE V<br>(Legislative)   |
|--|---|
| <ul style="list-style-type: none"><li>• Subdivisions (Preliminary Plats)</li><li>• Land use and zoning map amendments (Rezones)</li><li>• Public project approvals</li><li>• Major institution master plans</li><li>• Council conditional uses</li><li>• Downtown planned community developments</li><li>• Planned Unit Developments</li></ul> | <ul style="list-style-type: none"><li>• Land Use and Zoning Code text amendments</li><li>• Rezones to implement new City policies</li><li>• Concept approval for City facilities</li><li>• Major institution designations</li></ul> |

1 environmental review are established in Chapter 25.05, SEPA  
Policies and Procedures);

2 7. Discretionary exceptions for certain business  
signs authorized by Section 23.55.042D; and

3 8. Waiver or modification of required right-of-way  
improvements.

4 9. Special accommodation pursuant to Section  
23.44.015; and

5 10. Reasonable accommodation.

6 C. The following are Type II decisions, which are  
subject to appeal to the Hearing Examiner (except shoreline  
7 decisions and related environmental determinations which are  
appealable to the Shorelines Hearing Board):

8 1. Establishment or change of use for temporary  
uses more than four (4) (~~three-(3)~~) weeks not otherwise  
permitted in the zone or not meeting development standards,  
9 and (~~except~~) temporary relocation of police and fire  
stations for twelve (12) months or less;

10 2. Short subdivisions;

11 3. Variances, provided that variances sought as  
part of a Type IV decision may be granted by the Council  
pursuant to Section 23.76.036;

12 4. Special exceptions, provided that special  
exceptions sought as part of a Type IV decision may be  
granted by the Council pursuant to Section 23.76.036;

13 5. Design review;

14 6. The following street use decisions:

15 a. Sidewalk cafes,

16 b. Structural building overhangs,

17 c. Areaways;

18 7. Administrative conditional uses, provided  
administrative conditional uses sought as part of a Type IV  
decision may be approved by the Council pursuant to Section  
23.76.036;

19 8. The following shoreline decisions  
(supplemental procedures for shoreline decisions are  
established in Chapter 23.60) (~~(SMC-Sections-24-60-425~~  
20 ~~through-24-60-485)~~):

21 a. Shoreline substantial development  
permits,

22 b. Shoreline variances,

23 c. Shoreline conditional uses;

24 9. The following environmental decisions for  
Master Use Permits and for building, demolition, grading and  
other construction permits (supplemental procedures for  
environmental review are established in SMC Chapter 25.05,  
SEPA Policies and Procedures):

25 a. Declarations of Nonsignificance (DNS's),  
including mitigated DNS's,

26 b. Determination that a final Environmental  
Impact Statement (EIS) is adequate;

27 10. Northgate General Development Plan

28 \* \* \*

Section 55. Section 23.76.010 of the Seattle Municipal  
Code, as last amended by Ordinance 115751, is further amended  
as follows:

**23.76.010 Applications.**

\* \* \*

1 D. All Master Use Permit decisions necessary for a  
2 project shall be included in the same application; provided  
3 that, at the applicant's discretion, a separate Master Use  
4 Permit application may be filed for a variance, lot boundary  
5 adjustment and/or short subdivision approval if no  
6 environmental review pursuant to SMC Chapter 25.05, SEPA  
7 Policies and Procedures, is required for the proposed  
8 project(~~(7-or-if-SEPA-review-is-required-only-because-the~~  
9 ~~project-is-located-in-an-environmentally-sensitive-area-or~~  
10 ~~over-water)~~)).

6 \* \* \*

7 Section 56. Section 23.76.022 of the Seattle Municipal  
8 Code, as adopted by Ordinance 112522, is further amended as  
9 follows:

10 **23.76.022 Administrative appeals.**

11 \* \* \*

12 C. Hearing Examiner Appeal Procedures.

13 1. Consolidated Appeals. All appeals of Master  
14 Use Permit decisions other than shoreline decisions shall be  
15 considered together in a consolidated hearing before the  
16 Hearing Examiner.

17 2. Standing. Appeals may be initiated by any  
18 person significantly affected by or interested in the permit.

19 3. Filing of Appeals.

20 a. Appeals shall be filed with the Hearing  
21 Examiner by five p.m. (5:00 p.m.) of the fifteenth calendar  
22 day following publication of notice of the decision;  
23 provided, that when a fifteen (15) day DNS comment period is  
24 required pursuant to SMC Chapter 25.05, appeals may be filed  
25 up to fifteen (15) days following the comment period. When  
26 the last day of the appeal period so computed is a Saturday,  
27 Sunday, or federal or City holiday, the period shall run  
28 until five p.m. (5:00 p.m.) on the next business day. The  
appeal shall be in writing and shall clearly identify each  
component of a Master Use Permit being appealed. The appeal  
shall be accompanied by payment of the filing fee as set  
forth in the SMC Section 3.02.125, Hearing ((e))Examiner  
filing fees. Specific objections to the Director's decision  
and the relief sought shall be stated in the written appeal.

b. In form and content, the appeal shall  
conform with the rules of the Hearing Examiner.

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

5. Notice of Hearing. Notice of the hearing on  
the appeal shall be mailed by the Director at least twenty  
(20) days prior to the scheduled hearing date to parties of  
record and those requesting notice. Notice shall also be  
included in the next ((a)) general mailed release.

6. Scope of Review. Appeals shall be considered  
de novo. The Hearing Examiner shall entertain issues cited in  
the appeal which relate to compliance with the procedures for

1 Type II and III decisions as required in this chapter,  
2 compliance with substantive criteria, determinations of  
3 nonsignificance (DNS's), adequacy of an EIS upon which the  
4 decision was made, or failure to properly approve, condition  
5 or deny a permit based on disclosed adverse environmental  
6 impacts.

7 7. Standard of Review. The Director's decisions  
8 made on a Master Use Permit shall be given substantial  
9 weight, except for determinations on variances, conditional  
10 uses, and special exceptions, which shall be given no  
11 deference.

12 8. The Record. The record shall be established at  
13 the hearing before the Hearing Examiner. The Hearing Examiner  
14 shall either close the record after the hearing or leave it  
15 open to a specified date for additional testimony, written  
16 argument or exhibits.

17 9. Postponement or Continuance of Hearing. The  
18 Hearing Examiner shall not grant requests for postponement or  
19 continuance of an appeal hearing to allow an applicant to  
20 proceed with an alternative development proposal under  
21 separate application, unless all parties to the appeal agree  
22 in writing to such postponement or continuance.

23 10. Hearing Examiner's Decision. The Hearing  
24 Examiner shall issue a written decision within fifteen (15)  
25 days after closing the record. The Hearing Examiner may  
26 affirm, reverse, remand or modify the Director's decision.  
27 Written findings and conclusions supporting the Hearing  
28 Examiner's decision shall be made. The Director and all  
parties of record shall be bound by the terms and conditions  
of the Hearing Examiner's decision.

11 11. Notice of Hearing Examiner Decision. The  
12 Hearing Examiner's decision shall be mailed by the Hearing  
13 Examiner on the day the decision is issued to the parties of  
14 record and to all those requesting notice. If environmental  
15 issues were raised in the appeal, the decision shall also be  
16 filed with the SEPA Public Information Center. The decision  
17 shall contain information regarding Council appeal  
18 procedures, if any, and regarding judicial review.

19 12. Appeal of Hearing Examiner's Decision. The  
20 Hearing Examiner's decision shall be final and conclusive  
21 unless:

22 a. The Hearing Examiner's decision  
23 specifically states that the Hearing Examiner retains  
24 jurisdiction;

25 b. The decision is appealed to the Council  
26 pursuant to Seattle Municipal Code Section 23.76.024; or

27 c. Within fifteen (15) calendar days from  
28 the date of issuance of the decision a party of record makes  
application to King County Superior Court for a writ of  
review, provided that, if an appeal pursuant to Section  
23.76.024 is submitted to the Council, the fifteen (15) day  
period for requesting judicial review of the Hearing  
Examiner's decision shall not begin until the Council issues  
its final decision on the appeal.

Section 57. Section 23.76.034 of the Seattle Municipal  
Code, as adopted by Ordinance 112522, is further amended to  
read as follows:



1 Sunday, or federal or City holiday, the appeal period shall  
2 run until five p.m. (5:00 p.m.) the next business day. The  
3 appeal shall be in writing and shall state specifically why  
4 the appellant finds the departure inappropriate or incorrect.

5 \* \* \*

6 Section 60. Section 23.84.002 of the Seattle Municipal  
7 Code, as last amended by Ordinance 115326, is further amended  
8 as follows:

9 23.84.002 "A."

10 \* \* \*

11 "Arbor" means a landscape structure consisting of an  
12 open frame with horizontal and/or vertical latticework often  
13 used as a support for climbing plants. An arbor may be  
14 freestanding or attached to another structure.

15 \* \* \*

16 "Automotive retail sales and service" means a retail  
17 sales and service use which includes one (1) or more of the  
18 following uses:

19 1. "Automotive parts and accessories sales" means  
20 an automotive retail sales and service use in which goods are  
21 rented or sold primarily for use in motorized vehicles, but  
22 excluding gas stations.

23 2. "Car wash" means an automotive retail sales and  
24 service use in which facilities are provided for washing  
25 motorized vehicles.

26 3. "Gas station" means an automotive retail sales  
27 and service use in which fuel for motorized vehicles is sold,  
28 and in which accessory uses including but not limited to  
towing by no more than two (2) tow trucks, minor auto repair,  
or rental of vehicles under ten thousand (10,000) pounds  
gross vehicles weight may also be provided. Facilities for  
washing no more than one (1) car at a time or for the  
collection of used motor oil shall also be considered  
accessory to a gas station.

4. "Sales and rental of motorized vehicles" means  
an automotive retail sales and service use in which operable  
motorized vehicles, such as cars, trucks, buses, recreational  
vehicles or motorcycles, or related nonmotorized vehicles,  
such as trailers, are rented or sold.

5. "Towing service" means as automotive retail  
sales and service use in which more than two (2) tow trucks  
are employed in the hauling of motorized vehicles, and where  
vehicles may be impounded, stored or sold, but not  
disassembled or junked.

6. "Vehicle repair, major" means an automotive  
retail sales and service use in which one (1) or more of the  
following activities are carried out:

a. Reconditioning of any type of motorized  
vehicle, including any repairs made to vehicles over ten  
thousand (10,000) pounds gross vehicle weight;

1                   b. Collision services, including body, frame  
or fender straightening or repair;

2                   c. Overall painting of vehicles or painting  
of vehicles in a paint shop;

3                   d. Dismantling of motorized vehicles in an  
enclosed structure.

4                   7. "Vehicle repair, minor" means an automotive  
retail sales and service use in which general motor repair  
work is done as well as the replacement of new or  
5                   reconditioned parts in motorized vehicles of ten thousand  
(10,000) pounds or less gross vehicle weight; but not  
6                   including any operation included in the definition of "major  
vehicle repair."

7                   (~~8. -- "Automobile wrecking yard" means a salvage  
and recycling business establishment in which vehicles are  
8                   dismantled or junked, or where one (1) or more vehicles not  
in operable condition or used parts of motor vehicles are  
stored in an area outside an enclosed structure.~~)

9                   "Automobile wrecking yard." See "Salvage yard."

10                   \* \* \*

11  
12  
13                   Section 61. Section 23.84.006 of the Seattle Municipal  
Code, as last amended by Ordinance 116744, is further amended  
14                   as follows:

15                   23.84.006           "C."

16                   \* \* \*

17                   "Clerestory" means an outside wall of a building which  
18                   risers above an adjacent roof and contains vertical windows.

19                   \* \* \*

20                   Section 62. Section 23.84.008 of the Seattle Municipal  
Code, as last amended by Ordinance 116744, is further amended  
21                   as follows:

22                   23.84.008           "D."

23                   \* \* \*

24                   "Dormer" means a minor gable in a pitched roof, usually  
25                   bearing a window on its vertical face. A dormer is part of  
26                   the roof system.

27                   \* \* \*



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\* \* \*

Section 65. Section 23.84.028 of the Seattle Municipal Code, as last amended by Ordinance 116795, is further amended as follows:

23.84.028 "O."

\* \* \*

"Outdoor storage" means a commercial use in which an outdoor area is used for the long-term (more than seventy-two (72) hours) retention of materials, containers and/or equipment. (~~(whether such materials or equipment are to be bought, sold, repaired, stored, incinerated, recycled, or discarded)~~) Outdoor storage does not include sale, repair, incineration, recycling or discarding of materials or equipment. Outdoor storage areas are not accessible to the public unless an agent of the business is present. Outdoor parking areas for two (2) or more fleet vehicles of more than ten thousand (10,000) pounds gross vehicle weight shall also be considered outdoor storage. Temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or erect a structure and automotive retail sales areas where motorized vehicles are stored for the purpose of direct sale to the ultimate consumer shall not be considered outdoor storage.

\* \* \*

Section 66. Section 23.84.030 of the Seattle Municipal Code, as last amended by Ordinance 116513, is further amended as follows:

23.84.030 "p."

\* \* \*

~~(("Private-garage" means an accessory structure or an accessory portion of the principal structure, designed or used for the shelter or storage of vehicles owned or operated by the occupants of the principal structure. (See "Carport.")~~)

\* \* \*

Section 67. Section 23.84.032 of the Seattle Municipal Code, as last amended by Ordinance 115326, is further amended as follows:

23.84.032 "R."

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\* \* \*

"Residential use" means any one (1) of the following uses:

- 1. "Adult family home" means a residential use as defined and licensed by the State of Washington in a dwelling unit.
- 2. "Artist's studio/dwelling" means a combination working studio and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one (1) household.
- 3. "Caretaker's quarters" means a residential use accessory to a nonresidential use consisting of a dwelling unit not exceeding eight hundred (800) square feet of living area and occupied by a caretaker or watchperson.
- 4. "Congregate residence" means a dwelling unit in which rooms or lodging, with or without meals, are provided for nine (9) or more nontransient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.
- 5. "Domestic violence shelter" means a dwelling unit managed by a non-profit organization which provides housing at a confidential location and support services for victims of family violence.
- 6. "Floating home" means a ((single-family)) dwelling unit constructed on a float, which is moored, anchored or otherwise secured in the water.
- 7. "Mobile home park" means a residential use in which a tract of land is rented for the use of more than one (1) mobile home occupied as a dwelling unit.
- 8. "Multi-family structure" means a structure or portion of a structure containing two (2) or more dwelling units.
- 9. "Single-family dwelling unit" means a detached structure containing one (1) dwelling unit and having a permanent foundation.

\* \* \*

Section 68. Section 23.84.036 of the Seattle Municipal Code, as last amended by Ordinance 116780, is further amended as follows:

23.84.036 "S."

\* \* \*

"Skylight" means an opening in a roof which is covered with translucent or transparent material, designed to admit light, and incidental to the roof itself.

\* \* \*

Section 69. Section 23.84.046 of the Seattle Municipal Code, as adopted by Ordinance 110381, is amended as follows:

23.84.046 "Y."

\* \* \*

1 "Yard, front" means an area ((unobstructed-by  
2 structures)) from the ground upward between the side lot  
3 lines of a lot, extending from the front lot line to a line  
4 on the lot parallel to the front lot line, the horizontal  
5 depth of which is specified for each zone.

6 "Yard, rear" means an area ((unobstructed-by  
7 structures)) from the ground upward between the side lot  
8 lines of a lot, extending from the rear lot line to a line on  
9 the lot parallel to the rear lot line, the horizontal depth  
10 of which is specified for each zone.

11 "Yard, side" means an area ((unobstructed-by  
12 structures)) from the ground upward between the front yard  
13 (or front lot line if no front yard is required); and the  
14 rear (or rear lot line if no rear yard is required); and  
15 extending from a side lot line to a line on the lot, parallel  
16 to the side lot line, the horizontal depth of which is  
17 specified for each zone.

18 Section 70. Section 23.86.002 of the Seattle Municipal  
19 Code, as last amended by Ordinance 111390, is further amended  
20 as follows:

21 **23.86.002 General provisions.**

22 \* \* \*

23 B. When any measurement technique for determining the  
24 number of items required or allowed, including but not  
25 limited to parking or bicycle spaces ((~~7-dwelling-units~~)) or  
26 required trees or shrubs, results in fractional requirements,  
27 any fraction up to and including one-half (1/2) of the  
28 applicable unit of measurement shall be disregarded and  
fractions over one-half (1/2) 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 curb cut width,  
results in fractional requirements, the dimension shall be  
measured to the nearest inch. Any fraction up to and  
including one-half (1/2) of an inch (1/2") shall be  
disregarded and fractions over one-half (1/2) shall be  
included in the measurement.

Section 71. Exhibit 23.86.008 D as contained in Section  
23.86.008 of the Seattle Municipal Code, is amended as  
follows:

1 (See page 71A)

2  
3 Section 72. Section 23.86.010 of the Seattle Municipal  
4 Code, as last amended by Ordinance 115326, is further amended  
5 as follows:

6 **23.86.010 Yards.**

7 \* \* \*

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

12 1. The rear yard shall be measured horizontally  
13 from the rear lot line when the lot has a rear lot line which  
14 is essentially parallel to the front lot line for its entire  
15 length.

16 2. When the front lot line is essentially  
17 parallel to portions of the rear property line, as with a  
18 stepped rear property line, each portion of the rear property  
19 line which is opposite and essentially parallel to the front  
20 lot line shall be considered to be a rear lot line for the  
21 purpose of establishing a rear yard.

22 3. On a lot with a rear property line, part of  
23 which is not essentially parallel to any part of the front  
24 lot line, the rear yard shall be measured from a line or  
25 lines drawn from side lot line(s) to side lot line(s), at  
26 least ten feet (10') in length, parallel to and at a maximum  
27 distance from the front lot line. Where an alley abuts the  
28 rear of the property, one-half (1/2) the width of the alley,  
between the side lot lines extended, shall be considered to  
be part of the lot for drawing this line. For those portions  
of the rear lot line which are essentially parallel to the  
front lot line, subsection C2 above shall apply.

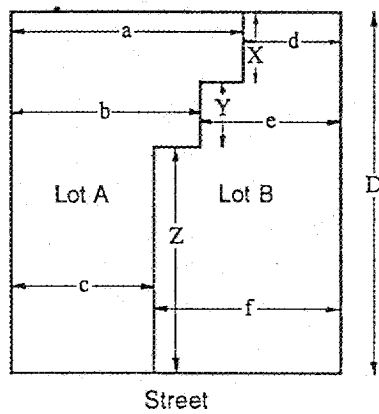
4. For a lot with a curved front lot line, the  
rear yard shall be measured from a line at least ten feet  
(10') in length, parallel to and at a maximum distance from a  
line drawn between the endpoints of the curve. The lot depth  
is then measured perpendicularly from this ten foot (10')  
long line extended as needed to the point on the actual front  
lot line which is the furthest distance away. This  
establishes lot depth, which then may be used to determine  
the required rear yard depth.

5. For a lot with an irregular shape or with an  
irregular front lot line not meeting conditions of C1 through  
C4 above, the Director shall determine the measurement of the  
rear yard.

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Exhibit 23.86.008D  
 Lots With More Than One Rear Lot Line, And Where  
 The Distance Between The Rear Lot Line Is  
 Less Than 50% Of Lot Depth



Where  $X + Y$  is less than 50% of  $D$ ,  
 Width of Lot A shall be:  $\frac{(a \times X) + (b \times Y) + (c \times Z)}{((+00\%)) D}$  ; and

Width of Lot B shall be:  $\frac{(d \times X) + (e \times Y) + (f \times Z)}{((+00\%)) D}$



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Section 75. Section 3.20.320 of the Seattle Municipal Code, as adopted by Ordinance 116513, is amended as follows:

**3.20.320 - TDR Bank created**

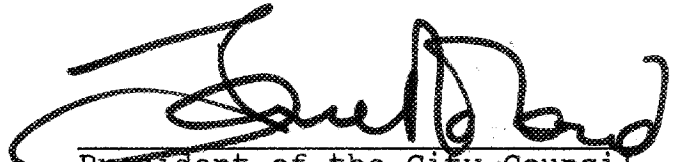
\* \* \*

E. The Department of Housing and Human Services is authorized to negotiate purchases, leases and/or options of TDRs from landmark performing arts theaters, subject to Council approval by Ordinance and appropriation of funds. Priority consideration shall be given to TDRs from Landmark Performing Arts Theaters with low-income housing that is to be preserved as part of the rehabilitation under a binding commitment from the owner and all others with interests in the property. Landmark performing arts theaters with housing shall not be eligible for TDR Bank purchases if any on-site low or low-to-moderate housing is to be eliminated, unless the owner enters into a voluntary agreement satisfactory to the Director of Housing and Human Services that guarantees replacement of any low-income housing with low-income housing, and any low-to-moderate income housing with low-to-moderate income housing, that will remain affordable to low- or low-to-moderate income tenants, as the case may be, or contributes an amount equal to the cost to replace such low or low-to-moderate income housing with housing affordable to low- or low-to-moderate income tenants, as the case may be, in addition to any agreement or contribution made in order to qualify for housing bonus.

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Section 76. 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 22 day of August, 1994 and signed by me in open session in authentication of its passage this 22 day of August, 1994.

  
President of the City Council

Approved by me this 31 day of August 1994.

  
Mayor

Filed by me this 31 day of August 1994.

BY   
Deputy Clerk

(SEAL)  
Published \_\_\_\_\_

1 (1) up-to-four (4) wheeled vehicle may be established in a  
2 required (~~front~~) yard abutting a street according to a or b  
3 below only if access to parking is permitted through that  
4 yard pursuant to subsection A of this section (~~when the~~  
5 following conditions are met).

6 a. Open parking space

7 i. The existing grade of the lot slopes  
8 upward from the street lot line an average of at least six  
9 feet (6') above sidewalk grade at a line which is ten feet  
10 (10') from the (~~front~~) street lot line; and

11 ii. (~~b.~~) The parking area (~~or floor of~~  
12 a private garage) shall be at least an average of six feet  
13 (6') below the existing grade prior to excavation and/or  
14 construction at a line which is ten feet (10') from the  
15 (~~front~~) street lot line;

16 iii. The parking space shall be no wider  
17 than ten feet (10') for one parking space at the parking  
18 surface and no wider than twenty feet (20') for two parking  
19 spaces when permitted as provided in subsection C6.

20 b. Terraced Garage

21 i. The roof of a terraced garage shall be  
22 no higher than two feet (2') above existing or finished  
23 grade, whichever is lower, at any point which is ten feet  
24 (10') back from the street lot line;

25 ii. The terraced garage structure width  
26 may not exceed twelve feet (12') for one (1) two- (2) axle or  
27 one (1) up-to-four wheeled vehicle or twenty feet (20') when  
28 permitted to have two (2) two- (2) axle or two up-to-four (4)  
wheeled vehicles as provided in subsection C6;

iii. All above ground portions of the  
terraced garage shall be included in lot coverage; and

iv. The roof of the terraced garage may  
be used as a deck and shall be considered to be a part of the  
garage structure even if it is a separate structure on top of  
the garage.

~~((e.-- Access to parking is permitted through~~  
~~the required front yard by subsection B of this section~~  
~~(Exhibit 23-44-016A).))~~

4. Lots With Downhill (~~Front~~) Yards Abutting  
Streets. Accessory parking, either open or enclosed, for one  
(1) two (2) axle or one (1) up-to-four (4) wheeled vehicle  
may be located in a required (~~front~~) yard abutting a street  
when the following conditions are met:

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

b. For front yard parking (~~W~~) the lot has a  
vertical drop of at least twenty feet (20') in the first  
sixty feet (60') as measured along a line from the midpoint  
of the front lot line to the midpoint of the rear lot line;

c. Parking shall not be permitted in  
downhill required side yards abutting streets;

d. Parking in downhill rear yards shall be in  
accordance with Section 23.44.014 D6 and Section 23.44.016,  
subsections C1 and D3d;

e. (~~e.~~) Access to parking is permitted  
through the required (~~front~~) yard abutting the street by  
subsection A (~~B~~) of this section; and

f. A driveway access bridge may be permitted  
in any required downhill yard where necessary for access to  
parking. The access bridge shall be no wider than twelve feet  
(12') for access to one (1) parking space or eighteen feet  
(18') for access to two (2) or more parking spaces. The  
driveway access bridge may not be located closer than five

1 feet (5') to an adjacent property line and shall not be  
2 included in lot coverage calculations.

3 5. Through Lots. On through lots less than one  
4 hundred twenty-five feet (125') in depth, accessory parking  
5 for one (1) two (2) axle or one (1) up-to-four (4) wheeled  
6 vehicle may be located in one (1) of the required front  
7 yards.

8 The front yard in which the parking may be located  
9 shall be determined by the Director based on the location of  
10 other private garages or parking areas on the block. If no  
11 pattern of parking location can be determined, the Director  
12 shall determine in which yard the parking shall be located  
13 based on the prevailing character and setback patterns of the  
14 block.

15 6. Lots With Uphill((7)) Yards Abutting Streets  
16 Or Downhill Or Through Lot Front Yards Fronting On Streets  
17 Which Prohibit Parking. Accessory parking for two (2) two  
18 (2) axle or four (4) wheeled vehicles may be located in  
19 ((either)) uphill((7)) yards abutting streets or downhill or  
20 through lot front yards as provided in subsections C3, C4 or  
21 C5 if, in consultation with the Engineering Department, it is  
22 found that uninterrupted parking for twenty-four (24) hours  
23 is prohibited on at least one side of the street within two  
24 hundred feet (200') of the lot line over which access is  
25 proposed. ((not-permitted on both-sides-of-the-street-within  
26 a-reasonable-distance-of-the-side-lot-line-)) The Director  
27 may authorize a curb cut wider than would be permitted under  
28 Section 23.54.030 if necessary for access.

D. Private Garages Located in Required Yards. Private  
garages which are either detached accessory structures or  
portions of a principal structure for the primary purpose of  
enclosing a two (2) axle or four-wheeled vehicle may  
((enclose-parking)) be permitted in required yards according  
to the following conditions:

1. Maximum Coverage and Size.

a. In accordance with Section 23.44.014D6,  
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 (40%) 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.

b. In accordance with Section 23.44.040,  
private garages located in side or rear yards shall not  
exceed one thousand (1,000) square feet in area.

c. In front yards, the area of private  
garages shall be limited to three hundred (300) square feet  
with twelve foot (12') maximum width where one space is  
allowed, and six hundred (600) square feet with twenty foot  
(20') maximum width where two (2) spaces are allowed. Access  
driveway bridges permitted under Section 23.44.016 C4f shall  
not be included in this calculation.

2. Height Limits.

a. Private garages shall be limited to  
twelve feet (12') 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  
(3') above the twelve-foot (12') height limit. All parts of  
the roof above the height limit shall be pitched at a rate of  
not less than three to twelve (3:12). No portion of a shed  
roof shall be permitted to extend beyond the twelve-foot  
(12') height limit under this provision.

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\* \* \*

"Residential use" means any one (1) of the following uses:

1. "Artist's studio/dwelling" means a combination working studio and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one (1) family.

2. "Boarding house" means a structure consisting of a dwelling unit in which rooms or lodging, with or without meals, are provided for nine (9) or more nontransient persons, but not including group homes.

3. "Caretaker's quarters" means a residential use accessory to a nonresidential use consisting of a dwelling unit not exceeding eight hundred (800) square feet of living area and occupied by a caretaker or watchperson.

4. "Floating home" means a ((single-family)) dwelling unit constructed on a float, which is moored, anchored or otherwise secured in the water.

5. "Mobile home park" means a residential use in which a tract of land is rented for the use of more than one (1) mobile home occupied as a dwelling unit.

6. "Multi-family structure" means a structure or portion of a structure containing two (2) or more dwelling units.

7. "Single-family dwelling unit" means a detached structure containing one (1) dwelling unit and having a permanent foundation.

8. "Special residence" means a group home, nursing home or halfway house.

\* \* \*

Section 68. Section 23.84.036 of the Seattle Municipal Code, as last amended by Ordinance 116780, is further amended as follows:

23.84.036 "S."

\* \* \*

"Skylight" means an opening in a roof which is covered with translucent or transparent material, designed to admit light, and incidental to the roof itself.

\* \* \*

Section 69. Section 23.84.046 of the Seattle Municipal Code, as adopted by Ordinance 110381, is amended as follows:

23.84.046 "Y."

\* \* \*

1 environmental review are established in Chapter 25.05, SEPA  
Policies and Procedures);

2 7. Discretionary exceptions for certain business  
signs authorized by Section 23.55.042D; and

3 8. Waiver or modification of required right-of-way  
improvements.

4 C. The following are Type II decisions, which are  
subject to appeal to the Hearing Examiner (except shoreline  
5 decisions and related environmental determinations which are  
appealable to the Shorelines Hearing Board):

6 1. Establishment or change of use for temporary  
uses more than four (4) (~~three-(3)~~) weeks not otherwise  
permitted in the zone or not meeting development standards,  
7 and (~~except~~) temporary relocation of police and fire  
stations for twelve (12) months or less;

8 2. Short subdivisions;

9 3. Variances, provided that variances sought as  
part of a Type IV decision may be granted by the Council  
pursuant to Section 23.76.036;

10 4. Special exceptions, provided that special  
exceptions sought as part of a Type IV decision may be  
granted by the Council pursuant to Section 23.76.036;

11 5. Design review;

12 6. The following street use decisions:

13 a. Sidewalk cafes,

14 b. Structural building overhangs,

15 c. Areaways;

16 7. Administrative conditional uses, provided  
administrative conditional uses sought as part of a Type IV  
decision may be approved by the Council pursuant to Section  
23.76.036;

17 8. The following shoreline decisions  
(supplemental procedures for shoreline decisions are  
established in Chapter 23.60) (~~SME-Sections-24-60-425~~  
18 ~~through-24-60-485~~):

19 a. Shoreline substantial development  
permits,

20 b. Shoreline variances,

21 c. Shoreline conditional uses;

22 9. The following environmental decisions for  
Master Use Permits and for building, demolition, grading and  
other construction permits (supplemental procedures for  
environmental review are established in SMC Chapter 25.05,  
SEPA Policies and Procedures):

23 a. Declarations of Nonsignificance (DNS's),  
including mitigated DNS's,

24 b. Determination that a final Environmental  
Impact Statement (EIS) is adequate;

25 10. Northgate General Development Plan

26 \* \* \*

27 Section 55. Section 23.76.010 of the Seattle Municipal  
Code, as last amended by Ordinance 115751, is further amended  
as follows:

28 **23.76.010 Applications.**

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Exhibit 23.76.004A  
LAND USE DECISION FRAMEWORK

DIRECTOR'S DECISIONS REQUIRING MASTER USE PERMITS

**TYPE I**

(Nonappealable)

- Uses permitted outright
- Temporary uses, ((three)) four weeks or less
- Certain street uses
- Lot boundary adjustments
- Greenbelt preserve designations
- Modifications of features bonused under Title 24
- Declarations of significance (EIS required)
- Temporary uses, twelve months or less, for relocation of police and fire protection
- Exemptions from right-of-way improvement requirements

**TYPE II**

(Appealable to Hearing Examiner\*)

- Temporary uses, more than ((three)) four weeks
- Certain street uses
- Variances
- Administrative conditional uses
- Shoreline decisions (\*Appealable to Shorelines Hearings Board along with all related environmental appeals)
- Short subdivisions
- Special exceptions
- Design Review
- Northgate General Development Plan
- The following environmental determinations:
  1. Declaration of nonsignificance (EIS not requ
  2. Determination of final EIS adequacy

**TYPE III**

(Appealable to Council)

- The decision to approve, condition or deny a project based on the SEPA Policies pursuant to SMC 25.05.660, provided that for projects subject to Design Review, a decision to approve, condition or deny pursuant to the SEPA Height, Bulk and Scale policy shall be a Type II decision.

COUNCIL LAND USE DECISIONS

**TYPE IV**

(Quasi-Judicial)

- Subdivisions (Preliminary Plats)
- Land use and zoning map amendments (Rezoning)
- Public project approvals
- Major institution master plans
- Council conditional uses
- Downtown planned community developments
- Planned Unit Developments

**TYPE V**

(Legislative)

- Land Use and Zoning Code text amendments
- Rezoning to implement new City policies
- Concept approval for City facilities
- Major institution designations

60A

1 permitted. No outdoor storage shall be permitted in  
connection with a home occupation.

2 F. To preserve the residential character and use of  
3 the structure, only internal alterations customary to  
4 residential use shall be permitted, and no external  
alterations shall be permitted to accommodate a home  
occupation, except as required by licensing or construction  
codes for child care programs.

5 G. Except for child care programs, not more than one  
6 (1) person, whether full-time or part-time, who is not a  
resident of the dwelling unit may work in the dwelling unit  
7 of the home occupation whether or not compensated. This  
includes persons working off-site who come to the site for  
business purposes at any time as well as persons working on  
site.

8 \* \* \*

9 L. Child care programs in the home of the operator  
10 shall be limited to twelve (12) children per day including  
the children of the operator.

11  
12 Section 16. Section 23.45.004 of the Seattle Municipal  
13 Code, as last amended by Ordinance 115002, is further amended  
14 as follows:

15 **23.45.004 Principal uses permitted outright.**

16  
17 A. The following principal uses shall be permitted  
outright in all multifamily zones:

- 18 1. Single-family dwelling units;  
19 2. Multifamily structures;  
20 3. Boarding homes;  
21 4. Group homes;  
22 5. Halfway houses meeting all development  
standards;  
23 6. Nursing homes meeting all development  
standards;  
24 7. Institutions meeting all development  
standards;  
25 8. Major institution uses subject to Chapter  
23.69;  
26 9. Public facilities meeting all development  
standards;((-))  
27 10. Existing cemeteries; and  
28 11. Public or private parks and playgrounds  
including customary buildings and activities

\* \* \*

C. Uses in existing or former public schools:

1. Child care centers, preschools, public or  
private schools, educational and vocational training for the  
disabled, adult evening education classes, nonprofit  
libraries, community centers, community programs for the

1 Section 6. Section 23.44.008 of the Seattle Municipal  
2 Code, as last amended by Ordinance 116262, is further amended  
3 as follows.

4 **23.44.008 Development standards for uses permitted  
5 outright.**

6 \* \* \*

7 H. Exterior lighting shall be shielded and directed  
8 away from adjacent residentially-zoned lots. The Director  
9 may require that the intensity of illumination be limited and  
10 that the location of the lighting be changed.

11 Section 7. Section 23.44.010 of the Seattle Municipal  
12 Code, as last amended by Ordinance 116262, is further amended  
13 as follows:

14 **23.44.010 Lot Requirements**

15 \* \* \*

16 B. Exceptions to Minimum Lot Area. The following  
17 exceptions to minimum lot area are subject to the limits of  
18 subsection B5. A lot which does not satisfy the minimum lot  
19 area requirements of its zone may be developed or redeveloped  
20 as a separate building site according to the following:

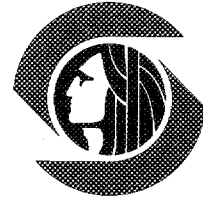
21 1. In order to recognize separate building sites  
22 established in the public record under previous codes, to  
23 allow the consolidation of very small lots into larger lots,  
24 to adjust lot lines to permit more orderly development  
25 patterns, and to create additional buildable sites out of  
26 oversized lots which are compatible with surrounding lots,  
27 the following exceptions are permitted if the Director  
28 determines that:

a. The lot was established as a separate  
building site in the public records of the county or City  
prior to July 24, 1957 by deed, contract of sale, mortgage,  
property tax segregation, platting or building permit and has  
an area of at least seventy-five percent (75%) of the minimum  
required lot area and at least eighty percent (80%) of the  
mean lot area of the lots on the same block face and within  
the same zone in which the lot is located (Exhibit  
23.44.010A); or

b. The lot is or was created by subdivision,  
short subdivision or lot boundary adjustment, and is at least  
seventy-five percent (75%) of the minimum required lot area  
and is at least eighty percent (80%) of the mean lot area of  
the lots on the same block face within which the lot will be  
located and within the same zone (Exhibit 23.44.010A); or

2. The lot area deficit is the result of a  
dedication or sale of a portion of the lot to the City or  
state for street or highway purposes and payment was received  
for only that portion of the lot, and the lot area remaining  
is at least fifty percent (50%) of the minimum required; or

# Seattle City Council



## MEMORANDUM

Date: August 16, 1994  
To: All Councilmember  
From: Councilmember Sherry D. Harris  
Re: **Divided Report of the HCDUE Committee**

Council Bill 110172 relating to land use and zoning and amending various sections of Chapters 23 and 23 of the SMC came before the Housing, Community Development and Urban Environment Committee on July 26, 1994. This ordinance, commonly referred to as the "clean up ordinance" provides for a variety of house keeping amendments of the code.

### **BACKGROUND:**

As proposed in the sponsored bill, Sections 23.44.016 C. 3. b. ii. and 23.44.016 D. 1. c establishes limits on the exterior width of 1) terraced accessory parking garage structures (garages built on sloping lots) and 2) garage structures in required front yards. Previously there has been no limit on the exterior width of such garages.

As introduced, the limits would be established at 12 feet for a single car garage and 20 feet for a double car garage. A double car garage abutting a street is allowed only when parking is not allowed by the City on the abutting street.

### The committee divided on the following questions:

Shall the ordinance be amended to permit terraced garage structures to be 14 feet for single car garages and 24 feet for double garages; and

to permit accessory garage structures in required front yards to be 14 feet for single car garages and to be 24 feet for double garages?

**Voting in the Majority (SH, JD):**

Public testimony and subsequent research suggest that garages which are 12 feet wide for single car garages and 20 feet for two car garages are not wide enough. It is difficult to get in and out of today's larger vehicles without bumping the doors against the walls of narrow 12 foot garages.

While it is often felt that garages in front of homes are unattractive to the pedestrian, the issue here is not whether a garage could be permitted, but how wide it can be. Two feet difference in width makes no discernable difference in what the eyes sees from the street scape.

While we do not want to loosen restrictions on the placement of garages within the yards, it is reasonable that an allowed garage be wide enough to be fully functional and useful. Considering the most properties have at least 50 feet of street front, raising the limit from 12 to 14 feet has insignificant impacts for safety and aesthetic concerns and is a reasonable and acceptable policy.

**Voting in the Minority (JS):**

The original city staff recommendation to Council was to establish the width of at garages at 12 feet. Based primarily on the testimony of one person at a public hearing, Councilmember Harris proposed two additional feet for a single garage and four more feet for a double garage. Twelve feet is enough.

Widely accepted urban design principles indicate that garages in front of homes detract significantly from the aesthetics and pedestrian character of urban neighborhoods. They should be discouraged or at least limited in size to what is essential.

A twelve foot structure as proposed by staff would likely result in a parking area grater than 10 feet. Therefore allowing even wider garage structures is unnecessary.

These substitute pages 14 & 15 reflect Councilmember Harris' amendment subject of the divided report.

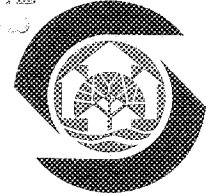
If the Minority (Jim Street) position prevails: Leave the pages in the jacket in there.

If the Majority (Sherry Harris) position prevails: Replace pages 14 & 15 with the attached substitute pages.

Seattle  
Department of Construction and Land Use

RECEIVED OMB

APR 14 1994



R. F. Krochalis, Director  
Norman B. Rice, Mayor

M E M O R A N D U M

TO: Jim Street, President, City Council  
VIA: Diana Gale, Director, OMB  
FROM: *R. F. Krochalis*  
Rick F. Krochalis, Director  
DATE: April 14, 1994  
RE: Land Use Code Cleanup

The attached ordinance corrects and clarifies a number of issues in the Land Use Code, ranging from incorrect section references to changing "street parks" to "green streets." There are also a number of proposed minor changes, such as limiting skylights, restricting overspill lighting in single family zones, and allowing arbors in required yards (see attached report for a more complete listing of the proposed changes). The environmental review resulted in a Declaration of Non-significance, which was not appealed.

Expected costs to implement this legislation will total approximately \$3811.

If you have any questions, please contact Diane Althaus at 233-3894.

# Land Use Code Maintenance and Minor Amendments Final Report and Recommendation

April, 1994

The attached draft ordinance corrects typographical errors and Land Use Code Section references; implements changes in the Code needed due to other already-adopted legislation (e.g., changes "street parks" to "green streets" per the Open Space Policies); clarifies terminology (e.g., there is no permit called an "accessory conditional use" although that term is used in the Code); adds information not incorporated in earlier amendments (Ordinance 112840 allowed 12-month temporary use permits, but only for relocation of police and fire stations); provides consistency in appeal timeframes for decisions on schools; and adds additional limitations on parking spaces to insure that policy intent is accomplished (e.g., where only a one-car garage is permitted, a width limit for the garage is proposed in addition to the existing square-foot limitation).

In addition to the "housekeeping" type of amendment described above, the Department is also proposing slightly more substantive changes in certain areas. These include: limits on skylights which can now project above the height limit; restrictions on outdoor lighting spilling onto adjoining property; allowance for garden arbors; additional fence height for decorative features; modification to parking regulations in required yards where there is substantial slope; discretion on when to record a Notice of Violation with the property title (e.g., a NOV would not be recorded with the property title if the owner willingly corrects the violation); limited changes to the development standards for home occupations; clarification on when a conditional use is required for additions when the principal use has already been established (single family use in commercial zones); a change to paving width requirement for easements; and the addition of minimum alley width in industrial zones. The reasoning for these changes follows: **(changes made to the recommendations since the draft report was released are highlighted in bold type)**

## Skylights:

The current Code provisions allow skylights (a term not currently defined) to extend four feet above the height limit or four feet above the ridge of a pitched roof. There is no area limit which would prevent large portions of the roof being covered and essentially raised four feet. The amendment lowers the height at which skylights (and clerestories) may be placed so that such features must be below the ridge of a pitched roof.

## Exterior lighting:

The multifamily chapter limits the amount of overspill lighting which can affect adjoining properties; the same language has been added to the single family chapter.

## Fences and arbors:

These structures are commonly found throughout the city. When placed in required yards, the Code currently limits fences and other freestanding structures to six feet in height. This requirement in effect prohibits any arbor which, by definition, was meant to be walked under (and therefore generally needs to be higher than six

feet) and either covered for protection from rain or has overhead latticework framing for structural support for plants such as roses or wisteria. For sites with substantial slope in the rear yard, a six foot high fence does not necessarily provide much privacy, nor is it an adequate height for providing both height for privacy and architectural detailing. This amendment proposes allowing architectural features on top of a six foot high fence, in addition to clear limits on where a fence may be placed on top of a bulkhead.

Terraced garages: The Code does not permit garages in sloped side or rear yards, although garages are allowed in sloped front yards (even though City policy generally discourages front yard parking). This proposal would permit a terraced garage on any uphill or downhill sloped, street-facing front, side or rear yard when meeting certain size and slope conditions.

Notice of Violations (NOVs): This amendment would allow the Director the discretion to decide when to file a NOV with the title to a property. The policy would be that a NOV will be recorded with the title when a violation is referred to the City's Law Department for non-compliance or when a hazardous condition exists. The purpose is to prevent clouding the title on a property when the owner willingly brings the violation into compliance.

Home occupations: The Land Use Code currently prohibits any advertisement for a home occupation which includes the address. The purpose is to avoid drop-in business, which could in some cases have traffic, noise or parking impact on a neighborhood. **The draft amendment would have permitted addresses on business cards and in telephone directories if it is stated that business is by appointment only. However, the final recommendation would allow advertisement of a home occupation business address only on business cards and would continue to prohibit such advertisement in the telephone directory which would have a considerably wider circulation.**

Expansions to structures already established by conditional use: A single-purpose residential use in commercial zones requires an administrative conditional use permit to be established. The purpose of the conditional use analysis is to determine whether a residential use would disrupt or displace commercial activity. The Code is currently silent on the type of permit required to allow additions or expansions, such as a bedroom expansion or the construction of a garage, to an existing single family house already authorized by conditional use. Since the issue of disruption to commercial activity was examined when the residential use was authorized, there does not appear to be any reason to require a conditional use permit to authorize additions or expansions which meet development standards.

**Easement paving:** Where an easement serves three or four single family dwelling units, the Code requires an easement width of twenty feet, but has permitted a "surfaced" width of only sixteen feet. It is recommended that the full width of the required easement be required to be hard-surfaced, with a limited exception for properties in environmentally critical areas.

**Minimum alley width in industrial zones:** The Seattle Street Improvement Manual (DCLU Director's Rule 30-90, SED's Director's Rule 91-4) requires a minimum width for existing alleys used for access in industrial zones, but Chapter 23.53 did not include this requirement. This recommendation was added during the public comment period.

**TDR Bank:** A line was inadvertently left out of Ordinance 116513 with regard to replacement of low or low - to-moderate income housing.

# Land Use Code Maintenance and Minor Amendments Final Report and Recommendation

April, 1994

The attached draft ordinance corrects typographical errors and Land Use Code Section references; implements changes in the Code needed due to other already-adopted legislation (e.g., changes "street parks" to "green streets" per the Open Space Policies); clarifies terminology (e.g., there is no permit called an "accessory conditional use" although that term is used in the Code); adds information not incorporated in earlier amendments (Ordinance 112840 allowed 12-month temporary use permits, but only for relocation of police and fire stations); provides consistency in appeal timeframes for decisions on schools; and adds additional limitations on parking spaces to insure that policy intent is accomplished (e.g., where only a one-car garage is permitted, a width limit for the garage is proposed in addition to the existing square-foot limitation).

In addition to the "housekeeping" type of amendment described above, the Department is also proposing slightly more substantive changes in certain areas. These include: limits on skylights which can now project above the height limit; restrictions on outdoor lighting spilling onto adjoining property; allowance for garden arbors; additional fence height for decorative features; modification to parking regulations in required yards where there is substantial slope; discretion on when to record a Notice of Violation with the property title (e.g., a NOV would not be recorded with the property title if the owner willingly corrects the violation); limited changes to the development standards for home occupations; clarification on when a conditional use is required for additions when the principal use has already been established (single family use in commercial zones); a change to paving width requirement for easements; and the addition of minimum alley width in industrial zones. The reasoning for these changes follows: **(changes made to the recommendations since the draft report was released are highlighted in bold type)**

## Skylights:

The current Code provisions allow skylights (a term not currently defined) to extend four feet above the height limit or four feet above the ridge of a pitched roof. There is no area limit which would prevent large portions of the roof being covered and essentially raised four feet. The amendment lowers the height at which skylights (and clerestories) may be placed so that such features must be below the ridge of a pitched roof.

## Exterior lighting:

The multifamily chapter limits the amount of overspill lighting which can affect adjoining properties; the same language has been added to the single family chapter.

Fences and arbors: These structures are commonly found throughout the city. When placed in required yards, the Code currently limits fences and other freestanding structures to six feet in height. This requirement in effect prohibits any arbor which, by definition, was meant to be walked under (and therefore generally needs to be higher than six feet) and either covered for protection from

rain or has overhead latticework framing for structural support for plants such as roses or wisteria. For sites with substantial slope in the rear yard, a six foot high fence does not necessarily provide much privacy, nor is it an adequate height for providing both height for privacy and architectural detailing. This amendment proposes allowing architectural features on top of a six foot high fence, in addition to clear limits on where a fence may be placed on top of a bulkhead.

Terraced garages: The Code does not permit garages in sloped side or rear yards, although garages are allowed in sloped front yards (even though City policy generally discourages front yard parking). This proposal would permit a terraced garage on any uphill or downhill sloped, street-facing front, side or rear yard when meeting certain size and slope conditions.

Notice of Violations (NOVs): This amendment would allow the Director the discretion to decide when to file a NOV with the title to a property. The policy would be that a NOV will be recorded with the title when a violation is referred to the City's Law Department for non-compliance or when a hazardous condition exists. The purpose is to prevent clouding the title on a property when the owner willingly brings the violation into compliance.

Home occupations: The Land Use Code currently prohibits any advertisement for a home occupation which includes the address. The purpose is to avoid drop-in business, which could in some cases have traffic, noise or parking impact on a neighborhood. **The draft amendment would have permitted addresses on business cards and in telephone directories if it is stated that business is by appointment only. However, the final recommendation would allow advertisement of a home occupation business address only on business cards and would continue to prohibit such advertisement in the telephone directory which would have a considerably wider circulation.**

Expansions to structures already established by conditional use: A single-purpose residential use in commercial zones requires an administrative conditional use permit to be established. The purpose of the conditional use analysis is to determine whether a residential use would disrupt or displace commercial activity. The Code is currently silent on the type of permit required to allow additions or expansions, such as a bedroom expansion or the construction of a garage, to an existing single family house already authorized by conditional use. Since the issue of disruption to commercial activity was examined when the residential use was authorized, there does not appear to be any reason to require a conditional use permit to authorize additions or expansions which meet development standards.

94-085

# City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director  
Norman B. Rice, Mayor



April 18, 1994

The Honorable Mark Sidran  
City Attorney  
City of Seattle

Dear Mr. Sidran:

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

**REQUESTING DEPARTMENT** Construction and Land Use

**SUBJECT:** AN ORDINANCE relating to housing, land use and zoning; and amending Sections 22.206.220, 23.22.024, 23.24.040, 23.42.020, 23.42.040, 23.44.006, 23.44.008, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.022, 23.44.040, 23.44.042, 23.44.044, 23.44.050, 23.45.004, 23.45.014, 23.45.054, 23.45.060, 23.45.076, 23.45.152, 23.45.182, 23.45.184, 23.45.190, 23.47.006, 23.47.011, 23.47.014, 23.47.016, 23.47.023, 23.47.036, 23.47.044, 23.49.033, 23.49.035, 23.49.052, 23.49.070, 23.49.072, 23.49.074, 23.49.076, 23.49.126, 23.49.128, 23.49.134, 23.49.152, 23.49.160, 23.49.162, 23.49.166, 23.49.248, 23.50.012, 23.53.025, 23.53.030, 23.54.020, 23.54.030, 23.76.004, 23.76.006, 23.76.010, 23.76.022, 23.78.014, 23.79.012, 23.84.002, 23.84.006, 23.84.008, 23.84.014, 23.84.024, 23.84.028, 23.84.030, 23.84.032, 23.84.036, 23.84.046, 23.86.002, 23.86.008, 23.86.010, 23.90.006, 23.90.008, and 3.20.320.

COPY RECEIVED  
54 APR 19 PM 2:24  
SEATTLE CITY ATTORNEY  
*Handwritten initials and signature*

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

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Ethan Melone at 684-8066.

Sincerely,

Norman B. Rice  
Mayor

by

*[Signature]*  
DIANA GALE  
Budget Director

DG/em/mp

Enclosure

cc: Director, Construction and Land Use

STATE OF WASHINGTON - KING COUNTY

47348  
City of Seattle, City Clerk

—ss.

No. ORDINANCE IN

Affidavit of Publication

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

ORD: 117263

was published on

09/08/94

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_ which amount has been paid in full.

*[Handwritten signature]*

Subscribed and sworn to before me on

09/08/94

*[Handwritten signature]*

Notary Public for the State of Washington,  
residing in Seattle

# City of Seattle Ordinances

exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

5. Design review;
6. The following street use decisions:
  - a. Sidewalk cafes,
  - b. Structural building overhangs,
  - c. Arseaways;
7. Administrative conditional uses, provided administrative conditional uses sought as part of a Type IV decision may be approved by the Council pursuant to Section 23.76.036;
8. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60) ((SMC-sections-24-60-425 through-24-60-495)):
  - a. Shoreline substantial development permits,
  - b. Shoreline variances,
  - c. Shoreline conditional uses;
9. The following environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits (supplemental procedures for environmental review are established in SMC Chapter 25.05, SEPA Policies and Procedures):
  - a. Declarations of Nonsignificance (DNS's), including mitigated DNS's,
  - b. Determination that a Final Environmental Impact Statement (EIS) is adequate;
10. Northgate General Development Plan

Section 55. Section 23.76.010 of the Seattle Municipal Code, as last amended by Ordinance 115751, is further amended as follows:

23.76.010 Applications.

D. All Master Use Permit decisions necessary for a project shall be included in the same application; provided that, at the applicant's discretion, a separate Master Use Permit application may be filed for a variance, lot boundary adjustment and/or short subdivision approval if no environmental review pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, is required for the proposed project ({{-as-if-SEPA-review-is-required-only-because-the-project-is-located-in-an-environmentally-sensitive-area-or-over-water}}).

Section 54. Section 23.76.022 of the Seattle Municipal Code, as adopted by Ordinance 112522, is further amended as follows:

23.76.022 Administrative appeals.

- C. Hearing Examiner Appeal Procedures.
  1. Consolidated Appeals. All appeals of Master Use Permit decisions other than shoreline decisions shall be considered together in a consolidated hearing before the Hearing Examiner.
  2. Standing. Appeals may be initiated by any person significantly affected by or interested in the permit.
  3. Filing of Appeals.
    - a. Appeals shall be filed with the Hearing Examiner by five p.m. (5:00 p.m.) of the fifteenth calendar day following publication of notice of the decision; provided, that when a fifteen (15) day DNS comment period is required pursuant to SMC Chapter 25.05, appeals may be filed up to fifteen (15) days following the comment period. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal shall be in writing and shall clearly identify each component of a Master Use Permit being appealed. The appeal shall be accompanied by payment of the filing fee as set forth in the SMC Section 3.02.125, Hearing ((s))Examiner filing fees. Specific objections to the Director's decision and the relief sought shall be stated in the written appeal.
    - b. In form and content, the appeal shall conform with the rules of the Hearing Examiner.
    - c. Pre-Hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of

Section 59. Section 23.79.012 of the Seattle Municipal Code, as adopted by Ordinance 112539, is amended as follows:

23.79.012 Appeal of development standard departure.

A. Any person substantially affected by or interested in the development standard departure may appeal the decision to the Hearing Examiner within a period extending to five p.m. (5:00 p.m.) of the fifteenth ((fourteenth)) calendar day following the date of publication of the decision. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the appeal period shall run until five p.m. (5:00 p.m.) the next business day. The appeal shall be in writing and shall state specifically why the appellant finds the departure inappropriate or incorrect.

Section 60. Section 23.84.002 of the Seattle Municipal Code, as last amended by Ordinance 115336, is further amended as follows:

23.84.002 "A."

"Arbor" means a landscape structure consisting of an open frame with horizontal and/or vertical latticework often used as a support for climbing plants. An arbor may be freestanding or attached to another structure.

"Automotive retail sales and service" means a retail sales and service use which includes one (1) or more of the following uses:

1. "Automotive parts and accessories sales" means an automotive retail sales and service use in which goods are rented or sold primarily for use in motorized vehicles, but excluding gas stations.
2. "Car wash" means an automotive retail sales and service use in which facilities are provided for washing motorized vehicles.
3. "Gas station" means an automotive retail sales and service use in which fuel for motorized vehicles is sold, and in which accessory uses including but not limited to towing by no more than two (2) tow trucks, minor auto repair, or rental of vehicles under ten thousand (10,000) pounds gross vehicle weight may also be provided. Facilities for washing no more than one (1) car at a time or for the collection of used motor oil shall also be considered accessory to a gas station.
4. "Sales and rental of motorized vehicles" means an automotive retail sales and service use in which operable motorized vehicles, such as cars, trucks, buses, recreational vehicles or motorcycles, or related nonmotorized vehicles, such as trailers, are rented or sold.
5. "Towing service" means an automotive retail sales and service use in which more than two (2) tow trucks are employed in the hauling of motorized vehicles, and where vehicles may be impounded, stored or sold, but not disassembled or junked.
6. "Vehicle repair, major" means an automotive retail sales and service use in which one (1) or more of the following activities are carried out:
  - a. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over ten thousand (10,000) pounds gross vehicle weight;
  - b. Collision services, including body, frame or fender straightening or repair;
  - c. Overall painting of vehicles or painting of vehicles in a paint shop;
  - d. Dismantling of motorized vehicles in an enclosed structure.
7. "Vehicle repair, minor" means an automotive retail sales and service use in which general motor repair work is done as well as the replacement of new or reconditioned parts in motorized vehicles of ten thousand (10,000) pounds or less gross vehicle weight; but not including any operation included in the definition of "major vehicle repair."

(((S---"Automotive-wrecking-yard"-means-a-salvage-and-recycling-business-establishment-in-which-vehicles-are-dismantled-or-junked-or-where-one-(1)-or-more-vehicles-not-in-operable-condition-or-used-as-spare-parts-are-stored)))