ORDINANCE No. 117430

COUNCIL BILL No. 110464

AN ORDINANCE relating to land use and zoning and the building code; implementing The City of Seattle's Comprehensive Plan; complying with RCW 36.70A.040; amending Title 23 of the Seattle Municipal Code and Section 303 of the Seattle Building Code.

The City of Se

Honorable President:

Your Committee on

to which was referred the within Council Bil
report that we have considered the same an

Full Council

COMPTROLLER FILE No.

Introduced:	By:
Referred:	To:
Referred:	To:
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LES047

The City of Seattle--Legislative Department

Date Reported and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend that the same:

Full Council vote 8-0 (Chow out of Chamber)

Committee Chair

ORDINANCE 117430

AN ORDINANCE relating to land use and zoning and the building code; implementing The City of Seattle's Comprehensive Plan; complying with RCW 36.70A.040; amending Title 23 of the Seattle Municipal Code and Section 303 of the Seattle Building Code.

WHEREAS, in July of 1994 The City of Seattle by Ordinance 117221 adopted its Comprehensive Plan pursuant to the authority of RCW 36.70A (the Growth Management Act) and Article 11, Section 11 of the Washington State Constitution; and

WHEREAS, RCW 36.70A.040 requires The City of Seattle to adopt development regulations that are consistent with and implement the City's Comprehensive Plan; and

WHEREAS, The City of Seattle has reviewed its development regulations pursuant to the requirement of RCW 36.70A.040; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle City Council finds and declares as follows:

(a) The new and amendatory regulations adopted by this ordinance are appropriate and reasonable exercises of the police power that bring the City's development regulations into compliance with RCW 36.70A.040 and RCW 36.70A.065;

(b) The City's development regulations, as amended and supplemented by this ordinance, are consistent with and implement the City's Comprehensive Plan.

(c) The regulations adopted by this ordinance are intended to protect and promote the health, safety, and welfare of the general public and are not intended to recognize or establish any particular person or class or group of persons who will or should be protected or benefitted by them.

Section 2. Subsection A of Section 23.24.040 of the Seattle Municipal Code, as last amended by Ordinance 117263, is further amended as follows:

23.24.040 Criteria for approval.

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

1. Conformance to the applicable Land Use Policies and ((~~Zoning Code or~~)) Land Use Code provisions;

2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;

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

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

5. Conformance to the applicable provisions of SMC Section 25.09.100, Short subdivisions and subdivisions, in environmentally critical areas;

6. Conformance to the provisions of Section 23.24.045, Townhouses, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses.

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Section 3. A new Section 23.24.045 is hereby added to Chapter 23.24 of the Seattle Municipal Code as follows:

23.24.045 Townhouses.

A. Sites developed or proposed to be developed with townhouse structures may be subdivided into individual townhouse unit lots. The proposed townhouse development as a whole shall meet development standards. The subdivided townhouse unit shall be exempt from meeting development standards for setbacks, lot coverage, density, and structure width and depth, based on the individual unit lot.

B. Subsequent platting actions, additions or modifications to the structure may not create or increase any nonconformity of the structure as a whole, when considered on the combined site.

C. Private, usable open space for each unit shall be provided on the same lot as the unit it serves.

D. As a result of townhouse subdivision, required parking for a unit may be provided on a different lot than the unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

E. The fact that additional development of the lots of individual units may be limited as a result of the application of development standards to the combined site shall be noted on the plat, as recorded.

Section 4. Section 23.30.010 of the Seattle Municipal Code, as last amended by Ordinance 115002, is further amended as follows:

23.30.010 Classifications for the purpose of this subtitle.

All land within the City shall be classified as being ((~~either~~)) within one (1) of the following land use zones ((~~or a zone retained under Title 24~~)) and regulated accordingly:

Zones	Abbreviated
Residential, Single Family 9,600	SF 9600
Residential, Single Family 7,200	SF 7200
Residential, Single Family 5,000	SF 5000
Residential Small Lot	RSL
Residential, Multifamily, Lowrise Duplex/Triplex	LDT
Residential, Multifamily, Lowrise 1	L1
Residential, Multifamily, Lowrise 2	L2
Residential, Multifamily, Lowrise 3	L3
Residential, Multifamily, Lowrise 4	L4
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Commercial 1	C1
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC

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Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR
Pioneer Square Mixed	PSM
International District Mixed	IDM
International District Residential	IDR
Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC

Section 5. A new Section 23.34.007 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.007 Rezone evaluation.

A. The provisions of this chapter shall apply to all rezones. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

C. Overlay districts established pursuant to neighborhood plans adopted by the City Council may be modified only pursuant to amendments to neighborhood plans adopted or amended by the City Council after January 1, 1995.

D. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones.

E. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary. This subsection does not apply to the provisions of other chapters including, but not limited to, those which establish regulations, policies, or other requirements for commercial/mixed use areas inside or outside of urban centers/villages as shown on the Future Land Use Map.

Section 6. Section 23.34.008 of the Seattle Municipal Code, as last amended by Ordinance 114725, is further amended as follows:

23.34.008 General rezone criteria.

((~~In evaluating a request for a zoning change, the following factors shall be considered:~~))

A. To be approved a rezone shall meet the following standards:

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1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.

2. For each urban center or urban village, the zoned capacity for the center or village taken as a whole shall allow the minimum zoned capacity established in Section B of the Land Use Element of the Comprehensive Plan.

3. For the area within the urban village boundary but outside the core of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not exceed the maximum established in Section B of the Land Use Element of the Comprehensive Plan.

((A))B. Match Between ((~~Established Locational~~)) Zone Criteria and Area Characteristics. ((~~In order to ensure compatibility of new and existing development, the characteristics of the area to be rezoned should closely fit the adopted locational criteria for the proposed land use category.~~)) The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

((~~B~~))C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

D. Neighborhood Plans.

1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.

2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.

3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.

4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.

E((~~C~~)).((~~Other~~)) Zoning Principles. The following ((~~Z~~))zoning principles ((~~relating to compatible land use patterns, size, configuration and boundaries~~)) shall be considered((~~.~~)):

1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.

2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;

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b. Freeways, expressways, other major traffic arterials, and railroad tracks;

c. Distinct change in street layout and block orientation;

d. Open space and greenspaces.

3. Zone Boundaries.

a. In establishing boundaries the following elements shall be considered:

(1) Physical buffers as described in Subsection E2 above;

(2) Platted lot lines.

b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.

F((~~D~~)). Impact Evaluation. The evaluation of ((~~decision on~~)) a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

1. Factors to be examined include, but are not limited to, the ((~~effects on~~)) following: ((~~transportation, parking, housing, particularly low-income housing, public services, and environmental factors such as noise, air and water quality and energy conservation.~~))

a. Housing, particularly low-income housing;

b. Public services;

c. Environmental factors, such as noise, air and water quality, glare, odor, shadows, and energy conservation;

d. Pedestrian safety;

e. Manufacturing activity;

f. Employment activity;

g. Character of areas recognized for architectural or historic value.

2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:

a. Street access to the area;

b. Street capacity in the area;

c. Transit service;

d. Parking capacity;

e. Utility and sewer capacity;

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((~~E. Neighborhood Planning Efforts. If there are adopted neighborhood plans or recommendations which apply to the area proposed for rezone, these shall be taken into consideration.~~))

((~~F~~))G. Changed Circumstances. ((~~If part of the justification for the rezone is changed conditions since the adoption of the Official Land Use Map, evidence of the change shall be taken into consideration.~~)) Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. ((~~Evidence might include changes in structure height and scale, addition of new uses, traffic patterns and transit routes and demographic changes.~~)) Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone designations in this chapter.

((~~G~~))H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

((~~H. Greenbelt Plan. If the area is included in the Greenbelt Plan as adopted by Resolution 25670, the purpose and boundaries of the Greenbelt Plan shall be considered.~~))

I. Critical Areas. If the area is located in or adjacent to a critical area (SMC 25.09), the effect of the rezone on the critical area shall be considered.

J Land Use Policies. Land Use Policies applicable to the area shall be considered.

Section 7. A new Section 23.34.009 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.009 Height limits of the proposed rezone.

Where a decision to designate height limits in Neighborhood Commercial or Industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

A. Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.

B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.

C. Height and Scale of the Area.

1. The height limits established by current zoning in the area shall be given consideration.

2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.

D. Compatibility with Surrounding Area.

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major

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Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008D2, are present.

E. Neighborhood Plans.

1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.

2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.

Section 8. Section 23.34.010 of the Seattle Municipal Code, as last amended by Ordinance 112522, is further amended as follows:

23.34.010 ((~~Areas zoned single family~~)) Designation of Single Family zones.

A. Except as provided in ((~~s~~))Subsection B of this section, single family zoned areas may be rezoned to another classification only if the applicant can demonstrate that the area does not meet the criteria for single family designation.

B. ((~~If a proposed rezone is for five (5) or more acres of vacant land currently zoned for single family use, it may be rezoned to another classification subject to the following determination:~~

~~1. Whether the area is more appropriate for a single family or multifamily designation; and~~

~~2. If multifamily is more appropriate, whether the relevant locational criteria of the multifamily designation which is proposed more closely match the particular characteristics of the area than do the locational criteria of any other multifamily designation.~~))

Areas zoned single family, or RSL which meet the criteria for single family zoning contained in Subsection B of Section 23.34.011 and are located within the adopted boundaries of an urban village may be considered for rezoning to a Residential Small Lot (RSL), Residential Small Lot - Tandem (RSL/T), Residential Small Lot - Cottage (RSL/C), Residential Small Lot - Cottage/Tandem (RSL/TC), Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Neighborhood Commercial 1 30'/Lowrise 1(NC1 30'/L1), Neighborhood Commercial 2 30'/Lowrise 1 (NC2 30'/L1), Neighborhood Commercial 3 30'/Lowrise 1 (NC3 30'/L1), or Lowrise 1/Residential-Commercial (L1/RC) only when all of the following conditions are met:

1. A neighborhood plan adopted or amended by the City Council after January 1, 1995 has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix when applicable;

2. All parts of the rezone area are within a five (5) minute walk for a person of typical abilities, within five (5) blocks, or within one-quarter (1/4) mile, whichever is the shortest distance, of a designated principal commercial street;

3. The acreage of land proposed for such rezoning on a cumulative

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basis does not exceed the quantity of land specified for the area in Appendix C of the Land Use Element of the Comprehensive Plan;

4. If the rezone is to an NC1 30/L1, NC2 30/L1, NC3 30/L1 or L1/RC zone designation, the subject property is contiguous to an urban village commercial zone.

Section 9. Section 23.34.012 of the Seattle Municipal Code, as last amended by Ordinance 112522, has been renumbered and further amended as follows:

23.34.011((~~23.34.012 Locational criteria—~~)) Single family zones, function and locational criteria.

((~~In reviewing a proposal to rezone an area to a single family zone, the following criteria shall also be considered:~~))

A. Function. An area that provides predominantly detached single family structures on lot sizes compatible with the existing pattern of development and the character of single family neighborhoods.

((~~A. The locational criteria for single family zones include the following:~~))

B. Locational Criteria. A single family zone designation is most appropriate in areas meeting the following criteria:

1. Areas ((~~which~~))that consist of blocks with at least seventy percent (70%) of the existing structures in single family residential use; or

2. Areas ((~~which~~))that are ((~~now~~)) designated by an adopted neighborhood plan as appropriate for single family residential use; or

3. Areas ((~~which~~))that consist of blocks with less than seventy percent (70%) of the existing structures in single family residential use but in which an increasing trend toward single family residential use can be demonstrated; for example:

a. The construction of single family structures in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or

b. The area shows an increasing number of improvements and rehabilitation efforts to single family structures, or

c. The number of existing single family structures has been very stable or increasing in the last five (5) years, or

d. The area's location is topographically and environmentally suitable for single family residential developments.

C.((~~B~~)) An area ((~~which~~))that meets at least one (1) of the locational criteria in Section B above should also satisfy the following size criteria in order to be designated as a single family zone:

1. The area proposed for rezone ((~~area~~)) should comprise fifteen (15) contiguous acres or more, or should abut an existing single family zone.

2. If the area proposed for rezone contains less than fifteen (15) contiguous acres, and does not abut an existing single family zone, then it should demonstrate strong or stable single family residential use trends or potentials such as:

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a. That the construction of single family structures in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or

b. That the number of existing single family structures has been very stable or increasing in the last five (5) years, or

c. That the area's location is topographically and environmentally suitable for single family structures, or

d. That the area shows an increasing number of improvements or rehabilitation efforts to single family structures.

((~~C. Boundaries. In establishing boundaries for single-family zones, the following elements shall be considered:~~

~~1. Natural features such as lakes, streams, ravines and shorelines;~~

~~2. Freeways, expressways and other major traffic arterials;~~

~~3. Platted lot lines;~~))

D. ((4)) Half-blocks at the edges of single family zones which have more than fifty percent (50%) single family structures, or portions of blocks on an arterial which have a majority of single family structures, shall generally be included. This shall be decided on a case-by-case basis, but the policy is to favor including them.

Section 10. A new Section 23.34.012 of the Seattle Municipal Code, is hereby added to Chapter 23.34 as follows:

23.34.012 Residential Small Lot (RSL) zone, function and locational criteria.

A. Function. An area within an urban village that provides for the development of homes on small lots that may be appropriate and affordable to households with children and other households which might otherwise choose existing detached houses on larger lots.

B. Locational Criteria. An RSL zone shall be appropriate only under circumstances as provided in Subsection 23.34.010B.

Section 11. Section 23.34.013 of the Seattle Municipal Code, as last amended by Ordinance 116795, is hereby divided into Sections 23.34.013 through 23.34.028 and is further amended as follows:

23.34.013 Designation of multifamily zones ((~~Locational criteria – Multifamily zones~~)).

((~~A decision to rezone a parcel of land to any multifamily zone designation shall be based on the general rezone criteria of Section 23.34.008 and the following locational criteria for multifamily zones:~~))

An area zoned single family that meets the criteria of Section 23.34.011 for single family designation, may not be rezoned to multifamily except as otherwise provided in Subsection 23.34.010B.

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23.34.014 Lowrise Duplex/Triplex (LDT) zone, function and locational criteria.

((~~A. Locational Criteria, Lowrise Duplex/Triplex (LTD). Locations appropriate for a Lowrise Duplex/Triplex Zone shall be consistent with the following description of conditions within the area itself:~~))

A. Function. An area that provides opportunities for limited infill housing development, both through new construction and the conversion of existing single family structures to duplexes and triplexes, where, in order to preserve the character of the neighborhood, the recycling of existing structures to a slightly higher density and small-scale infill development is preferable to single family zoning or to the development of townhouses or higher density apartments.

B. Locational Criteria. The Lowrise Duplex/Triplex zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area.

a. Areas where structures of small bulk and low heights, generally less than thirty feet (30') ((~~feet~~)), establish the pattern of development, and

b. Areas with a mix of single family structures, small multifamily structures, and single family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to limit new development opportunities to infill projects and conversions that preserve the existing character.

2. Relationship to the Surrounding Area. ((~~Locations appropriate for a Lowrise Duplex/Triplex Zone shall be consistent with the following description concerning their fit with surroundings:~~))

a. Areas ((~~which~~))that do not meet single family criteria, but ((~~which~~)) are otherwise similar in character and adjoin areas zoned ((~~S~~))single ((~~F~~))family or Lowrise 1 without necessarily the presence of a significant topographical break or open space to provide a transition to increased density;

b. Areas where narrow streets, on-street parking congestion, local traffic congestion, lack of alleys, or irregular street patterns restrict local access and circulation;

c. Areas close to existing or projected facilities and services used by households with children, including schools, parks and community centers.

C. Areas zoned single family meeting the locational criteria for a single family designation may be rezoned to LDT only when the provisions of Subsection 23.34.010 B are met.

23.34.016 Lowrise 1 (L1) zone, function and locational criteria.

A. Function. An area that provides low density, ground-related multifamily housing opportunities.

B. Locational Criteria. ((~~,~~)) Lowrise 1 ((~~(L1).~~)) zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area. ((~~Locations~~

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~~appropriate for a Lowrise 1 Zone (L1) shall be consistent with the following description of conditions within the area itself:~~))

a. Areas where structures of low heights, generally less than thirty feet (30') ((~~feet~~)), and small bulk establish the pattern of development;

b. Areas with:

((~~i.~~))(1) A mix of single family structures, small multifamily structures and single family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to encourage new development opportunities, or

((~~ii.~~))(2) Numerous or large vacant parcels suitable for family housing where densities greater than single family are desired; and

c. Areas where internal vehicular circulation is conducive to residential units that are oriented to the ground level and the street. Preferred locations are generally separated from principal arterials, as defined by the Seattle Comprehensive Transportation Program, which conflict with the desired ground-related character of L1 areas.

2. Relationship to the Surrounding Area. ((~~Locations appropriate for a Lowrise 1 zone shall be consistent with the following description concerning their fit with surroundings:~~))

a. Areas ((~~which~~))that are definable pockets within a larger, higher density multifamily area, where it is desirable to preserve a small-scale, ground-related character;

b. Areas generally surrounded by a larger single family area where variation and replacement in housing type could be accommodated without significant disruption of the pattern, character or livability of the surrounding development;

c. Areas where a gradual transition is appropriate between single family areas and more intensive multifamily or neighborhood commercial zones;

d. Areas where narrow streets, on-street parking congestion, local traffic congestion, or irregular street patterns restrict local access and circulation.

e. Areas close to facilities and services used by households with children, including schools, parks and community centers.

C. Areas zoned single family meeting the locational criteria for single family designation may be rezoned to L1 only when the provisions of Subsection 23.34.010B are met.

23.34.018 Lowrise 2 (L2) zone, function and locational criteria.

A. Function. The intent of the Lowrise 2 zone is to encourage a variety of multi-family housing types with less emphasis than the Lowrise 1 zone on ground-related units, while remaining at a scale compatible with single-family structures.

B.((~~C~~)) Locational Criteria. ((~~,~~)) Lowrise 2 ((~~(L2),~~)) zone designation is most appropriate in areas generally characterized by the following:

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1. Development Characteristics of the Area. ((~~Locations appropriate for a Lowrise 2 Zone shall be consistent with the following description of conditions within the area itself:~~))

a. Areas ((~~which~~))that feature a mix of single family structures and small to medium multifamily structures generally occupying one (1) or two (2) lots, with heights generally less than thirty feet (30') ((~~feet~~)):

b. Areas suitable for multifamily development where topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;

c. Areas occupied by a substantial amount of multifamily development where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make an intermediate intensity of development desirable.

2. Relationship to the Surrounding Area. ((~~Locations appropriate for a Lowrise 2 Zone shall be consistent with the following description concerning their fit with surroundings~~)):

a. Areas ((~~which~~))that are well-suited to multifamily development, but where adjacent single family areas make a transitional scale of development desirable. It is desirable that there be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature providing physical separation from the single family area. However, this is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single family areas;

b. Areas ((~~which~~))that are definable pockets within a more intensive multifamily area, where it is desirable to preserve a smaller scale character and mix of densities((~~.~~));

c. Areas otherwise suitable for higher density multifamily development but where it is desirable to limit building height and bulk to protect views from uphill areas or from public open spaces and scenic routes;

d. Areas where vehicular access to the area does not require travel on "residential access streets" in less intensive residential zones.

23.34.020 Lowrise 3 (L3) zone, function and locational criteria

A. Function. An area that provides moderate scale multifamily housing opportunities in multifamily neighborhoods where it is desirable to limit development to infill projects and conversions compatible with the existing mix of houses and small to moderate scale apartment structures.

B.((~~D~~))Locational Criteria. ((~~.~~))

1. Threshold Conditions. Subject to Subsection B2 of this section, areas that may be considered for an L3 designation are limited to the following:

a. Areas already zoned L3;

b. Areas already developed predominantly to the permitted L3 density and where L3 scale is well established, or

c. Areas within an urban center or urban village, where less

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emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

2. [illegible] designated as environmentally critical may not be rezoned to an L3 designation, [illegible] remain L3 only in areas predominantly developed to the intensity of the L3 [illegible].

3. Other Criteria. The Lowrise 3 (((~~L3).~~)) zone designation is most appropriate in areas generally characterized by the following:

((~~1.~~))a. Development Characteristics of the Area. ((~~Locations appropriate for a Lowrise 3 Zone shall be consistent with the following description of conditions within the area itself:~~

~~a. Areas with a predominance of multifamily buildings less than four (4) stories in height;~~))

(1) Either:

(a) Areas that are already developed predominantly to the permitted L3 density and where L3 scale is well established, or

(b) Areas that are within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

((~~b.~~))(2) Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient to allow for two (2) way traffic and parking along at least one (1) curbside.

((~~2.~~))b. Relationship to the Surrounding Area. ((~~Locations appropriate for a Lowrise 3 zone shall be consistent with the following description concerning their fit with surroundings~~)):

((~~a.~~))(1) Areas ((~~which~~))that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones;

((~~b.~~))(2) Areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;

((~~c.~~))(3) Areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;

((~~d.~~))(4) Areas ((~~which~~))that are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller scale multifamily development is desirable.

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23.34.022 Lowrise 4 (L4) zone, function and locational criteria.

A. Function. An area that provides moderate density multifamily infill development in residential neighborhoods already characterized by moderate density residential structures, with good vehicular circulation, adequate alleys, and on-street parking.

B.((~~E~~)) Locational Criteria. ((~~.~~))

1. Threshold Conditions. Subject to Subsection B2 of this section, areas that may be considered for an L4 designation are limited to the following:

a. Areas already zoned L4;

b. Areas already developed predominantly to the permitted L4 density and where L4 scale is well established, or

c. Areas within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

2. Areas designated as environmentally critical may not be rezoned to an L4 designation, and may remain L4 only in areas predominantly developed to the intensity of the L4 zone .

3. Other Criteria. The Lowrise 4 ((~~(L4).~~)) zone designation is most appropriate in areas generally characterized by the following:

((~~1.~~))a. Development Characteristics of the Area. ((~~Locations appropriate for a Lowrise 4 Zone shall be consistent with the following description of conditions within the area itself:~~))

((~~a. Areas with an established pattern of development characterized by larger, high-density residential structures with heights of three (3), four (4) or more stories and often occupying two or more lots;~~))

(1) Either:

(a) Areas that are already developed predominantly to the permitted L4 density and where L4 scale is well established, or

(b) Areas that are within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

(2)((~~b~~)) Areas of sufficient size to promote a high quality, higher density residential environment where there is good pedestrian access to amenities;

(3)((e)) Areas generally platted with alleys that can provide access to parking, allowing the street frontage to remain uninterrupted by driveways, thereby promoting a street environment better suited to

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the level of pedestrian activity associated with higher density residential environments;

(4)((d)) Areas with good internal vehicular circulation, and good access to sites, preferably from alleys. Generally, the width of principal streets in the area should be sufficient to allow for two (2) way traffic and parking along at least one (1) curbside.

((2.))b. Relationship to the Surrounding Area. ((~~Locations appropriate for a Lowrise 4 (L4) Zone shall be consistent with the following description concerning their fit with surroundings~~)):

((a.))(1) Areas adjacent to concentrations of employment;

((b.))(2) Areas ((~~which~~)) that are directly accessible to regional transportation facilities, especially transit, providing connections to major employment centers, including arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by higher density development. Vehicular access to the area should not require use of streets passing through less intensive residential areas;

((c.))(3) Areas with close proximity and with good pedestrian connections to services in neighborhood commercial areas, public open spaces and other residential amenities;

((d.))(4) Areas with well-defined edges providing sufficient separation from adjacent areas of small scale residential development, or where such areas are separated by zones providing a transition in the height, scale and density of development.

23.34.024 Midrise (MR) zone, function and locational criteria.

A. Function. An area that provides concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.

B.((~~F~~)) Locational Criteria. ((:))

1. Threshold Conditions. Subject to Subsection B2 of this section, areas that may be considered for a Midrise designation are limited to the following:

a. Areas already zoned Midrise;

b. Areas already developed predominantly to the intensity permitted by the Midrise zone, or

c. Areas within an urban center, the village core of a hub urban village, or a residential urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation.

2. Environmentally Critical Areas. Areas designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone .

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3. Other Criteria. The Midrise ((~~(MR).~~)) zone designation is most appropriate in areas generally characterized by the following: ((~~In reviewing a proposal to rezone an area to Midrise, the following criteria shall also be considered:~~))

a. Either:

(1) Areas that are developed predominantly to the intensity permitted by the Midrise zone, or

(2) Areas that are within an urban center, the village core of a hub urban village, or a residential urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation.

((~~1.~~))b. Areas ((~~which~~))that are adjacent to business and commercial areas with comparable height and bulk;

((~~2.~~))c. Areas ((~~which~~))that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development;

((~~3.~~))d. Areas ((~~which~~))that are in close proximity to major employment centers;

((~~4.~~))e. Areas ((~~which~~))that are in close proximity to open space and recreational facilities;

((~~5.~~))f. Areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;

((~~6.~~))g. Flat areas where the prevailing structure height is greater than thirty-seven feet (37') or where, due to a mix of heights, there is no established height pattern;

((~~7.~~))h. Areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;

((~~8.~~))i. Areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the sixty foot (60') height limit;

((~~9.~~))j. Areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, sixteen percent (16%) or more, with views perpendicular to the slope.

23.34.026 Midrise/85' (MR/85') zone, function and locational criteria.

((~~G. Locational Criteria, Midrise/85 (MR/85). In reviewing a proposal to rezone an area to Midrise/85, the following criteria shall be considered in addition to~~)) A. The Midrise/85' (MR/85') is most appropriate in areas generally characterized by the criteria described ((~~considered~~)) for a rezone to Midrise in ((~~subsection F of this section~~)) Section 23.34.024.

B. In addition, the following shall apply to designate an MR zone as Midrise/85':

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1. A((~~n adopted~~)) neighborhood plan adopted by the City Council shall have designated the area as suitable for Midrise zoning with an eighty-five foot (85') height limit; and

2. A height of eighty-five feet (85') could be accommodated without significantly blocking views; and

3. The development permitted by the zone would not exceed the service capacities which exist in the area, including transit service, parking, and sewers; and

4. A gradual transition in height and scale and level of activity between zones is provided unless major physical edges are present. These edges may be the following:

a. Natural features such as topographic breaks, water bodies and ravines,

b. Freeways, expressways, and other major traffic arterials, and railroad tracks,

c. Street grid and block orientation, or

d. Significant open space and ((~~greenbelts~~))greenspaces.

23.34.028 Highrise (HR) zone, function and locational criteria.

A. Function. An area that provides a concentration of high density multifamily housing in a pedestrian-oriented neighborhood with convenient access to regional transit stations, and where the mix of activity provides convenient access to a full range of residential services and amenities and employment centers.

B.((~~H~~)) Locational Criteria. ((~~,~~))

1. Threshold Conditions. Subject to Subsection B2 of this section, areas that may be considered for a Highrise designation are limited to the following:

a. Areas already zoned Highrise;

b. Areas already developed predominantly to the intensity permitted by the Highrise zone, or

c. Areas within an urban center, the village core of a hub urban village, or a residential urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Highrise zone designation.

2. Environmentally Critical Areas. Areas designated as environmentally critical may not be rezoned to a Highrise designation, and may remain Highrise only in areas predominantly developed to the intensity of the Highrise zone .

3. Other Criteria. The Highrise (((~~HR).~~)) zone designation is most appropriate in areas generally characterized by the following: ((~~In reviewing a proposal to rezone an area to Highrise, the following criteria shall also be considered:~~))

a. Either:

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(1) Areas that are developed predominantly to the intensity permitted by the Highrise zone, or

(2) Areas that are within an urban center, the village core of a hub urban village, or a residential urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Highrise zone designation.

((~~1.~~))b. Areas ((~~which~~))that are served by arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by highrise development;

((~~2.~~))c. Areas ((~~which~~))that are adjacent to a concentration of residential services or a major employment center;

((~~3.~~))d. Areas ((~~which~~))that have excellent pedestrian or transit access to downtown;

((~~4.~~))e. Areas ((~~which~~))that have close proximity to open space, parks and recreational facilities;

((~~5.~~))f. Areas where no uniform scale of structures establishes the character and where highrise development would create a point and help define the character;

((~~6.~~))g. Flat areas on the tops of hills or in lowland areas away from hills, where views would not be blocked by highrise structures;

((~~7.~~))h. Sloping areas with views oblique or parallel to the slope where the height and bulk of existing buildings have already limited or blocked views from within the multifamily area and upland areas where the hillform has already been obscured by development.

Section 12. Section 23.34.070 of the Seattle Municipal Code, as adopted by Ordinance 112777, is amended as follows:

23.34.070 ((~~Locational criteria,~~)) Residential-Commercial (RC) zone((s)), function and locational criteria.

((~~In reviewing a proposal to rezone an area to Residential-Commercial, the following criteria shall be considered:~~))

A. Function.

1. Purposes. Areas that serve as the following: ((~~A residential-commercial designation shall be combined only with a multi-family designation and may be appropriate in any of the following circumstances:~~))

a.((~~1~~)) As a means to downzone strip commercial areas which have not been extensively developed with commercial uses;

b.((~~2~~)) As a means to downzone small commercial areas which have not been extensively developed with commercial uses and where commercial services are available nearby;

c.((~~3~~)) To provide opportunities for needed parking in areas where spillover parking is a major problem;

d.((~~4~~)) As a means of supporting an existing commercial

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node.

2. Desired Characteristics. Areas that provide the following:

a. Physical appearance resembling the appearance of adjacent residential areas;

b. Mixed use with small commercial uses at street level.

B. ((~~Character.~~)) Locational Criteria.

1. Requirement. A residential-commercial designation shall be combined only with a multi-family designation.

2. Other Criteria. Residential-Commercial zone designation is most appropriate in areas generally characterized by the following:

((~~1.~~))a. Existing Character.

((~~a.~~))(1) Areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/commercial development is present; or

((~~b.~~))(2) Areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/or where accessory parking would help relieve spillover parking in residential areas.

((~~2. Desired Characteristics.~~

~~a. Physical appearance resembling the appearance of adjacent residential areas;~~

~~b. Mixed use with small commercial uses at street level.~~))

((~~C~~))b. Physical Conditions Favoring RC Designation.

(1)((~~.~~)) Lack of edges or buffer between residential and commercial uses;

(2)((~~.~~)) Lack of buffer between major arterial and residential uses;

(3)((~~.~~)) Streets with adequate access and circulation;

(4)((~~.~~)) Insufficient parking in adjacent commercial zone results in parking spillover on residential streets.

Section 13. Section 23.34.072 of the Seattle Municipal Code, as adopted by Ordinance 112777, is amended as follows:

23.34.072 Designation of ((~~C~~))commercial ((~~areas~~))zones.

((~~A. Decisions to designate an area or specific site commercial as opposed to noncommercial shall be based on the criteria provided in Section 23.34.010, the general rezone criteria contained in Section 23.34.008, Goals of the Land Use Policies for Neighborhood Commercial Areas adopted by Resolution 27156, as~~

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~~amended, and the criteria contained in subsection B of Section 23.34.072. Commercial areas shall be assigned one (1) or more zone, height and/or overlay designations according to the criteria in Sections 23.34.074 through 23.34.088.~~

~~B. Criteria for Commercial Area Designation.))~~

A. ((~~1~~)) The encroachment of commercial development into residential areas shall be discouraged.

B. Areas meeting the locational criteria for a single family designation may be designated NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 only as provided in Subsection 23.34.010B.

C. ((~~2~~)) Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in the Single Family Policies.

((~~3. Whenever possible, commercial zones shall be located where the impacts on other zones can be minimized by the use of transition zones or buffers. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses. The following elements shall be considered as buffers:~~

~~a. Natural features such as topographic breaks, lakes, streams, ravines and shorelines;~~

~~b. Freeways, expressways and other major traffic arterials;~~

~~c. Street layout and block orientation;~~

~~d. Open spaces and greenbelts.~~))

D. ((~~4~~)) Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.

E. ((~~5~~)) The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.

((~~6. The cumulative impact of development in the area shall not exceed the capacity of infrastructure such as streets, utilities and sewers.~~

~~7. Community objectives contained in neighborhood and business district development plans adopted by Council shall be given careful consideration.~~

~~8. Changes in commercial boundary, zone designation, height or special district overlay shall occur in an orderly and predictable fashion.~~

~~C. Changed circumstances since the adoption of the land use map need not be shown to justify a proposed rezone, particularly for an area which was not permitted to be considered for commercial designation during the legislative mapping process. Changed circumstance, however, is an important factor to be considered along with the factors listed in subsections A and B. Evidence of changed circumstance may include but need not be limited to changes in or near the area in economic or market conditions, availability of land, technology, population characteristics, intensity and type of development (but not including changes permitted in adjacent major institutions), transportation patterns and capacities, parking availability, environmental impacts, and previous zoning changes in and around the~~

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~~area proposed for rezone.~~))

Section 14. Section 23.34.074 of the Seattle Municipal Code, as adopted by Ordinance 112777, is amended as follows:

23.34.074 ((~~Locational criteria,~~)) Neighborhood Commercial 1 (NC1) zone((~~s.~~)), function and locational criteria.

((~~In reviewing a proposal to rezone an area to Neighborhood Commercial 1, the following criteria shall be considered:~~))

A. Function.

1. A Neighborhood Commercial 1 zone is intended to be ((~~A~~)) a small area composed primarily of businesses providing convenience retail sales and services to the adjoining residential neighborhood.((~~;~~)) These areas provide locations for single purpose commercial structures, multi-story mixed use development with commercial uses along the street front, or in limited circumstances multi-story residential structures.

2. Desired Characteristics.

a. Variety of small neighborhood-serving businesses.

b. Continuous storefronts with commercial use, built to the front property line.

c. Atmosphere friendly to pedestrians.

d. Shoppers walk from store to store.

B. ((~~Character.~~)) Locational Criteria. Neighborhood Commercial 1 zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character. Small commercial areas surrounded by low-density residential areas;

((~~2. Desired Characteristics.~~

~~a. Variety of small neighborhood-serving businesses,~~

~~b. Continuous storefronts with commercial use, built to the front property line,~~

~~c. Atmosphere friendly to pedestrians,~~

~~d. Shoppers walk from store to store.~~))

2.((~~C~~)) Physical Conditions ((~~Favoring Designation as NC1.~~)):

a.((~~1~~)) Surround((~~ed~~))ings are ((~~by~~)) low-density residential areas;

b.((~~2~~)) No physical edges to buffer the residential areas;

c.((~~3~~)) Lack of vacant land or land appropriate for additional commercial development within the commercial area;

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d.((4)) Access((~~ed~~)) is through low-density residential neighborhoods (i.e., commercial area will draw traffic through the neighborhood);

e.((~~5~~)) Generally, limited street capacity;

f.((~~6~~)) Limited transit service;

g.((~~7~~)) Limited off-street parking capacity.

Section 15. A new Section 23.34.075 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.075 Neighborhood Commercial 30'/Lowrise 1 designation.

A Neighborhood Commercial (NC) zone may be designated NC 30'/L1 according to the criteria contained in Subsection 23.34.010 B.

Section 16. Section 23.34.076 of the Seattle Municipal Code, as adopted by Ordinance 112777, is amended as follows:

23.34.076 ((~~Locational criteria~~)) Neighborhood Commercial 2 (NC2) zone((~~s.~~)), function and locational criteria.

((~~In reviewing a proposal to rezone an area to Neighborhood Commercial 2, the following criteria shall also be considered:~~))

A. Function.

1. A pedestrian-oriented shopping area ((~~which~~))that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods. ((~~;~~)) These areas provide locations for single purpose commercial structures, multi-story mixed use structures with commercial uses along the street front and multi-story residential structures.

2. Desired Characteristics.

a. Variety of small to medium-sized neighborhood-serving businesses.

b. Continuous storefronts with commercial use, built to the front property line.

c. Pedestrian friendly atmosphere.

d. Shoppers can drive to the area, but walk from store to store.

B. ((~~Character. 1. Existing. The NC2 zone may be appropriate for any of the following types of areas:~~)) Locational Criteria. Neighborhood Commercial 2 zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character.

a. Medium sized node generally surrounded by low- to medium-density residential areas; or

b. Small commercial area located at the edge of a larger

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business area, which provides a transition between intense commercial activity and surrounding areas; or

c. Area in the core of an established commercial district characterized by a concentration of small retail and service uses; or

d. Commercial area along major arterial where lots are generally small and shallow, and are surrounded by low-density residential areas.

((~~2. Desired Characteristics.~~

~~a. Variety of small to medium sized neighborhood-serving businesses;~~

~~b. Continuous storefronts with commercial use, built to the front property line;~~

~~c. Pedestrian friendly atmosphere;~~

~~d. Shoppers can drive to the area, but walk from store to store.~~))

2.((~~C~~)) Physical Conditions Favoring Designation as NC2.

a.((~~1~~)) Surrounded by low- to medium-density residential areas;

b.((~~2~~)) Lack of strong edges to buffer the residential areas;

c.((~~3~~)) Lack of vacant land or land appropriate for additional commercial development within the commercial area;

d.((~~4~~)) Access is through low- and medium-density residential areas;

e.((~~5~~)) Located on streets with good capacity (major traffic streets and minor arterials), but generally not on major transportation corridors;

f.((~~6~~)) Limited transit service (i.e., a few routes);

g.((~~7~~)) Limited off-street parking capacity; may include a parking area for a supermarket or other larger use.

Section 17. A new Section 23.34.077 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.077 Neighborhood Commercial 2/Residential (NC2/R) designation

A. Function. An area designated as NC2/R functions as an NC2 zone while maintaining existing residential uses and/or promoting increased residential development. These areas provide locations for moderate density residential development in single purpose and mixed use structures; limit single purpose commercial development; and encourage commercial storefronts built to the street property line.

B. NC2 zoned areas or areas that meet NC2 criteria may be designated

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NC2/R only under the following conditions:

1. a. Areas located inside urban center villages and the village core of hub urban villages; or

b. Areas in a residential urban village characterized by a concentration of small retail sales and service uses and residential support services, where it is desirable to promote moderate density residential uses. and

2. The NC2/R designation is provided for in a neighborhood plan adopted or amended by the City Council after January 1, 1995.

Section 18. Section 23.34.078 of the Seattle Municipal Code, as last amended by Ordinance 116795, is further amended as follows:

23.34.078 ((~~Locational criteria~~)) Neighborhood Commercial 3 (NC3) zone((~~s.~~)), function and locational criteria.

((~~In reviewing a proposal to rezone an area to Neighborhood Commercial 3, the following criteria shall also be considered:~~))

A. Function.

1. A pedestrian-oriented shopping district serving the surrounding neighborhood and a larger community or citywide clientele. The area provides for comparison shopping with a wide range of retail goods and services. The area also provides offices and business support services that are compatible with the retail character of the area and may also include residences. These areas provide locations for single purpose commercial structures, multi-story mixed use structures with commercial uses along the street front and multi-story residential structures.

2. Desired Characteristics.

a. Variety of retail businesses at street level;

b. Continuous storefronts built to the front property line;

c. Intense pedestrian activity;

d. Shoppers can drive to the area, but will walk around from store to store;

e. Cycling and transit are important means of access.

B. ((~~Character.~~)) Locational Criteria. The Neighborhood Commercial 3 zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character. ((~~The NC3 zoning may be appropriate for either of the following types of areas:~~))

a. Major commercial nodes surrounded by medium- to high-density residential areas or other commercial areas; or

b. Commercial, retail-oriented strip along a major arterial with significant amounts of retail frontage and generally surrounded by medium-density residential areas; or

c. Shopping centers.

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((~~2. Desired Characteristics.~~

~~a. Variety of retail businesses at street level;~~

~~b. Continuous storefronts built to the front property line;~~

~~c. Intense pedestrian activity;~~

~~d. Shoppers can drive to the area, but will walk around from store to store;~~

~~e. Cycling and transit are important means of access.~~))

2.((~~C~~)) Physical Conditions Favoring Designation as NC3.

a.((~~1~~)) Served by principal arterial;

b.((~~2~~)) Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;

c.((~~3~~)) Highly accessible for large numbers of people (considering present and anticipated congestion) so that intense activity of a major commercial node can be accommodated;

d.((4)) Combination of circulation and transit system accommodates commercial traffic without drawing traffic through residential areas;

e.((~~5~~)) Excellent transit service;

f.((~~6~~)) Presence of large, perhaps shared, off-street parking lots; land available for additional parking, or other means to accommodate parking demand.

Section 19. A new Section 23.34.079 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.079 Neighborhood Commercial 3/Residential (NC3/R) designation.

A. Function. An area designated as NC3/R functions as an NC3 zone while maintaining existing residential uses and/or promoting increased residential development. These areas provide locations for moderate density residential development in single purpose and mixed use structures; limit single purpose commercial development; and encourage commercial storefronts built to the front property line.

B. NC3 zoned areas or areas that meet NC3 criteria may be designated NC3/R only under the following conditions:

1. a. Areas located inside urban center villages and the village core of hub urban villages; or

b. Areas in a residential urban village characterized by a concentration of small retail sales and service uses and residential support services, where it is desirable to promote high density residential uses, and

2. The NC3/R designation is provided for in a neighborhood plan adopted or amended by the City Council after January 1, 1995.

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Section 20. Section 23.34.080 of the Seattle Municipal Code, as adopted by Ordinance 112777, is amended as follows:

23.34.080 ((~~Locational criteria –~~))Commercial 1 (C1) zone((~~s.~~)), function and locational criteria.

((~~In reviewing a proposal to rezone an area to Commercial 1, the following criteria shall also be considered:~~))

A. Function. An auto-oriented, primarily retail/service commercial area, ((~~primarily retail/service in nature,~~)) ((~~which~~))that serves surrounding neighborhoods and the larger community or citywide clientele. The area provides a wide range of commercial services, including retail, offices and business support services, and may also provide for residential uses at limited densities.

B. Locational Criteria. Commercial 1 zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character.

a.((~~1~~)) Shopping centers; or

b.((~~2~~)) Shopping areas along arterials where customers drive from one (1) individual business to another.

2.((~~C.~~)) Physical Conditions Favoring Designation as C1.

a.((~~1~~)) Readily accessible from a principal arterial;

b.((~~2~~)) Presence of edges ((~~which~~))that buffer ((~~low-density~~)) residential or commercial areas of lesser intensity, such as ((~~more intense residential areas, less intense commercial, or~~)) changes in street layout or platting pattern ((~~which tend to define boundaries~~));

c.((~~3~~)) Predominance of large lots ((~~which~~))that can accommodate a wide range of commercial activity;

d.((~~4~~)) Limited pedestrian access on the public right-of-way, curb cuts, auto movement or parking lots create an environment which is unfriendly to pedestrian activity;

e.((~~5~~)) Presence of large, perhaps shared, off-street parking lots; readily accessible from major transportation corridors or arterials.

Section 21. Section 23.34.082 of the Seattle Municipal Code, as adopted by Ordinance 112777, is amended as follows:

23.34.082 ((~~Locational criteria –~~))Commercial 2 (C2) zone((~~s.~~)), function and locational criteria.

((~~In reviewing a proposal to rezone an area to Commercial 2, the following criteria shall also be considered:~~))

A. Function. An auto-oriented, primarily ((~~nonretail~~)) non-retail commercial area ((~~which~~))that provides a wide range of commercial activities serving a citywide function. These areas provide employment opportunities, business support services and locations for light manufacturing and warehouse uses, and may also provide for residential uses at limited densities.

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B. Locational Criteria. Commercial 2 zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character.

a.((~~1~~)) Major commercial nodes characterized by heavy, non-retail commercial activity, often including a few major employers; or

b.((~~2~~)) A commercial strip located along a major arterial characterized by heavy, non-retail commercial activity.

2.((~~C. Existing~~)) Physical Conditions Favoring Designation as C2.

a.((~~1~~)) Readily accessible from a principal arterial;

b.((~~2~~)) Possibly adjacent to manufacturing/industrial zones;

c.((~~3~~)) Presence of edges ((~~which~~))that buffer ((~~low-density~~)) residential or commercial areas of lesser intensity, such as ((~~more-intense residential areas, less-intense commercial areas, or~~)) changes in street layout or platting pattern ((~~which tend to define boundaries~~));

d.((~~4~~)) Predominance of large lots which can accommodate a wide range of heavy commercial and light manufacturing activity;

e.((~~5~~)) Limited pedestrian access.

Section 22. Section 23.34.090 of the Seattle Municipal Code, as adopted by Ordinance 113658, is amended as follows:

23.34.090 Designation of industrial ((~~areas~~)) zones.

((~~A. Decisions to designate an area or specific site as an industrial zone as opposed to nonindustrial classifications shall consider be based upon the criteria provided in Section 23.34.010, the general rezone criteria contained in Section 23.34.008, the policies for industrial areas adopted by City Council resolution and the criteria contained in subsection B of this section. In addition, industrial areas shall be assigned one (1) or more zone designations according to the criteria in Sections 23.34.092 through 23.34.096 below, and height designations according to the criteria contained in subsection C of this section.~~))

A. The industrial zones are intended to support existing industrial activity and related businesses and provide for new industrial development, as well as increased employment opportunities.

B. Industrial areas are generally well-served by rail, truck, and water transportation facilities and do not require direct vehicular access through residential zones.

C. Relative isolation from residential zones either by distance or physical buffers shall be preferred in the creation of new industrial zones.

D. Areas where the infrastructure (streets, water, sewer, electrical, and other facilities) is adequate, or can be upgraded at a reasonable cost, are preferred to accommodate an industrial designation.

((~~B. Criteria for Industrial Area Designation.~~))

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E. 1. Economic Development. Increasing industrially zoned land shall be favorably considered when such action will provide additional opportunities for business expansion, retention of manufacturing and other industrial firms in Seattle, or increased employment, especially employment that adds to or maintains the diversity of job opportunities in Seattle. Land proposed to be assigned an industrial designation shall be suitable for manufacturing, research and development and other industrial uses and shall meet the locational criteria for the industrial zone.

2. ((~~Function of Industrial Areas.~~)) The rezone shall ((~~be consistent with the Framework Policies, and will~~)) enhance and strengthen the industrial character of an area.

F.((~~3. Other Land Use Policies.~~)) In determining appropriate boundaries with residentially and commercially zoned land, the adopted residential and commercial policies shall be considered.

G.((4)) Rezoning of Industrial Land. Rezoning of industrial land to a less-intensive zone shall be discouraged unless most of the following can be shown:

1.((~~a~~)) The area does not meet the locational criteria for the industrial zone.

2.((~~b~~)) The rezone will not decrease industrial development and employment potential, especially manufacturing employment.

3.((~~c~~)) The rezone would not result in existing industrial uses becoming nonconforming.

4.((~~d~~)) The area clearly functions as a residential or commercial zone, has little or no potential for industrial development, and would not lead to further encroachment of residential, office, or retail uses into industrially zoned land located adjacent to or near the proposed rezone.

5.((~~e~~)) The rezone shall be consistent with the Seattle Shoreline Master Program.

6. The area is not part of an adopted Manufacturing/Industrial Center (MIC).

H. ((~~5~~)) Compatibility With Scale and Character of Surrounding Area--Edges. In general, a transition in scale and character shall be provided between zones. A gradual change in height limit or an area of transition (e.g., commercial zone between residential and industrial zones) shall be provided when the area lacks physical edges. Rezones shall achieve a better separation between residential and industrial zones, significantly reducing or eliminating major land use conflicts in the area. The following elements shall be considered physical edges or buffers:

1.((~~a~~)) Natural features such as topographic breaks, lakes, streams, ravines and shorelines;

2.((~~b~~)) Freeways, expressways, other major traffic arterials, and railroad tracks;

3.((~~c~~)) Changes in street layout and block orientation;

4.((~~d~~)) Open spaces and ((~~greenbelts~~)) greenspaces.

I. ((~~6~~)) Existing Pattern of Development. Consideration shall be given to whether the area is primarily industrial, commercial, residential, or a mix, and

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whether the area is fully developed and in need of room for expansion, or minimally developed with vacant parcels and structures.

((~~7. Parcel Size and Lot Lines. In the determination of zone boundaries, principles relating to size of parcels, configuration of the area's surroundings, and recognition of platted lot lines shall be considered.~~

~~8. Zoning History and Neighborhood Planning Efforts. Previous zoning changes both in and around the area proposed for rezone, and Council adopted neighborhood plans or recommendations which apply to the area proposed for rezone, if any, shall be taken into consideration.~~

~~9. Impact Evaluation. The decision to grant the rezone shall consider both the possible positive and negative impacts on the area proposed for rezone and on its surroundings. Factors that will be examined include, but are not limited to: The effects on manufacturing activity, employment opportunities, and the provisions of needed services; development potential for the area as a whole; the effects on housing, transportation, utilities, parking, and public services in the area and its surroundings; and general impacts on the environment, including such factors as noise, air and water quality, energy conservation, and public health and safety.~~

~~C. Criteria for Industrial Zone Height Designation.~~

~~1. Height limits applicable to office, entertainment, institutional and retail uses shall be assigned to each industrially zoned area according to the locational criteria contained in subsection 2 below.~~

~~2. The height limit for industrial areas shall be assigned taking into account the following factors:~~

~~a. Recommendations of City Council adopted neighborhood plans;~~

~~b. The topography of the area and its surroundings, including the likelihood of view blockage;~~

~~c. The existing scale of the area and its surroundings;~~

~~d. Service capacities including street access and street and parking capacity.~~))

Section 23. Section 23.34.092 of the Seattle Municipal Code, as adopted by Ordinance 113658, is amended as follows:

((~~**23.34.092 Locational criteria - General Industrial 1 (IG1) and General Industrial 2 (IG2) zones.**~~

~~A. In reviewing a proposal to rezone an area to either of the General Industrial zone designations the locational criteria in subsection B shall be considered. In addition, the criteria contained in subsection C shall be applied to IG1 rezone proposals and the locational criteria in subsection D shall be applied to IG2 rezone proposals.~~

~~B. General Locational Criteria. The General Industrial zones are intended to promote the full range of industrial activities and related support uses. The General Industrial designation shall include those areas most suited to industrial activity, where the separation from residential and pedestrian oriented commercial areas is sufficient to reasonably mitigate the impacts associated with industrial uses.~~

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~~The designation as General Industrial shall recognize the goal of protecting healthy, established marine and rail related industrial areas from the intrusion of substantial amounts of unrelated retail and commercial uses. This goal shall be recognized by having the General Industrial zones differ according to the density permitted for commercial uses not directly related to industrial activity. The following locational criteria shall apply to all General Industrial zones:~~

~~1. Areas well served by rail, truck, and water transportation facilities that do not require direct access through residential zones;~~

~~2. Areas containing mostly industrial uses, including manufacturing, heavy commercial, warehousing, transportation, utilities and similar activities;~~

~~3. Large areas with generally flat topography;~~

~~4. Areas platted into large parcels of land;~~

~~5. Areas that are relatively isolated from residential zones either by distance or physical buffers;~~

~~6. Areas where the infrastructure (streets, water, sewer, electrical, and other facilities) is adequate, or can be upgraded at a reasonable cost, to accommodate industrial development.~~

~~C. Locational Criteria, General Industrial 1 (IG1) Zones.~~))

23.34.092 General Industrial 1 (IG1) zone, function and locational criteria.

A. Function. An area that provides opportunities for manufacturing and industrial uses and related activity, where these activities are already established and viable, and their accessibility by rail and/or waterway make them a specialized and limited land resource.

B. Locational Criteria. General Industrial 1 zone designation is most appropriate in areas generally characterized by the following:

1. Areas directly related to the shoreline having the following characteristics:

a. Suitable water access for marine industrial activity;

b. Upland property of sufficient depth to accommodate industrial activity;

c. An existing character established by industrial uses and related commercial activity including manufacturing use, warehousing, transportation, utilities, and similar activities((;)).

2. Areas directly related to major rail lines serving industrial businesses.

((~~D. Locational Criteria, General Industrial 2 (IG2) zones.~~))

3. Areas containing mostly industrial uses, including manufacturing, heavy commercial, warehousing, transportation, utilities and similar activities.

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4. Large areas with generally flat topography.

5. Areas platted into large parcels of land.

Section 24. A new Section 23.34.093 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.093 General Industrial 2 (IG2) zone, function and locational criteria.

A. Function. An area with existing industrial uses, that provides space for new industrial development and accommodates a broad mix of activity, including additional commercial development, when such activity improves employment opportunities and the physical conditions of the area without conflicting with industrial activity.

B. Locational Criteria. General Industrial 2 zone designation is most appropriate in areas generally characterized by the following:

1. Areas that are developed with industrial activity or a mix of industrial activity and a wide range of commercial uses;

2. Areas where facilities, such as the Kingdome or Design Center, have established a more commercial character for the surroundings and have created the need for a broader mix of support uses;

3. Areas with adequate access to the existing and planned neighborhood transportation network, where additional trips generated by increased commercial densities can be accommodated without conflicting with the access and circulation needs of industrial activity;

4. Areas where increased commercial densities would allow the economic reuse of small sites and existing buildings no longer suited to current industrial needs;

5. Areas that, because of their size and isolation from a larger industrial area due to separation by another type of zone or major physical barrier, such as an arterial or waterway, can accommodate more nonindustrial activity without conflicting with the industrial function of the larger industrial area;

6. Large areas with generally flat topography;

7. Areas platted into large parcels of land.

Section 25. Subsections A, B and C of Section 23.34.094 of the Seattle Municipal Code, as adopted by Ordinance 113658, are amended as follows:

23.34.094 ((~~Locational criteria~~ -))Industrial Buffer (IB) zone((~~.~~)), function and locational criteria.

((~~The Industrial Buffer (IB) zone is intended to provide an appropriate transition between industrial areas and adjacent residential zones, or commercial zones having a residential orientation and/or a pedestrian character. In reviewing a proposal to rezone an area to Industrial Buffer (IB), the following criteria shall be considered:~~))

A. Function. An area that provides an appropriate transition between industrial areas and adjacent residential zones, or commercial zones having a residential orientation and/or pedestrian character.

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B.((~~A~~)) Locational Criteria. Industrial Buffer zone designation is most appropriate in areas generally characterized by the following: ((~~General Characteristics.~~))

1. Areas containing industrial uses or a mix of industrial activity and a wide range of commercial uses which are located on the edge of a larger industrial area designated Industrial General 1 (IG1), Industrial General 2 (IG2), or Industrial Commercial (IC). ((~~and are also characterized by one (1) of the following:~~))

2.((~~1.~~)) Areas where a transition is needed to protect a less-intensive zone from potential negative impacts of industrial activity when ((~~T~~))the area directly abuts a residential, Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial/Residential 2 (NC2/R), ((~~or~~)) Neighborhood Commercial 3 (NC3) ((~~zone~~)), Neighborhood Commercial/Residential 3 (NC3/R), ((~~or a~~)) Commercial ((~~One~~))1 (C1) ((~~zone~~)), or Commercial ((~~Two~~))2 (C2) zone with a substantial amount of residential development and/or ((a)) pedestrian character. ((~~, unless sufficient separation is already provided to protect the less-intensive zone from potential negative impacts of industrial activity in one (1) or more of the following ways:~~

~~a. A significant change in topography clearly separates the two (2) zones;~~

~~b. A major natural or man made feature, such as a waterway or canal, separates and places sufficient distance between the zones;~~

~~c. A major, limited access thoroughfare isolates the zones from each other;~~

~~d. A railway line or major arterial, because of its grade, width, landscaping or other special characteristics, provides adequate separation between zones.~~))

3.((~~2~~)) Areas of steeply sloping land with a greenbelt designation that are functionally related to an adjacent industrial area.

C.((~~B~~)) Zone Boundaries. The boundaries and overall depth of the Industrial Buffer (IB) zone shall vary ((~~according~~)) according to the specific conditions of each area, so that an adequate separation between industrial activity and less-intensive zones can be provided to reduce through traffic, noise, visual conflicts, and other impacts of industrial development. However, where there are no special features or other conditions to provide sufficient buffer depth, a distance ranging from three hundred to five hundred feet (300-500') shall be maintained as a buffer. Within an industrial area, the following conditions help establish the transition desired between industrial areas and less-intensive zones and should be considered in establishing boundaries separating the Industrial Buffer zone from the rest of the industrial area:

1. Topographic Conditions. Significant ((~~C~~))changes in topography within an industrial area may provide a good boundary for the Industrial Buffer zone by reducing the noise and visual impacts of the larger industrial area on an abutting, less-intensive zone.

2. Development Patterns. Changes in the type of activity and/or the scale of existing development occurring along the edge of an industrial area may create conditions that are more compatible with the abutting, less-intensive zone.

3. Grid and Platting Patterns. Changes in block sizes, shifts in the

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street grid, a major arterial, undeveloped streets, platted lot lines, and other factors related to the platting pattern often create separate areas which, when located along the edge of an industrial area, can reinforce the transition desired in the Industrial Buffer zone.

4. Special Features. Certain natural or built features ((~~factors~~)) such as railway lines, open spaces, transmission line rights-of-way, and waterways may, because of their width, siting, or landscaping, separate the edge of an industrial zone from a larger industrial area, helping to establish the edge of the Industrial Buffer zone.

Section 26. Section 23.68.006, as adopted by Ordinance 113658 is renumbered and amended as follows:

((~~23.68.006~~)) 23.34.098 Manufacturing Center Overlay (MCO), function and ((~~L~~))locational criteria.

((~~A. A rezone pursuant to Chapter 23.34 shall be required to establish a Manufacturing Center Overlay.~~))

A. Function. The Manufacturing Center Overlay (MCO) may be established in locations where a well maintained and physically attractive setting is desired to promote and encourage new manufacturing and related commercial activities, particularly advanced technology manufacturing and research and development laboratories.

B. Locational Criteria. Areas zoned General Industrial 1 (IG1), General Industrial 2 (IG2) or Industrial Buffer (IB), except waterfront lots within two hundred feet (200') of the shoreline, may be considered for designation as a Manufacturing Center Overlay if the((~~y~~)) area meets one (1) or more of the following locational criteria:

1. Areas with potential for significant redevelopment, evidenced by ((~~underutilized~~)) underused sites, vacant land, and uses in transition;

2. Areas where existing manufacturing uses can be retained to provide a base for further manufacturing or mixed use development;

3. Areas where the existing infrastructure is inadequate and may be improved at a reasonable cost through redevelopment;

4. Areas large enough to acquire a special character through redevelopment coordinated according to a long-range development plan;

5. Areas in close proximity to downtown, or with good regional access to downtown, major research centers, or other employment centers.

Section 27. A new Section 23.34.100 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.100 Designation of Downtown zones.

Rezones to a downtown zone designation shall be considered only for areas within the boundaries of downtown as established by the Land Use and Transportation Plan for Downtown Seattle.

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Section 28. A new Section 23.34.102 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.102 Downtown Office Core-1 (DOC-1) zone, function and locational criteria.

Locations appropriate for Downtown Office Core-1 zone designation shall be consistent with the following:

A. Function. Areas that provide high density office and commercial activities with related support services and retail shopping. The density of office activity shall be greater in this area than any other part of downtown.

B. Scale and Character of Development. Areas with the greatest concentration of large buildings of primarily office and commercial use.

C. Transportation and Infrastructure Capacity. Areas with a very high level of access to vehicular and transit systems and where the existing urban infrastructure is adequate or can be easily expanded to support high densities of development.

D. Relationship to Surrounding Activity. A single, contiguous area which is centrally located in relation to other downtown districts having lower intensities of development and more mixing of uses.

Section 29. A new Section 23.34.104 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.104 Downtown Office Core-2 (DOC-2) zone, function and locational criteria.

Locations appropriate for Downtown Office Core-2 zone designation shall be consistent with the following:

A. Function. Areas that provide a range of high density office and commercial activities with retail shopping and support services closely related to the primary office core. The density of development is not as great as in the DOC-1 designation.

B. Scale and Character of Development. Areas where large scale office buildings are appropriate and do not adversely affect the pedestrian environment or existing development determined desirable for preservation.

C. Transportation and Infrastructure Capacity. Areas that are well served by transit and vehicular systems and where other urban infrastructure systems are adequate or readily expandable to accommodate anticipated growth.

D. Relationship to Surrounding Activity. Areas shall be adjacent to DOC-1. These areas shall provide transition to the north of the office and retail cores where the character is not well established and land is available for development. To the south of the office core, these areas shall provide a transition to those areas where a strong character exists in Pioneer Square and the International District.

E. Heights. Two (2) height classifications of DOC-2 shall provide transition between the high structures of the DOC-1 designation and areas adjacent to this classification. Generally, maximum heights should be lower in the southern part of downtown to provide transition to Pioneer Square and the International District.

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Section 30. A new Section 23.34.106 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.106 Downtown Retail Core (DRC) zone, function and locational criteria.

Locations appropriate for Downtown Retail Core zone designation shall be consistent with the following:

A. Function. Areas that provide highly-concentrated, regional retail shopping activity in the core of downtown. Retail shopping, entertainment and consumer services predominate at street level, and related and supporting uses occur in the upper floors of buildings. Office and other commercial uses may also be present, but at a density and scale of development that does not conflict with the primary retail function or make the street level environment less conducive to shopping.

B. Scale and Character of Development. Areas with moderate scale buildings and well defined street spaces where sidewalks are lined with a variety of retail shopping, entertainment and consumer services. Areas are characterized by a combination of buildings and street spaces conducive to an active, high quality pedestrian environment on relatively level terrain.

C. Transportation Access. Areas where both vehicular and transit systems provide good access for shoppers. The area is served by a wide range of regional, citywide and local transit routes providing high levels of service during the prime shopping hours of the day and evening. Recognizing that the auto will be a prime means of shopper travel, the area provides good off-peak auto access with adequate amounts of short-term shopper parking.

D. Relationship to Surrounding Activity. The area shall be centrally located in relation to areas of downtown employment and residential concentrations.

Section 31. A new Section 23.34.108 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.108 Downtown Mixed Commercial (DMC) zone, function and locational criteria.

Locations appropriate for Downtown Mixed Commercial zone designation shall be consistent with the following:

A. Function. Areas characterized by lower scale office, retail and commercial uses related to activity in the office and retail cores, mixed with housing and associated residential services.

B. Scale and Character of Development. The scale of buildings shall be moderate in height and mass to provide a physical transition between the high density office areas and surrounding lower scale mixed use and residential districts.

C. Transportation and Infrastructure Capacity. Areas having less accessibility to vehicular and transit systems than the concentrated office districts. Transportation and other infrastructure capacities shall be capable of accommodating modest growth without major improvement.

D. Relationship to Surrounding Activity. Areas that provide less intensive activity along the western and northern edges of the retail and office cores. These areas shall provide a buffer to less intensive areas, such as the Harborfront, Pike

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Place Market and Denny Regrade residential area to the west and the Neighborhood Commercial areas north of Denny Way.

E. Heights. Five (5) height designations shall provide desired transitions compatible with adjacent downtown districts and close areas outside downtown.

Section 32. A new Section 23.34.110 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.110 Downtown Mixed Residential (DMR) zone, function and locational criteria.

Locations appropriate for Downtown Mixed Residential zone designation shall be consistent with the following:

A. Function. Areas that provide a mixed use com[illegible] where housing and associated services and amenities predominate. Offices, retail and other commercial uses shall be compatibly integrated with the predominant residential character at low to moderate densities.

B. Scale and Character of Development. Areas where there is an existing base of housing and the potential exists for establishing a residential community. Areas shall have the potential for supporting a wide range of residential building types, ranging from midrise structures closely related to the street to larger tower forms. Opportunities shall exist for major public amenities, such as parks and open space and views of downtown, Elliott Bay and surrounding land forms.

C. Transportation and Infrastructure Capacity. Areas with adequate transportation and infrastructure capacity to accommodate a substantial residential population. Employment densities shall be related to the ability of the transportation system to accommodate peak hour flow without adversely affecting the residential development.

D. Relationship to Surrounding Activity. Areas where there are surrounding mixed use areas providing transition between the residential community and higher intensity core areas of downtown.

E. Mix of Use. Two mix of use designations shall be applied to achieve subarea objectives. The DMR/R designation shall apply to areas predominantly residential in character or containing large amounts of underused land; non-residential uses may be present but should be of modest scale, likely to change in the future, or neighborhood serving in character. The DMR/C designation shall apply to those areas containing housing or having housing potential where larger scale, non-residential serving commercial development exists and is likely to remain.

F. Heights. One (1) of three (3) building height designations may be applied to achieve subarea objectives. The lowest height designation shall generally be centered on Belltown, in areas characterized by existing modest scale development, buildings of historic character or topographic features such as the bluff rising from Elliott Bay. The intermediate area shall provide transition in height and density to the north of Belltown and along the bluff where larger scale commercial buildings divide the area from Elliott Bay. The highest height and density shall apply to areas now characterized by larger residential and commercial buildings, generally north and east of Belltown near the higher density mixed commercial areas of downtown.

Section 33. A new Section 23.34.112 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

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23.34.112 Pioneer Square Mixed (PSM) zone, locational criteria.

The Pioneer Square Mixed zone designation shall apply to those areas which lie within the Pioneer Square Preservation District, north of those areas predominantly in manufacturing and industrial use and not contained within the International Special Review District.

Section 34. A new Section 23.34.114 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.114 International District Mixed (IDM) zone, locational criteria.

The International District Mixed zone designation shall apply to those downtown areas of the International Special Review District designated by the Downtown Plan for mixed use development. The areas designated IDM shall be characterized by a mix of uses contained in low and medium scale structures and include the area west of Fifth Avenue South bordering Pioneer Square.

Section 35. A new Section 23.34.116 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.116 International District Residential (IDR) zone, locational criteria.

The International District Residential zone designation shall apply to those downtown areas of the International Special Review District designated by the Downtown Plan for development as a predominantly residential neighborhood. The areas designated IDR shall be generally located north of the International District core, contain parcels available for infill development and possess topographic features providing view potential.

Section 36. A new Section 23.34.118 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.118 Downtown Harborfront-1 (DH-1) zone, locational criteria.

The Downtown Harborfront-1 zone and the Urban Harborfront Shoreline Environment designation shall apply to waterfront lots and adjacent harbor area located within the boundaries of downtown.

Section 37. A new Section 23.34.120 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.120 Downtown Harborfront-2 (DH-2), function and locational criteria.

((~~A~~))<u>The</u> Downtown Harborfront-2 zone designation shall apply to those areas which meet the following:

A. Function. Areas which provide commercial activities in support of shoreline goals and related office, commercial, retail and residential uses.

B. Scale and Character of Development. Areas where the intended scale of development is moderate, and an orientation toward the water exists. The area provides a transition in scale and character between the waterfront and adjacent downtown areas.

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C. Transportation Capacity. Areas with transportation capacity to support low and moderate densities commensurate with planned capacity of Alaskan Way.

D. Relationship to Surrounding Activity. Areas adjacent to the shoreline that have a strong physical relationship to activities on the waterfront and are separated from downtown areas due to topographic conditions. The primary relationship shall be to the harbor areas. The relationship to downtown shall be secondary.

E. Heights. One (1) of three (3) height districts may be applied to maintain existing views from upland public spaces and provide a transition in scale between the waterfront and downtown.

Section 38. A new Section 23.34.122 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.122 Pike Market Mixed (PMM) zone, locational criteria.

The Pike Market Mixed zone designation shall apply to the area encompassed by the adopted Pike Place Project Urban Renewal Plan inclusive of the Pike Place Historic District.

Section 39. A new Section 23.34.124 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.124 Designation of Major Institution Overlay (MIO) Districts.

A. Public Purpose. The applicant shall submit a statement which documents the reasons the rezone is being requested, including a discussion of the public benefits resulting from the proposed expansion, the way in which the proposed expansion will serve the public purpose mission of the major institution, and the extent to which the proposed expansion may affect the livability of the surrounding neighborhood. Review and comment on the statement shall be requested from the appropriate Advisory Committee as well as relevant state and local regulatory and advisory groups.

B. Boundaries Criteria. The following criteria shall be used in the selection of appropriate boundaries for: 1) new Major Institution Overlay districts; 2) additions to existing MIO districts; and 3) modifications to boundaries of existing MIO districts.

1. Establishment or modification of boundaries shall take account of the holding capacity of the existing campus and the potential for new development with and without a boundary expansion.

2. Boundaries for an MIO district shall correspond with the main, contiguous major institution campus. Properties separated by only a street, alley or other public right-of-way shall be considered contiguous.

3. Boundaries shall provide for contiguous areas which are as compact as possible within the constraints of existing development and property ownership.

4. The land use policies for the underlying zoning and the surrounding areas shall be considered in the determination of boundaries.

5. Preferred locations for boundaries shall be streets, alleys or

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other public rights-of-way. Configuration of platted lot lines, size of parcels, block orientation and street layout shall also be considered.

6. Selection of boundaries should emphasize physical features that create natural edges such as topographic changes, shorelines, freeways, arterials, changes in street layout and block orientation, and large public facilities, land areas or open spaces, or greenspaces.

7. New or expanded boundaries shall not be permitted where they would result in the demolition of structures with residential uses or change of use of those structures to non-residential major institution uses unless comparable replacement is proposed to maintain the housing stock of the city.

8. Expansion of boundaries generally shall not be justified by the need for development of professional office uses.

C. Height Criteria. The following criteria shall be used in the selection of appropriate height designations for: 1) proposed new Major Institution Overlay districts; 2) proposed additions to existing MIO districts; and 3) proposed modifications to height limits within existing MIO districts:

1. Increases to height limits may be considered where it is desirable to limit MIO district boundary expansion.

2. Height limits at the district boundary shall be compatible with those in the adjacent areas.

3. Transitional height limits shall be provided wherever feasible when the maximum permitted height within the overlay district is significantly higher than permitted in areas adjoining the major institution campus.

4. Height limits should generally not be lower than existing development to avoid creating non-conforming structures.

5. Obstruction of public scenic or landmark views to, from or across a major institution campus should be avoided where possible.

Section 40. Subsections A and B of Section 23.41.004 of the Seattle Municipal Code, as adopted by Ordinance 116909, are amended as follows:

23.41.004 Applicability and phasing.

A. Design Review Required.

1. Design review shall be required for all new multifamily and commercial structures which exceed the thresholds for environmental review established in the State Environmental Policy Act (SEPA) as adopted by the City of Seattle and codified in Chapter 25.05, SMC, in all Neighborhood Commercial 1, 2, 3 (NC1, 2, 3) zones.((~~, Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR) zones, according to the schedule in subsection B.~~))

2. Design review shall also be required for all new multifamily and commercial structures which exceed the SEPA thresholds in Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR) zones.

((~~2~~))3. Design Review shall also be required for all new multifamily and commercial structures which exceed SEPA thresholds in Commercial 1 and 2 (C1, C2) zones, when that development abuts or is directly across a street or

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alley from any lot zoned single family.

((~~3~~))4. Design Review is optional for all new multifamily and commercial structures not otherwise subject to this ((~~C~~))chapter, in all multifamily and commercial zones.

B. Phasing. The following development shall be subject to the provisions of this ((~~C~~))chapter:

1. ((~~On the effective date of this section~~)) All new structures described in ((~~s~~))Subsections A1-((~~2,~~))3 that abut or are directly across a street or alley from any lot zoned single family;

2. ((~~Beginning twelve (12) months after the effective date of this section~~))As of April 15, 1995- All new structures described in ((~~s~~))Subsection A2 that abut or are directly across a street or alley from any lot zoned single family, and all new structures described in Subsections A1 and A3((~~B1, and all new multifamily and commercial structures which are located in a neighborhood Commercial zone (NC1, NC2, NC3) and exceed the thresholds for SEPA categorical exemption~~));

3. ((~~Beginning eighteen months after the effective date of this section~~))As of October 15, 1995 - All new structures as described in ((~~s~~))Subsections A1-((~~2~~))3.

Section 41. A new Chapter 23.43 is added to Title 23, Seattle Municipal Code, as follows:

23.43.006 Residential Small Lot zone, principal uses permitted outright.

The following principal uses shall be permitted outright in the Residential Small Lot (RSL) zone:

A. Single Family Dwelling Unit on One (1) Lot. The designation RSL without a suffix shall indicate that a detached single family dwelling unit on one (1) lot is the only residential structure type allowed in the zone.

B. Tandem Houses, pursuant to a neighborhood plan adopted or amended by the City Council after January 1, 1995. The designation RSL/T shall indicate that in addition to detached single family dwelling units on individual lots, tandem houses are allowed in the zone.

C. Cottage Housing Developments, pursuant to a neighborhood plan adopted or amended by the City Council after January 1, 1995. The designation RSL/C shall indicate that in addition to detached single family dwelling units on individual lots, cottage housing developments are allowed in the zone.

D. The designation RSL/TC shall indicate that in addition to detached single family dwelling units on individual lots, tandem houses and cottage housing developments are allowed in the zone.

23.43.008 Development standards for one dwelling unit per lot.

A. Lot Area. Minimum lot area for one (1) detached dwelling unit shall be two thousand five hundred (2500) square feet.

B. Height Limit and Roof Pitch. The basic height limit shall be twenty-five feet (25'). The ridge of pitched roofs with a minimum slope of three to twelve (3:12)

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may extend above the height limit to thirty feet (30'). All parts of the roof above twenty-five feet (25') shall be pitched.

C. Structure Depth. The depth of any structure shall not exceed sixty feet

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(60'). Decks, balconies, and bay windows shall be excluded from measurement for the purposes of this provision.

D. Yards and Setbacks.

1. Front and Rear Yards.

a. The sum of the front yard plus the rear yard shall be a minimum of thirty feet (30').

b. In no case shall either yard have a depth of less than ten feet (10').

c. If recommended in a neighborhood plan adopted or amended by the City Council after January 1, 1995, an ordinance designating an area as RSL may require front and/or rear yard setbacks greater than ten (10) feet, provided that the requirement of Subsection D.1.a. of this section shall not be increased or decreased, and the requirement of Subsection D.1.b. of this section shall not be reduced.

2. Side Setbacks. The required side setback shall be five feet (5'). The side setback may be averaged. No portion of the side setback shall be less than three feet (3'), except as follows:

a. Street side setbacks shall be a minimum of five feet (5').

b. If an easement is provided along a 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 required side yard may be reduced from the requirement of D2 above. 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 setback. 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. No portion of any structure, including eaves, shall cross the property line.

E. Parking.

1. One (1) parking space per dwelling unit shall be required as provided for single-family structures in Chapter 23.54, Quantity and Design Standards for Access and Off-Street Parking.

2. Access. Access to parking shall be from the alley when the property abuts a platted alley improved to the standards of Subsection C of Section 23.53.030, Alley improvements in all zones, or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be located on the same lot as the principal structure.

b. Parking may be in or under a structure, or outside a structure, provided that:

(1) Parking shall not be located in the front yard;

(2) Parking shall not be located in a side setback

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abutting a street or in the first ten feet (10') of a rear yard abutting a street.

23.43.010 Tandem housing.

A. Density and Minimum Lot Area.

1. The maximum density shall be one (1) dwelling unit per two thousand five hundred (2,500) square feet of lot area.

2. A maximum of two (2) residential structures may be located on a lot used for tandem houses.

3. The minimum lot area for tandem houses shall be five thousand (5,000) square feet.

4. Accessory dwelling units shall not be permitted on a lot containing tandem houses.

B. Height Limit and Roof Pitch.

1. The basic height limit for new principal structures shall be eighteen feet (18'). Existing structures may remain and be expanded, provided that new portions of the structure shall not exceed the height limits of this subsection.

2. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty-eight feet (28'). The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend up to twenty-three feet (23'). All parts of the roof above eighteen feet (18') shall be pitched at the required slope.

C. Yards and Setbacks.

1. Front Yard. The front yard shall be a minimum of ten feet (10').

2. Interior Separation between Tandem Houses. The interior separation between the residential structures shall be a minimum of ten feet (10').

3. Rear Yard. Where no platted alley exists, the rear yard for a lot containing tandem houses shall be a minimum of ten feet (10'). Where a platted developed alley exists, this rear yard requirement shall not apply.

4. Total Combined Yards. The total of the front yard, rear yard (if any), and the interior separation shall be a minimum of thirty-five feet (35').

5. Modification of Front and Rear Yards. If recommended in a neighborhood plan adopted or amended by the City Council after January 1, 1995, an ordinance designating an area as RSL may require front and/or rear yard setbacks greater than ten (10) feet (except for rear yards where platted and developed alleys exist), subject to the provisions of Subsections C1, C2, C3, and C4 of this section, and provided that the required total combined yards shall not exceed thirty-five feet (35').

6. Side Setbacks. The required side setback shall be five feet (5'). The side setback may be averaged. No portion of the side setback shall be less than three feet (3'), except as follows:

a. Street side setbacks shall be a minimum of five feet (5').

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b. If an easement is provided along a 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 required side setback may be reduced from the requirement of 23.43.008 D 2. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities on the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement, except that eaves of a principal structure may project a maximum of eighteen inches (18") into the easement. No portion of any structure, including eaves shall cross the property line.

D. Lot Coverage. The maximum lot coverage shall be fifty percent (50%), subject to the exceptions noted in Section 23.44.010 D.

E. Parking.

1. One (1) parking space per dwelling unit shall be required, as provided for single family structures in Chapter 23.54.

2. Access. Access to parking shall be from the alley when the property abuts a platted alley improved to the standards of Subsection C of Section 23.53.030, Alley improvements in all zones, or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be located on the same lot as the tandem houses.

b. Parking may be in or under a structure, or outside a structure, provided that:

(1) Parking shall not be located in the front yard;

(2) Parking shall not be located in a side setback abutting a street or the first ten feet (10') of a rear yard abutting a street.

F. Pedestrian Access to Public Right-of-Way. There shall be an area of no less than ten feet (10') in width between each dwelling unit and a street or platted and developed alley. This access may be a driveway and/or cross any required yards.

23.43.012 Cottage Housing Developments (CHDs).

A. Accessory dwelling units shall not be permitted in cottage housing developments.

B. Density and Minimum Lot Area.

1. In cottage housing developments (CHDs), the permitted density shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area.

2. Cottage housing developments shall contain a minimum of four

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(4) cottages arranged on at least two (2) sides of a common open space, with a maximum of twelve (12) cottages per development.

3. The minimum lot area for a cottage housing development shall be six thousand four hundred (6,400) square feet.

4. On a lot to be used for a cottage housing development, existing detached single family residential structures, which may be nonconforming with respect to the standards of this Section, shall be permitted to remain, but the extent of the nonconformity may not be increased.

C. Height Limit and Roof Pitch.

1. The height limit permitted for structures in cottage housing developments shall be eighteen feet (18').

2. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty-eight feet (28'). The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend up to twenty-three feet (23'). All parts of the roof above eighteen feet (18') shall be pitched.

D. Lot coverage and floor area.

1. The maximum lot coverage permitted for principal and accessory structures in cottage housing developments shall not exceed forty percent (40%).

2. The lot coverage for an individual principal structure in a cottage housing development shall not exceed six hundred fifty (650) square feet.

3. The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or nine hundred seventy-five (975) square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than twelve feet (12') above finished grade, or below the main level, shall be limited to no more than fifty percent (50%) of the enclosed space of the main level, or three hundred seventy-five (375) square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces.

E. Yards.

1. Front Yards. The front yard for cottage housing developments shall be an average of ten feet (10'), and at no point shall be less than five feet (5').

2. Rear Yards. The minimum rear yard for a cottage housing development shall be ten feet (10').

3. Side Yards. The minimum required side yard for a cottage housing development shall be five feet (5'). When there is a principal entrance along a side facade, the side yard shall be no less than ten feet (10') along that side for the length of the pedestrian route. This ten-foot (10') side yard shall apply only to a height of eight feet (8') above the access route.

4. Interior Separation for Cottage Housing Developments. There shall be a minimum separation of six feet (6') between principal structures. Facades of principal structures facing facades of accessory structures shall be separated by a minimum of three feet (3'). When there is a principal entrance on an interior facade of either or both of the facing facades, the minimum separation shall be ten feet (10').

F. Required Open Space.

1. Quantity of Open Space. A minimum of four hundred (400)

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square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:

a. A minimum of two hundred (200) square feet per unit shall be private usable open space; and

b. A minimum of one hundred fifty (150) square feet per dwelling unit shall be provided as common open space.

2. Development Standards.

a. Private usable open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of two hundred (200) square feet. No horizontal dimension of the open space shall be less than ten feet (10').

b. Required common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of one hundred fifty (150) square feet per unit. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two (2) sides.

c. The minimum horizontal dimension for open space shall be ten feet (10').

G. Parking

1. One (1) parking space per dwelling unit shall be required, as provided in Chapter 23.54.

2. Access. Access to parking shall be from the alley when the property abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be on the same lot as the cottage housing development.

b. Parking may be in or under a structure, or outside a structure, provided that:

(1) The parking is screened from direct street view by one or more street-facing facades, by garage doors, or by a fence and landscaping as provided in subsection D of Section 23.45.018.

(2) Parking outside a structure may not be located between cottages.

(3) Parking may not be located in the front yard.

(4) Parking may be located between any structure and the rear lot line of the lot, or between any structure and a side lot line which is not a street side lot line.

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23.43.040 Accessory uses and structures

A. Accessory structures shall be permitted in the RSL zone under the following conditions:

1. New garages shall be subject to the yard and setback requirements of Section 23.43.008D when accessory to one detached structure per lot, of Section 23.43.010C when accessory to tandem houses, and of Section 23.43.040E when accessory to cottage housing.

2. When converted to principal use in tandem house developments, garages shall be subject to the development standards for tandem house principal structures.

3. Garages shall be limited to a height of twelve feet (12') as measured on the facade containing the entrance for the vehicle.

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4. Accessory structures other than garages shall also be limited to twelve feet (12') in height.

B. Solar Collectors. Solar collectors are permitted outright as an accessory use to any principal use subject to the following standards:

1. Solar collectors, including solar greenhouses which meet minimum standards and maximum size limits as determined by the Director, shall not be counted in lot coverage.

2. Solar collectors, except solar greenhouses attached to principal use structures, may exceed the height limits of the RSL zone by four feet (4') or extend four feet (4') above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than nine feet (9') above the height limit established for the zone. A solar collector which exceeds the basic height limit for the zone shall be placed so as not to shade an existing solar collector or property to the north on January 21st, at noon, any more than would a structure built to the maximum permitted height and bulk.

3. Solar collectors and solar greenhouses meeting minimum written energy conservation standards administered by the Director may be located in required yards according to the following conditions:

a. In a side yard, no closer than three feet (3') from the property line; or

b. In a rear yard, no closer than fifteen feet (15') from the rear property line unless there is a platted alley, in which case the solar collector shall be no closer than ten feet (10') from the centerline of the alley; or

c. In a front yard, solar greenhouses which are integrated with the principal structure and have a maximum height of twelve feet (12') may extend up to six feet (6') into the front yard. In no case shall the greenhouse be located closer than five feet (5') from the property line.

C. Home Occupations. Home occupations are permitted accessory uses in the RSL zone, subject to the standards contained in Section 23.44.050, Home occupations.

D. Common Structures in Cottage Housing Developments. Shared structures which are used by the occupants of more than one dwelling unit are allowed as an accessory use. Such structures may include meeting space, a food preparation area, sinks, and toilets, but shall not include either sleeping quarters or bathing facilities.

23.43.080 Nonconforming uses.

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

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B. A structure occupied by a nonconforming use may be converted to single family residential use even if the structure does not conform to development standards of the zone. A converted structure may be expanded or extended provided that the expansion or extension shall conform to the development standards of the zone and shall not cause an already nonconforming structure to become more

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nonconforming to development standards.

23.43.082 Nonconforming structures.

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

B. A nonconforming accessory structure or nonconforming part of a principal structure located in a yard that which is required by the development standards for the use or zone may be rebuilt or replaced but may not be expanded or extended beyond its former dimensions.

C. A nonconforming structure that is destroyed by fire, other act of nature, or other causes beyond the control of the owner may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed.

D. Where replacement of a nonconforming structure or portion of a structure is permitted under this section, action toward that replacement must be commenced within twelve (12) months after the demolition or destruction of the structure. Action toward replacement shall include an application for a building permit, commencement of construction, or other significant activity directed toward the replacement of the structure. If this action is not commenced within this time limit, any replacement must conform to the existing development standards.

Section 42. Section 23.44.036 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended by adding a new Subsection F, as follows:

23.44.036 Council approval of public projects and City facilities.

F. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 43. Subsection I of Section 23.45.006 of the Seattle Municipal Code, as last amended by Ordinance 114887, is further amended as follows:

23.45.006 General development standards for structures in multifamily zones.

I. ((~~When townhouses which meet all development standards are built on a lot, the lot may then be subdivided, even when the structures on the new lots do not meet development standards. When nonconforming structures are created by the subdivision, they shall meet the standards of Section 23.45.190, Nonconforming structures. The fact that development may be limited because of nonconformity shall be indicated on the plat recorded with the Director of the King County Department of Records and Elections.~~)) When a subdivision is proposed for a townhouse development, the development shall be subject to the provisions of Section 23.24.045, Townhouses.

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Section 44. Subsection A of Section 23.45.010 of the Seattle Municipal Code, as last amended by Ordinance 117173, is further amended as follows:

23.45.010 Lot coverage -- Lowrise zones.

A. Except as provided in ((s))Subsection C of this section, the maximum lot coverage permitted for principal and accessory structures shall not exceed the following limits:

1. For townhouses, the following lot coverage limits shall apply:

Lowrise Duplex/Triplex	--	Forty-five percent (45%).
Lowrise 1	--	Fifty percent (50%).
Lowrise 2	--	Fifty percent (50%).
Lowrise 3	--	Fifty percent (50%).
Lowrise 4	--	Fifty percent (50%).

2. For all other structures, the following lot coverage limits shall apply:

Lowrise Duplex/Triplex	--	Thirty-five percent (35%).
Lowrise 1	--	Forty percent (40%).
Lowrise 2	--	Forty percent (40%).
Lowrise 3	--	Forty-five percent (45%).
Lowrise 4	--	Fifty percent (50%).

Section 45. Subsection A of Section 23.45.014 of the Seattle Municipal Code, as last amended by Ordinance 117173, is further amended as follows:

23.45.014 Setback requirements -- Lowrise zones.

A. Front Setback.

1. The required front setback shall be the average of the setbacks of the first principal structures on either side, except for cottage housing developments, subject to the following:

Lowrise Duplex/ Triplex	--	In no case shall the setback be less than five feet (5') and it shall not be required to exceed twenty feet (20').
Lowrise 1, Lowrise 2, and Lowrise 3	--	In no case shall the setback be less than five feet (5') and it shall not be required to exceed fifteen feet (15').
Lowrise 4	--	In no case shall the setback be less than five feet (5') and it shall not be required to exceed twenty feet (20').

2. Cottage Housing Developments. The required front setback shall be a minimum of ten feet (10').

3. Townhouses.

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

b. No portion of a structure shall be closer to the front

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property line than five feet (5').

((~~3.~~))4. Through Lots. In the case of a through lot, each setback abutting a street, except a side setback, shall be a front setback. Rear setback requirements shall not apply to the lot.

((~~4.~~))5. A greater setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

Section 46. Section 23.45.106 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended by adding a new Subsection G, as follows:

23.45.106 Public projects and City facilities.

G. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 47. Section 23.47.002 of the Seattle Municipal Code, as last amended by Ordinance 117350, is further amended as follows:

23.47.002 Scope of provisions.

A. This chapter describes the authorized uses and development standards for the five (5) commercial zones: Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 3 (NC3), Commercial 1 (C1) and Commercial 2 (C2).

B. Commercial zones which have a pedestrian designation (P1 or P2) or a residential designation (R) on the Official Land Use Map shall be subject to the use and development standards of Subchapters I, II and III of this chapter. ((~~in addition to the use and development standards of Subchapters I and II~~)) These subchapters may be modified by applicable overlay provisions.

C. Areas referred to as urban village commercial areas are those commercially zoned properties designated on the Comprehensive Plan Future Land Use Map as commercial/mixed use areas within urban centers/villages. These commercial areas are indicated by a "V" on the Official Land Use Map.

D. In addition to the regulations of this ((~~C~~))chapter, certain commercial areas may be regulated by Subtitle IV, Division 3, Overlay Districts.

((~~D~~))E. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking quantity, access and design are provided in Chapter 23.54. Signs shall be regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86. Requirements for communication utilities and accessory communication devices are contained in Chapter 23.57.))

((~~E. For the purposes of this chapter, the terms "existing structures or uses" shall mean those structures or uses which were established under permit, or for which a permit has been granted and has not expired, or which are substantially underway in accordance with Section 23.04.010 D, on the effective date of the ordinance codified in this chapter~~)).

F. Departure from the development standards of this chapter may be

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permitted or required for public schools pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools.

Section 48. The Subsection of Section 23.47.004 entitled "Uses: Chart A", of the Seattle Municipal Code, as last amended by Ordinance 117203, is further amended as follows:

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COMMERCIAL
USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	NC2	NC3	C1	C2
I. COMMERCIAL USE					
A. Retail Sales and Services.					
1. Personal and Household Retail Sales and Services					
- Multi-purpose convenience stores	P	P	P	P	P
- General retail sales and service	P	P	P	P	P
- Major durables sales, service and rental	P	P	P	P	P
- Specialty food stores	P	P	P	P	P
2. Medical Services	P	P/CU[1]	P/CU[1]	P/CU[1]	P/CU[1]
3. Animal Services[2]					
- Animal health services	P	P	P	P	P
- Kennels	X	X	X	X	P
- Animal shelters	X	X	X	X	X
4. Automotive Retail Sales and Services					
- Gas stations	P	P	P	P	P
- Sales and rental of motorized vehicles	X	P	P	P	P
- Vehicle repair, minor	P	P	P	P	P
- Vehicle repair, major	X	P	P	P	P
- Car wash	X	P	P	P	P
- Towing services	X	X	X	P	P
- Automotive parts or accessory sales	P	P	P	P	P
5. Marine Retail Sales and Services					
- Sales and rental of large boats	X	P	P	P	P
- Vessel repair, minor	P	P	P	P	P
- Vessel repair, major	X	X	X	S	S
- Marine service station	P	P	P	P	P
- Dry storage of boats	X	P	P	P	P
- Recreational marinas	S	S	S	S	S
- Commercial moorage	S	S	S	S	S
- Sale of boat parts or accessories	P	P	P	P	P
6. Eating and Drinking Establishments					
- Restaurants without cocktail lounges	P	P	P	P	P
- Restaurants with cocktail lounges	X	P	P	P	P
- Fast-food restaurant (750 square feet and under)	P	P	P	P	P
- Fast-food restaurant (over 750 square feet)	CU	CU	CU	CU	CU
- Tavern	CU	CU	P	P	P
- Brewpub	CU	CU	P	P	P
7. Lodging					
- Hotel	X	X	P	P	P
- Motel	X	X	P	P	P
- Bed and breakfast	P[3]	P[3]	P	P	P
8. Mortuary Services	X	P	P	P	P
9. Existing Cemeteries	P	P	P	P	P

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COMMERCIAL
USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
B. Principal Use Parking	X	P	P	P	P
C. Non-Household Sales and Service					
1. Business support services	P	P	P	P	P
2. Buiness incubator	P	P	P	P	P
3. Sales, service and rental of office equipment	X	P	P	P	P
4. Sales, service and rental of commercial equipment and construction materials	X	X	P	P	P
5. Sale of heating fuel	X	X	P	P	P
6. Heavy commercial services	X	X	X	P	P
- Construction services	X	X	X	P	P
- Commercial laundries	X	X	X	P	P
D. Offices					
1. Customer service office	P	P	P	P	P
2. Administrative office	P	P	P	P	P
E. Entertainment					
1. Places of Public Assembly					
- Performing arts theater	X	P	P	P	P
- Spectator sports facility	X	P	P	P	P
- Lecture and meeting halls	X	P	P	P	P
- Motion picture theater	X	P	P	P	P
- Adult motion picture theater	X	X	X	X	X
- Adult panoramas	X	X	X	X	X
2. Participant Sports and Recreation					
- Indoor	P	P	P	P	P
- Outdoor	X	X	X[4]	P	P
F. Wholesale Showroom	X	X	P	P	P
G. Mini-warehouse	X	X	P	P	P
H. Warehouse	X	X	P	P	P
I. Outdoor Storage	X	X	X[5]	P	P
J. Transportation Facilities					
1. Personal transportation services	X	X	P	P	P
2. Passenger terminals	X	X	P	P	P
3. Cargo terminals	X	X	X	S	P
4. Transit vehicle base	X	X	X	CCU[6]	CCU[6]
5. Helistops	X	X	CCU[7]	CCU[7]	CCU[7]
6. Heliports	X	X	X	X	X
7. Airport, land-based	X	X	X	X	X
8. Airport, water-based	X	X	X	X	S
9. Railroad switchyard	X	X	X	X	X
10. Railroad switchyard with mechanized hump	X	X	X	X	X

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COMMERCIAL
USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
K. Food Processing and Craft Work					
1. Food processing for human consumption	P	P	P	P	P
2. Custom and craft work	P	P	P	P	P
L. Research and Development Laboratories	P	P	P	P	P
II. SALVAGE AND RECYCLING					
A. Recycling Collection Station	P	P	P	P	P
B. Recycling Center	X	X	X	P	P
C. Salvage Yard	X	X	X	X	X
III. UTILITIES					
A. Utility Service Uses	P	P	P	P	P
B. Major Communication Utility[8]	X	X	X	CCU	CCU
C. Minor Communication Utility[8]	P	P	P	P	P
D. Solid Waste Transfer Station	X	X	X	X	X
E. Power Plants	X	X	X	X	X
F. Sewage Treatment Plants	X	X	X	X	X
G. Solid Waste Incineration Facility	X	X	X	X	X
H. Solid Waste Landfill	X	X	X	X	X
IV. MANUFACTURING					
A. Light Manufacturing	X	P	P	P	P
B. General Manufacturing	X	X	X	P	P
C. Heavy Manufacturing	X	X	X	X	X
V. HIGH-IMPACT USES	X	X	X	X	X
VI. INSTITUTIONS					
A. Institute for Advanced Study	P	P	P	P	P
B. Private Club	P	P	P	P	P
C. Child Care Center	P	P	P	P	P
D. Museum	P	P	P	P	P
E. School, Elementary or Secondary	P	P	P	P	P
F. College	P	P	P	P	P
G. Community Center	P	P	P	P	P
H. Community Club	P	P	P	P	P
I. Vocational or Fine Arts School	P	P	P	P	P
J. Hospital	P	P	P	P	P
K. Religious Facility	P	P	P	P	P
L. University	P	P	P	P	P
M. Major Institutions subject to the provisions of Chapter 23.69	P	P	P	P	P
VII.PUBLIC FACILITIES					
A. Jails	X	X	X	X	X
B. Work-Release Centers[9]	CCU	CCU	CCU	CCU	CCU

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COMMERCIAL
USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
VIII. PARK AND POOL/RIDE LOT					
A. Park and Pool Lots	P[10]	P	P	P	P
B. Park and Ride Lots	X	X	CU	CU	CU
IX. RESIDENTIAL[11]					
A. Single-Family Dwelling Units	P/CU[12]	P/CU[12]	P/CU[12]	P/CU[12]	P/CU[12]
B. Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
C. Congregate Residences	P/CU	P/CU	P/CU	P/CU	CU
D. Floating Homes	S	S	S	S	S
E. Mobile Home Park	X	X	X	P	CU
F. Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
G. Caretaker's Quarters	P/CU	P/CU	P/CU	P/CU	P
H. Adult Family Homes	P/CU	P/CU	P/CU	P/CU	P
I. Home Occupations	P[13]	P[13]	P[13]	P[13]	P[13]
J. Nursing Homes	P	P	P	P	P
X. OPEN SPACE					
A. Parks	P	P	P	P	P
B. Playgrounds	P	P	P	P	P
XI. AGRICUTURAL USES					
A. Animal Husbandry	X[13]	X[13]	X[13]	X[13]	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

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P - Permitted
X - Prohibited
CU - Administrative Conditional Use
CCU - Council Conditional Use
S - Permitted only in the Shoreline District, when permitted by the Seattle Shoreline Master Program.

[1] Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted Major Institution Master Plan or located in a downtown zone. See Section 23.47.006.

[2] The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.

[3] In existing structures only.

[4] Outdoor participant sports and recreation uses are permitted at the Seattle Center.

[5] Outdoor storage is permitted at the Seattle Center, subject to the provisions of 23.47.011.

[6] New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.

[7] Permitted only as an accessory use according to Section 23.47.006.

[8] See Chapter 23.57 for regulation of communication utilities.

[9] Subject to dispersion criteria in Section 23.47.006.

[10] Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot.

[11] Residential uses in mixed-use ((structures)) development are permitted outright in NC1, NC2, NC3, and C1 zones. Single-purpose residential structures, other than nursing homes, are permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use according to the provisions of Section 23.47.023, except where the height limit is 85 feet or higher. All residential uses, other than nursing homes, in C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed use structure or as a single-purpose residential use, except in Pedestrian-Designated Zones (See Section 23.47.040).

[12] An accessory dwelling unit added to a single family residence shall be allowed outright and shall not require a separate conditional use permit. The unit shall be considered accessory to the single family residence, shall meet the standards listed for accessory dwelling units in Section 23.44.025 and shall not be considered a separate dwelling unit for all development standard purposes in commercial zones.

[13] Permitted only as an accessory use.

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Section 49. Subsection E of Section 23.47.004 of the Seattle Municipal Code, as adopted by Ordinance 112777, is further amended as follows:

23.47.004 Permitted and prohibited uses.

E. Public Facilities.

1. Public facilities which are similar to those provided by the private sector, such as offices, athletic facilities or medical service uses, shall be permitted or prohibited in all commercial zones according to the use regulations for the particular type of use. These public facilities shall meet the development standards for the use to which they are similar. If the development standards cannot be met, the City Council may waive or change the standards for reasons of public necessity, according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

2. Public facilities which are not similar to those provided by the private sector, such as police and fire stations, shall be permitted unless specifically prohibited in Chart A. These public facilities shall meet the development standards of the zone in which they are located. If the development standards cannot be met, the City Council may waive or change the standards for reasons of public necessity, according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

3. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 50. Subsection B of Section 23.47.006 of the Seattle Municipal Code, as last amended by Ordinance 116907, is further amended as follows:

23.47.006 Conditional uses.

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

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

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

b. Appropriate litter-control measures are provided; and

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

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

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

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

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(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:

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

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

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

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

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

a. Conditional Use Criteria.

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

(2) If the proposed park-and-ride lot is located on a

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lot containing accessory parking for other uses, there shall be no substantial conflict in the principal operating hours of the park-and-ride lot and the other uses.

b. Mitigating Measures. Landscaping and 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. Single-Purpose Residential Structures in NC1, NC2, NC2/R, NC3, and NC3/R. 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~~)). However, additions to, or on-site accessory structures for, existing single-family structures ((~~is~~))are permitted outright((~~exempt from conditional use requirements~~)). Single-purpose residential structures ((~~as provided for in Section 23.47.008~~)) may be permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use only ((~~if~~))when the following circumstances exist:

a. Due to location or parcel size, the proposed site is not suited for commercial development; or ((~~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. There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially-zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an "established commercial street front" may be intersected by streets or alleys, and some lots with no current commercial use.

((~~Residential development would not displace existing commercial uses at street level or disrupt a continuous commercial street front, particularly of retail andpersonal 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 areas, and/or ample land which is particularly suited for additional commercial development.~~))

5. Residential Uses in C2 Zones.

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

(1) Availability of Suitable Land for C2 Activities. Residential uses shall generally be discouraged in areas which have limited vacant land and where, due to terrain and large parcel size, land is particularly suitable for commercial rather than residential development.

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

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

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

6. Residential Use in International Special Review District. Single-purpose residential structures shall 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.

9. Change of One (1) Nonconforming Use to Another.

a. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:

(1) New uses shall be limited to those first permitted in the next more intensive zone;

(2) The relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these

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impacts could be mitigated.

b. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

Section 51. Section 23.47.008 of the Seattle Municipal Code, last amended by Ordinance 117350, is further amended as follows:

23.47.008 Mixed use ((~~structures~~)) development

A. A mixed use development consists of ((~~structure is one which contains~~)) residential and nonresidential use in the same structure or in separate structures on the same lot and meeting the standards specified in this section, except as provided in the Northgate Overlay District, Chapter 23.71((~~,and the 12th Avenue Overlay District, Chapter 23.72~~)).

((~~B. Mixed use structures sixty-five feet (65') in height or lower shall have an area equal to at least ten percent (10%) of the gross floor area of the structure or fifty percent (50%) of the structure's footprint, whichever is greater, in nonresidential use other than principal use parking, mini-warehouses and warehouses.~~

~~C. Mixed use structures which exceed sixty-five feet (65') in height shall have an area equal to at least fifty percent (50%) of the structure's footprint in nonresidential use other than principal use parking, mini-warehouses and warehouses.~~

~~D. Accessory parking for nonresidential uses shall not be included in the minimum requirements of subsections B and C of this section.~~

~~E. Nonresidential use, excluding accessory parking, shall meet the following standards:~~

~~1. Nonresidential use shall occupy a minimum of sixty percent (60%) of a mixed use structure's street front facade at street level; and~~))

B. A minimum of eighty percent (80%) of a structure's street front facade at street level shall be occupied by nonresidential uses. Except in zones designated NC2/R and NC3/R, the required nonresidential use shall either extend at least thirty feet (30') in depth from the street front facade of the structure, provided that the minimum required depth may be averaged, with no depth less than fifteen feet (15'), or have an area equal to fifty percent (50%) of the structure's footprint, whichever is less. In all NC and C zones, the nonresidential use portion of the development shall also be subject to the following:

1. For purposes of calculating the eighty percent (80%) of a structure's street front facade at street level, twenty-two feet (22') for the width of a driveway accessing parking may be subtracted from the length of the street front facade if the access cannot be provided from a side street or alley.

2. If the nonresidential and residential uses are located in separate structures, the eighty percent (80%) requirement shall apply to the lot's lineal street frontage at street level.

3. Areas required to be in nonresidential use under this section shall be uses other than principal use or accessory parking, mini-warehouses, warehouses, lodging uses or utility uses.

4. Where the lot fronts on two (2) or more streets and abuts a lot

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which is not zoned commercial, the street front facade requirement shall apply to the structure's facade along the street with the greatest continuous lineal feet of commercially zoned frontage.

5. Where a lot fronts on two (2) or more streets and only abuts lots which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the structure containing the required nonresidential use. On a through lot, the Director may waive the requirement for one of the street fronts if the street is not a major commercial street. The Director may require screening of garbage cans, parking and utility meters where the street front facade requirement is waived.

((~~2~~))6. A minimum of fifty-one percent (51%) of the portion of a structure's street front facade ((~~containing~~))which contains required nonresidential use shall be at or above sidewalk grade.

((~~3~~))7. ((~~In NC1, NC2 and NC3 zones, t~~))The entrance to required nonresidential uses at street level shall be no more than three feet (3') above or below sidewalk grade.

((~~4. When a structure fronts on more than one (1) street and abuts a noncommercially zoned lot, the sixty percent (60%) requirement shall apply to the structure's facade along the street with the greatest lineal feet of commercially zoned frontage.~~

~~5. Where a lot fronts on two (2) or more streets and only abuts other commercially zoned lots, the sixty percent (60%) requirement shall be calculated by totaling the mixed use structure's total combined street front facade.~~))

((~~6~~))8. For the purposes of this section, a structure's street front facade shall be measured by drawing the least rectangle that encloses the structure and measuring the length of the side of that rectangle most closely parallel to the front of streetside lot line(s) (Exhibit 23.47.008A).

C. Height for Mixed Use Development

1. Mixed use development shall be subject to the height provisions of Section 23.47.012 A.

2. Except in zones designated NC2/R and NC3/R, for mixed use development, all nonresidential use at street level shall have a minimum floor to floor height of thirteen feet (13').

3. In zones with a thirty foot (30') or forty foot (40') height limit, the Director shall permit the height of the structure to exceed the height limit of the zone by up to four feet (4'), only if the residential and nonresidential uses are located in the same structure and subject to the following:

a. The additional height is necessary to meet Code minimums for ceiling height; and

b. The additional height will not permit an additional story to be built (beyond three (3) for a zone with a thirty foot (30') height limit and four (4) for a zone with a forty foot (40') height limit).

4. In zones with a thirty foot (30') or forty foot (40') height limit, the Director may permit the height of the structure to exceed the height limit of the zone by up to four feet (4'), only if the residential and nonresidential uses are located in the same structure and subject to the following:

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a. The additional height will result in floor to floor heights of thirteen feet (13') or more for the nonresidential use at street level and at least nine feet (9') for each of the other levels of the structure; and

b. The additional height of the structure will not permit an additional story to be built (beyond three (3) for a zone with a thirty foot (30') height limit and four (4) for a zone with a forty (40') height limit); and

c. If the additional height of the structure (up to four feet (4') significantly blocks views from neighboring residential structures of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Greenlake, Puget Sound, Lake Washington, Lake Union and the Ship Canal, the Director shall not permit the additional height except as necessary to meet Code minimums for ceiling height.

((~~F. A structure's footprint shall be that area bound within the exterior perimeter of a structure's walls at its widest dimension projected to the ground. However, to calculate the gross floor area of a structure for the purposes of determining nonresidential use requirements, all gross floor area below grade or used for accessory parking or mechanical equipment shall be excluded.~~))

D. Above thirteen feet (13') from finished grade and above the required nonresidential use, the residential portion of a structure containing residential and nonresidential uses shall be limited to a maximum lot coverage of sixty-four percent (64%). If the nonresidential and residential uses are located in separate structures, this provision shall apply only to the portion of the residential structure more than thirteen feet (13') above finished grade. This provision shall not apply when an area in an existing building, in nonresidential use as of April 3, 1995, is converted to residential use, provided that the structure is not modified in any way that increases the coverage to greater than 64% of the portion of the structure in residential use and over thirteen feet (13') above finished grade.

((~~G~~)) E. Any detached structure which contains residential uses and does not meet the requirements for mixed use ((~~structures~~))development as provided in this section shall be considered a single-purpose residential structure, and is subject to the standards of Section 23.47.023.

Section 52. Section 23.47.009 of the Seattle Municipal Code, as adopted by Ordinance 116795, is amended as follows:

23.47.009 Density limits for residential uses.

((~~Density limits for residential uses in mixed use structures are~~))

A. Density limits shall not apply to residential uses in mixed use development, except under the following circumstances:

1. As established ((~~for~~)) in the Northgate Overlay District((~~,~~)) as provided in Chapter 23.71.

2. For lots rezoned from SF to NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 per Subsection 23.34.010B, the density limit shall be one (1) unit per one thousand six hundred (1600) square feet of lot area.

B. Density limits shall apply for single-purpose residential structures subject to the following, except as provided in Subsection C below:

1. In the Northgate Overlay District, as provided in Chapter 23.71.

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2. In NC1 zones the density limit shall be one (1) unit per one thousand six hundred (1600) square feet of lot area.

3. In NC2, NC3, C1 and C2 zones with either thirty feet (30') or forty feet (40') height limits, the density limit shall be one (1) unit per one thousand two hundred (1200) square feet of lot area.

4. In NC2, NC3, C1 and C2 zones with sixty five foot (65') height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

5. For lots rezoned from SF to NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 per Subsection 23.34.010B, the density limit shall be one (1) unit per one thousand six hundred (1600) square feet of lot area.

6. There shall be no residential density limit for single-purpose residential structures in the NC2/R or NC3/R zone.

C. The following density limits for single-purpose residential structures shall apply in commercial areas where there has been a review and approval by the City Council subsequent to January 1, 1995 to determine whether single-purpose residential structures shall continue to be conditional uses, permitted outright or prohibited, and if the area is to be included within an urban village or urban center, an urban village boundary has been established:

1. Inside urban village commercial areas as shown on the Official Land Use Map.

a. In NC zones with thirty foot (30') height limits, the density limit shall be one (1) unit per seven hundred (700) square feet of lot area.

b. In NC zones with forty foot (40') height limits, the density limit shall be one (1) unit per five hundred (500) square feet of lot area.

c. In NC zones with sixty-five foot (65') height limits, the density limit shall be one (1) unit per four hundred (400) square feet of lot area.

d In C1 and C2 zones with thirty foot (30'), forty foot (40') or sixty-five foot (65') height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area except as provided in subparagraph C1e below.

e. Density limits in a C1 or C2 zone may be increased to the density limit for single-purpose residential structures in the NC zone with the corresponding height designation if the structure is developed according to the standards for NC zones as listed below:

(1) Outdoor storage areas, per Section 23.47.011 E 1;

(2) Screening for gas stations, per Section 23.47.016D3c;

(3) Blank facades, per Section 23.47.016 E;

(4) Drive-in lanes, per Section 23.47.028 A3; and

(5) Location of parking, per Section 23.47.032 B.

f. There shall be no residential density limit for single-purpose residential structures in the NC2/R or NC3/R zone.

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2. Outside urban village commercial areas as shown on the Official Land Use Map.

a. In NC zones with thirty foot (30') height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

b. In NC zones with forty foot (40') and sixty-five foot (65') height limits, the density limit shall be one (1) unit per six hundred (600) square feet of lot area.

c. In C1 and C2 zones with thirty foot (30'), forty foot (40') or sixty-five foot (65') height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area.

Section 53. Subsection A, as last amended by Ordinance 114382, and Subsection G, as last amended by Ordinance 113263, and the Subsection entitled "Chart B" of Section 23.47.010 of the Seattle Municipal Code are further amended as follows:

23.47.010 Maximum size of nonresidential use.

A. Maximum size of nonresidential use per individual business establishment and per lot.

1. Maximum size regulations shall apply to individual business establishments according to Chart B.

2. Maximum size for all nonresidential uses in NC2/R and NC3/R shall apply per lot as follows:

a. Nonresidential uses shall be limited to the size of the lot area or twenty thousand (20,000) square feet, whichever is greater.

b. Nonresidential uses in zones designated NC2/R and NC3/R with a height limit of thirty or forty feet (30' or 40') may be increased in size up to one and one-half (1.5) times the lot area if the nonresidential use is in a mixed use structure according to the provisions of Section 23.47.008, and if a minimum of thirty-five percent (35%) of the gross floor area of the mixed use structure is in residential use, not including parking.

c. Nonresidential uses in zones designated NC2/R and NC3/R with a height limit of sixty-five feet (65') may be increased in size up to two (2) times the lot area if the nonresidential use is in a mixed use structure according to the provisions of Section 23.47.008, and if a minimum of thirty-five percent (35%) of the gross floor area of the mixed use structure is in residential use, not including parking.

3. For each lot, office uses in C1 and C2 zones shall be limited to the size of the lot area or thirty-five thousand (35,000) square feet, whichever is greater. Office uses in C1 and C2 zones within urban village commercial areas as shown on the Official Land Use Map are exempt from this limit if the structure meets the following standards for NC zones:

a. Outdoor storage areas, per Section 23.47.011E1;

b. Screening for gas stations, per Section 23.47.016D3c;

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c. Blank facades, per Section 23.47.016E;

d. Drive-in lanes, per Section 23.47.028A; and

e. Location of parking, per Section 23.47.032B.

G. Increase in Maximum Size Limits.

1. Increases in maximum size limits ((~~may be allowed~~)) for operating business establishments or uses may be permitted as ((s))Special ((e))Exceptions according to the procedures set forth in Chapter 23.76, Master Use Permits and Council Land Use Decisions, subject to the following:

a. Operating business establishments or uses in NC1 zones may be expanded up to a maximum of ten thousand (10,000) square feet.

b. Operating business establishments or uses in NC2 zones which are limited to a maximum size of five thousand (5,000) square feet may be expanded to a maximum size of ten thousand (10,000) square feet, and operating business establishments or uses which are limited to a maximum size of fifteen thousand (15,000) square feet may be expanded to a maximum size of twenty-five thousand (25,000) square feet.

c. Operating business establishments or uses in NC3 zones which are limited to a maximum of ten thousand (10,000) or fifteen thousand (15,000) square feet may be expanded to a maximum size of twenty thousand (20,000) square feet.

2. The decision to permit, condition or deny an increase in size shall be based upon an assessment of the following factors:

a. The impacts of the operating business establishment and the anticipated impacts if an increase in size were permitted;

b. The availability of commercial space in the zone for uses which contribute to the function and desired characteristics of the zone, ((~~according to the Land Use Policies for Neighborhood Commercial Areas~~)) as described in Chapter 23.34;

c. The number of business establishments present in the zone that are similar to the business establishment for which expansion is proposed;

d. The compatibility of the operating business establishment with the character and scale of the business district and the surrounding neighborhood; and

e. The length of time the business establishment has been operating.

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CHART B
For Section 23.47.010

Nonresidential Uses Subject to Maximum Size Limit	ZONE NC1*	NC2*[1]	NC3*[1]	C1	C2
Nonresidential uses including institutions and public facilities unless otherwise specified	4,000 sq. ft.	15,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Medical services	10,000 sq. ft.	15,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Multi-purpose convenience store	10,000 sq. ft.	((25))50,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Food processing and craft work	4,000 sq. ft.	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Light manufacturing	X	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Fast-food restaurant[2]((1))	750 sq. ft. 4,000 sq. ft.	750 sq. ft. 8,000 sq. ft.	750 sq. ft. N.M.S.L.	750 sq. ft. N.M.S.L.	750 sq. ft. N.M.S.L.
Fuel sales					
Sales, service and rental of commercial equipment and construction materials	X	X	25,000 sq. ft.	N.M.S.L	N.M.S.L.
Passenger terminals					
Indoor participant sports and recreation	4,000 sq. ft.	15,000 sq. ft.	25,000 sq. ft.[3]((2))	N.M.S.L.	N.M.S.L.
General manufacturing	X	X	X	15,000 sq. ft.	N.M.S.L.
Wholesale showroom warehouse	X	X	15,000 sq. ft.	25,000 sq. ft.	N.M.S.L.
Mini-warehouses	X	X	15,000 sq ft.	40,000 sq. ft.	N.M.S.L.
Public schools	N.M.S.L.	N.M.S.L.	N.M.S.L.	N.M.S.L.	N.M.S.L.

NMSL - No Maximum Size Limitations

* - Increases in maximum size limits may be allowed for operating business establishments according to provisions of ((s))Subsection G.

X - Does not apply, use not permitted in zone

1 - Maximum size for all nonresidential uses in NC2/R and NC3/R is described in Subsection 23.47.010A2.

2((1)) - Fast-food restaurants larger than 750 square feet are conditional uses.

3((2)) - At the Seattle Center, maximum size limit does not apply.

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Section 54. Subsection A of Section 23.47.012 of the Seattle Municipal Code, as last amended by Ordinance 117350, is further amended as follows:

23.47.012 Structure height and floor area ratio.

A. Maximum Height. The maximum structure height for commercial zones shall be thirty feet (30'), forty feet (40'), sixty-five feet (65'), eighty-five feet (85'), one hundred twenty-five feet (125'), or one hundred sixty feet (160'), as designated on the Official Land Use Map, Chapter 23.32. In addition, mixed use structures located in ((~~12th Avenue Overlay District~~)) commercial zones with a thirty foot (30') or forty foot (40') height limit may exceed the height limit of the zone by up to four feet (4'), according to the provisions of Section 23.47.008 ((~~23.72.008~~)).

Section 55. Subsection A of Section 23.47.014 of the Seattle Municipal Code as last amended by Ordinance 117263, and Subsection B of Section 23.47.014 of the Seattle Municipal Code, as last amended by Ordinance 113892 are further amended as follows:

23.47.014 Setback requirements.

A. For the purposes of this section, portions of structures shall include those features listed in Section 23.47.012G, Rooftop Features.

B. Setbacks for Mixed Use ((~~Structures~~)) Development, Single-Purpose Residential Structures and Structures Containing No Residential Uses.

1. A setback shall be required on lots which abut the intersection of a side and front lot line of a residentially zoned lot. The required setback shall be a triangular area. Two (2) sides of the triangle shall extend fifteen feet (15') from the intersection of the street property line and the property line abutting the residentially zoned lot. The third side shall connect these two (2) sides with a diagonal line across the lot (Exhibits 23.47.014A and 23.47.014B).

2. A setback shall be required along any side lot line which abuts a side lot line of a residentially zoned lot as follows:

a. Zero feet (0') for portions of structures ((~~twelve feet (12')~~)) thirteen feet (13') in height or lower; and

b. Ten feet (10') for portions of structures above ((~~twelve feet (12')~~)) thirteen (13') in height to a maximum of sixty-five feet (65'); and

c. For portions of structures above sixty-five feet (65') in height, an additional one foot (1') of setback shall be required for every ten feet (10') in excess of sixty-five feet (65') (Exhibit 23.47.014C).

3. For structures containing no residential uses, a setback shall be required along any rear lot line which abuts a lot line of a residentially zoned lot or which is across an alley from a residentially zoned lot, as follows:

a. Zero feet (0') for portions of structures ((~~twelve feet (12')~~)) thirteen feet (13') in height or lower; and

b. Ten feet (10') for portions of structures above ((~~twelve feet (12')~~)) thirteen feet (13') in height to a maximum of sixty-five feet (65'); and

c. For portions of structures above sixty-five feet (65') in height, an additional one foot (1') of setback shall be required for every ten feet (10')

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in excess of sixty-five feet (65') (Exhibit 23.47.014C).

4. For mixed use ((~~structures~~))developments and single-purpose residential structures, a setback shall be required along any rear lot line which abuts a lot line of a residentially zoned lot or which is across an alley from a residentially zoned lot, as follows:

a. Zero feet (0') for portions of structures ((~~twelve feet (12')~~)) thirteen feet (13') in height or lower; and

b. Fifteen feet (15') for portions of structures above ((~~twelve feet (12')~~)) thirteen feet (13') in height to a maximum of forty feet (40'); and

c. For portions of structures above forty feet (40') in height, an additional two feet (2') of setback shall be required for every ten feet (10') in excess of forty feet (40') (Exhibit 23.47.014D).

5. One-half (1/2) alley width may be counted as part of the required setback.

6. No entrance, window, or other opening shall be permitted closer than five feet (5') to a residentially zoned lot.

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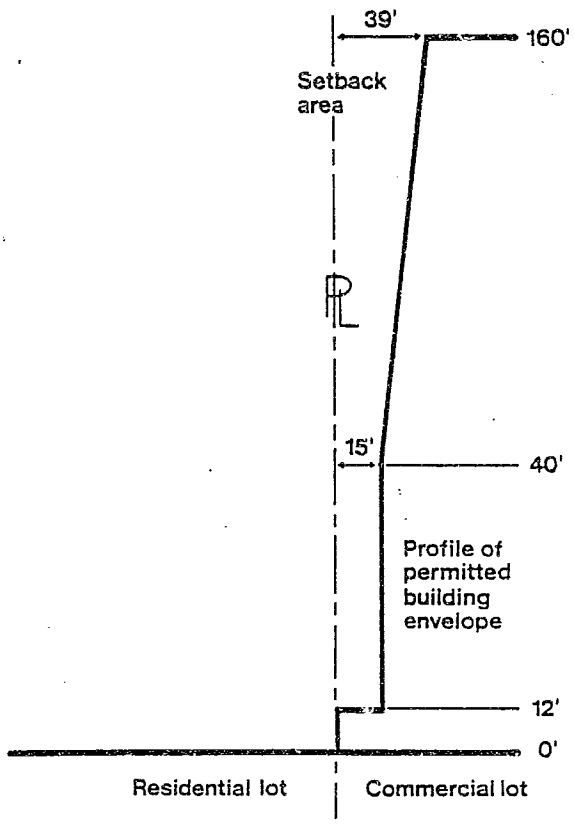
Exhibit 23.47.014 D
Setback for Mixed Use ((~~Structures~~)) Development and Single-Purpose Residential Structure Along Rear Lot Line Abutting Residentially Zoned Lot



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Section 56. Subsection E of Section 23.47.016 of the Seattle Municipal Code, as last amended by Ordinance 115164, is further amended as follows:

23.47.016 Screening and landscaping standards.

E. Blank Facades.

1. One (1) of the following shall be required along blank facades greater than thirty feet (30') in width ((I))in all NC1, NC2, NC2/R,((~~and~~)) NC3, and NC3/R zones((~~, and~~)) or in C1 and C2 zones((~~,~~)) when across a street from a residentially zoned lot((~~, along blank facades greater than thirty feet (30') in width one (1) of the following shall be required~~)):

a. Ivy or similar vegetation shall be planted in front of or on the street-facing side of the blank facade; or

b. A five-foot (5') setback shall be provided in front of the blank facade, and the setback shall be planted with trees and shrubs according to rules promulgated by the Director; or

c. Artwork on the blank facade which has been approved by the Seattle Arts Commission.

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

3. Any portion of a facade which is not transparent shall be considered to be a blank facade. Clear or lightly tinted glass in windows, doors and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

4. Portions of a facade of a structure which are separated by transparent areas of at least four feet (4') in width and between two feet (2') and eight feet (8') above the sidewalk shall be considered separate facade segments for the purposes of this subsection.

Section 57. Seattle Municipal Code Section 23.47.023, as last amended by Ordinance 117263, is further amended as follows:

23.47.023 Standards for single-purpose residential structures.

((~~A. In NC1 zones single-purpose residential structures shall meet the development standards for residential structures in L1 zones, except as provided for in the Northgate Overlay District, Chapter 23.71.~~

~~B. In NC2, NC3, C1 and C2 zones with either thirty (30') or forty foot (40') height limits, single-purpose residential structures shall meet the development standards for residential structures in L2 zones, except that no front setback shall be required, except as provided for in the Northgate Overlay District, Chapter 23.71.~~

~~C. In NC2, NC3, C1 and C2 zones with sixty-five foot (65') height limits, single-purpose residential structures shall meet the development standards for residential structures in L3 zones, except that no front setback shall be required. Within the Northgate Overlay District, Chapter 23.71, standards for single-purpose residential structure are modified.~~))

A. In all commercial zones, single-purpose residential structures shall be

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subject to the density standards provided for in Section 23.47.009, except as provided for in the Northgate Overlay District, Chapter 23.71.

((~~D~~))B. In all commercial zones with a height limit of eighty-five feet (85') or greater, except those designated NC/R, single-purpose residential structures are prohibited.

C. Single-purpose residential structures shall meet all other development standards applicable to mixed use development, except that the street level uses may be occupied by residential uses other than parking.

Section 58. Subsection A of Seattle Municipal Code Section 23.47.024, as last amended by Ordinance 113892, is further amended as follows:

23.47.024 Open space standards ((~~for mixed use structures~~)).

Usable open space shall be required for all residential uses in mixed use ((~~structures~~)) development and for single-purpose residential structures according to the following:

A. Usable open space shall be required for all residential uses in an amount equal to twenty percent (20%) of the structure's gross floor area in residential use. Calculation of a structure's gross floor area, for the purposes of this subsection, shall exclude area used for mechanical equipment, accessory parking and unenclosed decks, balconies or porches.

Section 59. Subsection A of Section 23.47.028 of the Seattle Municipal Code, as last amended by Ordinance 113263, is further amended as follows:

23.47.028 Standards for Drive-in Businesses.

A. Number of Drive-in Lanes Permitted.

1. Zones designated NC2/R and NC3/R. Drive-in businesses are prohibited in zones designated NC2/R and NC3/R.

((~~1~~))2. NC1 Zones. Gas stations shall be limited to a maximum of four (4) drive-in lanes. Other drive-in businesses are prohibited.

((~~2~~))3. NC2 Zones. All drive-in businesses in NC2 zones shall be limited to a maximum of two (2) drive-in lanes, except gas stations which shall be allowed a maximum of four (4) drive-in lanes.

((~~3~~))4. NC3 Zones. All drive-in businesses in NC3 zones shall be limited to a maximum of four (4) drive-in lanes, except gas stations which shall have no restrictions on the number of drive-in lanes.

((~~4~~))5. C1 and C2 Zones. There shall be no restriction on the number of drive-in lanes in C1 and C2 zones.

Section 60. A new Section 23.49.009 is hereby added to Chapter 23.49 of the Seattle Municipal Code as follows:

23.49.009 Open space.

A. Findings. The City Council finds that:

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1. Office workers are the principal users of Downtown open space.

2. Additional major office projects Downtown will result in increased use of public open space.

3. If additional major office projects Downtown do not provide open space to offset the additional demands on public open space caused by such projects, the result will be overcrowding of public open space, adversely affecting the public health, safety and welfare.

4. The additional open space needed to accommodate office workers is at least 20 square feet for each 1,000 square feet of office space.

5. Smaller office developments may encounter design problems in incorporating open space, and the sizes of open spaces provided for office projects under 85,000 square feet may make them less attractive and less likely to be used. Therefore, and in order not to discourage small scale office development, projects involving less than 85,000 square feet of new office space should be exempt from any open space requirement.

6. As indicated in the DCLU's October 1994 report, with the exception of certain projects, most major recent Downtown office projects have provided significant amounts of on-site open space. Therefore, requiring open space for future major projects will tend to ensure that existing projects do not bear the burdens caused by new development and will result in an average reciprocity of advantage.

B. Quantity of Open Space. Open space in the amount of twenty (20) square feet for each one thousand (1,000) square feet of gross office floor area shall be required of projects that include eighty five thousand (85,000) or more square feet of usable new office space in DOC-1, DOC-2 , DMC, DMR/C and DH2 zones.

C. Standards for Open Space. To satisfy this requirement, open space may be provided on-site or off-site, as follows:

1. Private Open Space. Private open space on the project site or on an adjacent lot directly accessible from the project site may satisfy the requirement of this section. Such space shall not be eligible for public benefit feature bonuses. Private open space shall be open to the sky and shall be consistent with the general conditions contained in the Public Benefit Features Rule related to landscaping, seating and furnishings. Private open space satisfying this requirement must be accessible to all tenants of the building and their employees.

2. On-site Public Open Space.

a. Open space provided on the project site under this requirement shall be eligible for public benefit feature bonuses, as allowed for each zone, provided the open space is open to the public without charge and meets the standards of the zone in which the feature is located and the Public Benefit Features Rule for one or more of the following:

- Parcel Park;
- Green Street on an abutting right-of-way;
- Rooftop Garden -- Street Accessible;
- Hillside Terrace;

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- Harborfront Open Space; or
- Urban Plaza.

b. On-site open space satisfying the requirement of Subsection C.2.a of this section may achieve a bonus as a public benefit feature not to exceed one (1) FAR, which shall be counted against, and not increase the total FAR bonus available from the provision of Public Benefit Features.

3. Off-site Public Open Space.

a. Open space satisfying the requirement of this section may be on a site other than the project site, provided that it is within a Downtown zone, within one-quarter (1/4) mile of the project site, open to the public without charge, and at least five thousand (5,000) square feet in contiguous area.

b. Public open space on a site other than the project site shall be a bonusable feature if the open space meets the standards of the zone in which the open space is located and is one (1) of the open space features cited in Subsection C.2.a. of this section. Bonus ratios for off-site open space shall be determined by the zone of the project receiving the bonus, as set forth in the Tables for Sections 23.49.050, 23.49.070, 23.49.126, 23.49.152 and 23.49.330B. Projects that provide off-site open space satisfying this requirement may achieve a public benefit feature bonus not to exceed one (1) FAR for such open space, which shall be counted against, and not increase the total FAR bonus available from the provision of Public Benefit Features.

4. Easement for Off-site Open Space. The owner of any lot on which off-site open space is provided to meet the requirements of this section shall execute and record an easement in a form acceptable to the Director assuring compliance with the requirements of this section, including applicable conditions of the Public Benefit Features Rule.

D. Payment in Lieu. In lieu of providing open space under this requirement, an owner may make a payment to the City's Open Space Fund if the Director determines that the payment will contribute to the purchase and/or development of an identified open space that is consistent with City policy and priorities, that the open space will mitigate the impacts of the project, and that acquisition of the open space (if applicable) is assured. The payment and use thereof shall be consistent with RCW 82.02.020.

1. An in-lieu-of payment shall equal the assessed value of the land at the project site which would otherwise have been required to provide open space plus the estimated cost to develop such open space on the project site.

2. An in-lieu-of payment that includes the cost to develop bonusable open space shall be eligible for up to one (1) FAR bonus as a public benefit feature at the same ratios described in Section C.3.b above.

3. Funds received in lieu of providing open space within Downtown shall be applied to acquisition or development of new open space in a Downtown zone, within one-quarter (1/4) mile of the contributing sites, except that when a contributor or contributors agree with the City that a new open space within a Downtown zone but more than one-quarter (1/4) mile from the project site(s) would be an appropriate mitigation to the project impacts, the in-lieu-of payments from those projects may be used for that open space.

E. Limitations. Open space satisfying the requirement of this section for any project shall not be used to satisfy the open space requirement for any other

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project, nor shall any bonus be granted to any project for open space meeting the requirement of this section for any other project. Open space on the site of any building for which a master use permit decision was issued or a complete building permit application was filed prior to the effective date of this ordinance, that is not required under the Land Use Code in effect when such permit decision was issued or such application filed but that would have been required for the same building by this section, shall not be used to satisfy the open space requirement or to gain an FAR bonus for any other project.

F. Authority. This section is adopted pursuant to the Growth Management Act, the City's Comprehensive Plan and the City's inherent police power authority. The City Council finds that the requirements of this section are necessary to protect and promote the public health, safety and welfare.

Section 61. Section 23.49.042 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended by adding a new Subsection C, as follows:

23.49.042 Downtown Office Core 1, permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 62. Subsection A and the Subsection entitled "Table for Section 23.49.050 B" of Section 23.49.050 of the Seattle Municipal Code, as last amended by Ordinance 116513, are further amended as follows:

23.49.050 Downtown Office Core 1, 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 limits set forth in Section 23.49.048 when low or low-moderate income housing is included in the development proposal and the following criteria are met:

a. Gross floor area equivalent to two (2) times the area of the lot shall be earned either:

(1)((~~i~~)) Through the provision of public benefit features other than housing, or

(2)((~~ii~~)) From transfer of development rights from a lot that is an eligible sending site other than based on its status as a low-income housing TDR site, before a housing bonus, or transfer of development rights from a lot that is an eligible sending site based solely on its status as a low-income housing TDR site, may be used.

b. 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.

3. The director shall review the design of any public benefit feature

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in ((s))Subsection B and determine whether the feature, as proposed for a specific project, provides a public benefit and is consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

4. Except for housing, human services, child care, ((~~and~~)) landmark performing arts theaters, and off-site open space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or abutting public rights-of-way as the project in which the bonus floor area is used.

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Table for Section 23.49.050 B

PUBLIC BENEFIT FEATURE AREA BONUSES

Public Benefit Feature	Bonus Ratio[1]	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	7[6]	10,000 square feet
Human service use in existing structure	3.5[6]	10,000 square feet
Child care in new structure	12.5[6]	10,000 square feet[5]
Child care in existing structure	6.5[6]	10,000 square feet[5]
Cinema	7	15,000 square feet
Shopping atrium in areas shown on Map IIB	6 or 8[2]	15,000 square feet
Shopping corridor in areas shown on Map IIB	6 or 7.5[3]	7,200 square feet
Retail shopping in areas shown on Map IIB	3	0.5 times the area of the lot, not to exceed 15,000 square feet
Parcel park	5	7,000 square feet
Rooftop garden, street accessible	2.5	20% of lot area
Rooftop garden, interior-accessible	1.5	30% of lot area
Hillclimb assist in areas shown on Map IIB	1.0 FAR[4]	Not applicable
Hillside terrace in areas shown on Map IIB	5	6,000 square feet
Sidewalk widening if required by Section ((~~23.49.016~~)) 23.49.022	3	Area necessary to meet required sidewalk width
Overhead weather protection if required on Pedestrian I streets designated on Map IID	3 or 4.5[3]	10 times the street frontage of the lot
Sculptured building top	1.5 square feet per square foot of reduction	30,000 square feet
Small lot development	2.0 FAR[4]	Not applicable
Short-term parking, above grade, in areas shown on Map IIB	1	200 parking spaces
Short-term parking, below grade, in areas shown on Map IIB	2	200 parking spaces
Performing arts theater	12(maximum)[7]	Subject to Public Benefit Features Rule
Museum	5	30,000 square feet
Urban plaza	5	15,000 square feet
Public atrium	6	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 three (3) times the area of the lot
Off-site open space[8]	5	1 FAR
Payment-in-lieu-of open space[8]	5	1 FAR

[1] Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.
[2] Amount depends on height of the shopping atrium.
[3] Higher bonus is granted when skylights are provided.
[4] This is a flat bonus granted when the public benefit feature is provided, regardless of its size.
[5] Child care space from 3,001 to 10,000 square feet is bonused at same ratio as human service uses.
[6] Human services and child care may be provided in another downtown zone; in that case, bonus ratio subject to Public Benefit Features Rule.
[7] 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.
[8] See Section 23.49.009.

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Section 63. Section 23.49.060 of the Seattle Municipal Code, as last amended by Ordinance 116907, is further amended by adding a new Subsection C, as follows:

23.49.060 Downtown Office Core 2, permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 64. Subsection A, as last amended by Ordinance 116513, and the Subsection entitled "Table for Section 23.49.070 B," as last amended by Ordinance 117263, of Section 23.49.070 of the Seattle Municipal Code are further amended as follows:

23.49.070 Downtown Office Core 2, 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 limits set forth in Section 23.49.068 when low or low-moderate income housing is included in the development proposal and the following criteria are met:

a. Gross floor area equivalent to two (2) times the area of the lot shall be earned either:

(1)((~~i~~))) Through the provision of public benefit features other than housing((~~;~~)), or

(2)((~~ii~~))) From transfer of development rights from a lot that is an eligible sending site other than based on its status as a low-income housing TDR site;

before a housing bonus, or transfer of development rights from a lot that is an eligible sending site based solely on its status as a low-income housing TDR site, may be used.

b. 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.

3. The director shall review the design of any public benefit feature in ((~~s~~))Subsection B and determine whether the feature, as proposed for a specific project, provides a public benefit and is consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

4. Except for housing, human services, child care, ((~~and~~))landmark performing arts theaters, and off-site open space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or abutting public rights-of-way as the project in which the bonus floor area is used.

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Table for Section 23.49.070

FLOOR AREA BONUSES

Public Benefit Feature	Bonus Ratio[1]	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	9[6]	10,000 square feet
Human service use in existing structure	4.5[6]	10,000 square feet
Child care in new structure	16[6]	10,000 square feet[5]
Child care in existing structure	8[4]	10,000 square feet[5]
Cinema	9	15,000 square feet
Shopping atrium in areas show on Map IIIB	6 or 8[2]	15,000 square feet
Shopping corridor in areas shown on Map IIIB	6 or 7.5[3]	7,200 square feet
Retail shopping in areas shown on Map IIIB	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	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 IIIB	1.0 FAR[4]	Not applicable
Hillside terrace in areas shown on Map IIIB	6.5	6,000 square feet
Sidewalk widening if required by Section ((~~23.49.016~~))23.49.022	3	Area necessary to meet required sidewalk width
Overhead weather protection on Pedestrian I streets designated on Map IIID	3 or 4.5[3]	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[4]	Not applicable
Short-term parking, above grade, in areas shown on Map IIIB	1	200 parking spaces
Short-term parking, below grade, in areas shown on Map IIIB	2	200 parking spaces
Performing arts theater	12 (maximum)[7]	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 the area of the lot
Off-site open space[8]	6.5	1 FAR
Payment-in-lieu of open space[8]	6.5	1 FAR

[1] Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.
[2] Amount depends on height of the shopping atrium.
[3] Higher bonus is granted when skylights are provided.
[4] This is the amount of bonus granted when the public benefit feature is provided, regardless of its size.
[5] Child care space from 3,001 to 10,000 square feet is bonused as human service uses.
[6] Human services and child care may be provided in another downtown zone; in that case, bonus ratio subject to Public Benefit Features Rule.
[7] 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.
[8] See Section 23.49.009.

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Section 65. Section 23.49.090 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended by adding a new Subsection C, as follows:

23.49.090 Downtown Retail Core, permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 66. Section 23.49.116 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended by adding a new Subsection C, as follows:

23.49.116 Downtown Mixed Commercial, permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 67. Section 23.49.126 of the Seattle Municipal Code, as last amended in Ordinance 117263, and the Subsection entitled "Public Benefit Feature Bonus Table for Section 23.49.126" are further amended as follows:

23.49.126 Downtown Mixed Commercial, 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. The Director shall review the design of public benefit features listed in ((s))Subsection B to determine whether the feature, as proposed for a specific project, actually provides a public benefit and is consistent with the definitions in Chapter 23.84 and with the Public Benefit Features Rule. The housing bonus shall be granted by the Director based on a finding by the Director of the Department of Housing and Human Services that the proposed housing satisfies the Public Benefit Features Rule.

3. Except for housing, human services, ((~~and~~)) child care, and off-site open space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or abutting public right-of-way as the project in which the bonus floor area is used.ew the design of any public benefit feature listed in ((s))Subsection B to determine whether the feature, as proposed for a specific project, provides public benefits and is consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

4. Except for housing, human services, ((~~and~~)) child care, and off-site open space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or abutting public right-of-way as the project in which the bonus floor area is used.

B. Public Benefit Features. If the Director approves the design of public benefit features according to ((s))Subsection A of this section, floor area bonuses shall be granted as follows. (See Public Benefit Feature Bonus Table for Section 23.49.126.)

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Public Benefit Feature Bonus Table for Section 23.49.126

Public Benefit Feature	Bonus Ratio[1]	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	6[6]	10,000 square feet
Human service use in existing structure	3[6]	10,000 square feet
Child care in new structure	11[6]	10,000 square feet[5]
Child care in existing structure	5.5[6]	10,000 square feet[5]
Cinema	6	15,000 square feet
Shopping atrium in areas shown on Map VB	6 or 8[2]	15,000 square feet
Shopping corridor in areas shown on Map VB	6 or 7.5[3]	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	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 IIB	1.0 FAR[4]	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 if required by Section 23.49.024	1.0 FAR[4]	Not applicable
Small lot development on blocks with DOC-1 zoning	0.5 FAR[4]	Not applicable
Overhead weather protection on Pedestrian I streets designated on Map VD	3 or 4.5[3]	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
Off-site open space[7]	4	1 FAR
Payment-in-lieu of open space[7]	4	1 FAR

[1] Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.
[2] Amount depends on height of the shopping atrium.
[3] Higher bonus is granted when skylights are provided.
[4] This is the amount of bonus granted when the public benefit feature is provided, regardless of its size.
[5] Child care space from 3,001 to 10,000 square feet is bonused at same ratio as human service uses.
Human services and child care may be provided in another downtown zone; in that case, bonus ratio is subject to Public Benefit Features Rule.
[7] See Section 23.49.009.

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Section 68. Section 23.49.142 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended by adding a new Subsection C, as follows:

23.49.142 Downtown Mixed Residential, permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 69. Section 23.49.152 of the Seattle Municipal Code, as last amended by Ordinance 117263, 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.

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

3. The Director shall review the design of any public benefit feature listed in ((s))Subsection B to determine whether the feature, as proposed for a specific project, provides public benefits and is consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

4. Except for housing, human services, ((~~and~~)) child care, and off-site open space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or abutting public right-of-way as the project in which the bonus floor area is used.

B. Public Benefit Features. If the Director approves the design of public benefit features according to ((s))Subsection A of this section, floor area bonuses shall be granted as follows. (See Public Benefit Feature Bonus Table for Section 23.49.152 B.)

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Table for Section 23.49.152

PUBLIC BENEFIT FEATURE BONUS
((~~Public Benefit Feature Bonus Table for Section 23.49.126 B~~))

Public Benefit Feature	Bonus Ratio[1]	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	4.5[5]	10,000 square feet
Human service use in existing structure	2.5[5]	10,000 square feet
Child care in new structure	8.0[5]	10,000 square feet[4]
Child care in existing structure	4.0[5]	10,000 square feet[4]
Cinema	4.5	15,000 square feet
Retail shopping in areas shown on Map VIA	3	0.5 FAR, not to exceed 15,000 square feet
Residential parcel park	3	12,000 square feet
((~~Street Park~~))Green Street on streets shown on Map VIA	3	1.0 FAR
Hillside terrace in areas shown on Map VIA	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	1.0 FAR[2]	Not applicable
Overhead weather protection on Pedestrian I streets designated on Map VID	3 or 4.5[3]	10 times the street frontage of the lot
Voluntary building setback on ((~~street parks~~))green streets shown on Map VIA	3	10 times the frontage on the ((~~street park~~))green street
Off-site open space[6]	3	1 FAR
Payment-in-lieu of open space[6]	3	1 FAR
Housing in DMR/R areas with heights above 85' and all DMR/C areas	Subject to the Public Benefit Features Rule	Subject to the Public Benefit Features Rule; maximum amount of bonus is 1 times the area of the lot in DMR/R areas, and 2 times the area of lot in DMR/C areas

[1] Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.
[2] This is the amount of bonus granted when the public benefit feature is provided, regardless of its size.
[3] Higher bonus is granted when skylights are provided.
[4] Child care space from 3,001 to 10,000 square feet bonused at same ratio as human service uses.
[5] Human services and child care may be provided in another downtown zone; in that case, bonus ratio is subject to Public Benefit Features Rule.
[6] See Section 23.49.009

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Section 70. Section 23.49.300 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended as follows:

23.49.300 Downtown Harborfront 1, uses.

A. Uses that shall be permitted or prohibited in Downtown Harborfront 1 are determined by the Seattle Shoreline Master Program.

B. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 71. Section 23.49.318 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended by adding a new Subsection C, as follows:

23.49.318 Downtown Harborfront 2, permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 72. Section 23.49.330 of the Seattle Municipal Code, as adopted in Ordinance 112303 is amended as follows:

23.49.330 Downtown Harborfront 2, 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 a designated feature of a Landmark structure.

2. The Director shall review the design of any public benefit features listed in ((s))Subsection B of this section and determine whether these features, as proposed for specific projects, provide a public benefit and are consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

3. All public benefit features provided in return for a bonus shall either be located on the same lot as the project in which the bonus floor area is used, or shall be provided off-site consistent with Section 23.49.009 or consistent with a Harborfront Improvement Plan which has been approved by the City Council.

B. Public Benefit Features. If the Director approves the design of public benefit features, floor area bonuses shall be granted as follows: (See Table for Section 23.49.330).

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Table for Section 23.49.330B

PUBLIC BENEFIT FEATURE AREA BONUSES

Public Benefit Feature Bonus	Bonus Ratio	Maximum Area of Public Benefit Feature Eligible for
Open space on the project lot	3 square feet of floor area per 1 square foot open space	30% of lot area
Harborfront open space or improvements	Subject to Public Benefit Features Rule	Up to maximum permitted by height and development standards
Off-site open space[1]	3	1 FAR
Payment-in-lieu-of open space[1]	3	1 FAR

[1] See Section 23.49.009.

Section 73. Section 23.49.336 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended by adding a new Subsection C, as follows:

23.49.336 Pike Market Mixed, permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 74. Subsection A of Section 23.50.008 of the Seattle Municipal Code, as adopted by Ordinance 113658, is further amended as follows:

23.50.008 Standards for nonconforming uses.

A. Continuation of Nonconforming Uses.

1. Any legally established nonconforming uses ((~~existing on the effective date of the ordinance codified in this section~~)) may be continued subject to the provisions of this section.

2. Any nonconforming use which has been discontinued for more than twenty-four (24) consecutive months shall not be reestablished, recommenced, or changed to another use not otherwise permitted in the zone pursuant to Section 23.50.014 B14. A use shall be considered discontinued when:

a. A permit to change the use of the property or structure has been issued and acted upon; or

b. The structure, or that portion of the structure formerly occupied by the nonconforming use, is no longer used for the use authorized by the most recent permit; or

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c. The structure is vacant, or the portion of the structure formerly occupied by the nonconforming use is vacant. The use of the structure shall be considered discontinued even if materials from the former use remain or are stored on the property. If a complete application for a permit which would allow the nonconforming use to continue, or which would authorize a use not otherwise permitted in the zone, has been submitted before the structure has been vacant for twenty-four (24) consecutive months, the nonconforming use shall not be considered discontinued unless the permit lapses, or the permit is denied, in which case the nonconforming use may be reestablished during the six (6) months following the denial.

Section 75. Subsection A of Section 23.50.010 of the Seattle Municipal Code, as adopted by Ordinance 113658, is further amended as follows:

23.50.010 Standards for nonconforming structures.

A. Nonconforming structures ((~~existing as of the effective date of the ordinance codified in this section~~)) which are not in conformance with one (1) or more of the development standards for the Industrial zone in which they are located may be expanded, extended or structurally altered in any manner which does not increase the extent of nonconformity or create additional nonconformity, except that expansions, extensions or structural alterations otherwise required by law or necessary to improve access for the elderly or disabled shall be permitted.

Section 76. Section 23.50.012 of the Seattle Municipal Code, as last amended by Ordinance 117263, is further amended by adding a new Subsection D, and amending "Chart A," as follows:

23.50.012 Permitted and prohibited uses.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

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INDUSTRIAL USES

Chart A

For Section 23.50.012

USES	ZONES		
	IB	IC	IG1 AND IG2
I. MANUFACTURING.			
A. Light manufacturing	P	P	P
B. General manufacturing	P	P	P
C. Heavy manufacturing	CU	X or CU[1]	P or CU[2]
II. HIGH-IMPACT USES.	X	X or CU[3]	X or CU[4]
III. COMMERCIAL.			
A. Retail sales and service			
1. Personal and household sales and services	P	P	P
2. Medical services	P/CU[5]	P/CU[5]	P/CU[5]
3. Animal services			
a. Animal health services	P	P	P
b. Kennel	X	P	P
c. Animal control shelter	P	P	P
4. Automotive retail sales and service	P	P	P
5. Marine retail sales and service	P	P	P
6. Eating and drinking establishment			
a. Fast-food restaurants over 750 square feet	CU	CU	CU
b. Fast-food restaurants under 750 square feet	P	P	P
c. Restaurants with or without cocktail lounges	P	P	P
d. Tavern	P	P	P
e. Brewpub	P	P	P
7. Lodging	CU	CU	CU
8. Mortuary service	P	P	P
9. Existing cemeteries	P	P	P
10. New cemeteries	X	X	X
B. Principal use parking, surface area or garage	P	P	P
C. Nonhousehold sales and services	P	P	P
D. Office	P	P	P
E. Entertainment.			
1. Places of public assembly			
a. Performing arts theater	P	P	P
b. Spectator sports facility	P	P	P
c. Lecture and meeting halls	P	P	P
d. Motion picture theater	P	P	P
e. Motion picture theater, adult	X	X	X
f. Adult panorams	X	X	X
2. Participant sports and recreation			
a. Indoor	P	P	P
b. Outdoor	P	P	P

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INDUSTRIAL USES

Chart A

For Section 23.50.012 (Continued)

USES	ZONES		
	IB	IC	IG1 AND IG2
F. Wholesale showroom	P	P	P
G. Mini-warehouse	P	P	P
H. Warehouse	P	P	P
I. Outdoor storage	P	P	P
J. Transportation Facilities			
1. Personal transportation services	P	P	P
2. Passenger terminal	P	P	P
3. Cargo terminal	P	P	P
4. Transit vehicle base	CU	CU	CU
5. Helistop	CCU	CCU	CCU
6. Heliport	X	CCU	CCU
7. Airport, land-based	X	CCU	CCU
8. Airport, water-based	X	CCU	CCU
9. Railroad switchyard	P	P	P
10. Railroad switchyard with mechanized hump	X	X	CU
K. Food processing and craft work	P	P	P
L. Research and development laboratory	P	P	P
IV. SALVAGE AND RECYCLING			
A. Recycling collection station	P	P	P
B. Recycling center	P	P	P
C. Salvage yard	X	X	P
V. UTILITIES.			
A. Utility services use	P	P	P
B. Major communication utility[6]	CU	CU	CU
C. Minor communication utility[6]	P	P	P
D. Solid waste transfer station	X	CU	CU
E. Power plant	X	CCU	P
F. Sewage treatment plant	X	CCU	CCU
G. Solid waste incineration facility	X	CCU	CCU
H. Solid waste landfills	X	X	X
VI. INSTITUTIONS.			
A. Institute for advanced study	P	P	P
B. Private clubs	EB	EB	EB

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INDUSTRIAL USES

Chart A

For Section 23.50.012 (Continued)

USES	ZONES		
	IB	IC	IG1 AND IG2
C. Child care center	P	P	P
D. Museum	EB	EB	EB
E. School, elementary or secondary	EB	EB	EB
F. College	EB	EB	EB
G. Community center	EB	EB	EB
H. Community club	EB	EB	EB
I. Vocational or fine arts school	P	P	P
J. Hospital	EB	CU[8]	EB
K. Religious facility	EB	EB	EB
L. University	EB	EB	EB
M. Major institutions, subject to the provisions of Chapter 23.69	EB	EB	EB
VII. PUBLIC FACILITIES.			
A. Jails	X	X	X
B. Work-release centers	X	X	X
C. Other public facilities	CCU	CCU	CCU
VIII. PARK AND POOL/RIDE LOTS.			
A. Park and pool lots	P[7]	P[7]	P[7]
B. Park and ride lots	CU	CU	CU
IX. RESIDENTIAL.			
A. Single-family dwelling units	X	X	X
B. Multi-family structures	X	X	X
C. Special residences	X	X	X
D. Floating homes	X	X	X
E. Mobile home park	X	X	X
F. Boarding homes	X	X	X
G. Artist's studio/dwelling	EB	EB	EB
H. Caretaker's quarters	P	P	P

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INDUSTRIAL USES

Chart A

For Section 23.50.012 (Continued)

USES	ZONES		
	IB	IC	IG1 AND IG2
I. Residential use except artist's studio/dwelling and caretaker's quarters in a landmark structure or landmark district	CU	CU	CU
X. OPEN SPACE.			
A. Parks	P	P	P
B. Playgrounds	P	P	P
XI. AGRICULTURAL USES.			
A. Animal husbandry	X	X	X
B. Horticultural use	X	X	X
C. Aquaculture	P	P	P

P - Permitted
X - Prohibited
CU - Administrative conditional use
CCU - Council conditional use
EB - Permitted only in building existing on((~~the date of adoption of the ordinance codified in this section~~))October 5, 1987.

[1] The Heavy Manufacturing uses listed in ((6))Subsection B10 of Section 23.50.014 may be permitted as a conditional use. All other Heavy Manufacturing uses are prohibited.

[2] Heavy Manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at ((6))Subsection C of Section 23.50.014.

[3] The High-impact uses listed at ((6))Subsection B11 of Section 23.50.014 may be permitted as conditional uses.

[4] High-impact 1 uses may be permitted as a conditional use as provided at ((6))Subsection B5 of Section 23.50.014.

[5] Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution overlay district boundary, shall require administrative conditional use approval, unless included in an adopted major institution master plan or located in a downtown zone. See Section 23.50.014.

[6] See Chapter 23.57 for regulation of major and minor communication utilities and accessory communication devices.

[7] Park and pool lots are not permitted within three thousand feet (3,000') of downtown.

[8] Hospitals may be permitted as a conditional use where accessory to a research development laboratory or an institute for advanced study as provided by ((6))Subsection B15 of Section 23.50.014.

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Section 77. A new Section 23.50.027 is hereby added to Chapter 23.50 of the Seattle Municipal Code, as follows:

23.50.027 Maximum size of non-industrial use.

A. Except as provided in ((s))Subsection B, the maximum size of use limits specified in Chart A of this section shall apply to uses on a lot, and the total gross floor area occupied by uses limited under Chart A of this section shall not exceed an area equal to the area of the lot in an IG1 zone, or two and one-half (2.5) times the area of the lot in an IG2, IB or IC zone, or three (3) times the lot area in IC zones in the South Lake Union Planning Area, as identified in Exhibit 23.50.028A, with sixty-five-foot (65') or eighty-five-foot (85') height limits. The size of use limits apply to principal and accessory uses on a lot. The limits shall be applied separately to the two categories of uses listed in Chart A of this section.

CHART A

	INDUSTRIAL ZONES		
Categories of Uses Subject to Size of Use Limits	IG1	IG2 and IB	IC
Retail sales and service or Entertainment except spectator sports facilities	30,000 sf	75,000 sf	75,000 sf
Office	50,000 sf	100,000 sf	N.M.S.L.

N.M.S.L. = No Maximum Size Limits

B. The following exceptions to the maximum size of use limits are allowed for a structure existing as of April 3, 1995:

1. The maximum size of use limits shall not apply to the area identified in Exhibit 23.50.027A, provided that no single retail establishment shall exceed 50,000 square feet in size.

2. A use legally established as of April 3, 1995 which already exceeds the maximum size of use limits listed in Chart A may continue.

3. The gross floor area of a use listed in Chart A and legally established as of April 3, 1995 may be converted to another category of use listed in Chart A provided that the combined gross floor area devoted to uses listed in Chart A does not exceed the total gross floor area of such uses legally established as of April 3, 1995.

4. If fifty percent (50%) or more of the gross floor area of the structure has been legally established as of April 3, 1995 with a use or uses listed in Chart A, those categories of uses may exceed the size of use limits as follows:

a. Uses listed in Chart A may expand within and occupy the entire structure.

b. The structure may be expanded by up to the following amounts and the use or uses may be permitted to expand within and occupy the entire structure:

(1) IG1 Zone: Twenty percent (20%) of the existing

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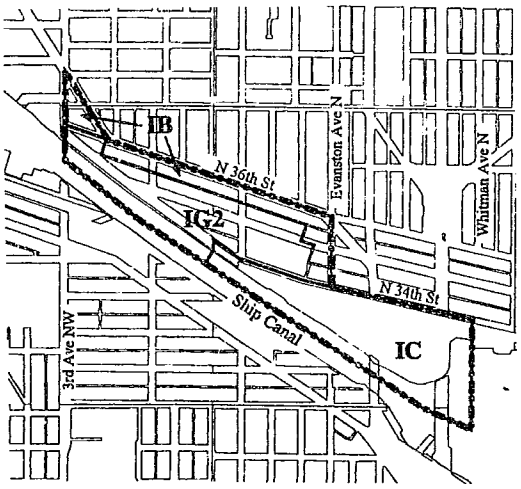
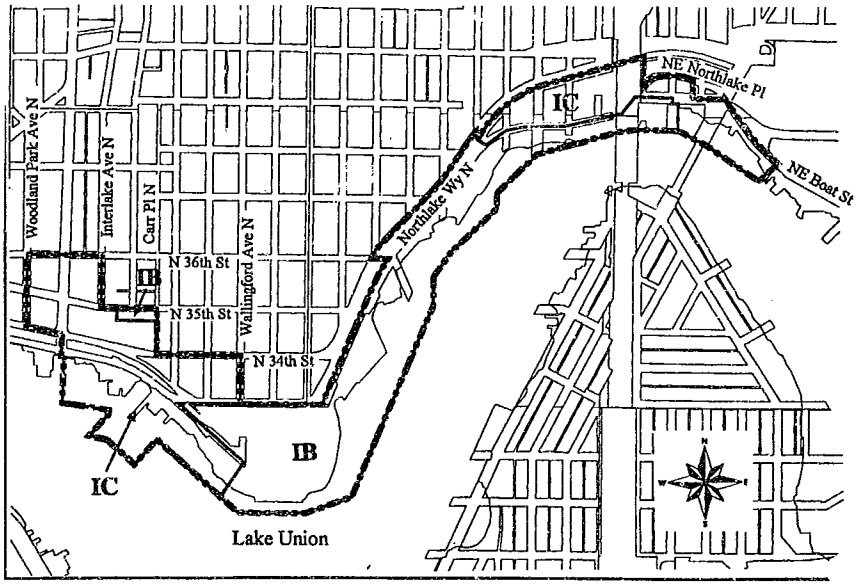
1

Exhibit 23.50.027 A
North Lake Union Areas





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structure gross floor area or ten thousand (10,000) square feet, whichever is less.

(2) IG2, IB and IC Zones: Twenty percent (20%) of the existing structure gross floor area or twenty thousand (20,000) square feet, whichever is less.

C. Special Exception for Office Uses.

1. The Director may permit an office use to exceed the size of use limits as a special exception pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions provided that the total gross floor area devoted to the uses limited in Chart A shall not exceed an area equal to the area of the lot in an IG1 zone or two and one-half (2.5) times the area of the lot in an IG2 or IB zone. Such an exception may be considered only if:

a. The office is on the same lot as, and accessory to, a permitted use not listed in Chart A; or

b. The office is a principal use on the same or another lot within one (1) mile distance of a permitted use not listed in Chart A and is directly related to and supportive of that use.

2. The Director shall use the following characteristics to determine whether to approve, approve with conditions or deny a special exception:

a. Characteristics that make a lot more appropriate for office uses are:

(1) The presence of well-defined boundaries, buffers, edge conditions or circulation patterns which separate office uses from industrial activity;

(2) The likelihood that the proposed use will provide or encourage improvements that will directly support industrial activity in the area;

(3) The likelihood that the proposed use, because of its type, size and location, will operate without substantial conflicts with the industrial function of the area;

(4) A sufficiently large industrial area such that the proposed use would not undermine the area's industrial character.

b. Characteristics that make a lot less appropriate for office uses are:

(1) The presence of heavy industrial uses which would conflict with office use;

(2) The presence of any special features, such as access to the water, rail and the regional highway systems, which make the land especially well-suited to industrial use.

Section 78. Subsection A of Section 23.50.028 of the Seattle Municipal Code, as adopted by Ordinance 113658, is further amended as follows:

23.50.028 Floor area ratio.

The floor area ratio (FAR), as provided below, shall determine the gross

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square footage permitted.

A. General Industrial 1, Floor Area Ratio. The maximum total FAR shall be two and one-half (2.5).((~~as follows for the General Industrial 1 (IG1) zone:~~

~~1. The maximum total FAR for office, entertainment, institution or retail sales and service uses shall be one (1).~~))

((~~2. The maximum total FAR for all other uses shall be two and one-half (2.5).~~

~~3. The total FAR shall not exceed an FAR of two and one-half (2.5).~~))

Section 79. Section 23.66.120 of the Seattle Municipal Code, as adopted by Ordinance 112134, is amended by adding a new Subsection C, as follows:

23.66.120 Permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 80. Subsection E of Section 23.76.010 of the Seattle Municipal Code, as adopted by Ordinance 112522, and Subsection F of Section 23.76.010 of the Seattle Municipal Code, as last amended by Ordinance 115751, are further amended and redesignated, and a new Subsection F is added to Section 23.76.010 of the Seattle Municpal Code, as follows:

23.76.010 Applications.

E. All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 24, Zoning and Subdivisions; SMC Title 15, Street and Sidewalk Use; ((~~and~~)) SMC Chapter 25.05, SEPA Policies and Procedures; and SMC Chapter 25.09, Regulations for Environmentally Critical Areas. The Director may require additional material from the applicant such as maps, text, or models when the Director determines that such material is needed to accurately assess the proposed project.

F. For all Master Use Permit applications, the Director shall mail notice to or otherwise notify the applicant within twenty working days of application if additional information is required to commence application review.

((~~F.~~))G. An application shall be deemed abandoned and void if the applicant has failed without reasonable justification to supply all required data within sixty (60) days of a written request for it; provided that the Director may extend the period for such submission if it is determined that the delay was not the fault of the applicant. When a master use permit application and a building permit application for a project are being reviewed concurrently, and the applications are for a project vested to prior Land Use Code or Zoning Ordinance provisions, and the project does not conform with the codes in effect while it is being reviewed, cancellation of the master use permit application under the provisions of this subsection shall cause the

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concurrent cancellation of the building permit application.

Section 81. A new Section 23.76.019 is hereby added to Chapter 23.76 of the Seattle Municipal Code as follows:

23.76.019 Turn Around Time for Decisions.

For all Master Use Permits the Director shall publish the decision to grant, condition or deny approval of a Master Use Permit within ninety working days of receipt of all information and corrections requested of the applicant.

Section 82. Subsections D and E of Section 23.76.040 of the Seattle Municipal Code, as adopted by Ordinance 112522, are amended and redesignated, and a new Subsection E is added is added to Section 23.76.040 of the Seattle Municipal Code, as follows:

23.76.040 Applications.

D. All applications shall contain the submittal information required by this Title 23, Land Use Code; SMC Title 24, Zoning and Subdivisions; SMC Title 15, Street and Sidewalk Use; ((~~and~~)) SMC 25.05, SEPA Policies and Procedures; <u>and SMC Chapter 25.09, Regulations for Environmentally Critical Areas</u>. The Director may require additional material from the applicant such as maps, text, or models when the Director determines that such material is needed to accurately assess a proposed project.

<u>E. For all Type IV applications the Director shall mail notice to or otherwise notify the applicant within twenty working days of application if additional information is required to commence application review.</u>

((~~E.~~))<u>F</u>. An application shall be deemed abandoned and void if the applicant has failed without reasonable justification to supply all required information or data within thirty (30) days of a written request for it; provided that the Director may extend the period for submission of the information if it is determined that the delay was not the fault of the applicant.

Section 83. A new Section 23.76.049 is hereby added to Chapter 23.76 of the Seattle Municipal Code as follows:

23.76.049 Turnaround Times for Recommendations.

For all Type IV applications the Director shall publish the recommendation to grant, condition or deny approval of a Master Use Permit within ninety working days of receipt of all information and corrections requested of the applicant.

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Section 84. A new Chapter 23.80, Essential Public Facilities, is hereby added to the Seattle Municipal Code, as follows:

23.80.002 Application submittal requirements.

In addition to the application submittal requirements specified in other chapters and codes, applicants for essential public facilities shall address each of the review criteria of this chapter in their application materials, and provide additional information as required by the Director to complete review of the project.

23.80.004 Review criteria.

A. In reviewing an application for a proposed essential public facility, the decisionmaker shall consider the following:

1. Interjurisdictional Analysis: A review to determine the extent to which an interjurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a county-wide, regional or state-wide nature, and whether uniformity among jurisdictions should be considered.

2. Financial Analysis: A review to determine if the financial impact upon the City of Seattle can be reduced or avoided by intergovernmental agreement.

3. Special Purpose Districts: When the public facility is being proposed by a special purpose district, the City should consider the facility in the context of the district's overall plan and the extent to which the plan and facility are consistent with this Comprehensive Plan.

4. Measures to Facilitate Siting: The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors (such as the availability of land, access to transportation, compatibility with neighboring uses, and the impact on the physical environment).

B. If the decisionmaker determines that attaching conditions to the permit approval will facilitate project siting in light of the considerations identified above, the decisionmaker may establish conditions for the project for that purpose.

Section 85. Section 23.84.010 of the Seattle Municipal Code, is amended by adding a new Subsection "Essential Public Facilities," to be inserted alphabetically, as follows:

23.84.010 "E"

"Essential public facilities" means: airports, sewage treatment plants, jails, and power plants.

Section 86. Section 23.84.030 of the Seattle Municipal Code, is amended by adding new Subsections "Pedestrian Oriented Commercial Zone" and "Principal Commercial Street," to be inserted alphabetically, as follows:

23.84.030 "P"

"Pedestrian oriented commercial zone." See "Zone, pedestrian oriented commercial."

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"Principal commercial street." See "Street, principal commercial."

Section 87. Section 23.84.036 of the Seattle Municipal Code, is amended by adding a new Subsection "Street, Principal Commercial," to be inserted alphabetically, as follows:

23.84.036 "S"

"Street, principal commercial" means a street that has been identified as such through an Council approved neighborhood plan for a designated urban center or urban village.

Section 88. Section 23.84.038 of the Seattle Municipal Code, Subsection "Townhouse," as last amended by Ordinance 114887, is amended as follows:

23.84.038 "T"

"Townhouse" means a form of ground-related housing in which individual dwelling units are attached along at least one (1) common wall to at least one (1) other dwelling unit. Each dwelling unit occupies space from the ground to the roof and has direct access to private open space. No portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.

Section 89. Section 23.84.048 of the Seattle Municipal Code, is amended by adding new Subsections "Zone, Pedestrian Oriented Commercial" and "Zone, Single Family," and by amending Subsection "Zone, Residential," all to be inserted alphabetically, as follows:

23.84.048 "Z"

"Zone, pedestrian oriented commercial" means the following zones regulated by Title 23: Neighborhood Commercial 1, Neighborhood Commercial 2, and Neighborhood Commercial 3.

"Zone, residential" means the following zones regulated by Title 23: SF9600, SF7200, SF5000, RSL, LDT, L1, L2, L3, L4, MR, HR, RC, DMR and IDR((~~; and the following zones regulated by Title 24: RD7200, RD5000, RM800, RMV150, and RMV200~~)).

"Zone, single family" means the following zones regulated by Title 23: SF5000, SF7200 and SF9600. Solely for the purposes of the provisions of this title that impose standards or regulations based upon adjacency or any other juxtaposition or relationship to a single family zone, "zone, single family" also shall include any RSL or RSL/T zone.

Section 90. Section 303.(a) of the Seattle Building Code, as adopted in Section 22.100.010 of the Seattle Municipal Code, adopted by Ordinance 116012, is amended as follows:

Sec. 303. (a) Issuance. 1. General. The application, plans, specifications and other data filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of the City to check compliance with the laws and ordinances under their jurisdiction. The building official shall mail notice to or otherwise notify the applicant within twenty working days of application if additional information is required to commence building permit

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application review. The Director shall approve, condition or deny the application within ninety working days after the receipt of all information and corrections requested of the applicant for the building and any related master use permit applications. If the building official finds that the work as described in an application for permit and the plans, specifications and other data filed therewith substantially conforms to the requirements of this building code and other pertinent laws and ordinances and that the fees specified in the Permit Fee Ordinance have been paid, he/she shall issue a permit therefor to the applicant who becomes the permit holder or authorized agent.

EXCEPTIONS: 1. The building official may issue a permit for the construction of part of a building or structure before complete plans for the whole building or structure have been submitted or approved, provided that the proposed project complies with the State Environmental Policy Act as adopted by the City (Chapter 25.05 Seattle Municipal Code) and as amended and the Land Use and Zoning Ordinances, as amended; and provided further that adequate information and plans have been filed and checked to assure compliance with all pertinent requirements of this and other pertinent codes. The holder of such a permit shall proceed at his/her own risk without the assurance that the permit for the entire building or structure will be granted.

2. After approval of a Master Use Permit as required by the Land Use Code, a permit for excavation may be issued.

The building official may condition a permit where he/she determines that risks associated with development, construction, ownership and occupation in areas of the city, including, but not limited to potential slide areas, can be reduced to an acceptable level. The building official may deny such permit where he/she determines that the risks cannot be reduced to an acceptable level.

2. **Compliance with Approved Plans and Permits.** When the building official issues a permit, he/she shall endorse the permit in writing and endorse in writing or stamp the plans APPROVED. Such approved plans and permit shall not be changed, modified or altered without authorization from the building official, and all work shall be done in accordance with the approved plans and permit except as the building official may require during field inspection to correct errors or omissions.

3. **Amendments to the Permit.** When substitution or changes are made during construction, approval shall be secured prior to execution, however, the building inspector may approve minor modifications to the plans for work not reducing the structural strength or fire and life safety of the structure. The building inspector shall determine if it is necessary to revise the approved plans. Substitutions or changes made during construction subject to special inspection required by Section 306(a) shall be approved by the building official. Substitutions, changes and clarifications shall be shown on two sets of plans which shall be submitted to and approved by the building official, accompanied by fees specified in the Permit Fee Ordinance prior to occupancy. These substitutions and changes shall conform to the requirements of this building code and other pertinent laws and ordinances.

4. **Cancellation of Permit Application.** An application shall be deemed abandoned and void if a permit is not issued after a period of sixty days from the date of written notice of approval for issuance or if complete corrections are not received after a period of sixty days from the date of written notification of required corrections for compliance with this code; provided that the building official may extend the period for issuance or submission of corrections if it is determined that there are good reasons for the delay, which are satisfactory to the building official, or if a different schedule is agreed upon in writing before the end of the sixty day period. A request for the extension must be submitted in writing before the end of the sixty day period. If the permit application is cancelled, the site may be inspected

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to verify that no work has taken place. The application and any accompanying plans and specifications shall be destroyed. If the application is being reviewed concurrently with a Master Use Permit application, and it is for a project vested to prior Land Use Code or Zoning Ordinance provisions, and the project does not conform with the codes in effect while it is being reviewed for Master Use Permit approval, cancellation of the building permit application under the provisions of this section shall cause the concurrent cancellation of the Master Use Permit application.

Section 91. It is the intent of the City legislative authority that the amendments made by this ordinance to Subsection B of Section 23.47.006 of the Seattle Municipal Code and the amendments made to that same subsection by the ordinance designated Council Bill 110484 (An Ordinance relating to the processing of certain development permits . . .) both be given full force and effect.

Section 92. Sections 23.34.006, 23.34.084, 23.47.013 and Chapter 23.72 of the Seattle Municipal Code are hereby repealed.

Section 93. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the ordinance to other persons or circumstances is not affected.

Section 94. All acts consistent with the authority and prior to the effective date of Sections 1 through 90 of this ordinance are hereby ratified and confirmed.

Section 95. Sections 1 through 90 and 92 of this ordinance shall take effect and be in force on April 3, 1995.

Section 96. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor; but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 12 day of December 1994 and signed by me in open session in authentication of its passage this 12 day of December, 1994.

President of City Council

Approved by me this 19 day of December, 1994.

Mayor

Filed by me this 20 day of December, 1994

City Clerk

(SEAL)

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ORDINANCE _____

AN ORDINANCE relating to land use and zoning and the building code; implementing The City of Seattle's Comprehensive Plan; complying with RCW 36.70A.040; amending Title 23 of the Seattle Municipal Code and Section 303 of the Seattle Building Code.

WHEREAS, in July of 1994 The City of Seattle by Ordinance 117221 adopted its Comprehensive Plan pursuant to the authority of RCW 36.70A (the Growth Management Act) and Article 11, Section 11 of the Washington State Constitution; and

WHEREAS, RCW 36.70A.040 requires The City of Seattle to adopt development regulations that are consistent with and implement the City's Comprehensive Plan; and

WHEREAS, The City of Seattle has reviewed its development regulations pursuant to the requirement of RCW 36.70A.040; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle City Council finds and declares as follows:

(a) The new and amendatory regulations adopted by this ordinance are appropriate and reasonable exercises of the police power that bring the City's development regulations into compliance with RCW 36.70A.040 and RCW 36.70A.065;

(b) The City's development regulations, as amended and supplemented by this ordinance, are consistent with and implement the City's Comprehensive Plan.

(c) The regulations adopted by this ordinance are intended to protect and promote the health, safety, and welfare of the general public and are not intended to recognize or establish any particular person or class or group of persons who will or should be protected or benefitted by them.

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

23.24.040 Criteria for Approval.

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

1. Conformance to the applicable Land Use Policies and ((~~Zoning Code or~~)) Land Use Code provisions;

2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;

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

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

5. Conformance to the applicable provisions of SMC Section 25.09.100, Short subdivisions and subdivisions, in environmentally critical areas;

6. Conformance to the provisions of Section 23.24.045, Townhouses, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses.

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Section 3. A new Section 23.24.045 is hereby added to Chapter 23.24 of the Seattle Municipal Code as follows:

23.24.045 Townhouses.

A. Sites developed or proposed to be developed with townhouse structures may be subdivided into individual townhouse unit lots. The proposed townhouse development as a whole shall meet development standards. The subdivided townhouse unit shall be exempt from meeting development standards for setbacks, lot coverage, density, and structure width and depth, based on the individual unit lot.

B. Subsequent platting actions, additions or modifications to the structure may not create or increase any nonconformity of the structure as a whole, when considered on the combined site.

C. Private, usable open space for each unit shall be provided on the same lot as the unit it serves.

D. As a result of townhouse subdivision, required parking for a unit may be provided on a different lot than the unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

E. The fact that additional development of the lots of individual units may be limited as a result of the application of development standards to the combined site shall be noted on the plat, as recorded.

Section 4. Section 23.30.010 of the Seattle Municipal Code, as last amended by Ordinance 115002, is further amended as follows:

23.30.010 Classifications for the purpose of this subtitle.

All land within the City shall be classified as being ((~~either~~)) within one (1) of the following land use zones ((~~or a zone retained under Title 24~~)) and regulated accordingly:

Zones	Abbreviated
Residential, Single Family 9,600	SF 9600
Residential, Single Family 7,200	SF 7200
Residential, Single Family 5,000	SF 5000
Residential Small Lot	RSL
Residential, Multifamily, Lowrise Duplex/Triplex	LDT
Residential, Multifamily, Lowrise 1	L1
Residential, Multifamily, Lowrise 2	L2
Residential, Multifamily, Lowrise 3	L3
Residential, Multifamily, Lowrise 4	L4
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Commercial 1	C1
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC

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Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR
Pioneer Square Mixed	PSM
International District Mixed	IDM
International District Residential	IDR
Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC

Section 5. A new Section 23.34.007 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.007 Rezone evaluation.

A. The provisions of this Chapter shall apply to all rezones. In evaluating proposed rezones, the provisions of this Chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

C. Overlay districts established pursuant to Council approved neighborhood plans may be modified only pursuant to amendments to Council approved neighborhood plans.

D. Compliance with the provisions of this Chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones.

E. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. This subsection does not apply to the provisions of other chapters including those which establish regulations, policies, or other requirements for commercial/mixed use areas inside of urban centers/villages.

Section 6. Section 23.34.008 of the Seattle Municipal Code, as last amended by Ordinance 114725, is further amended as follows:

23.34.008 General rezone criteria.

((~~In evaluating a request for a zoning change, the following factors shall be considered:~~))

A. To be approved a rezone shall meet the following standards:

1. In urban centers and urban villages the zoned capacity, for the center or village taken as a whole shall be no less than one hundred twenty-five

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percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.

2. For each urban center or urban village, the zoned capacity for the center or village taken as a whole shall allow the minimum zoned capacity established in Section B of the Land Use Element of the Comprehensive Plan.

3. For the area outside the core of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not exceed the maximum established in Section B of the Land Use Element of the Comprehensive Plan.

((~~A. Match Between Established Locational Criteria and Area Characteristics. In order to ensure compatibility of new and existing development, the characteristics of the area to be rezoned should closely fit the adopted locational criteria for the proposed land use category.~~))

B. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

C. Neighborhood Plans.

1. Council approved neighborhood plans, that apply to the area proposed for rezone, shall be taken into consideration.

2. Where a Council approved neighborhood plan establishes policies for future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.

3. If it is intended that rezones of particular sites or areas identified in a Council approved neighborhood plan are to be required, then the rezones shall be approved through the procedures of Chapter 23.76 simultaneous to the approval of the pertinent parts of the neighborhood plan.

D((~~C~~)).((~~Other~~)) Zoning Principles. The following ~~Z~~zoning principles ((~~relating to compatible land use patterns, size, configuration and boundaries~~)) shall be considered((~~.~~)):

1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.

2. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.

3. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;

b. Freeways, expressways, other major traffic arterials, and railroad tracks;

c. Distinct change in street layout and block orientation;

d. Open space and greenspaces.

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4 Zone Boundaries. In establishing boundaries the following elements shall be considered:

a. Physical buffers as described in subjection 23.34.008D3 above or

b. Platted lot lines.

E((D)). Impact Evaluation. The evaluation of ((decision on)) a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

1. Factors to be examined include, but are not limited to, the ((effects on)) following: ((transportation, parking, housing, particularly low-income housing, public services, and environmental factors such as noise, air and water quality and energy conservation.))

a. Housing, particularly low-income housing;

b. Public services;

c. Environmental factors, such as noise, air and water quality, glare, odor, shadows, and energy conservation;

d. Pedestrian safety;

e. Manufacturing activity;

f. Employment activity;

g. Character of areas recognized for architectural or historic value.

2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:

a. Street access to the area;

b. Street capacity in the area;

c. Transit service;

d. Parking capacity;

e. Utility and sewer capacity;

((E. Neighborhood Planning Efforts. If there are adopted neighborhood plans or recommendations which apply to the area proposed for rezone, these shall be taken into consideration.))

F. Changed Circumstances. ((If part of the justification for the rezone is changed conditions since the adoption of the Official Land Use Map, evidence of the change shall be taken into consideration.)) Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Evidence might include changes in structure height and scale, addition of new uses, traffic patterns and transit routes and demographic changes. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone designations in this Chapter.

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G. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

((~~H. Greenbelt Plan. If the area is included in the Greenbelt Plan as adopted by Resolution 25670, the purpose and boundaries of the Greenbelt Plan shall be considered.~~))

H. Critical Areas. If the area is located in or adjacent to a critical area (SMC 25.09), the effect of the rezone on the critical area shall be considered.

I. Land Use Policies. The Land Use Policies applicable to the area shall be considered.

Section 7. A new Section 23.34.009 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.009 Height limits of the proposed rezone.

Where a decision to designate height limits in Neighborhood Commercial or Industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

A. Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.

B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.

C. Height and Scale of the Area.

1. The height limits established by current zoning in the area shall be given consideration.

2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.

D. Compatibility with Surrounding Area.

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in subsection 23.34.008D3 are present.

E. Community Recommendations.

1. Particular attention shall be given to height recommendations in Council approved business district plans or neighborhood plans.

2. Height limits different from what the provisions of this section and section 23.34.008 would otherwise allow, may be established only when called for in a Council approved neighborhood plan.

Section 8. Section 23.34.010 of the Seattle Municipal Code, as last amended by Ordinance 112522, is further amended as follows:

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23.34.010 ((~~Areas zoned single family~~)) Designation of single family zones.

((~~A.~~)) Except as provided in subsection B of this section , single family zoned areas may be rezoned to another classification only if the applicant can demonstrate that the area does not meet the criteria for single family designation.

B. ~~If a proposed rezone is for five (5) or more acres of vacant land currently zoned for single family use, it may be rezoned to another classification subject to the following determination:~~

~~1. Whether the area is more appropriate for a single family or multifamily designation; and~~

~~2. If multifamily is more appropriate, whether the relevant locational criteria of the multifamily designation which is proposed more closely match the particular characteristics of the area than do the locational criteria of any other multifamily designation.~~))

Areas which meet the criteria for single family zoning contained in subsection B and are located within the adopted boundaries of an urban village may be considered for rezoning to a Residential Small Lot (RSL), Residential Small Lot - Tandem (RSL/T), Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Neighborhood Commercial 1 30'/Lowrise 1(NC1 30'/L1), Neighborhood Commercial 2 30'/Lowrise 1 (NC2 30'/L1), Neighborhood Commercial 3 30'/Lowrise 1 (NC3 30'/L1), or Lowrise 1/Residential-Commercial (L1/RC) only when all of the following conditions are met:

1. A Council Approved neighborhood plan shall have designated the area as appropriate for the zone designation, including specification of the RSL/T suffix, when applicable;

2. All parts of the rezone area are within a five minute walk for a person of typical abilities, within five (5) blocks, or within one-quarter (1/4) mile, whichever is less, of a designated principal commercial street;

3. The acreage of land proposed for such rezoning on a cumulative basis does not exceed the quantity of land specified for the area in Appendix C of the Land Use Element of the Comprehensive Plan;

4. If the rezone is to an NC1 30/L1, NC2 30/L1, NC3 30/L1 or L1/RC zone designation, the subject property is contiguous to an urban village commercial zone.

Section 9. Section 23.34.012 of the Seattle Municipal Code, as last amended by Ordinance 112522 has been renumbered and further amended as follows:

23.34.011((~~23.34.012~~)) ((~~Locational criteria —~~)) Single family zones, function and locational criteria.

((~~In reviewing a proposal to rezone an area to a single family zone, the following criteria shall also be considered:~~))

A. Function. An area that provides predominantly detached single family structures on lot sizes compatible with the existing pattern of development and the character of single family neighborhoods.

((~~A. The locational criteria for single family zones include the following:~~))

B. Locational Criteria. Except as provided in subsection 23.34.010B, a

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single family zone designation is required in areas meeting the following:

1. Areas which consist of blocks with at least seventy percent (70%) of the existing structures in single family residential use; or

2. Areas which are now designated by an Council approved ~~adopted~~ neighborhood plan as appropriate for single family residential use; or

3. Areas which consist of blocks with less than seventy percent (70%) of the existing structures in single family residential use but in which an increasing trend toward single family residential use can be demonstrated; for example:

a. The construction of single family structures in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or

b. The area shows an increasing number of improvements and rehabilitation efforts to single family structures, or

c. The number of existing single family structures has been very stable or increasing in the last five (5) years, or

d. The area's location is topographically and environmentally suitable for single family residential developments.

C.((~~B~~)) An area which meets at least one (1) of the locational criteria in Section B , above, should also satisfy the following size criteria in order to be designated as a single family zone:

1. The area proposed for rezone ((~~area~~)) should comprise fifteen (15) contiguous acres or more, or should abut an existing single family zone.

2. If the area proposed for rezone contains less than fifteen (15) contiguous acres, and does not abut an existing single family zone, then it should demonstrate strong or stable single family residential use trends or potentials such as:

a. That the construction of single family structures in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or

b. That the number of existing single family structures has been very stable or increasing in the last five (5) years, or

c. That the area's location is topographically and environmentally suitable for single family structures, or

d. That the area shows an increasing number of improvements or rehabilitation efforts to single family structures.

~~((C. Boundaries. In establishing boundaries for single family zones, the following elements shall be considered:~~

~~1. Natural features such as lakes, streams, ravines and shorelines;~~

~~2. Freeways, expressways and other major traffic arterials;~~

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~~3. Platted lot lines;~~))

D. ((4)) Half-blocks at the edges of single family zones which have more than fifty percent (50%) single family structures, or portions of blocks on an arterial which have a majority of single family structures, shall generally be included. This shall be decided on a case-by-case basis, but the policy is to favor including them.

Section 10. A new Section 23.34.012 of the Seattle Municipal Code, is hereby added to Chapter 23.34 as follows:

23.34.012 Residential Small Lot (RSL) zone, function and locational criteria.

A. Function. An area within an urban village that provides for the development of homes on small lots that may be appropriate and affordable to households with children and other households which might otherwise choose existing detached houses on larger lots.

B. Locational Criteria. An RSL zone shall be appropriate only under circumstances as provided in subsection 23.34.010B.

Section 11. Section 23.34.013 of the Seattle Municipal Code, as last amended by Ordinance 116795, has been divided into Sections 23.34.013 through 23.34.028 and is further amended as follows:

23.34.013 Designation of multifamily zones ((~~Locational criteria - Multifamily zones~~)).

((~~A decision to rezone a parcel of land to any multifamily zone designation shall be based on the general rezone criteria of Section 23.34.008 and the following locational criteria for multifamily zones:~~))

The property that meets the criteria of section 23.34.011 for single-family designation, may not be designated as multifamily as long except as otherwise provided in subsection 23.34.010B.

23.34.014 Lowrise Duplex/Triplex (LDT) zone, function and locational criteria.

((~~A. Locational Criteria, Lowrise Duplex/Triplex (LTD). Locations appropriate for a Lowrise Duplex/Triplex Zone shall be consistent with the following description of conditions within the area itself:~~))

A. Function. An area that provides opportunities for limited infill housing development, both through new construction and the conversion of existing single-family structures to duplexes and triplexes, in areas where, in order to preserve the character of the neighborhood, the recycling of existing structures to a slightly higher density and small-scale infill development is preferable to single-family zoning or to the development of townhouses or higher density apartments.

B. Locational Criteria. The Lowrise Duplex/Triplex zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area.

a. Areas where structures of small bulk and low heights,

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generally less than thirty feet (30') ((~~feet~~)), establish the pattern of development, and

b. Areas with a mix of single family structures, small multifamily structures, and single family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to limit new development opportunities to infill projects and conversions that preserve the existing character.

2. Relationship to the Surrounding Area. ((~~Locations appropriate for a Lowrise Duplex/Triplex Zone shall be consistent with the following description concerning their fit with surroundings:~~))

a. Areas ((~~which~~)) that do not meet single family criteria, but which are otherwise similar in character and adjoin areas zoned Single Family or Lowrise 1 without necessarily the presence of a significant topographical break or open space to provide a transition to increased density;

b. Areas where narrow streets, on-street parking congestion, local traffic congestion, lack of alleys, or irregular street patterns restrict local access and circulation;

c. Areas close to existing or projected facilities and services used by households with children, including schools, parks and community centers.

C. Areas meeting the locational criteria for a single family designation may be designated LDT only when the provisions of subsection 23.34.010 B are met.

23.34.016 Lowrise 1 (L1) zone, function and locational criteria.

A. Function. An area that provides low density, ground-related multifamily housing opportunities.

B. Locational Criteria. ((,)) Lowrise 1 (((~~L1).~~)) zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area. ((~~Locations appropriate for a Lowrise 1 Zone (L1) shall be consistent with the following description of conditions within the area itself:~~))

a. Areas where structures of low heights, generally less than thirty feet (30') ((~~feet~~)), and small bulk establish the pattern of development;

b. Areas with:

i. A mix of single family structures, small multifamily structures and single family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to encourage new development opportunities, or

ii Numerous or large vacant parcels suitable for family housing where densities greater than single family are desired; and

c. Areas where internal vehicular circulation is conducive to residential units that are oriented to the ground level and the street. Preferred locations are generally separated from principal arterials, as defined by the Seattle Comprehensive Transportation Program, which conflict with the desired ground-related character of L1 areas.

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2. Relationship to the Surrounding Area. ((~~Locations appropriate for a Lowrise 1 zone shall be consistent with the following description concerning their fit with surroundings:~~))

a. Areas which are definable pockets within a larger, higher density multifamily area, where it is desirable to preserve a small-scale, ground-related character;

b. Areas generally surrounded by a larger single family area where variation and replacement in housing type could be accommodated without significant disruption of the pattern, character or livability of the surrounding development;

c. Areas where a gradual transition is appropriate between single family areas and more intensive multifamily or neighborhood commercial zones;

d. Areas where narrow streets, on-street parking congestion, local traffic congestion, or irregular street patterns restrict local access and circulation.

e. Areas close to facilities and services used by households with children, including schools, parks and community centers.

C. Areas meeting the locational criteria for single family designation may be designated L1 only when the provisions of subsection 23.34.010B are met.

23.34.018 Lowrise 2 (L2) zone, function and locational criteria.

A. Function. The intent of the Lowrise 2 zone is to encourage a variety of multi-family housing types with less emphasis on ground-related units, while remaining at a scale compatible with single-family structures.

B.((~~C~~)) Locational Criteria. ((~~,~~)) Lowrise 2 ((~~(L2).~~)) zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area. ((~~Locations appropriate for a Lowrise 2 Zone shall be consistent with the following description of conditions within the area itself:~~))

a. Areas which feature a mix of single family structures and small to medium multifamily structures generally occupying one (1) or two (2) lots, with heights generally less than thirty feet (30') ((~~feet~~));

b. Areas suitable for multifamily development where topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;

c. Areas occupied by a substantial amount of multifamily development where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make an intermediate intensity of development desirable.

2. Relationship to the Surrounding Area. ((~~Locations appropriate for a Lowrise 2 Zone shall be consistent with the following description concerning their fit with surroundings~~)):

a. Areas which are well-suited to multifamily development,

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but where adjacent single family areas make a transitional scale of development desirable. It is desirable that there be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature providing physical separation from the single family area. However, this is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single family areas;

b. Areas which are definable pockets within a more intensive multifamily area, where it is desirable to preserve a smaller scale character and mix of densities((~~.~~));

c. Areas otherwise suitable for higher density multifamily development but where it is desirable to limit building height and bulk to protect views from uphill areas or from public open spaces and scenic routes;

d. Areas where vehicular access to the area does not require travel on "residential access streets" in less intensive residential zones.

23.34.020 Lowrise 3 (L3) zone, function and locational criteria

A. Function. An area that provides moderate scale multifamily housing opportunities in multifamily neighborhoods where it is desirable to limit development to infill projects and conversions compatible with the existing mix of houses and small to moderate scaled apartment structures.

B.((~~D~~))Locational Criteria. ((~~,~~))

1. Requirements

a. Outside of urban villages, L3 zone designation is appropriate only in areas which are already developed predominantly to the permitted L3 density and where L3 scale is well established, provided that existing L3 zones may be retained.

b. Unless otherwise indicated by a Council approved neighborhood plan, within urban centers or urban villages less emphasis shall be placed on height and scale compatibility with existing development when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan.

c. The L3 zone generally shall not be considered appropriate for an area designated as environmentally critical, and may remain only in environmentally critical areas already predominantly developed to the intensity of the L3 zone.

2. Other Criteria The Lowrise 3 ((~~(L3).~~)) zone designation is most appropriate in areas generally characterized by the following:

((~~1.~~))a. Development Characteristics of the Area. ((~~Locations appropriate for a Lowrise 3 Zone shall be consistent with the following description of conditions within the area itself:~~))

~~a. Areas with a predominance of multifamily buildings less than four (4) stories in height;~~

1. Areas where the street pattern provides for

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adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient to allow for two (2) way traffic and parking along at least one (1) curbside.

((~~2.~~))b. Relationship to the Surrounding Area. ((~~Locations appropriate for a Lowrise 3 zone shall be consistent with the following description concerning their fit with surroundings~~)):

((~~a.~~))1. Areas which are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones;

((~~b.~~))2. Areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;

((~~c.~~))3. Areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;

((~~d.~~))4. Areas which are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller scale multifamily development is desirable.

23.34.022 Lowrise 4 (L4) zone, function and locational criteria.

A. Function. An area that provides moderate density multifamily infill development in residential neighborhoods already characterized by moderate density residential structures, with good vehicular circulation, adequate alleys, and on-street parking.

B.((~~E~~)) Locational Criteria. ((~~.~~))

1. Requirements.

a. Outside of urban villages, L4 zone designation is appropriate in areas that are already developed predominantly to the permitted L4 density and where L4 scale is well established, with residential structures often occupying two or more lots, provided that existing L4 zones may be retained.

b. Unless otherwise provided by a council approved neighborhood plan, within urban centers or urban villages less emphasis shall be placed on height and scale compatibility with existing development when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan.

c. L4 zones generally shall not be considered appropriate for an area designated as environmentally critical, and may remain only in environmentally critical areas already predominantly developed to the intensity of the L4 zone.

2. Other Criteria. The Lowrise 4 ((~~(L4).~~)) zone designation is most appropriate in areas generally characterized by the following:

((~~1.~~))a. Development Characteristics of the Area. ((~~Locations appropriate for a Lowrise 4 Zone shall be consistent with the following~~

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~~description of conditions within the area itself:~~))

((~~a. Areas with an established pattern of development characterized by larger, high density residential structures with heights of three (3), four (4) or more stories and often occupying two or more lots;~~))

1.((~~b~~)) Areas of sufficient size to promote a high quality, higher density residential environment where there is good pedestrian access to amenities;

2.((~~e~~)) Areas generally platted with alleys that can provide access to parking, allowing the street frontage to remain uninterrupted by driveways, thereby promoting a street environment better suited to the level of pedestrian activity associated with higher density residential environments;

3.((~~d~~)) Areas with good internal vehicular circulation, and good access to sites, preferably from alleys. Generally, the width of principal streets in the area should be sufficient to allow for two (2) way traffic and parking along at least one (1) curbside.

((~~2.~~))b. Relationship to the Surrounding Area. ((~~Locations appropriate for a Lowrise 4 (L4) Zone shall be consistent with the following description concerning their fit with surroundings~~)):

((~~a.~~))1. Areas adjacent to concentrations of employment;

((~~b.~~))2. Areas ((~~which~~)) that are directly accessible to regional transportation facilities, especially transit, providing connections to major employment centers, including arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by higher density development. Vehicular access to the area should not require use of streets passing through less intensive residential areas;

((~~c.~~))3. Areas with close proximity and with good pedestrian connections to services in neighborhood commercial areas, public open spaces and other residential amenities;

((~~d.~~))4. Areas with well-defined edges providing sufficient separation from adjacent areas of small scale residential development, or where such areas are separated by zones providing a transition in the height, scale and density of development.

23.34.024 Midrise (MR) zone, function and locational criteria.

A. Function. The intent of the Midrise zone is to provide concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.

B.((~~F~~)) Locational Criteria. ((~~.~~))

1. The Midrise zone is appropriate and may be applied only in areas that are:

a. 1. i. Within Residential urban villages when consistent with a Council approved neighborhood plan, or

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ii. Within Urban centers and the village core areas of hub urban villages; and

2. Where development is predominantly of the intensity of the Midrise zone, or where a Council approved neighborhood plan indicates that the area is appropriate for a Midrise zone designation; or

b. Outside of urban villages, in areas already predominately built to Midrise intensity to allow for limited infill. Outside of urban villages, existing MR zones may remain.

2. The Mdrise-((~~(MR).~~)) zone designation is most appropriate in areas generally characterized by the following: ((~~In reviewing a proposal to rezone an area to Midrise, the following criteria shall also be considered:~~))

((~~1.~~))a. Areas which are adjacent to business and commercial areas with comparable height and bulk;

((~~2.~~))b. Areas which are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development;

((~~3.~~))c. Areas which are in close proximity to major employment centers;

((~~4.~~))d. Areas which are in close proximity to open space and recreational facilities;

((~~5.~~))e. Areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;

((~~6.~~))f. Flat areas where the prevailing structure height is greater than thirty-seven feet (37') or where, due to a mix of heights, there is no established height pattern;

((~~7.~~))g. Areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;

((~~8.~~))h. Areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the sixty foot (60') height limit;

((~~9.~~))i. Areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, sixteen percent (16%) or more, with views perpendicular to the slope.

10. Midrise zones generally shall not be considered appropriate for an area designated as environmentally critical.

23.34.026 Midrise/85' (MR/85') zone, function and locational criteria.

((~~G. Locational Criteria, Midrise/85 (MR/85). In reviewing a proposal to rezone an area to Midrise/85, the following criteria shall be considered in addition to~~)) the Midrise/85' (MR/85') is most appropriate in areas generally characterized by the criteria described ((~~considered~~)) for a rezone to Midrise in ((~~subsection F of this~~

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~~section~~)) Section 23.34.024. In addition, the following shall apply to designate an MR zone as Midrise/85':

A.((~~1~~)) ~~An~~ Council approved ~~adopted~~ neighborhood plan shall have designated the area as suitable for Midrise zoning with an eighty-five foot (85') height limit; and

B.((~~2~~)) A height of eighty-five feet (85') could be accommodated without significantly blocking views; and

C.((~~3~~)) The development permitted by the zone would not exceed the service capacities which exist in the area, including transit service, parking, and sewers; and

D.((~~4~~)) A gradual transition in height and scale and level of activity between zones is provided unless major physical edges are present. These edges may be the following:

1.((~~a~~)) Natural features such as topographic breaks, water bodies and ravines,

2.((~~b~~)) Freeways, expressways, and other major traffic arterials, and railroad tracks,

3.((~~c~~)) Street grid and block orientation, or

4.((~~d~~)) Significant open space and ((~~greenbelts~~))greenspaces.

23.34.028 Highrise (HR) zone, function and locational criteria.

A. Function. An area that provides a concentration of high density multifamily housing in a pedestrian-oriented neighborhood with convenient access to regional transit stations, and where the mix of activity provides convenient access to a full range of residential services and amenities and employment centers.

B.((~~H~~)) Locational Criteria. ((~~,~~))

1. The Highrise zone is appropriate and may be applied only in areas that are:

a. 1. i. Within Residential urban villages when consistent with a Council approved neighborhood plan, or

ii. Within Urban centers and the village core areas of hub urban villages; and

2. Where development is predominantly of the intensity of the Highrise zone, or where a Council approved neighborhood plan indicates that the area is appropriate for a Highrise zone designation; or

b. Outside of urban villages, in areas already predominately built to Highrise intensity to allow for limited infill. Outside of urban villages, existing Highrise zones may remain.

2. The Highrise ((~~(HR).~~)) zone designation is most appropriate in areas generally characterized by the following: ((~~In reviewing a proposal to rezone an~~

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~~area to Highrise, the following criteria shall also be considered:~~))

((~~1.~~))a. Areas which are served by arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by highrise development;

((~~2.~~))b. Areas which are adjacent to a concentration of residential services or a major employment center;

((~~3.~~))c. Areas which have excellent pedestrian or transit access to downtown;

((~~4.~~))d. Areas which have close proximity to open space, parks and recreational facilities;

((~~5.~~))e. Areas where no uniform scale of structures establishes the character and where highrise development would create a point and help define the character;

((~~6.~~))f. Flat areas on the tops of hills or in lowland areas away from hills, where views would not be blocked by highrise structures;

((~~7.~~))g. Sloping areas with views oblique or parallel to the slope where the height and bulk of existing buildings have already limited or blocked views from within the multifamily area and upland areas where the hillform has already been obscured by development((~~.~~));

h. Highrise zones generally shall not be considered appropriate for areas designated as environmentally critical.

Section 12. Section 23.34.070 of the Seattle Municipal Code, as adopted by Ordinance 112777, is amended as follows:

23.34.070 ((~~Locational criteria,~~)) Residential-Commercial (RC) zone((s)), function and locational criteria.

((~~In reviewing a proposal to rezone an area to Residential-Commercial, the following criteria shall be considered:~~))

A. Function.

1. A residential-commercial designation shall be combined only with a multi-family designation and may be appropriate in any of the following circumstances:

a.((~~1~~)) As a means to downzone strip commercial areas which have not been extensively developed with commercial uses;

b.((~~2~~)) As a means to downzone small commercial areas which have not been extensively developed with commercial uses and where commercial services are available nearby;

c.((~~3~~)) To provide opportunities for needed parking in areas where spillover parking is a major problem;

d.((~~4~~)) As a means of supporting an existing commercial node.

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2. Desired Characteristics.

a. Physical appearance resembling the appearance of adjacent residential areas;

b. Mixed use with small commercial uses at street level.

B. ((~~Character.~~)) Locational Criteria. Residential-Commercial zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character.

a. Areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/commercial development is present; or

b. Areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/or where accessory parking would help relieve spillover parking in residential areas.

((~~2. Desired Characteristics.~~

~~a. Physical appearance resembling the appearance of adjacent residential areas;~~

~~b. Mixed use with small commercial uses at street level.~~))

2.((~~C~~)) Physical Conditions Favoring RC Designation.

a.((~~1~~)) Lack of edges or buffer between residential and commercial uses;

b.((~~2~~)) Lack of buffer between major arterial and residential uses;

c.((~~3~~)) Streets with adequate access and circulation;

d.((~~4~~)) Insufficient parking in adjacent commercial zone results in parking spillover on residential streets.

Section 13. Section 23.34.072 of the Seattle Municipal Code, as adopted by Ordinance 112777, is amended as follows:

23.34.072 Designation of ((C))commercial ((areas)) zones.

((~~A. Decisions to designate an area or specific site commercial as opposed to noncommercial shall be based on the criteria provided in Section 23.34.010, the general rezone criteria contained in Section 23.34.008, Goals of the Land Use Policies for Neighborhood Commercial Areas adopted by Resolution 27156, as amended, and the criteria contained in subsection B of Section 23.34.072. Commercial areas shall be assigned one (1) or more zone, height and/or overlay designations according to the criteria in Sections 23.34.074 through 23.34.088~~))

((~~B. Criteria for Commercial Area Designation.~~))

A. ((~~1~~)) The encroachment of commercial development into residential areas shall be discouraged.

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B. Areas meeting the locational criteria for a single family designation may be designated NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 only as provided in subsection 23.34.010B.

C. ((~~2~~)) Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in the Single Family Policies.

((~~3. Whenever possible, commercial zones shall be located where the impacts on other zones can be minimized by the use of transition zones or buffers. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses. The following elements shall be considered as buffers:~~

~~a. Natural features such as topographic breaks, lakes, streams, ravines and shorelines;~~

~~b. Freeways, expressways and other major traffic arterials;~~

~~c. Street layout and block orientation;~~

~~d. Open spaces and greenbelts.~~))

D. ((4)) Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.

E. ((~~5~~)) The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.

((~~6. The cumulative impact of development in the area shall not exceed the capacity of infrastructure such as streets, utilities and sewers.~~

~~7. Community objectives contained in neighborhood and business district development plans adopted by Council shall be given careful consideration.~~

~~8. Changes in commercial boundary, zone designation, height or special district overlay shall occur in an orderly and predictable fashion.~~

~~C. Changed circumstances since the adoption of the land use map need not be shown to justify a proposed rezone, particularly for an area which was not permitted to be considered for commercial designation during the legislative mapping process. Changed circumstance, however, is an important factor to be considered along with the factors listed in subsections A and B. Evidence of changed circumstance may include but need not be limited to changes in or near the area in economic or market conditions, availability of land, technology, population characteristics, intensity and type of development (but not including changes permitted in adjacent major institutions), transportation patterns and capacities, parking availability, environmental impacts, and previous zoning changes in and around the area proposed for rezone.~~

Section 14. Section 23.34.074 of the Seattle Municipal Code, as adopted by Ordinance 112777, is amended as follows:

23.34.074 ((~~**Locational criteria,**~~))

Neighborhood Commercial 1 (NC1) zone((~~s.~~)), function and

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locational criteria.

((~~In reviewing a proposal to rezone an area to Neighborhood Commercial 1, the following criteria shall be considered:~~))

A. Function.

1. A Neighborhood Commercial 1 zone is intended to be ((~~A~~)) a small area composed primarily of businesses providing convenience retail sales and services to the adjoining residential neighborhood.((~~;~~)) These areas provide locations for single purpose commercial structures, multi-story mixed-use development with commercial uses along the street front, or in limited circumstances multi-story residential structures.

2. Desired Characteristics.

a. Variety of small neighborhood-serving businesses.

b. Continuous storefronts with commercial use, built to the front property line.

c. Atmosphere friendly to pedestrians.

d. Shoppers walk from store to store.

B. ((~~Character.~~)) Locational Criteria. Neighborhood Commercial 1 zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character. Small commercial areas surrounded by low-density residential areas;

((~~2. Desired Characteristics.~~

~~a. Variety of small neighborhood-serving businesses,~~

~~b. Continuous storefronts with commercial use, built to the front property line,~~

~~c. Atmosphere friendly to pedestrians,~~

~~d. Shoppers walk from store to store.~~))

2.((~~C~~)) Physical Conditions ((~~Favoring Designation as NC1.~~)):

a.((~~1~~)) Surround((~~ed~~))ings are ((~~by~~)) low-density residential areas;

b.((~~2~~)) No physical edges to buffer the residential areas;

c.((~~3~~)) Lack of vacant land or land appropriate for additional commercial development within the commercial area;

d.((~~4~~)) Access((~~ed~~)) is through low-density residential neighborhoods (i.e., commercial area will draw traffic through the neighborhood);

e.((~~5~~)) Generally, limited street capacity;

f.((~~6~~)) Limited transit service;

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g.((~~7~~)) Limited off-street parking capacity.

Section 15. A new Section 23.34.075 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.075 Neighborhood Commercial 30'/Lowrise 1 designation.

A Neighborhood Commercial (NC) zone may be designated NC 30'/L1 according to the criteria contained in subsection 23.34.010 B.

Section 16. Section 23.34.076 of the Seattle Municipal Code, as adopted by Ordinance 112777, is amended as follows:

23.34.076 ((~~Locational criteria.~~))

Neighborhood Commercial 2 (NC2) zone((~~s.~~)), function and locational criteria.

((~~In reviewing a proposal to rezone an area to Neighborhood Commercial 2, the following criteria shall also be considered:~~))

A. Function.

1. A pedestrian-oriented shopping area which provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods. ((~~;~~)) These areas provide locations for single purpose commercial structures, multi-story mixed-use structures with commercial uses along the street front and multi-story residential structures.

2. Desired Characteristics.

a. Variety of small to medium-sized neighborhood-serving businesses.

b. Continuous storefronts with commercial use, built to the front property line.

c. Pedestrian friendly atmosphere.

d. Shoppers can drive to the area, but walk from store to store.

B. ((~~Character. 1. Existing. The NC2 zone may be appropriate for any of the following types of areas:~~)) Locational Criteria. Neighborhood Commercial 2 zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character.

a. Medium sized node generally surrounded by low- to medium-density residential areas; or

b. Small commercial area located at the edge of a larger business area, which provides a transition between intense commercial activity and surrounding areas; or

c. Area in the core of an established commercial district characterized by a concentration of small retail and service uses; or

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d. Commercial area along major arterial where lots are generally small and shallow, and are surrounded by low-density residential areas.

((~~2. Desired Characteristics.~~

~~a. Variety of small-to-medium-sized neighborhood-serving businesses;~~

~~b. Continuous storefronts with commercial use, built to the front property line;~~

~~c. Pedestrian-friendly atmosphere;~~

~~d. Shoppers can drive to the area, but walk from store to store.~~))

2.((~~C~~)) Physical Conditions Favoring Designation as NC2.

a.((~~1~~)) Surrounded by low- to medium-density residential areas;

b.((~~2~~)) Lack of strong edges to buffer the residential areas;

c.((~~3~~)) Lack of vacant land or land appropriate for additional commercial development within the commercial area;

d.((~~4~~)) Accessed through low- and medium-density residential areas;

e.((~~5~~)) Located on streets with good capacity (major traffic streets and minor arterials), but generally not on major transportation corridors;

f.((~~6~~)) Limited transit service (i.e., a few routes);

g.((~~7~~)) Limited off-street parking capacity; may include a parking area for a supermarket or other larger use.

Section 17. A new Section 23.34.077 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.077 Neighborhood Commercial 2/Residential (NC2/R) designation

A. Function. An area designated as NC2/R functions as an NC2 zone while maintaining existing residential uses and/or promoting increased residential development. These areas provide locations for moderate density residential development in single purpose and mixed use structures; limit single purpose commercial development; and encourage commercial storefronts built to the street property line.

B. NC2 zoned areas or areas that meet NC2 criteria may be designated NC2/R under the following conditions:

1. a. Areas located inside urban center villages and the village core of hub urban villages; or

b. Areas in a residential urban village characterized by a concentration of small retail sales and service uses and residential support services, where it is desirable to promote moderate density residential uses. and

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2. The NC2/R designation is provided for in a Council approved neighborhood plan.

Section 18. Section 23.34.078 of the Seattle Municipal Code, as last amended by Ordinance 116795, is further amended as follows:

23.34.078 ((~~Locational criteria -~~))

Neighborhood Commercial 3 (NC3) zone((~~s.~~)), function and locational criteria.

((~~In reviewing a proposal to rezone an area to Neighborhood Commercial 3, the following criteria shall also be considered:~~))

A. Function.

1. A pedestrian-oriented shopping district serving the surrounding neighborhood and a larger community or citywide clientele. The area provides for comparison shopping with a wide range of retail goods and services. The area also provides offices and business support services that are compatible with the retail character of the area and may also include residences. These areas provide locations for single purpose commercial structures, multi-story mixed-use structures with commercial uses along the street front and multi-story residential structures.

2. Desired Characteristics.

a. Variety of retail businesses at street level;

b. Continuous storefronts built to the front property line;

c. Intense pedestrian activity;

d. Shoppers can drive to the area, but will walk around from store to store;

e. Cycling and transit are important means of access.

B. ((~~Character.~~)) Locational Criteria. The Neighborhood Commercial 3 zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character. ((~~The NC3 zoning may be appropriate for either of the following types of areas:~~))

a. Major commercial nodes surrounded by medium- to high-density residential areas or other commercial areas; or

b. Commercial, retail-oriented strip along a major arterial with significant amounts of retail frontage and generally surrounded by medium-density residential areas; or

c. Shopping centers.

((~~2. Desired Characteristics.~~

~~a. Variety of retail businesses at street level;~~

~~b. Continuous storefronts built to the front property line;~~

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~~c. Intense pedestrian activity;~~

~~d. Shoppers can drive to the area, but will walk around from store to store;~~

~~e. Cycling and transit are important means of access.~~))

2.((~~C~~)) Physical Conditions Favoring Designation as NC3.

a.((~~1~~)) Served by principal arterial;

b.((~~2~~)) Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;

c.((~~3~~)) Highly accessible for large numbers of people (considering present and anticipated congestion) so that intense activity of a major commercial node can be accommodated;

d.((~~4~~)) Combination of circulation and transit system accommodates commercial traffic without drawing traffic through residential areas;

e.((~~5~~)) Excellent transit service;

f.((~~6~~)) Presence of large, perhaps shared, off-street parking lots; land available for additional parking, or other means to accommodate parking demand.

Section 19. A new Section 23.34.079 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.079 Neighborhood Commercial 3/Residential (NC3/R) designation.

A. Function. An area designated as NC3/R functions as an NC3 zone while maintaining existing residential uses and/or promoting increased residential development. These areas provide locations for moderate density residential development in single purpose and mixed use structures; limit single purpose commercial development; and encourage commercial storefronts built to the front property line.

B. NC3 zoned areas or areas that meet NC3 criteria may be designated NC3/R under the following conditions:

1. a. Areas located inside urban center villages and the village core of hub urban villages; or

b. Areas in a residential urban village characterized by a concentration of small retail sales and service uses and residential support services, where it is desirable to promote high density residential uses, and

3. The NC3/R designation is provided for in a Council approved neighborhood plan.

Section 20. Section 23.34.080 of the Seattle Municipal Code, as adopted by Ordinance 112777, is amended as follows:

23.34.080 ((~~Locational criteria~~-))Commercial 1 (C1) zone((~~s~~)), function and locational criteria.

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((~~In reviewing a proposal to rezone an area to Commercial 1, the following criteria shall also be considered:~~))

A. Function. An auto-oriented, primarily retail/service commercial area, ((~~primarily retail/service in nature,~~)) which serves surrounding neighborhoods and the larger community or citywide clientele. The area provides a wide range of commercial services, including retail, offices and business support services, and may also provide for residential uses at limited densities.

B. Locational Criteria. Commercial 1 zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character.

a.((~~1~~)) Shopping centers; or

b.((~~2~~)) Shopping areas along arterials where customers drive from one (1) individual business to another.

2.((~~C.~~)) Physical Conditions Favoring Designation as C1.

a.((~~1~~)) Readily accessible from a principal arterial;

b.((~~2~~)) Presence of edges which buffer ((~~low density~~)) residential or commercial areas of lesser intensity, such as ((~~more intense residential areas, less intense commercial, or~~)) changes in street layout or platting pattern ((~~which tend to define boundaries~~));

c.((~~3~~)) Predominance of large lots which can accommodate a wide range of commercial activity;

d.((~~4~~)) Limited pedestrian access on the public right-of-way, curb cuts, auto movement or parking lots create an environment which is unfriendly to pedestrian activity;

e.((~~5~~)) Presence of large, perhaps shared, off-street parking lots; readily accessible from major transportation corridors or arterials.

Section 21. Section 23.34.082 of the Seattle Municipal Code, as adopted by Ordinance 112777, is amended as follows:

23.34.082 ((~~Locational criteria~~))Commercial 2 (C2) zone((~~s.~~)), function and locational criteria.

((~~In reviewing a proposal to rezone an area to Commercial 2, the following criteria shall also be considered:~~))

A. Function. An auto-oriented, primarily ((~~nonretail~~)) non-retail commercial area which provides a wide range of commercial activities serving a citywide function. These areas provide employment opportunities, business support services and locations for light manufacturing and warehouse uses, and may also provide for residential uses at limited densities.

B. Locational Criteria. Commercial 2 zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character.

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a.((1)) Major commercial nodes characterized by heavy, non-retail commercial activity, often including a few major employers; or

b.((2)) A commercial strip located along a major arterial characterized by heavy, non-retail commercial activity.

2.((C. Existing)) Physical Conditions Favoring Designation as C2.

a.((1)) Readily accessible from a principal arterial;

b.((2)) Possibly adjacent to manufacturing/industrial zones;

c.((3)) Presence of edges which buffer ((low density)) residential or commercial areas of lesser intensity, such as ((more intense residential areas, less intense commercial areas, or)) changes in street layout or platting pattern ((which tend to define boundaries));

d.((4)) Predominance of large lots which can accommodate a wide range of heavy commercial and light manufacturing activity;

e.((5)) Limited pedestrian access.

Section 22. Section 23.34.090 of the Seattle Municipal Code, as adopted by Ordinance 113658, is amended as follows:

23.34.090 Designation of industrial ((areas)) zones.

((A. Decisions to designate an area or specific site as an industrial zone as opposed to nonindustrial classifications shall consider be based upon the criteria provided in Section 23.34.010, the general rezone criteria contained in Section 23.34.008, the policies for industrial areas adopted by City Council resolution and the criteria contained in subsection B of this section. In addition, industrial areas shall be assigned one (1) or more zone designations according to the criteria in Sections 23.34.092 through 23.34.096 below, and height designations according to the criteria contained in subsection C of this section.))

A. The industrial zones are intended to support existing industrial activity and related businesses and provide for new industrial development, as well as increased employment opportunities.

B. Industrial areas are generally well-served by rail, truck, and water transportation facilities and do not require direct vehicular access through residential zones.

C. Relative isolation from residential zones either by distance or physical buffers shall be preferred in the creation of new industrial zones.

D. Areas where the infrastructure (streets, water, sewer, electrical, and other facilities) is adequate, or can be upgraded at a reasonable cost, are preferred to accommodate an industrial designation.

((B. Criteria for Industrial Area Designation.))

E. 1. Economic Development. Increasing industrially zoned land shall be favorably considered when such action will provide additional opportunities for business expansion, retention of manufacturing and other industrial firms in Seattle, or increased employment, especially employment that adds to or maintains the

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diversity of job opportunities in Seattle. Land proposed to be assigned an industrial designation shall be suitable for manufacturing, research and development and other industrial uses and shall meet the locational criteria for the industrial zone.

2. ((~~Function of Industrial Areas.~~)) The rezone shall ((~~be consistent with the Framework Policies, and will~~)) enhance and strengthen the industrial character of an area.

3. ((~~Other Land Use Policies.~~)) In determining appropriate boundaries with residentially and commercially zoned land, the adopted residential and commercial policies shall be considered.

F.((4)) Rezoning of Industrial Land. Rezoning of industrial land to a less-intensive zone shall be discouraged unless most of the following can be shown:

1.((a)) The area does not meet the locational criteria for the industrial zone.

2.((~~b~~)) The rezone will not decrease industrial development and employment potential, especially manufacturing employment.

3.((c)) The rezone would not result in existing industrial uses becoming nonconforming.

4.((d)) The area clearly functions as a residential or commercial zone, has little or no potential for industrial development, and would not lead to further encroachment of residential, office, or retail uses into industrially zoned land located adjacent to or near the proposed rezone.

5.((e)) The rezone shall be consistent with the Seattle Shoreline Master Program.

6. The area is not part of an adopted Manufacturing/Industrial Center (MIC).

G. ((~~5~~)) Compatibility With Scale and Character of Surrounding Area--Edges. In general, a transition in scale and character shall be provided between zones. A gradual change in height limit or an area of transition (e.g., commercial zone between residential and industrial zones) shall be provided when the area lacks physical edges. Rezones shall achieve a better separation between residential and industrial zones, significantly reducing or eliminating major land use conflicts in the area. The following elements shall be considered physical edges or buffers:

1.((a)) Natural features such as topographic breaks, lakes, streams, ravines and shorelines;

2.((~~b~~)) Freeways, expressways, other major traffic arterials, and railroad tracks;

3.((c)) Changes in street layout and block orientation;

4.((d)) Open spaces and ((~~greenbelts~~)) greenspaces.

H. ((~~6~~)) Existing Pattern of Development. Consideration shall be given to whether the area is primarily industrial, commercial, residential, or a mix, and whether the area is fully developed and in need of room for expansion, or minimally developed with vacant parcels and structures.

((~~7. Parcel Size and Lot Lines. In the determination of zone~~

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~~boundaries, principles relating to size of parcels, configuration of the area's surroundings, and recognition of platted lot lines shall be considered.~~

~~8. Zoning History and Neighborhood Planning Efforts. Previous zoning changes both in and around the area proposed for rezone, and Council adopted neighborhood plans or recommendations which apply to the area proposed for rezone, if any, shall be taken into consideration.~~

~~9. Impact Evaluation. The decision to grant the rezone shall consider both the possible positive and negative impacts on the area proposed for rezone and on its surroundings. Factors that will be examined include, but are not limited to: The effects on manufacturing activity, employment opportunities, and the provisions of needed services; development potential for the area as a whole; the effects on housing, transportation, utilities, parking, and public services in the area and its surroundings; and general impacts on the environment, including such factors as noise, air and water quality, energy conservation, and public health and safety.~~

~~C. Criteria for Industrial Zone Height Designation.~~

~~1. Height limits applicable to office, entertainment, institutional and retail uses shall be assigned to each industrially zoned area according to the locational criteria contained in subsection 2 below.~~

~~2. The height limit for industrial areas shall be assigned taking into account the following factors:~~

~~a. Recommendations of City Council adopted neighborhood plans;~~

~~b. The topography of the area and its surroundings, including the likelihood of view blockage;~~

~~c. The existing scale of the area and its surroundings;~~

~~d. Service capacities including street access and street and parking capacity.))~~

Section 23. Section 23.34.092 of the Seattle Municipal Code, as adopted by Ordinance 113658, is amended as follows:

((~~23.34.092 Locational criteria - General Industrial 1 (IG1) and General Industrial 2 (IG2) zones.~~

~~A. In reviewing a proposal to rezone an area to either of the General Industrial zone designations the locational criteria in subsection B shall be considered. In addition, the criteria contained in subsection C shall be applied to IG1 rezone proposals and the locational criteria in subsection D shall be applied to IG2 rezone proposals.~~

~~B. General Locational Criteria. The General Industrial zones are intended to promote the full range of industrial activities and related support uses. The General Industrial designation shall include those areas most suited to industrial activity, where the separation from residential and pedestrian oriented commercial areas is sufficient to reasonably mitigate the impacts associated with industrial uses. The designation as General Industrial shall recognize the goal of protecting healthy, established marine and rail related industrial areas from the intrusion of substantial amounts of unrelated retail and commercial uses. This goal shall be recognized by having the General Industrial zones differ according to the density permitted for~~

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~~commercial uses not directly related to industrial activity. The following locational criteria shall apply to all General Industrial zones:~~

~~1. Areas well-served by rail, truck, and water transportation facilities that do not require direct access through residential zones;~~

~~2. Areas containing mostly industrial uses, including manufacturing, heavy commercial, warehousing, transportation, utilities and similar activities;~~

~~3. Large areas with generally flat topography;~~

~~4. Areas platted into large parcels of land;~~

~~5. Areas that are relatively isolated from residential zones either by distance or physical buffers;~~

~~6. Areas where the infrastructure (streets, water, sewer, electrical, and other facilities) is adequate, or can be upgraded at a reasonable cost, to accommodate industrial development.~~

~~C. Locational Criteria, General Industrial 1 (IG1) Zones.~~))

23.34.092 General Industrial 1 (IG1) zone, function and locational criteria.

A. Function. An area that provides opportunities for manufacturing and industrial uses and related activity, where these activities are already established and viable, and their accessibility by rail and/or waterway make them a specialized and limited land resource.

B. Locational Criteria. General Industrial 1 zone designation is most appropriate in areas generally characterized by the following:

1. Areas directly related to the shoreline having the following characteristics:

a. Suitable water access for marine industrial activity;

b. Upland property of sufficient depth to accommodate industrial activity;

c. An existing character established by industrial uses and related commercial activity including manufacturing use, warehousing, transportation, utilities, and similar activities((;)).

2. Areas directly related to major rail lines serving industrial businesses.

((~~D. Locational Criteria, General Industrial 2 (IG2) zones.~~))

3. Areas containing mostly industrial uses, including manufacturing, heavy commercial, warehousing, transportation, utilities and similar activities.

4. Large areas with generally flat topography.

5. Areas platted into large parcels of land.

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Section 24. A new Section 23.34.093 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.093 General Industrial 2 (IG2) zone, function and locational criteria.

A. Function. An area with existing industrial uses, that provides space for new industrial development and accommodates a broad mix of activity, including additional commercial development, when such activity improves employment opportunities and the physical conditions of the area without conflicting with industrial activity.

B. Locational Criteria. General Industrial 2 zone designation is most appropriate in areas generally characterized by the following:

1. Areas that are developed with industrial activity or a mix of industrial activity and a wide range of commercial uses;

2. Areas where facilities, such as the Kingdome or Design Center, have established a more commercial character for the surroundings and have created the need for a broader mix of support uses;

3. Areas with adequate access to the existing and planned neighborhood transportation network, where additional trips generated by increased commercial densities can be accommodated without conflicting with the access and circulation needs of industrial activity;

4. Areas where increased commercial densities would allow the economic reuse of small sites and existing buildings no longer suited to current industrial needs;

5. Areas which, because of their size and isolation from a larger industrial area due to separation by another type of zone or major physical barrier, such as an arterial or waterway, can accommodate more nonindustrial activity without conflicting with the industrial function of the larger industrial area((.)).

6. Large areas with generally flat topography;

7. Areas platted into large parcels of land.

Section 25. subsections A, B and C of Section 23.34.094 of the Seattle Municipal Code, as adopted by Ordinance 113658, are amended as follows:

23.34.094 ((~~Locational criteria -~~))Industrial Buffer (IB) zone((~~.~~)), function and locational criteria.

((~~The Industrial Buffer (IB) zone is intended to provide an appropriate transition between industrial areas and adjacent residential zones, or commercial zones having a residential orientation and/or a pedestrian character. In reviewing a proposal to rezone an area to Industrial Buffer (IB), the following criteria shall be considered:~~))

A. Function. An area that provides an appropriate transition between industrial areas and adjacent residential zones, or commercial zones having a residential orientation and/or pedestrian character.

B.((~~A.~~)) Locational Criteria. Industrial Buffer zone designation is most appropriate in areas generally characterized by the following: ((~~General Characteristics:~~))

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1. Areas containing industrial uses or a mix of industrial activity and a wide range of commercial uses which are located on the edge of a larger industrial area designated Industrial General 1 (IG1), Industrial General 2 (IG2), or Industrial Commercial (IC). ((~~and are also characterized by one (1) of the following:~~))

2.((~~1.~~)) Areas where a transition is needed to protect a less-intensive zone from potential negative impacts of industrial activity when ((~~F~~))the area directly abuts a residential, Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial/Residential 2 (NC2/R), ((~~or~~)) Neighborhood Commercial 3 (NC3) ((~~zone~~)), Neighborhood Commercial/Residential 3 (NC3/R), ((~~or a~~)) Commercial ((~~One~~))1 (C1) ((~~zone~~)), or Commercial ((~~Two~~))2 (C2) zone with a substantial amount of residential development and/or ((~~a~~)) pedestrian character. ((~~, unless sufficient separation is already provided to protect the less-intensive zone from potential negative impacts of industrial activity in one (1) or more of the following ways:~~

~~a. A significant change in topography clearly separates the two (2) zones;~~

~~b. A major natural or man-made feature, such as a waterway or canal, separates and places sufficient distance between the zones;~~

~~c. A major, limited access thoroughfare isolates the zones from each other;~~

~~d. A railway line or major arterial, because of its grade, width, landscaping or other special characteristics, provides adequate separation between zones.~~))

3.((~~2~~)) Areas of steeply sloping land with a greenbelt designation that are functionally related to an adjacent industrial area.

C.((~~B~~)) Zone Boundaries. The boundaries and overall depth of the Industrial Buffer (IB) zone shall vary ((~~according~~)) according to the specific conditions of each area, so that an adequate separation between industrial activity and less-intensive zones can be provided to reduce through traffic, noise, visual conflicts, and other impacts of industrial development. However, where there are no special features or other conditions to provide sufficient buffer depth, a distance ranging from three hundred to five hundred feet (300-500') shall be maintained as a buffer. Within an industrial area, the following conditions help establish the transition desired between industrial areas and less-intensive zones and should be considered in establishing boundaries separating the Industrial Buffer zone from the rest of the industrial area:

1. Topographic Conditions. Significant ((~~C~~))changes in topography within an industrial area may provide a good boundary for the Industrial Buffer zone by reducing the noise and visual impacts of the larger industrial area on an abutting, less-intensive zone.

2. Development Patterns. Changes in the type of activity and/or the scale of existing development occurring along the edge of an industrial area may create conditions that are more compatible with the abutting, less-intensive zone.

3. Grid and Platting Patterns. Changes in block sizes, shifts in the street grid, a major arterial, undeveloped streets, platted lot lines, and other factors related to the platting pattern often create separate areas which, when located along the edge of an industrial area, can reinforce the transition desired in the Industrial Buffer zone.

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4. Special Features. Certain natural or built features ((~~factors~~)) such as railway lines, open spaces, transmission line rights-of-way, and waterways may, because of their width, siting, or landscaping, separate the edge of an industrial zone from a larger industrial area, helping to establish the edge of the Industrial Buffer zone.

Section 26. Section 23.68.006, as adopted by Ordinance 113658 has been renumbered and amended as follows:

((~~23.68.006~~)) 23.34.098 Manufacturing Center Overlay (MCO): function and ((~~L~~))locational criteria.

((~~A. A rezone pursuant to Chapter 23.34 shall be required to establish a Manufacturing Center Overlay.~~))

A. Function. The Manufacturing Center Overlay (MCO) may be established in locations where a well maintained and physically attractive setting is desired to promote and encourage new manufacturing and related commercial activities, particularly advanced technology manufacturing and research and development laboratories.

B. Locational Criteria. Areas zoned General Industrial 1 (IG1), General Industrial 2 (IG2) or Industrial Buffer (IB), except waterfront lots within two hundred feet (200') of the shoreline, may be considered for designation as a Manufacturing Center Overlay if the((~~y~~)) area meets one (1) or more of the following locational criteria:

1. Areas with potential for significant redevelopment, evidenced by ((~~underutilized~~)) underused sites, vacant land, and uses in transition;

2. Areas where existing manufacturing uses can be retained to provide a base for further manufacturing or mixed use development;

3. Areas where the existing infrastructure is inadequate and may be improved at a reasonable cost through redevelopment;

4. Areas large enough to acquire a special character through redevelopment coordinated according to a long-range development plan;

5. Areas in close proximity to downtown, or with good regional access to downtown, major research centers, or other employment centers.

Section 27. A new Section 23.34.100 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.100 Designation of Downtown zones.

((~~A. A decision to rezone a parcel of land to any downtown zone designation shall be based upon the general rezone criteria in Section 23.34.008 and subsection B. Downtown areas shall be assigned one (1) or more zone, height and/or overlay designation(s) according to the Land Use and Transportation Plan for Downtown Seattle.~~))

((~~B.~~))A. Rezones to a downtown zone designation shall only be considered for areas within the boundaries of downtown as established by the Land Use and Transportation Plan for Downtown Seattle.

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Section 28. A new Section 23.34.102 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.102 Downtown Office Core-1 (DOC-1) zone, function and locational criteria.

Locations appropriate for Downtown Office Core-1 zone designation shall be consistent with the following:

A. Function. Areas that provide high density office and commercial activities with related support services and retail shopping. The density of office activity shall be greater in this area than any other part of downtown.

B. Scale and Character of Development. Areas with the greatest concentration of large buildings of primarily office and commercial use.

C. Transportation and Infrastructure Capacity. Areas with a very high level of access to vehicular and transit systems and where the existing urban infrastructure is adequate or can be easily expanded to support high densities of development.

D. Relationship to Surrounding Activity. A single, contiguous area which is centrally located in relation to other downtown districts having lower intensities of development and more mixing of uses.

Section 29. A new Section 23.34.104 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.104 Downtown Office Core-2 (DOC-2) zone, function and locational criteria.

Locations appropriate for Downtown Office Core-2 zone designation shall be consistent with the following:

A. Function. Areas that provide a range of high density office and commercial activities with retail shopping and support services closely related to the primary office core. The density of development is not as great as in the DOC-1 designation.

B. Scale and Character of Development. Areas where large scale office buildings are appropriate and do not adversely affect the pedestrian environment or existing development determined desirable for preservation.

C. Transportation and Infrastructure Capacity. Areas that are well served by transit and vehicular systems and where other urban infrastructure systems are adequate or readily expandable to accommodate anticipated growth.

D. Relationship to Surrounding Activity. Areas shall be adjacent to DOC-1. These areas shall provide transition to the north of the office and retail cores where the character is not well established and land is available for development. To the south of the office core, these areas shall provide a transition to those areas where a strong character exists in Pioneer Square and the International District.

E. Heights. Two (2) height classifications of DOC-2 shall provide transition between the high structures of the DOC-1 designation and areas adjacent to this classification. Generally, maximum heights should be lower in the southern part of downtown to provide transition to Pioneer Square and the International District.

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Section 30. A new Section 23.34.106 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.106 Downtown Retail Core (DRC) zone, function and locational criteria.

Locations appropriate for Downtown Retail Core zone designation shall be consistent with the following:

A. Function. Areas which provide highly-concentrated, regional retail shopping activity in the core of downtown. Retail shopping, entertainment and consumer services predominate at street level, and related and supporting uses occur in the upper floors of buildings. Office and other commercial uses may also be present, but at a density and scale of development that does not conflict with the primary retail function or make the street level environment less conducive to shopping.

B. Scale and Character of Development. Areas with moderate scale buildings and well defined street spaces where sidewalks are lined with a variety of retail shopping, entertainment and consumer services. Areas are characterized by a combination of buildings and street spaces conducive to an active, high quality pedestrian environment on relatively level terrain.

C. Transportation Access. Areas where both vehicular and transit systems provide good access for shoppers. The area is served by a wide range of regional, citywide and local transit routes providing high levels of service during the prime shopping hours of the day and evening. Recognizing that the auto will be a prime means of shopper travel, the area provides good off-peak auto access with adequate amounts of short-term shopper parking.

D. Relationship to Surrounding Activity. The area shall be centrally located in relation to areas of downtown employment and residential concentrations.

Section 31. A new Section 23.34.108 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.108 Downtown Mixed Commercial (DMC) zone, function and locational criteria.

Locations appropriate for Downtown Mixed Commercial zone designation shall be consistent with the following:

A. Function. Areas characterized by lower scale office, retail and commercial uses related to activity in the office and retail cores, mixed with housing and associated residential services.

B. Scale and Character of Development. The scale of buildings shall be moderate in height and mass to provide a physical transition between the high density office areas and surrounding lower scale mixed use and residential districts.

C. Transportation and Infrastructure Capacity. Areas having less accessibility to vehicular and transit systems than the concentrated office districts. Transportation and other infrastructure capacities shall be capable of accommodating modest growth without major improvement.

D. Relationship to Surrounding Activity. Areas which provide less intensive activity along the western and northern edges of the retail and office cores.

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These areas shall provide a buffer to less intensive areas, such as the Harborfront, Pike Place Market and Denny Regrade residential area to the west and the Neighborhood Commercial areas north of Denny Way.

E. Heights. Five (5) height designations shall provide desired transitions compatible with adjacent downtown districts and those areas outside downtown.

Section 32. A new Section 23.34.110 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.110 Downtown Mixed Residential (DMR) zone, function and locational criteria.

Locations appropriate for Downtown Mixed Residential zone designation shall be consistent with the following:

A. Function. Areas which provide a mixed use community where housing and associated services and amenities predominate. Offices, retail and other commercial uses shall be compatibly integrated with the predominant residential character at low to moderate densities.

B. Scale and Character of Development. Areas where there is an existing base of housing and the potential exists for establishing a residential community. Areas shall have the potential for supporting a wide range of residential building types, ranging from midrise structures closely related to the street to larger tower forms. Opportunities shall exist for major public amenities, such as parks and open space and views of downtown, Elliott Bay and surrounding land forms.

C. Transportation and Infrastructure Capacity. Areas with adequate transportation and infrastructure capacity to accommodate a substantial residential population. Employment densities shall be related to the ability of the transportation system to accommodate peak hour flow without adversely affecting the residential development.

D. Relationship to Surrounding Activity. Areas where there are surrounding mixed use areas providing transition between the residential community and higher intensity core areas of downtown.

E. Mix of Use. Two mix of use designations shall be applied to achieve subarea objectives. The DMR/R designation shall apply to areas predominantly residential in character or containing large amounts of underused land; non-residential uses may be present but should be of modest scale, likely to change in the future, or neighborhood serving in character. The DMR/C designation shall apply to those areas containing housing or having housing potential where larger scale, non-residential serving commercial development exists and is likely to remain.

F. Heights. One (1) of three (3) building height designations may be applied to achieve subarea objectives. The lowest height designation shall generally be centered on Belltown, in areas characterized by existing modest scale development, buildings of historic character or topographic features such as the bluff rising from Elliott Bay. The intermediate area shall provide transition in height and density to the north of Belltown and along the bluff where larger scale commercial buildings divide the area from Elliott Bay. The highest height and density shall apply to areas now characterized by larger residential and commercial buildings, generally north and east of Belltown near the higher density mixed commercial areas of downtown.

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Section 33. A new Section 23.34.112 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.112 Pioneer Square Mixed (PSM) zone, locational criteria.

The Pioneer Square Mixed zone designation shall apply to those areas which lie within the Pioneer Square Preservation District, north of those areas predominantly in manufacturing and industrial use and not contained within the International Special Review District.

Section 34. A new Section 23.34.114 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.114 International District Mixed (IDM) zone, locational criteria.

The International District Mixed zone designation shall apply to those downtown areas of the International Special Review District designated by the Downtown Plan for mixed use development. The areas designated IDM shall be characterized by a mix of uses contained in low and medium scale structures and include the area west of Fifth Avenue South bordering Pioneer Square.

Section 35. A new Section 23.34.116 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.116 International District Residential (IDR) zone, locational criteria.

The International District Residential zone designation shall apply to those downtown areas of the International Special Review District designated by the Downtown Plan for development as a predominantly residential neighborhood. The areas designated IDR shall be generally located north of the International District core, contain parcels available for infill development and possess topographic features providing view potential.

Section 36. A new Section 23.34.118 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.118 Downtown Harborfront-1 (DH-1) zone, locational criteria.

The Downtown Harborfront-1 zone and the Urban Harborfront Shoreline Environment designation shall apply to waterfront lots and adjacent harbor area located within the boundaries of downtown.

Section 37. A new Section 23.34.120 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.120 Downtown Harborfront-2 (DH-2), function and locational criteria.

A Downtown Harborfront-2 zone designation shall apply to those areas which meet the following:

A. Function. Areas which provide commercial activities in support of shoreline goals and related office, commercial, retail and residential uses.

B. Scale and Character of Development. Areas where the intended scale of development is moderate, and an orientation toward the water exists. The area

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provides a transition in scale and character between the waterfront and adjacent downtown areas.

C. Transportation Capacity. Areas with transportation capacity to support low and moderate densities commensurate with planned capacity of Alaskan Way.

D. Relationship to Surrounding Activity. Areas adjacent to the shoreline which have a strong physical relationship to activities on the waterfront and are separated from downtown areas due to topographic conditions. The primary relationship shall be to the harbor areas. The relationship to downtown shall be secondary.

E. Heights. One (1) of three (3) height districts may be applied to maintain existing views from upland public spaces and provide a transition in scale between the waterfront and downtown.

Section 38. A new Section 23.34.122 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.122 Pike Market Mixed (PMM) zone, locational criteria.

The Pike Market Mixed zone designation shall apply to the area encompassed by the adopted Pike Place Project Urban Renewal Plan inclusive of the Pike Place Historic District.

Section 39. A new Section 23.34.124 is hereby added to Chapter 23.34 of the Seattle Municipal Code as follows:

23.34.124 Designation of Major Institution Overlay (MIO) Districts.

((~~A. A decision to rezone a parcel of land to a Major Institution Overlay District shall be based upon the general rezone criteria in Section 23.34.008 and the criteria in subsections B through D below.~~))

((~~B.~~))A. Public Purpose. The applicant shall submit a statement which documents the reasons the rezone is being requested, including a discussion of the public benefits resulting from the proposed expansion, the way in which the proposed expansion will serve the public purpose mission of the major institution, and the extent to which the proposed expansion may affect the livability of the surrounding neighborhood. Review and comment on the statement shall be requested from the appropriate Advisory Committee as well as relevant state and local regulatory and advisory groups.

((~~C.~~))B. Boundaries Criteria. The following criteria shall be used in the selection of appropriate boundaries for: 1) new Major Institution Overlay districts; 2) additions to existing MIO districts; and 3) modifications to boundaries of existing MIO districts.

1. Establishment or modification of boundaries shall take account of the holding capacity of the existing campus and the potential for new development with and without a boundary expansion.

2. Boundaries for an MIO district shall correspond with the main, contiguous major institution campus. Properties separated by only a street, alley or other public right-of-way shall be considered contiguous.

3. Boundaries shall provide for contiguous areas which are as

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compact as possible within the constraints of existing development and property ownership.

4. The land use policies for the underlying zoning and the surrounding areas shall be considered in the determination of boundaries.

5. Preferred locations for boundaries shall be streets, alleys or other public rights-of-way. Configuration of platted lot lines, size of parcels, block orientation and street layout shall also be considered.

6. Selection of boundaries should emphasize physical features that create natural edges such as topographic changes, shorelines, freeways, arterials, changes in street layout and block orientation, and large public facilities, land areas or open spaces, or greenspaces.

7. New or expanded boundaries shall not be permitted where they would result in the demolition of structures with residential uses or change of use of those structures to non-residential major institution uses unless comparable replacement is proposed to maintain the housing stock of the city.

8. Expansion of boundaries generally shall not be justified by the need for development of professional office uses.

((~~D.~~))C. Height Criteria. The following criteria shall be used in the selection of appropriate height designations for: 1) proposed new Major Institution Overlay districts; 2) proposed additions to existing MIO districts; and 3) proposed modifications to height limits within existing MIO districts:

1. Increases to height limits may be considered where it is desirable to limit MIO district boundary expansion.

2. Height limits at the district boundary shall be compatible with those in the adjacent areas.

3. Transitional height limits shall be provided wherever feasible when the maximum permitted height within the overlay district is significantly higher than permitted in areas adjoining the major institution campus.

4. Height limits should generally not be lower than existing development to avoid creating non-conforming structures.

5. Obstruction of public scenic or landmark views to, from or across a major institution campus should be avoided where possible.

Section 40. Subsections A and B of Section 23.41.004 of the Seattle Municipal Code, as adopted by Ordinance 116909, is amended as follows:

23.41.004 Applicability and phasing.

A. Design Review Required.

1. Design review shall be required for all new multifamily and commercial structures which exceed the thresholds for environmental review established in the State Environmental Policy Act (SEPA) as adopted by the City of Seattle and codified in Chapter 25.05, SMC, in all Neighborhood Commercial 1, 2, 3 (NC1, 2, 3) zones.((~~, Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR) zones, according to the schedule in subsection B.~~))

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2. Design review shall also be required for all new multifamily and commercial structures which exceed the SEPA thresholds in Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR) zones.

((~~2~~))3. Design Review shall also be required for all new multifamily and commercial structures which exceed SEPA thresholds in Commercial 1 and 2 (C1, C2) zones, when that development abuts or is directly across a street or alley from any lot zoned single family.

4. Design Review shall also be required for all new structures which include more than four thousand (4,000) gross square feet of floor area for nonresidential uses or more than four (4) residential units in Commercial 1 and 2 (C1, C2) zones located within urban village commercial areas as shown on the Official Land Use Map.

((~~3~~))5. Design Review is optional for all new multifamily and commercial structures not otherwise subject to this Chapter, in all multifamily and commercial zones.

B. Phasing. The following development shall be subject to the provisions of this Chapter:

1. ((~~On the effective date of this section -~~)) All new structures described in subsection A1-((~~2,~~))3 that abut or are directly across a street or alley from any lot zoned single family;

2. ((~~Beginning twelve (12) months after the effective date of this section~~))As of April 15, 1995 - All new structures described in subsection A2 that abut or are directly across a street or alley from any lot zoned single family, and all new structures described in subsections A1, A3, and A4((~~31, and all new multifamily and commercial structures which are located in a neighborhood Commercial zone (NC1, NC2, NC3) and exceed the thresholds for SEPA categorical exemption~~));

3. ((~~Beginning eighteen months after the effective date of this section~~))As of October 15, 1995 - All new structures as described in subsection A1-((~~2~~)4.

Section 41. A new Chapter 23.43 is added to Title 23, Seattle Municipal Code, as follows:

23.43.006 Residential Small Lot zone, principal uses permitted outright.

The following principal uses shall be permitted outright in the Residential Small Lot (RSL) zone:

A. Single Family Dwelling Unit on One (1) Lot. The designation RSL without a suffix shall indicate that a detached single family dwelling unit on one (1) lot is the only residential structure type allowed in the zone.

B. Tandem Houses, pursuant to a Council approved neighborhood plan. The designation RSL/T shall indicate that in addition to detached single family dwelling units on individual lots, tandem houses are allowed in the zone.

23.43.008 Development standards for one dwelling unit per lot.

A. Lot Area. Minimum lot area for one (1) detached dwelling unit shall be two thousand five hundred (2500) square feet.

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B. Height Limit and Roof Pitch. The basic height limit shall be twenty-five feet (25'). The ridge of pitched roofs with a minimum slope of three to twelve (3:12) may extend above the height limit to thirty feet (30'). All parts of the roof above twenty-five feet (25') shall be pitched.

C. Structure Depth. The depth of any structure shall not exceed sixty feet (60'). Decks, balconies, and bay windows shall be excluded from measurement for the purposes of this provision.

D. Yards and Setbacks.

1. Front and Rear Yards.

a. The sum of the front yard plus the rear yard shall be thirty feet (30').

b. In no case shall either yard have a depth of less than ten feet (10') .

c. If recommended in a Council approved neighborhood plan an ordinance designating an area as RSL may require front and/or rear yard setbacks greater than ten (10) feet, provided that the requirement of Subsections D1a of this Section shall not be increased or decreased, and the requirement of Subsection D1b of this Section shall not be reduced.

2. Side Setbacks. The required side setback shall be five feet (5'). The side setback may be averaged. No portion of the side setback shall be less than three feet (3'), except as follows:

a. Street side setbacks shall be a minimum of five feet (5').

b. If an easement is provided along a side lot line of the abutting lot sufficient to leave a minimum ten foot (10') separation and an average of ten feet (10') between the two (2) principal structures of the two (2) lots, the required side yard may be reduced from the requirement of D2 above. 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 setback. 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. No portion of any structure, including eaves, shall cross the property line.

E. Parking.

1. One (1) parking space per dwelling unit shall be required as provided for single-family structures in Chapter 23.54, Quantity and Design Standards for Access and Off-Street Parking.

2. Access. Access to parking shall be from the alley when the property abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be located on the same lot as the principal structure.

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b. Parking may be in or under a structure, or outside a structure, provided that:

(1) Parking shall not be located in the front yard;

(2) Parking shall not be located in a side setback abutting a street or in the first ten feet (10') of a rear yard abutting a street.

23.43.010 Tandem housing.

A. Density and Minimum Lot Area.

1. The maximum density shall be one (1) dwelling unit per two thousand five hundred (2,500) square feet of lot area.

2. A maximum of two (2) residential structures may be located on a lot used for tandem houses.

3. The minimum lot area for tandem houses shall be five thousand (5,000) square feet.

4. Accessory dwelling units shall not be permitted on a lot containing tandem houses.

B. Height Limit and Roof Pitch.

1. The basic height limit for new principal structures shall be eighteen feet (18'). Existing structures may remain and be expanded, provided that new portions of the structure shall not exceed the height limits of this subsection.

2. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty-eight feet (28'). The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend up to twenty-three feet (23'). All parts of the roof above eighteen feet (18') shall be pitched at the required slope.

C. Yards and Setbacks.

1. Front Yard. The front yard shall be a minimum of ten feet (10').

2. Interior Separation between Tandem Houses. The interior separation between the residential structures shall be a minimum of ten feet (10').

3. Rear Yard. Where no platted alley exists, the rear yard for a lot containing tandem houses shall be a minimum of ten feet (10'). Where a platted developed alley exists, this rear yard requirement shall not apply.

4. Total Combined Yards. The total of the front yard, rear yard (if any), and the interior separation shall be a minimum of thirty-five feet (35').

5. If recommended in a Council approved neighborhood plan an ordinance designating an area as RSL may require front and/or rear yard setbacks greater than ten (10) feet, (except for rear yards where platted and developed alleys exist), subject to the provision of Subsections C1, C2, C3, and C4 of this Section, and provided that the required total combined yards shall not exceed thirty-five feet.

3. Side Setbacks. The required side setback shall be five feet (5').

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The side setback may be averaged. No portion of the side setback shall be less than three feet (3'), except as follows:

a. Street side setbacks shall be a minimum of five feet (5').

b. If an easement is provided along a 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 required side setback may be reduced from the requirement of 23.43.008 D 2. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities on the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement, except that eaves of a principal structure may project a maximum of eighteen inches (18") into the easement. No portion of any structure, including eaves shall cross the property line.

D. Lot Coverage. The maximum lot coverage shall be forty-five percent (45%), subject to the exceptions noted in Section 23.44.010 D.

E. Parking.

1. One (1) parking space per dwelling unit shall be required, as provided for single-family structures in Chapter 23.54.

2. Access. Access to parking shall be from the alley when the property abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be located on the same lot as the tandem houses.

b. Parking may be in or under a structure, or outside a structure, provided that:

(1) Parking shall not be located in the front yard;

(2) Parking shall not be located in a side setback abutting a street or the first ten feet (10') of a rear yard abutting a street.

F. Pedestrian Access to Public Right-of-Way. There shall be an area of no less than ten feet (10') in width between each dwelling unit and a street or platted and developed alley. This access may be a driveway and/or cross any required yards.

23.43.040 Accessory uses and structures

A. Accessory structures shall be permitted in the RSL zone under the following conditions:

1. Garages shall be regulated according to the development standards for garages for each housing type permitted in the RSL zone, as provided in subsections 23.44.014, 23.44.016, 23.44.040, 23.44.044, and 23.44.060.

2. When converted to principal use in tandem house developments, garages shall be subject to the development standards for tandem house principal

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structures.

3. Garages shall be limited to a height of twelve feet (12') as measured on the facade containing the entrance for the vehicle.

4. Accessory structures other than garages shall also be limited to twelve feet (12') in height.

B. Solar Collectors. Solar collectors are permitted outright as an accessory use to any principal use subject to the following standards:

1. Solar collectors, including solar greenhouses which meet minimum standards and maximum size limits as determined by the Director, shall not be counted in lot coverage.

2. Solar collectors, except solar greenhouses attached to principal use structures, may exceed the height limits of the RSL zone by four feet (4') or extend four feet (4') above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than nine feet (9') above the height limit established for the zone. A solar collector which exceeds the basic height limit for the zone shall be placed so as not to shade an existing solar collector or property to the north on January 21st, at noon, any more than would a structure built to the maximum permitted height and bulk.

3. Solar collectors and solar greenhouses meeting minimum written energy conservation standards administered by the Director may be located in required yards according to the following conditions:

a. In a side yard, no closer than three feet (3') from the property line; or

b. In a rear yard, no closer than fifteen feet (15') from the rear property line unless there is a platted alley, in which case the solar collector shall be no closer than ten feet (10') from the centerline of the alley; or

c. In a front yard, solar greenhouses which are integrated with the principal structure and have a maximum height of twelve feet (12') may extend up to six feet (6') into the front yard. In no case shall the greenhouse be located closer than five feet (5') from the property line.

C. Home Occupations. Home occupations are permitted accessory uses in the RSL zone, subject to the standards contained in Section 23.44.050.

23.43.080 Nonconforming uses.

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

B. A structure occupied by a nonconforming use may be converted to

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single family residential use even if the structure does not conform to development standards of the zone. A converted structure may be expanded or extended provided that the expansion or extension shall conform to the development standards of the zone and shall not cause an already nonconforming structure to become more nonconforming to development standards.

23.43.082 Nonconforming structures.

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

B. A nonconforming accessory structure or nonconforming part of a principal structure located in a yard which is required by the development standards for the use or zone may be rebuilt or replaced but may not be expanded or extended beyond its former dimensions.

C. A nonconforming structure which is destroyed by fire, other act of nature, or other causes beyond the control of the owner may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed.

D. Where replacement of a nonconforming structure or portion of a structure is permitted under this section, action toward that replacement must be commenced within twelve (12) months after the demolition or destruction of the structure. Action toward replacement shall include an application for a building permit, commencement of construction, or other significant activity directed toward the replacement of the structure. If this action is not commenced within this time limit, any replacement must conform to the existing development standards.

Section 42. Section 23.44.036 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended by adding a new subsection, subsection F, as follows:

23.44.036 Council approval of public projects and City facilities.

F. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 43. Subsection I of Section 23.45.006 of the Seattle Municipal Code, as last amended by Ordinance 114887, is further amended as follows:

23.45.006 General development standards for structures in multifamily zones.

I. ((~~When townhouses which meet all development standards are built on a lot, the lot may then be subdivided, even when the structures on the new lots do not meet development standards. When nonconforming structures are created by the subdivision, they shall meet the standards of Section 23.45.190, Nonconforming structures. The fact that development may be limited because of nonconformity shall be indicated on the plat recorded with the Director of the King County Department of~~

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~~Records and Elections.~~)) When a subdivision is proposed for a townhouse development, the development shall be subject to the provisions of Section 23.24.045, Townhouses.

Section 44. Subsection A of Section 23.45.010 of the Seattle Municipal Code, as last amended by Ordinance 117173, is further amended as follows:

23.45.010 Lot coverage -- Lowrise zones.

A. Except as provided in subsection C of this ((9))Section, the maximum lot coverage permitted for principal and accessory structures shall not exceed the following limits:

1. For townhouses, the following lot coverage limits shall apply:

Lowrise Duplex/Triplex	--	Forty-five percent (45%).
Lowrise 1	--	Fifty percent (50%).
Lowrise 2	--	Fifty percent (50%).
Lowrise 3	--	Fifty percent (50%).
Lowrise 4	--	Fifty percent (50%).

2. For all other structures, the following lot coverage limits shall apply:

Lowrise Duplex/Triplex	--	Thirty-five percent (35%).
Lowrise 1	--	Forty percent (40%).
Lowrise 2	--	Forty percent (40%).
Lowrise 3	--	Forty-five percent (45%).
Lowrise 4	--	Fifty percent (50%).

Section 45. Section 23.45.014 of the Seattle Municipal Code, as last amended by Ordinance 117263, is further amended as follows:

23.45.014 Setback requirements -- Lowrise zones.

A. Front Setback.

1. The required front setback shall be the average of the setbacks of the first principal structures on either side, except for cottage housing developments, subject to the following:

Lowrise Duplex/ Triplex	--	In no case shall the setback be less than five feet (5') and it shall not be required to exceed twenty feet (20').
Lowrise 1, Lowrise 2, and Lowrise 3	--	In no case shall the setback be less than five feet (5') and it shall not be required to exceed fifteen feet (15').
Lowrise 4	--	In no case shall the setback be less than five feet (5') and it shall not be required to exceed twenty feet (20').

2. Cottage Housing Developments. The required front setback

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shall be a minimum of ten feet (10').

3. Townhouses.

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

b. No portion of a structure shall be closer to the front property line than five feet (5').

c. Portions of the façade which begin eight feet (8') or more above finished grade may horizontally project up to four feet (4') beyond the lower portion of the façade, without being counted in setback averaging.

((~~3.~~))4. Through Lots. In the case of a through lot, each setback abutting a street, except a side setback, shall be a front setback. Rear setback requirements shall not apply to the lot.

((~~4.~~))5. A greater setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

Section 46. Section 23.45.106 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended, by adding a new subsection, subsection G, as follows:

23.45.106 Public projects and City facilities.

G. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 47. Section 23.47.002 of the Seattle Municipal Code, as last amended by Ordinance 117350, is further amended as follows:

23.47.002 Scope of provisions.

A. This ((e))Chapter describes the authorized uses and development standards for the five (5) commercial zones: Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 3 (NC3), Commercial 1 (C1) and Commercial 2 (C2).

B. Commercial zones which have a pedestrian designation (P1 or P2) or a residential designation (R) on the Official Land Use Map shall be subject to the use and development standards of Subchapters I, II and III of this ((e))Chapter. ((~~in addition to the use and development standards of Subchapters I and II~~)) These subchapters may be modified by applicable overlay provisions.

C. Areas referred to as urban village commercial areas are those commercially zoned properties designated on the Comprehensive Plan Future Land Use Map as commercial/mixed use areas within urban centers/villages. These commercial areas are indicated by a "V" on the Official Land Use Map.

D. In addition to the regulations of this Chapter, certain commercial areas may be regulated by Subtitle IV, Division 3, Overlay Districts.

((~~D~~))E. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking quantity, access and design are provided in

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Chapter 23.54. Signs shall be regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86. Requirements for communication utilities and accessory communication devices are contained in Chapter 23.57.))

((~~E. For the purposes of this chapter, the terms "existing structures or uses" shall mean those structures or uses which were established under permit, or for which a permit has been granted and has not expired, or which are substantially underway in accordance with Section 23.04.010 D, on the effective date of the ordinance codified in this chapter~~)).

F. Departure from the development standards of this ((c))Chapter may be permitted or required for public schools pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools.

Section 48. Section 23.47.004, Uses: Chart A, of the Seattle Municipal Code, as last amended by Ordinance 117203, is further amended as follows:

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COMMERCIAL USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	NC2	NC3	C1	C2
I. COMMERCIAL USE					
A. Retail Sales and Services.					
1. Personal and Household Retail Sales and Services					
- Multi-purpose convenience stores	P	P	P	P	P
- General retail sales and service	P	P	P	P	P
- Major durables sales, service and rental	P	P	P	P	P
- Specialty food stores	P	P	P	P	P
2. Medical Services	P	P/CU[1]	P/CU[1]	P/CU[1]	P/CU[1]
3. Animal Services[2]					
- Animal health services	P	P	P	P	P
- Kennels	X	X	X	X	P
- Animal shelters	X	X	X	X	X
4. Automotive Retail Sales and Services					
- Gas stations	P	P	P	P	P
- Sales and rental of motorized vehicles	X	P	P	P	P
- Vehicle repair, minor	P	P	P	P	P
- Vehicle repair, major	X	P	P	P	P
- Car wash	X	P	P	P	P
- Towing services	X	X	X	P	P
- Automotive parts or accessory sales	P	P	P	P	P
5. Marine Retail Sales and Services					
- Sales and rental of large boats	X	P	P	P	P
- Vessel repair, minor	P	P	P	P	P
- Vessel repair, major	X	X	X	S	S
- Marine service station	P	P	P	P	P
- Dry storage of boats	X	P	P	P	P
- Recreational marinas	S	S	S	S	S
- Commercial moorage	S	S	S	S	S
- Sale of boat parts or accessories	P	P	P	P	P
6. Eating and Drinking Establishments					
- Restaurants without cocktail lounges	P	P	P	P	P
- Restaurants with cocktail lounges	X	P	P	P	P
- Fast-food restaurant (750 square feet and under)	P	P	P	P	P
- Fast-food restaurant (over 750 square feet)	CU	CU	CU	CU	CU
- Tavern	CU	CU	P	P	P
- Brewpub	CU	CU	P	P	P
7. Lodging					
- Hotel	X	X	P	P	P
- Motel	X	X	P	P	P
- Bed and breakfast	P[3]	P[3]	P	P	P
8. Mortuary Services	X	P	P	P	P
9. Existing Cemeteries	P	P	P	P	P

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COMMERCIAL USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	NC2	NC3	C1	C2
B. Principal Use Parking	X	P	P	P	P
C. Non-Household Sales and Service					
1. Business support services	P	P	P	P	P
2. Buiness incubator	P	P	P	P	P
3. Sales, service and rental of office equipment		X	P	P	P
4. Sales, service and rental of commercial equipment and construction materials	X	X	P	P	P
5. Sale of heating fuel	X	X	P	P	P
6. Heavy commercial services	X	X	X	P	P
- Construction services	X	X	X	P	P
- Commercial laundries	X	X	X	P	P
D. Offices					
1. Customer service office	P	P	P	P	P
2. Administrative office	P	P	P	P	P
E. Entertainment					
1. Places of Public Assembly					
- Performing arts theater	X	P	P	P	P
- Spectator sports facility	X	P	P	P	P
- Lecture and meeting halls	X	P	P	P	P
- Motion picture theater	X	P	P	P	P
- Adult motion picture theater	X	X	X	X	X
- Adult panoramas	X	X	X	X	X
2. Participant Sports and Recreation					
- Indoor	P	P	P	P	P
- Outdoor	X	X	X	P	P
F. Wholesale Showroom	X	X	P	P	P
G. Mini-warehouse	X	X	P	P	P
H. Warehouse	X	X	P	P	P
I. Outdoor Storage	X	X	X	P	P
J. Transportation Facilities					
1. Personal transportation services	X	X	P	P	P
2. Passenger terminals	X	X	P	P	P
3. Cargo terminals	X	X	X	S	P
4. Transit vehicle base	X	X	X	CCU[4]	CCU[4]
5. Helistops	X	X	CCU[5]	CCU[5]	CCU[5]
6. Heliports	X	X	X	X	X
7. Airport, land-based	X	X	X	X	X
8. Airport, water-based	X	X	X	X	S
9. Railroad switchyard	X	X	X	X	X
10. Railroad switchyard with mechanized hump	X	X	X	X	X

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COMMERCIAL USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	NC2	NC3	C1	C2
K. Food Processing and Craft Work					
1. Food processing for human consumption	P	P	P	P	P
2. Custom and craft work	P	P	P	P	P
L. Research and Development Laboratories	P	P	P	P	P
II. SALVAGE AND RECYCLING					
A. Recycling Collection Station	P	P	P	P	P
B. Recycling Center	X	X	X	P	P
C. Salvage Yard	X	X	X	X	X
III. UTILITIES					
A. Utility Service Uses	P	P	P	P	P
B. Major Communication Utility[6]	X	X	X	CCU	CCU
C. Minor Communication Utility[6]	P	P	P	P	P
D. Solid Waste Transfer Station	X	X	X	X	X
E. Power Plants	X	X	X	X	X
F. Sewage Treatment Plants	X	X	X	X	X
G. Solid Waste Incineration Facility	X	X	X	X	X
H. Solid Waste Landfill	X	X	X	X	X
IV. MANUFACTURING					
A. Light Manufacturing	X	P	P	P	P
B. General Manufacturing	X	X	X	P	P
C. Heavy Manufacturing	X	X	X	X	X
V. HIGH-IMPACT USES	X	X	X	X	X
VI. INSTITUTIONS					
A. Institute for Advanced Study	P	P	P	P	P
B. Private Club	P	P	P	P	P
C. Child Care Center	P	P	P	P	P
D. Museum	P	P	P	P	P
E. School, Elementary or Secondary	P	P	P	P	P
F. College	P	P	P	P	P
G. Community Center	P	P	P	P	P
H. Community Club	P	P	P	P	P
I. Vocational or Fine Arts School	P	P	P	P	P
J. Hospital	P	P	P	P	P
K. Religious Facility	P	P	P	P	P
L. University	P	P	P	P	P
M. Major Institutions subject to the provisions of Chapter 23.69	P	P	P	P	P
VII. PUBLIC FACILITIES					
A. Jails	X	X	X	X	X
B. Work-Release Centers[7]	CCU	CCU	CCU	CCU	CCU

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COMMERCIAL
USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	NC2	NC3	C1	C2
VIII. PARK AND POOL/RIDE LOT					
A. Park and Pool Lots	P[8]	P	P	P	P
B. Park and Ride Lots	X	X	CU	CU	CU
IX. RESIDENTIAL[9]					
A. Single-Family Dwelling Units	P/CU[10]	P/CU[10]	P/CU[10]	P/CU[10]	CU[10]
B. Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
C. Congregate Residences	P/CU	P/CU	P/CU	P/CU	CU
D. Floating Homes	S	S	S	S	S
E. Mobile Home Park	X	X	X	P	CU
F. Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
G. Caretaker's Quarters	P/CU	P/CU	P/CU	P/CU	P
H. Adult Family Homes	P/CU	P/CU	P/CU	P/CU	P
I. Home Occupations	P[11]	P[11]	P[11]	P[11]	P[11]
J. Nursing Homes	P	P	P	P	P
X. OPEN SPACE					
A. Parks	P	P	P	P	P
B. Playgrounds	P	P	P	P	P
XI.. AGRICUTURAL USES					
A. Animal Husbandry	X[11]	X[11]	X[11]	X[11]	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

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P - Permitted
X - Prohibited
CU - Administrative Conditional Use
CCU - Council Conditional Use
S - Permitted only in the Shoreline District, when permitted by the Seattle Shoreline Master Program.

[1] Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted Major Institution Master Plan or located in a downtown zone. See Section 23.47.006.

[2] The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.

[3] In existing structures only.

[4] New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.

[5] Permitted only as an accessory use according to Section 23.47.006.

[6] See Chapter 23.57 for regulation of communication utilities.

[7] Subject to dispersion criteria in Section 23.47.005.

[8] Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot.

[9] Residential uses in mixed-use structures are permitted outright in NC1, NC2, NC3, and C1 zones. Single-purpose residential structures, other than nursing homes, are permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use according to the provisions of Section 23.47.023, except where the height limit is 85 feet or higher. All residential uses, other than nursing homes in C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted ourtight in all commercial zones, whether in a mixed use structure or as a single-purpose residential use, except in Pedestrian-Desegnated Zones (See Section 23.47.040).

[10] An accessory dwelling unit added to a single family residence shall be allowed ourtight and shall not require a separate conditional use permit. The unit shall be considered accessory to the single family residence, shall meet the standards listed for accessory dwelling units in Seciton 23.44.025 and shall not be considered a separate dwelling unit for all development standard purposes in commercial zones.

[11] Permitted only as an accessory use.

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Section 49. Subsection E of Section 23.47.004 of the Seattle Municipal Code, as last amended by Ordinance 116295, is further amended as follows:

23.47.004 Permitted and prohibited uses.

E. Public Facilities.

1. Public facilities which are similar to those provided by the private sector, such as offices, athletic facilities or medical service uses, shall be permitted or prohibited in all commercial zones according to the use regulations for the particular type of use. These public facilities shall meet the development standards for the use to which they are similar. If the development standards cannot be met, the City Council may waive or change the standards for reasons of public necessity, according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

2. Public facilities which are not similar to those provided by the private sector, such as police and fire stations, shall be permitted unless specifically prohibited in Chart A. These public facilities shall meet the development standards of the zone in which they are located. If the development standards cannot be met, the City Council may waive or change the standards for reasons of public necessity, according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

3. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 50. Subsection B of Section 23.47.006 of the Seattle Municipal Code, as last amended by Ordinance 116907, is further amended as follows:

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

a. Due to location or parcel size, the proposed site is not suited for commercial development; or ((~~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. There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially-zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an "established commercial street front" may be intersected by streets or alleys, and some lots with no current commercial use.

((~~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~~))

e. ((~~There is an ample amount of vacant commercial land in the~~

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

5. Residential Uses in C2 Zones.

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

(1) Availability of Suitable Land for C2 Activities. Residential uses shall generally be discouraged in areas which have limited vacant land and where, due to terrain and large parcel size, land is particularly suitable for commercial rather than residential development.

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

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

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

6. Residential Use in International Special Review District. Single-purpose residential structures shall 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:

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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.

9. Change of One (1) Nonconforming Use to Another.

a. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:

(1) New uses shall be limited to those first permitted in the next more intensive zone;

(2) The relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated.

b. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

Section 51. Section 23.47.008 of the Seattle Municipal Code, last amended by Ordinance 117350, is further amended as follows:

23.47.008 Mixed use ((~~structures~~)) <u>development</u>

A. A mixed use <u>development consists of</u> ((~~structure is one which contains~~)) residential and nonresidential use <u>in the same structure or in separate structures on the same lot and</u> meeting the standards specified in this ((~~s~~))<u>S</u>ection, except as provided in the Northgate Overlay District, Chapter 23.71((~~, and the 12th Avenue Overlay District, Chapter 23.72~~)).

((~~B. Mixed use structures sixty-five feet (65') in height or lower shall have an area equal to at least ten percent (10%) of the gross floor area of the structure or fifty percent (50%) of the structure's footprint, whichever is greater, in nonresidential use other than principal use parking, mini-warehouses and warehouses.~~

~~C. Mixed use structures which exceed sixty-five feet (65') in height shall have an area equal to at least fifty percent (50%) of the structure's footprint in nonresidential use other than principal use parking, mini-warehouses and warehouses.~~

~~D. Accessory parking for nonresidential uses shall not be included in the minimum requirements of subsections B and C of this section.~~

~~E. Nonresidential use, excluding accessory parking, shall meet the following standards:~~

~~1. Nonresidential use shall occupy a minimum of sixty percent (60%) of a mixed use structure's street front facade at street level; and~~))

<u>B.</u> <u>A minimum of eighty percent (80%) of a mixed use structure's street</u>

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front facade at street level shall be occupied by nonresidential uses. Except in zones designated NC2/R and NC3/R, the required nonresidential uses shall extend at least thirty feet (30') in depth from the street front facade of the structure or have an area equal to fifty percent (50%) of the structure's footprint, whichever is less, provided that the minimum required depth may be averaged, with no depth less than fifteen feet (15'). In all NC and C zones, the nonresidential use portion of the development shall also be subject to the following:

1. For purposes of calculating the eighty percent (80%) of a mixed use structure's street front facade at street level, twenty-two feet (22') for the width of a driveway accessing parking may be subtracted from the length of the street front facade if the access cannot be provided from a side street or alley.

2. If the nonresidential and residential uses are located in separate structures, the eighty percent (80%) requirement shall apply to the lot's lineal street frontage at street level.

3. Areas required to be in nonresidential use under this Section shall be uses other than principal use or accessory parking, mini-warehouses, warehouses, lodging uses or utility uses.

4. Where the lot fronts on two (2) or more streets and abuts a lot which is not zoned commercial, the street front facade requirement shall apply to the structure's facade along the street with the greatest continuous lineal feet of commercially zoned frontage.

5. Where a lot fronts on two (2) or more streets and only abuts lots which are zoned commercial, the street front facade requirement shall be calculated by totaling the mixed use structure's total combined street front facades. On a through lot, the Director may waive the requirement for one of the street fronts if the street is not a major commercial street. The Director may require screening of garbage cans, parking and utility meters where the street front facade requirement is waived.

((2))6. A minimum of fifty-one percent (51%) of the portion of a mixed use structure's street front facade ((~~containing~~))which contains required nonresidential use shall be at or above sidewalk grade.

((3))7. ((~~In NC1, NC2 and NC3 zones, t~~))The entrance to required nonresidential uses at street level shall be no more than three feet (3') above or below sidewalk grade.

((~~4. When a mixed use structure fronts on more than one (1) street and abuts a noncommercially zoned lot, the sixty percent (60%) requirement shall apply to the structure's facade along the street with the greatest lineal feet of commercially zoned frontage.~~

~~5. Where a lot fronts on two (2) or more streets and only abuts other commercially zoned lots, the sixty percent (60%) requirement shall be calculated by totaling the mixed use structure's total combined street front facade.~~))

((6))8. For the purposes of this ((s))Section, a mixed use structure's street front facade shall be measured by drawing the least rectangle that encloses the structure and measuring the length of the side of that rectangle most closely parallel to the front of streetside lot line(s) (Exhibit 23.47.008A).

C. Height for Mixed Use Structures

1. Mixed use structures shall be subject to the height provisions of

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Section 23.47.012 A.

2. Except in zones designated NC2/R and NC3/R, for mixed use structures, all nonresidential use at street level shall have a minimum floor to floor height of thirteen feet (13').

3. In zones with a thirty foot (30') or forty foot (40') height limit, the Director shall permit the height of the structure to exceed the height limit of the zone by up to four feet (4'), subject to the following:

a. The additional height is necessary to meet Code minimums for ceiling height; and

b. The additional height will not permit an additional story to be built (beyond three (3) for a zone with a thirty foot (30') height limit and four (4) for a zone with a forty foot (40') height limit).

4. In zones with a thirty foot (30') or forty foot (40') height limit, the Director may permit the height of the structure to exceed the height limit of the zone by up to four feet (4'), subject to the following:

a. The additional height will result in floor to floor heights of thirteen feet (13') or more for the nonresidential use at street level and at least nine feet (9') for each of the other levels of the structure; and

b. The additional height of the structure will not permit an additional story to be built (beyond three (3) for a zone with a thirty foot (30') height limit and four (4) for a zone with a forty (40') height limit); and

c. If the additional height of the structure (up to four feet (4')) significantly blocks views from neighboring residential structures of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Greenlake, Puget Sound, Lake Washington, Lake Union and the Ship Canal, the Director shall not permit the additional height except as necessary to meet Code minimums for ceiling height.

((~~F. A structure's footprint shall be that area bound within the exterior perimeter of a structure's walls at its widest dimension projected to the ground. However, to calculate the gross floor area of a structure for the purposes of determining nonresidential use requirements, all gross floor area below grade or used for accessory parking or mechanical equipment shall be excluded.~~))

D. Above thirteen feet (13') from finished grade and above the required nonresidential use, the residential portion of a mixed use structure shall be limited to a maximum lot coverage of sixty-four percent (64%).

((~~G~~)) E. Any detached structure which contains residential uses and does not meet the requirements for mixed use structures as provided in this ((s))Section shall be considered a single-purpose residential structure, per the standards of 23.47.023.

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Section 52. Section 23.47.009 of the Seattle Municipal Code, as adopted by Ordinance 116795, is amended as follows:

23.47.009 Density limits for residential uses.

((~~Density limits for residential uses in mixed use structures are~~))

A. Density limits shall not apply to residential uses in mixed use structures, except under the following circumstances:

1. As established ((~~for~~)) in the Northgate Overlay District((,)) as provided in Chapter 23.71.

2. For lots rezoned from SF to NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 per subsection 23.34.010B, the density limit shall be one (1) unit per one thousand six hundred (1600) square feet of lot area.

B. Density limits shall apply for single-purpose residential structures subject to the following, except as provided in subsection C below:

1. In the Northgate Overlay District, as provided in Chapter 23.71.

2. In NC1 zones the density limit shall be one (1) unit per one thousand six hundred (1600) square feet of lot area.

3. In NC2, NC3, C1 and C2 zones with either thirty feet (30') or forty feet (40') height limits, the density limit shall be one (1) unit per one thousand two hundred (1200) square feet of lot area.

4. In NC2, NC3, C1 and C2 zones with sixty five foot (65') height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

5. For lots rezoned from SF to NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 per subsection 23.34.010B, the density limit shall be one (1) unit per one thousand six hundred (1600) square feet of lot area.

6. There shall be no residential density limit for single-purpose residential structures in the NC2/R or NC2/R zone.

C. The following density limits for single-purpose residential structures shall apply in commercial areas where there has been a review subsequent to January 1, 1995 to determine whether single-purpose residential structures shall continue to be conditional uses, permitted outright or prohibited, and if the area is to be included within an urban village or urban center, an urban village boundary has been established:

1. Inside urban village commercial areas as shown on the Official Land Use Map:

a. In NC zones with thirty foot (30') height limits, the density limit shall be one (1) unit per seven hundred (700) square feet of lot area.

b. In NC zones with forty foot (40') height limits, the density limit shall be one (1) unit per five hundred (500) square feet of lot area.

c. In NC zones with sixty-five foot (65') height limits, the density limit shall be one (1) unit per four hundred (400) square feet of lot area.

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d. In C1 and C2 zones with thirty foot (30'), forty foot (40') or sixty-five foot (65') height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area except as provided in subparagraph C1e below.

e. Density limits in a C1 or C2 zone may be increased to the density limit for single-purpose residential structures in the NC zone with the corresponding height designation if the structure is developed according to the standards for NC zones as listed below:

(1) Outdoor storage areas, per Section 23.47.011 E 1;

(2) Screening for gas stations, per Section 23.47.016D3c;

(3) Blank facades, per Section 23.47.016 E;

(4) Drive-in lanes, per Section 23.47.028 A3; and

(5) Location of parking, per Section 23.47.032 B.

f. There shall be no residential density limit for single-purpose residential structures in the NC2/R or NC2/R zone.

2 Outside urban village commercial areas as shown on the Official Land Use Map.

a. In NC zones with thirty foot (30') height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

b. In NC zones with forty foot (40') and sixty-five foot (65') height limits, the density limit shall be one (1) unit per six hundred (600) square feet of lot area.

c. In C1 and C2 zones with thirty foot (30'), forty foot (40') or sixty-five foot (65') height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area.

Section 53. Subsections A and G of Section 23.47.010 of the Seattle Municipal Code, as last amended by Ordinance 114382, are further amended as follows:

23.47.010 Maximum size of nonresidential use.

A. Maximum size of nonresidential use per individual business establishment and per lot.

1. Maximum size regulations shall apply to individual business establishments according to Chart B.

2. Maximum size for all nonresidential uses in NC2/R and NC3/R shall apply per lot as follows:

a. Nonresidential uses shall be limited to the size of the lot area or twenty thousand (20,000) square feet, whichever is greater.

b. Nonresidential uses in zones designated NC2/R and NC3/R with a height limit of thirty or forty feet (30' or 40') may be increased in size up to

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one and one-half (1.5) times the lot area if the nonresidential use is in a mixed use structure according to the provisions of Section 23.47.008, and if a minimum of thirty-five percent (35%) of the gross floor area of the mixed use structure is in residential use, not including parking.

c. Nonresidential uses in zones designated NC2/R and NC3/R with a height limit of sixty-five feet (65') may be increased in size up to two (2) times the lot area if the nonresidential use is in a mixed use structure according to the provisions of section 23.47.008, and if a minimum of thirty-five percent (35%) of the gross floor area of the mixed use structure is in residential use, not including parking.

3. Office uses in C1 and C2 zones shall be limited to the size of the lot area or thirty-five thousand (35,000) square feet, whichever is greater. Office uses in C1 and C2 zones within urban village commercial areas as shown on the Official Land Use Map are exempt from this limit if the structure meets the following standards for NC zones:

(1). Outdoor storage areas, per Section 23.47.011E1;
(2). Screening for gas stations, per Section 23.47.016D3c;
(3). Blank facades, per Section 23.47.016E;
(4). Drive-in Lanes, per Section 23.47.028A; and
(5). Location of parking, per Section 23.47.032B.

G. Increase in Maximum Size Limits.

1. Increases in maximum size limits ((~~may be allowed~~)) for operating business establishments or uses may be permitted as ((a))Special ((e))Exceptions according to the procedures set forth in Chapter 23.76, Master Use Permits and Council Land Use Decisions, subject to the following:

a. Operating business establishments or uses in NC1 zones may be expanded up to a maximum of ten thousand (10,000) square feet.

b. Operating business establishments or uses in NC2 zones which are limited to a maximum size of five thousand (5,000) square feet may be expanded to a maximum size of ten thousand (10,000) square feet, and operating business establishments or uses which are limited to a maximum size of fifteen thousand (15,000) square feet may be expanded to a maximum size of twenty-five thousand (25,000) square feet.

c. Operating business establishments or uses in NC3 zones which are limited to a maximum of ten thousand (10,000) or fifteen thousand (15,000) square feet may be expanded to a maximum size of twenty thousand (20,000) square feet.

2. The decision to permit, condition or deny an increase in size shall be based upon an assessment of the following factors:

a. The impacts of the operating business establishment and the anticipated impacts if an increase in size were permitted;

b. The availability of commercial space in the zone for uses which contribute to the function and desired characteristics of the zone, ((~~according to the Land Use Policies for Neighborhood Commercial Areas~~)) as described in Chapter 23.34;

c. The number of business establishments present in the zone that are similar to the business establishment for which expansion is proposed;

d. The compatibility of the operating business establishment with the character and scale of the business district and the surrounding neighborhood;

e. The length of time the business establishment has been operating;

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CHART B
For Section 23.47.010

Nonresidential Uses Subject to Maximum Size Limit	ZONE NC1	NC2	NC3	C1	C2
Nonresidential uses including institutions and public facilities unless otherwise specified	4,000 sq. ft.	15,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Medical services	10,000 sq. ft.	15,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Multi-purpose convenience store	10,000	((25))50,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Food processing and craft work	4,000 sq. ft.	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Light manufacturing	X	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Fast-food restaurant[1]	750 sq. ft.	750 sq. ft.	750 sq. ft.	750 sq. ft.	750 sq. ft.
	4,000 sq. ft.	8,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Fuel sales	X	X	25,000 sq. ft.	N.M.S.L.	N.M.S.L.
Sales, service and rental of commercial equipment and construction materials					
Passenger terminals					
Indoor participant sports and recreation	4,000 sq. ft.	15,000 sq. ft.	25,000 sq. ft.	N.M.S.L.	N.M.S.L.
General manufacturing	X	X	X	15,000 sq. ft.	N.M.S.L.
Wholesale showroom warehouse	X	X	15,000 sq. ft.	25,000 sq. ft.	N.M.S.L.
Mini-warehouses	X	X	15,000 sq. ft.	40,000 sq. ft.	N.M.S.L.
Public schools	N.M.S.L.	N.M.S.L.	N.M.S.L.	N.M.S.L.	N.M.S.L.

NMSL - No Maximum Size Limitations

* - Increases in maximum size limits may be allowed for operating business establishments according to provisions of subsection G.

NA - Not applicable

X - Does not apply; use not permitted in zone

[1] - Fast-food restaurants larger than 750 square feet are conditional uses.

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Section 54. Subsection A, as last amended by ordinance 117350 and subsection B, as last amended by ordinance_____ of Section 23.47.012 of the Seattle Municipal Code, are further amended as follows:

23.47.012 Structure height and floor area ratio.

A. Maximum Height. The maximum structure height for commercial zones shall be thirty feet (30'), forty feet (40'), sixty-five feet (65'), eighty-five feet (85'), one hundred twenty-five feet (125'), or one hundred sixty feet (160'), as designated on the Official Land Use Map, Chapter 23.32. In addition, mixed use structures located in ((~~12th Avenue Overlay District~~)) commercial zones with a thirty foot (30') or forty foot (40') height limit may exceed the height limit of the zone by up to four feet (4'), according to the provisions of Section 23.47.008 ((~~23.72.008~~)).

B. Floor Area Ratios.

1. Floor area ratios (FARs) are hereby established for structures in zones with eighty-five foot (85'), one hundred twenty-five foot (125') and one hundred sixty foot (160') maximum height limits according to Chart C. Structures sixty-five feet (65') in height or less in these zones shall not be subject to floor area ratio provisions. For the provisions of this section, a "mixed-use structure" is a building containing a residential use, excluding caretaker's quarters, and at least one (1) other type of use.

CHART C

PERMITTED FLOOR AREA RATIO (FAR)

Structures Higher than 65 Feet	**Height Limit Zones**		
	85'	**125'**	**160'**
Mixed-use structure total	6	6	7
Any single use within a mixed-use structure	4.5	5	5
Single-purpose structure	4.5	5	5

Section 55. Subsection A, as last amended by ordinance 117263, and subsection B, as last amended by ordinance _____ of Section 23.47.014 of the Seattle Municipal Code, are further amended as follows:

23.47.014 Setback requirements.

A. For the purposes of this ((s))Section, portions of structures shall include those features listed in Section 23.47.012G, Rooftop Features.

B. Setbacks for Mixed Use ((~~Structures~~)) Development, Single-Purpose Residential Structures and Structures Containing No Residential Uses.

1. A setback shall be required on lots which abut the intersection of a side and front lot line of a residentially zoned lot. The required setback shall be a triangular area. Two (2) sides of the triangle shall extend fifteen feet (15') from the

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intersection of the street property line and the property line abutting the residentially zoned lot. The third side shall connect these two (2) sides with a diagonal line across the lot (Exhibits 23.47.014A and 23.47.014B).

2. A setback shall be required along any side lot line which abuts a side lot line of a residentially zoned lot as follows:

a. Zero feet (0') for portions of structures ((~~twelve feet (12')~~)) thirteen feet (13') in height or lower; and

b. Ten feet (10') for portions of structures above ((~~twelve feet (12')~~)) thirteen (13') in height to a maximum of sixty-five feet (65'); and

c. For portions of structures above sixty-five feet (65') in height, an additional one foot (1') of setback shall be required for every ten feet (10') in excess of sixty-five feet (65') (Exhibit 23.47.014C).

3. For structures containing no residential uses, a setback shall be required along any rear lot line which abuts a lot line of a residentially zoned lot or which is across an alley from a residentially zoned lot, as follows:

a. Zero feet (0') for portions of structures ((~~twelve feet (12')~~)) thirteen feet (13') in height or lower; and

b. Ten feet (10') for portions of structures above ((~~twelve feet (12')~~)) thirteen feet (13') in height to a maximum of sixty-five feet (65'); and

c. For portions of structures above sixty-five feet (65') in height, an additional one foot (1') of setback shall be required for every ten feet (10') in excess of sixty-five feet (65') (Exhibit 23.47.014C).

4. For mixed use structures and single-purpose residential structures, a setback shall be required along any rear lot line which abuts a lot line of a residentially zoned lot or which is across an alley from a residentially zoned lot, as follows:

a. Zero feet (0') for portions of structures ((~~twelve feet (12')~~)) thirteen feet (13') in height or lower; and

b. Fifteen feet (15') for portions of structures above ((~~twelve feet (12')~~)) thirteen feet (13') in height to a maximum of forty feet (40'); and

c. For portions of structures above forty feet (40') in height, an additional two feet (2') of setback shall be required for every ten feet (10') in excess of forty feet (40') (Exhibit 23.47.014D).

5. One-half (1/2) alley width may be counted as part of the required setback.

6. No entrance, window, or other opening shall be permitted closer than five feet (5') to a residentially zoned lot.

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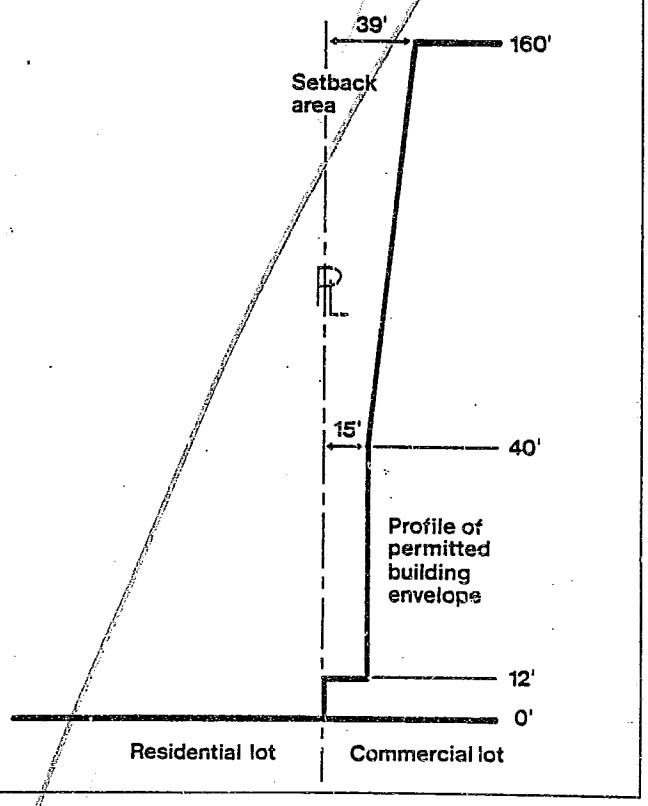
Exhibit 23.47.014 D
Setback for Mixed Use ((~~Structures~~)) Development and Single-Purpose Residential Structure Along Rear Lot Line Abutting Residentially Zoned Lot



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Section 56. Subsection E of Section 23.47.016 of the Seattle Municipal Code, as last amended by Ordinance 117263, is further amended as follows:

23.47.016 Screening and landscaping standards.

E. Blank Facades.

1. One (1) of the following shall be required along blank facades greater than thirty feet (30') in width ((1))in all NC1, NC2, NC2/R, ((~~and~~)) NC3, and NC3/R zones((~~, and~~)) or in C1 and C2 zones((~~,~~)) when across a street from a residentially zoned lot((~~, along blank facades greater than thirty feet (30') in width one (1) of the following shall be required~~)):

a. Ivy or similar vegetation shall be planted in front of or on the street-facing side of the blank facade; or

b. A five-foot (5') setback shall be provided in front of the blank facade, and the setback shall be planted with trees and shrubs according to rules promulgated by the Director; or

c. Artwork on the blank facade which has been approved by the Seattle Arts Commission.

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

3. Any portion of a facade which is not transparent shall be considered to be a blank facade. Clear or lightly tinted glass in windows, doors and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

4. Portions of a facade of a structure which are separated by transparent areas of at least four feet (4') in width and between two feet (2') and eight feet (8') above the sidewalk shall be considered separate facade segments for the purposes of this subsection.

Section 57. Seattle Municipal Code Section 23.47.023, as last amended by Ordinance 117263, is further amended as follows:

23.47.023 Standards for single-purpose residential structures.

((~~A. In NC1 zones single-purpose residential structures shall meet the development standards for residential structures in L1 zones, except as provided for in the Northgate Overlay District, Chapter 23.71.~~

~~B. In NC2, NC3, C1 and C2 zones with either thirty (30') or forty foot (40') height limits, single-purpose residential structures shall meet the development standards for residential structures in L2 zones, except that no front setback shall be required, except as provided for in the Northgate Overlay District, Chapter 23.71.~~

~~C. In NC2, NC3, C1 and C2 zones with sixty five foot (65') height limits, single purpose residential structures shall meet the development standards for residential structures in L3 zones, except that no front setback shall be required. Within the Northgate Overlay District, Chapter 23.71, standards for single purpose residential structure are modified.~~))

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A. In all commercial zones, single-purpose residential structures shall be subject to the density standards provided for in Section 23.47.009, except as provided for in the Northgate Overlay District, Chapter 23.71.

((D))B. In all commercial zones with a height limit of eighty-five feet (85') or greater, except those designated NC/R, single-purpose residential structures are prohibited.

C. Single-purpose residential structures shall meet all other development standards applicable to mixed use development, except that the street level uses may be occupied by residential uses other than parking.

Section 58. Subsection A of Seattle Municipal Code Section 23.47.024, as last amended by Ordinance 113892, is further amended as follows:

23.47.024 Open space standards ((~~for mixed use structures~~)).

Usable open space shall be required for all residential uses in mixed use ((~~structures~~)) development and for single-purpose residential structures according to the following:

A. Usable open space shall be required for all residential uses in an amount equal to twenty percent (20%) of the structure's gross floor area in residential use. Calculation of a structure's gross floor area, for the purposes of this subsection, shall exclude area used for mechanical equipment, accessory parking and unenclosed decks, balconies or porches.

Section 59. Subsection A of Section 23.47.028 of the Seattle Municipal Code, as last amended by Ordinance 113263 is further amended as follows:

23.47.028 Standards for Drive-in Businesses.

A. Number of Drive-in Lanes Permitted.

1. Zones designated NC2/R and NC3/R. Drive-in businesses are prohibited in zones designated NC2/R and NC3/R.

((1))2. NC1 Zones. Gas stations shall be limited to a maximum of four (4) drive-in lanes. Other drive-in businesses are prohibited.

((2))3. NC2 Zones. All drive-in businesses in NC2 zones shall be limited to a maximum of two (2) drive-in lanes, except gas stations which shall be allowed a maximum of four (4) drive-in lanes.

((3))4. NC3 Zones. All drive-in businesses in NC3 zones shall be limited to a maximum of four (4) drive-in lanes, except gas stations which shall have no restrictions on the number of drive-in lanes.

((4))5. C1 and C2 Zones. There shall be no restriction on the number of drive-in lanes in C1 and C2 zones.

Section 60. A new Section 23.49.009 is hereby added to Chapter 23.49 of the Seattle Municipal Code as follows:

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23.49.009 Open space.

A. Findings. The City Council Finds that:

1. Office workers are the principal users of Downtown open space.

2. Additional major office projects Downtown will result in increased use of public open space.

3. If additional major office projects Downtown do not provide open space to offset the additional demands on public open space caused by such projects, the result will be overcrowding of public open space, adversely affecting the public health, safety and welfare.

4. The additional open space needed to accommodate office workers is at least 20 square feet for each 1,000 square feet of office space.

5. Smaller office developments may encounter design problems in incorporating open space, and the sizes of open spaces provided for office projects under 85,000 square feet may make them less attractive and less likely to be used. Therefore, and in order not to discourage small scale office development, projects involving less than 85,000 square feet of new office space should be exempt from any open space requirement.

6. As indicated in the DCLU's October 1994 report, with the exception of certain projects, most major recent Downtown office projects have provided significant amounts of on-site open space. Therefore, requiring open space for future major projects will tend to ensure that existing projects do not bear the burdens caused by new development and will result in an average reciprocity of advantage.

B. Quantity of Open Space. Open space in the amount of twenty (20) square feet for each one thousand (1,000) square feet of gross office floor area shall be required of projects that include eighty five thousand (85,000) or more square feet of usable new office space in DOC-1, DOC-2 , DMC, DMR/C and DH2 zones.

C. Standards for Open Space. To satisfy this requirement, open space may be provided on-site or off-site.

1. On-site Open Space.

a. Open space provided on the project site under this requirement shall be eligible for public benefit feature bonuses, as allowed for each zone, provided the open space is open to the public without charge and meets the standards of the zone in which the feature is located and the Public Benefit Features Rule for one or more of the following:

- Parcel Park;
- Green Street on an abutting right-of-way;
- Rooftop Garden -- Street Accessible;
- Hillside Terrace;
- Harborfront Open Space; or
- Urban Plaza.

b. On-site open space satisfying this requirement may achieve a bonus as a public benefit feature not to exceed one (1) FAR, which shall be counted against, and not increase the total FAR bonus available from the provision of Public Benefit Features.

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requirement of this Section for any other project. Open space on the site of any building for which a master use permit decision was issued or a complete building permit application was filed prior to the effective date of this ordinance, that is not required under the Land Use Code in effect when such permit decision was issued or such application filed but that would have been required for the same building by this Section, shall not be used to satisfy the open space requirement or to gain an FAR bonus for any other project.

F. Authority. This Section is adopted pursuant to the Growth Management Act, the City's Comprehensive Plan and the City's inherent police power authority. The City Council finds that the requirements of this Section are necessary to protect and promote the public health, safety and welfare.

Section 61. Section 23.49.042 of the Seattle Municipal Code, as adopted by Ordinance 112303, by adding a new subsection, subsection C, is amended as follows:

23.49.042 Downtown Office Core 1, permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 62. Subsection A and the subsection entitled "Table for Section 23.49.050 B" of Section 23.49.050 of the Seattle Municipal Code, as last amended by Ordinance 116513, are further amended as follows:

23.49.050 Downtown Office Core 1, 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 limits set forth in Section 23.49.048 when low or low-moderate income housing is included in the development proposal and the following criteria are met:

a. Gross floor area equivalent to two (2) times the area of the lot shall be earned either:

(i) Through the provision of public benefit features other than housing, or

(ii) From transfer of development rights from a lot that is an eligible sending site other than based on its status as a low-income housing TDR site, before a housing bonus, or transfer of development rights from a lot that is an eligible sending site based solely on its status as a low-income housing TDR site, may be used.

b. 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.

3. The director shall review the design of any public benefit feature in subsection B and determine whether the feature, as proposed for a specific project,

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provides a public benefit and is consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

4. Except for housing, human services, child care, ((~~and~~)) landmark performing arts theaters, and off-site open space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or abutting public rights-of-way as the project in which the bonus floor area is used.

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Table for Section 23.49.050 B

PUBLIC BENEFIT FEATURE AREA BONUSES

Public Benefit Feature	Bonus Ratio[1]	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	7[6]	10,000 square feet
Human service use in existing structure	3.5[6]	10,000 square feet
Child care in new structure	12.5[6]	10,000 square feet[5]
Child care in existing structure	6.5[6]	10,000 square feet[5]
Cinema	7	15,000 square feet
Shopping atrium in areas shown on Map IIB	6 or 8[2]	15,000 square feet
Shopping corridor in areas shown on Map IIB	6 or 7.5[3]	7,200 square feet
Retail shopping in areas shown on Map IIB	3	0.5 times the area of the lot, not to exceed 15,000 square feet
Parcel park	5	7,000 square feet
Rooftop garden, street accessible	2.5	20% of lot area
Rooftop garden, interior-accessible	1.5	30% of lot area
Hillclimb assist in areas shown on Map IIB	1.0 FAR[4]	Not applicable
Hillside terrace in areas shown on Map IIB	5	6,000 square feet
Sidewalk widening if required by Section ((~~23.49.016~~)) 23.49.022	3	Area necessary to meet required sidewalk width
Overhead weather protection if required on Pedestrian I streets designated on Map IID	3 or 4.5[3]	10 times the street frontage of the lot
Sculptured building top	1.5 square feet per square foot of reduction	30,000 square feet
Small lot development	2.0 FAR[4]	Not applicable
Short-term parking, above grade, in areas shown on Map IIB	1	200 parking spaces
Short-term parking, below grade, in areas shown on Map IIB	2	200 parking spaces
Performing arts theater Features Rule	12(maximum)[7]	Subject to Public Benefit
Museum	5	30,000 square feet
Urban plaza	5	15,000 square feet
Public atrium	6	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 three (3) times the area of the lot
Off-site open space[8]	5	1 FAR
Payment-in-lieu of open space[8]	5	1 FAR

[1] Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.
[2] Amount depends on height of the shopping atrium.
[3] Higher bonus is granted when skylights are provided.
[4] This is a flat bonus granted when the public benefit feature is provided, regardless of its size.
[5] Child care space from 3,001 to 10,000 square feet is bonused at same ratio as human service uses.
[6] Human services and child care may be provided in another downtown zone; in that case, bonus ratio subject to Public Benefit Features Rule.
[7] 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.
[8] See Section 23.49.009.

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Section 63. Section 23.49.060 of the Seattle Municipal Code, as last amended by Ordinance 116907, is further amended, by adding a new subsection, subsection C, as follows:

23.49.060 Downtown Office Core 2, permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 64. Subsection A, as last amended by ordinance _____, and the subsection entitled "Table for Section 23.49.050 B," as last amended by ordinance 117263, of Section 23.49.070 of the Seattle Municipal Code are further amended as follows:

23.49.070 Downtown Office Core 2, 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 limits set forth in Section 23.49.068 when low or low-moderate income housing is included in the development proposal and the following criteria are met:

a. Gross floor area equivalent to two (2) times the area of the lot shall be earned either:

(i) Through the provision of public benefit features other than housing((;)), or

(ii) From transfer of development rights from a lot that is an eligible sending site other than based on its status as a low-income housing TDR site;

before a housing bonus, or transfer of development rights from a lot that is an eligible sending site based solely on its status as a low-income housing TDR site, may be used.

b. 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.

3. The director shall review the design of any public benefit feature in subsection B and determine whether the feature, as proposed for a specific project, provides a public benefit and is consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

4. Except for housing, human services, child care, ((~~and~~))landmark performing arts theaters, and off-site open space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or abutting public rights-of-way as the project in which the bonus floor area is used.

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Table for Section 23.49.070

FLOOR AREA BONUSES

Public Benefit Feature	Bonus Ratio[1]	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	9[6]	10,000 square feet
Human service use in existing structure	4.5[6]	10,000 square feet
Child care in new structure	16[6]	10,000 square feet[5]
Child care in existing structure	8[4]	10,000 square feet[5]
Cinema	9	15,000 square feet
Shopping atrium in areas show on Map IIIB	6 or 8[2]	15,000 square feet
Shopping corridor in areas shown on Map IIIB	6 or 7.5[3]	7,200 square feet
Retail shopping in areas shown on Map IIIB	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	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 IIIB	1.0 FAR[4]	Not applicable
Hillside terrace in areas shown on Map IIIB	6.5	6,000 square feet
Sidewalk widening if required by Section ((~~23.49.016~~))23.49.022	3	Area necessary to meet required sidewalk width
Overhead weather protection on Pedestrian I streets designated on Map IIID	3 or 4.5[3]	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[4]	Not applicable
Short-term parking, above grade, in areas shown on Map IIIB	1	200 parking spaces
Short-term parking, below grade, in areas shown on Map IIIB	2	200 parking spaces
Performing arts theater	12 (maximum)[7]	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 the area of the lot
Off-site open space[8]	6.5	1 FAR
Payment-in-lieu of open space[8]	6.5	1 FAR

[1] Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.
[2] Amount depends on height of the shopping atrium.
[3] Higher bonus is granted when skylights are provided.
[4] This is the amount of bonus granted when the public benefit feature is provided, regardless of its size.
[5] Child care space from 3,001 to 10,000 square feet is bonused as human service uses.
[6] Human services and child care may be provided in another downtown zone; in that case, bonus ratio subject to Public Benefit Features Rule.
[7] 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.
[8] See Section 23.49.009.

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Section 65. Section 23.49.090 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended, by adding a new subsection, subsection C, as follows:

23.49.090 Downtown Retail Core, permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 66. Section 23.49.116 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended, by adding a new subsection, subsection C, as follows:

23.49.116 Downtown Mixed Commercial, permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 67. Section 23.49.126 of the Seattle Municipal Code, as last amended in Ordinance 117263, is further amended as follows:

23.49.126 Downtown Mixed Commercial, 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. The Director shall review the design of public benefit features listed in subsection B to determine whether the feature, as proposed for a specific project, actually provides a public benefit and is consistent with the definitions in Chapter 23.84 and with the Public Benefit Features Rule. The housing bonus shall be granted by the Director based on a finding by the Director of the Department of Housing and Human Services that the proposed housing satisfies the Public Benefit Features Rule.

3. Except for housing, human services, ((~~and~~)) child care, and off-site open space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or abutting public right-of-way as the project in which the bonus floor area is used.

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Public Benefit Feature Bonus Table for Section 23.49.126

Public Benefit Feature	Bonus Ratio[1]	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	6[6]	10,000 square feet
Human service use in existing structure	3[6]	10,000 square feet
Child care in new structure	11[6]	10,000 square feet[5]
Child care in existing structure	5.5[6]	10,000 square feet[5]
Cinema	6	15,000 square feet
Shopping atrium in areas shown on Map VB	6 or 8[2]	15,000 square feet
Shopping corridor in areas shown on Map VB	6 or 7.5[3]	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	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 IIB	1.0 FAR[4]	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 if required by Section 23.49.024	1.0 FAR[4]	Not applicable
Small lot development on blocks with DOC-1 zoning	0.5 FAR[4]	Not applicable
Overhead weather protection on Pedestrian I streets designated on Map VD	3 or 4.5[3]	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
Off-site open space[7]	4	1 FAR
Payment-in-lieu of open space[7]	4	1 FAR

[1] Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.
[2] Amount depends on height of the shopping atrium.
[3] Higher bonus is granted when skylights are provided.
[4] This is the amount of bonus granted when the public benefit feature is provided, regardless of its size.
[5] Child care space from 3,001 to 10,000 square feet is bonused at same ratio as human service uses.
[6] Human services and child care may be provided in another downtown zone; in that case, bonus ratio is subject to Public Benefit Features Rule.
[7] See Section 23.49.009.

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Section 68. Section 23.49.142 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended, by adding a new subsection, subsection C, as follows:

23.49.142 Downtown Mixed Residential, permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 69. Section 23.49.152 of the Seattle Municipal Code, as last amended by Ordinance 117263, 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.

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

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

4. Except for housing, human services, ((~~and~~)) child care, and off-site open space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or abutting public right-of-way as the project in which the bonus floor area is used.

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B. Public Benefit Features. If the Director approves the design of public benefit features according to subsection A of this ((a))Section, floor area bonuses shall be granted as follows. (See Public Benefit Feature Bonus Table for Section 23.49.152 B.)

Public Benefit Feature Bonus Table for Section ((~~23.49.126 B~~)) 23.49.152 B

Public Benefit Feature	Bonus Ratio[1]	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	4.5[5]	10,000 square feet
Human service use in existing structure	2.5[5]	10,000 square feet
Child care in new structure	8.0[5]	10,000 square feet[4]
Child care in existing structure	4.0[5]	10,000 square feet[4]
Cinema	4.5	15,000 square feet
Retail shopping in areas shown on Map VIA	3	0.5 FAR, not to exceed 15,000 square feet
Residential parcel park	3	12,000 square feet
((~~Street Park~~))Green Street on streets shown on Map VIA	3	1.0 FAR
Hillside terrace in areas shown on Map VIA	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	1.0 FAR[2]	Not applicable
Overhead weather protection on Pedestrian I streets designated on Map VID	3 or 4.5[3]	10 times the street frontage of the lot
Voluntary building setback on ((~~street parks~~))green streets shown on Map VIA	3	10 times the frontage on the ((~~street park~~))green street
Off-site open space[6]	3	1 FAR
Payment-in-lieu of open space[6]	3	1 FAR
Housing in DMR/R areas with heights above 85' and all DMR/C areas	Subject to the Public Benefit Features Rule	Subject to the Public Benefit Features Rule; maximum amount of bonus is 1 times the area of the lot in DMR/R areas, and 2 times the area of lot in DMR/C areas

[1] Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.
[2] This is the amount of bonus granted when the public benefit feature is provided, regardless of its size.
[3] Higher bonus is granted when skylights are provided.
[4] Child care space from 3,001 to 10,000 square feet bonused at same ratio as human service uses.
[5] Human services and child care may be provided in another downtown zone; in that case, bonus ratio is subject to Public Benefit Features Rule.
[6] See Section 23.49.009

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Section 70. Section 23.49.300 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended as follows:

23.49.300 Downtown Harborfront 1, uses.

1. Uses that shall be permitted or prohibited in Downtown Harborfront 1 are determined by the Seattle Shoreline Master Program.

2. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 71. Subsection C of Section 23.49.318 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended as follows:

23.49.318 Downtown Harborfront 2, permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 72. Section 23.49.330 of the Seattle Municipal Code, as adopted in Ordinance 112303 is amended as follows:

23.49.330 Downtown Harborfront 2, 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 a designated feature of a Landmark structure.

2. The Director shall review the design of any public benefit features listed in subsection B of this ((a))Section and determine whether these features, as proposed for specific projects, provide a public benefit and are consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

3. All public benefit features provided in return for a bonus shall either be located on the same lot as the project in which the bonus floor area is used, or shall be provided off-site consistent with Section 23.49.009 or consistent with a Harborfront Improvement Plan which has been approved by the City Council.

B. Public Benefit Features. If the Director approves the design of public benefit features, floor area bonuses shall be granted as follows: (See Table for Section 23.49.330).

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Table for Section 23.49.330B

PUBLIC BENEFIT FEATURE AREA BONUSES

Public Benefit Feature Bonus	Bonus Ratio	Maximum Area of Public Benefit Feature Eligible for
Open space on the project lot	3 square feet of floor area per 1 square foot open space	30% of lot area
Harborfront open space or improvements	Subject to Public Benefit Features Rule	Up to maximum permitted by height and development standards
Off-site open space[1]	3	1 FAR
Payment-in-lieu-of open space[1]	3	1 FAR

[1] See Section 23.49.009.

Section 73. Section 23.49.336 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended, by adding a new subsection, subsection C, as follows:

23.49.336 Pike Market Mixed, permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 74. Subsection A of Section 23.50.008 of the Seattle Municipal Code, as last amended by Ordinance 113658 is further amended as follows:

23.50.008 Standards for nonconforming uses.

A. Continuation of Nonconforming Uses.

1. Any legally established nonconforming uses ~~existing on the effective date of the ordinance codified in this section~~ may be continued subject to the provisions of this section.

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Section 75. Subsection A of Section 23.50.010 of the Seattle Municipal Code, as last amended by Ordinance 113658, is further amended as follows:

23.50.010 Standards for nonconforming structures.

A. Nonconforming structures ~~existing as of the effective date of the ordinance codified in this section~~ which are not in conformance with one (1) or more of the development standards for the Industrial zone in which they are located may be expanded, extended or structurally altered in any manner which does not increase the extent of nonconformity or create additional nonconformity, except that expansions, extensions or structural alterations otherwise required by law or necessary to improve access for the elderly and disabled shall be permitted.

Section 76. Section 23.50.012 of the Seattle Municipal Code, as last amended by Ordinance 117263, is further amended, by adding a new subsection, subsection D, and amending subsection titled "Chart A," as follows:

23.50.012 Permitted and prohibited uses.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

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INDUSTRIAL USES

Chart A

For Section 23.50.012

USES	ZONES		
	IB	IC	IG1 AND IG2
I. MANUFACTURING.			
A. Light manufacturing	P	P	P
B. General manufacturing	P	P	P
C. Heavy manufacturing	CU	X or CU[1]	P or CU[2]
II. HIGH-IMPACT USES.	X	X or CU[3]	X or CU[4]
III. COMMERCIAL.			
A. Retail sales and service			
1. Personal and household sales and services	P	P	P
2. Medical services	P/CU[5]	P/CU[5]	P/CU[5]
3. Animal services			
a. Animal health services	P	P	P
b. Kennel	X	P	P
c. Animal control shelter	P	P	P
4. Automotive retail sales and service	P	P	P
5. Marine retail sales and service	P	P	P
6. Eating and drinking establishment			
a. Fast-food restaurants over 750 square feet	CU	CU	CU
b. Fast-food restaurants under 750 square feet	P	P	P
c. Restaurants with or without cocktail lounges	P	P	P
d. Tavern	P	P	P
e. Brewpub	P	P	P
7. Lodging	CU	CU	CU
8. Mortuary service	P	P	P
9. Existing cemeteries	P	P	P
10. New cemeteries	X	X	X
B. Principal use parking, surface area or garage	P	P	P
C. Nonhousehold sales and services	P	P	P
D. Office	P	P	P
E. Entertainment.			
1. Places of public assembly			
a. Performing arts theater	P	P	P
b. Spectator sports facility	P	P	P
c. Lecture and meeting halls	P	P	P
d. Motion picture theater	P	P	P
e. Motion picture theater, adult	X	X	X
f. Adult panorams	X	X	X
2. Participant sports and recreation			
a. Indoor	P	P	P
b. Outdoor	P	P	P

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INDUSTRIAL USES

Chart A

For Section 23.50.012 (Continued)

USES	ZONES		
	IB	IC	IG1 AND IG2
F. Wholesale showroom	P	P	P
G. Mini-warehouse	P	P	P
H. Warehouse	P	P	P
I. Outdoor storage	P	P	P
J. Transportation Facilities			
1. Personal transportation services	P	P	P
2. Passenger terminal	P	P	P
3. Cargo terminal	P	P	P
4. Transit vehicle base	CU	CU	CU
5. Heliotop	CCU	CU	CU
6. Heliport	X	CCU	CCU
7. Airport, land-based	X	CCU	CCU
8. Airport, water-based	X	CCU	CCU
9. Railroad switchyard	P	P	P
10. Railroad switchyard with mechanized hump	X	X	CU
K. Food processing and craft work	P	P	P
L. Research and development laboratory	P	P	P
IV. SALVAGE AND RECYCLING			
A. Recycling collection station	P	P	P
B. Recycling center	P	P	P
C. Salvage yard	X	X	P
V. UTILITIES.			
A. Utility services use	P	P	P
B. Major communication utility[6]	CU	CU	CU
C. Minor communication utility[6]	P	P	P
D. Solid waste transfer station	X	CU	CU
E. Power plant	X	CCU	P
F. Sewage treatment plant	X	CCU	CCU
G. Solid waste incineration facility	X	CCU	CCU
H. Solid waste landfills	X	X	X
VI. INSTITUTIONS.			
A. Institute for advanced study	P	P	P
B. Private clubs	EB	EB	EB

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INDUSTRIAL USES

Chart A

For Section 23.50.012 (Continued)

USES	ZONES		
	IB	IG	IG1 AND IG2
C. Child care center	P	P	P
D. Museum	EB	EB	EB
E. School, elementary or secondary	EB	EB	EB
F. College	EB	EB	EB
G. Community center	EB	EB	EB
H. Community club	EB	EB	EB
I. Vocational or fine arts school	P	P	P
J. Hospital	EB	CU[8]	EB
K. Religious facility	EB	EB	EB
L. University	EB	EB	EB
M. Major institutions, subject to the provisions of Chapter 23.69	EB	EB	EB
VII. PUBLIC FACILITIES.			
A. Jails	X	X	X
B. Work-release centers	X	X	X
C. Other public facilities	CCU	CCU	CCU
VIII. PARK AND POOL/RIDE LOTS.			
A. Park and pool lots	P[7]	P[7]	P[7]
B. Park and ride lots	CU	CU	CU
IX. RESIDENTIAL.			
A. Single-family dwelling units	X	X	X
B. Multi-family structures	X	X	X
C. Special residences	X	X	X
D. Floating homes	X	X	X
E. Mobile home park	X	X	X
F. Boarding homes	X	X	X
G. Artist's studio/dwelling	EB/CU	EB/CU	EB/CU
H. Caretaker's quarters	P	P	P

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INDUSTRIAL USES

Chart A

For Section 23.50.012 (Continued)

USES	ZONES		
	IB	IC	IG1 AND IG2
I. Residential use except artist's studio/dwelling and caretaker's quarters in a landmark structure or landmark district	CU	CU	CU
X. OPEN SPACE.			
A. Parks	P	P	P
B. Playgrounds	P	P	P
XI. AGRICULTURAL USES.			
A. Animal husbandry	X	X	X
B. Horticultural use	X	X	X
C. Aquaculture	P	P	P

P - Permitted
X - Prohibited
CU - Administrative conditional use
CCU - Council conditional use
EB - Permitted only in building existing on ~~the date of adoption of the ordinance codified in this section~~ October 5, 1987.

[1] The Heavy Manufacturing uses listed in subsection B10 of Section 23.50.014 may be permitted as a conditional use. All other Heavy Manufacturing uses are prohibited.

[2] Heavy Manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at subsection C of Section 23.50.014.

[3] The High-impact uses listed at subsection B11 of Section 23.50.014 may be permitted as conditional uses.

[4] High-impact 1 uses may be permitted as a conditional use as provided at subsection B5 of Section 23.50.014.

[5] Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution overlay district boundary, shall require administrative conditional use approval, unless included in an adopted major institution master plan or located in a downtown zone. See Section 23.50.014.

[6] See Chapter 23.57 for regulation of major and minor communication utilities and accessory communication devices.

[7] Park and pool lots are not permitted within three thousand feet (3,000') of downtown.

[8] Hospitals may be permitted as a conditional use where accessory to a research development laboratory or an institute for advanced study as provided by subsection B15 of Section 23.50.014.

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Section 77. A new Section 23.50.027 is hereby added to Chapter 23.50 of the Seattle Municipal Code, as follows:

23.50.027 Maximum size of non-industrial use.

A. Except as provided in subsection B, the maximum size of use limits specified in Chart A shall apply to uses on a lot, and the total gross floor area occupied by uses limited under Chart A shall not exceed an area equal to the area of the lot in an IG1 zone, or two and one-half (2.5) times the area of the lot in an IG2, IB or IC zone, or three (3) times the lot area in IC zones in the South Lake Union Planning Area with sixty-five-foot (65') or eighty-five-foot (85') height limits. The size of use limits apply to principal and accessory uses on a lot. The limits shall be applied separately to the two categories of uses listed in Chart A.

CHART A

INDUSTRIAL ZONES

Categories of Uses Subject to Size of Use Limits	IG1	IG2 and IB	IC
♦ Retail sales and service or Entertainment except spectator sports facilities	30,000 sf	75,000 sf	75,000 sf
♦ Office	50,000 sf	100,000 sf	N.M.S.L.

N.M.S.L. = No Maximum Size Limits

B. The following exceptions to the maximum size of use limits are allowed for a structure existing as of April 3, 1995:

1. A use legally established as of April 3, 1995 which already exceeds the maximum size of use limits listed in Chart A may continue.

2. The gross floor area of a use listed in Chart A and legally established as of April 3, 1995 may be converted to another category of use listed in Chart A provided that the combined gross floor area devoted to uses listed in Chart A does not exceed the total gross floor area of such uses legally established as of April 3, 1995.

3. If fifty percent (50%) or more of the gross floor area of the structure has been legally established as of April 3, 1995 with a use or uses listed in Chart A, those categories of uses may exceed the size of use limits as follows:

a. Uses listed in Chart A may expand within and occupy the entire structure.

b. The structure may be expanded by up to the following amounts and the use or uses may be permitted to expand within and occupy the entire structure:

(1) IG1 Zone: Twenty percent (20%) of the existing structure gross floor area or ten thousand (10,000) square feet, whichever is less.

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(2) IG2 , IB and IC Zones: Twenty percent (20%) of the existing structure gross floor area or twenty thousand (20,000) square feet, whichever is less.

C. Special Exception for Office Uses.

1. The Director may permit an office use to exceed the size of use limits as a special exception pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions provided that the total gross floor area devoted to the uses limited in Chart A shall not exceed an area equal to the area of the lot in an IG1 zone or two and one-half (2.5) times the area of the lot in an IG2 or IB zone. Such an exception may be considered only if:

a. The office is on the same lot as, and accessory to, a permitted use not listed in Chart A; or

b. The office is a principal use on the same or another lot within one (1) mile distance of a permitted use not listed in Chart A and is directly related to and supportive of that use.

2. The Director shall use the following characteristics to determine whether to approve, approve with conditions or deny a special exception:

a. Characteristics that make a lot more appropriate for office uses are:

(1) The presence of well-defined boundaries, buffers, edge conditions or circulation patterns which separate office uses from industrial activity;

(2) The likelihood that the proposed use will provide or encourage improvements that will directly support industrial activity in the area;

(3) The likelihood that the proposed use, because of its type, size and location, will operate without substantial conflicts with the industrial function of the area;

(4) A sufficiently large industrial area such that the proposed use would not undermine the area's industrial character.

b. Characteristics that make a lot less appropriate for office uses are:

(1) The presence of heavy industrial uses which would conflict with office use;

(2) The presence of any special features, such as access to the water, rail and the regional highway systems, which make the land especially well suited to industrial use.

Section 78. Subsection A of Section 23.50.028 of the Seattle Municipal Code, as last amended by Ordinance 113658 is further amended as follows:

23.50.028 Floor area ratio.

The floor area ratio (FAR), as provided below, shall determine the gross

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square footage permitted.

A. General Industrial 1, Floor Area Ratio. The maximum total FAR shall be two and one-half (2.5). ~~as follows for the General Industrial 1 (IG1) zone:~~

~~1. The maximum total FAR for office, entertainment, institution or retail sales and service uses shall be one (1).~~

2. The maximum total FAR for all other uses shall be two and one-half (2.5).

3. The total FAR shall not exceed an FAR of two and one-half (2.5).

Section 79. Section 23.66.120 of the Seattle Municipal Code, as adopted by Ordinance 112134, is amended, by adding a new subsection, subsection C, as follows:

23.66.120 Permitted uses.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 80. A new Chapter 23.80, Essential Public Facilities, is hereby added to the Seattle Municipal Code, as follows:

23.80.002 Application submittal requirements.

In addition to the application submittal requirements specified in other Chapters and codes, applicants for essential public facilities shall address each of the review criteria of this Chapter in their application materials, and provide additional information as required by the Director to complete review of the project.

23.80.004 Review criteria.

A. In reviewing an application for a proposed essential public facility, the decisionmaker shall consider the following:

1. Interjurisdictional Analysis: A review to determine the extent to which an interjurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a county-wide, regional or state-wide nature, and whether uniformity among jurisdictions should be considered.

2. Financial Analysis: A review to determine if the financial impact upon the City of Seattle can be reduced or avoided by intergovernmental agreement.

3. Special Purpose Districts: When the public facility is being proposed by a special purpose district, the City should consider the facility in the context of the district's overall plan and the extent to which the plan and facility are consistent with this Comprehensive Plan.

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4. Measures to Facilitate Siting: The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors (such as the availability of land, access to transportation, compatibility with neighboring uses, and the impact on the physical environment).

B. If the decisionmaker determines that attaching conditions to the permit approval will facilitate project siting in light of the considerations identified above, the decisionmaker may establish conditions for the project for that purpose.

Section 81. Section 23.84.010 of the Seattle Municipal Code, Subsection "Essential Public Facilities" is amended as follows:

23.84.010 "E"

"Essential public facilities" means: airports, sewage treatment plants, jails, and power plants.

Section 82. Section 23.84.030 of the Seattle Municipal Code, subsections "Pedestrian Oriented Commercial Zone" and "Principal Commercial Street, " are amended as follows:

23.84.030 "P"

"Pedestrian oriented commercial zone." See "Zone, pedestrian oriented commercial."

"Principal commercial street." See "Street, principal commercial."

Section 83. Section 23.84.036 of the Seattle Municipal Code, subsection "Street is amended as follows:

23.84.036 "S"

"Street, principal commercial" means a street that has been identified as such through an Council approved neighborhood plan for a designated urban center or urban village.

Section 84. Section 23.84.038 of the Seattle Municipal Code, subsection "Townhouse," as last amended by ordinance 114887, is amended as follows:

23.84.038 "T"

"Townhouse" means a form of ground-related housing in which individual dwelling units are attached along at least one (1) common wall to at least one (1) other dwelling unit. Each dwelling unit occupies space from the ground to the roof and has direct access to private open space. No portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.

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Section 85. Section 23.84.048 of the Seattle Municipal Code, subsections "Zone, Pedestrian Oriented Commercial," "Zone, residential," and "Zone, Single Family," are further amended as follows all to be inserted alphabetically:

23.84.048 "Z"

"Zone, pedestrian oriented commercial" means the following zones regulated by Title 23: Neighborhood Commercial 1, Neighborhood Commercial 2, and Neighborhood Commercial 3.

"Zone, residential" means the following zones regulated by Title 23: SF9600, SF7200, SF5000, RSL, LDT, L1, L2, L3, L4, MR, HR, RC, DMR and IDR((~~; and the following zones regulated by Title 24: RD7200, RD5000, RM800, RMV150, and RMV200~~)).

"Zone, single family" means the following zones regulated by Title 23: RSL, SF5000, SF7200 and SF9600.

Section 86. ections 23.34.006, 23.34.084, 23.47.013 and Chapter 23.72 of the Seattle Municipal Code are hereby repealed.

Section 87. This ordinance shall take effect and be in force on April 3, 1995.

Passed by the City Council the _____ day of _____. 1994 and signed by me in open session in authentication of its passage this ____ day of _____, 1994.

_____

President of City Council

Approved by me this _____ day of _____, 1994

_____

Mayor

Filed by me this _____ day of _____, 1994

_____

City Clerk

(SEAL)

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Seattle City Council
Memorandum

Date: December 8, 1994

To: File of CB 110464

From: Bob Morgan, Central Staff

Subject: Committee Amendments

The attached pages show where the recommendation of the HCDUE Committee, engrossed Version 2 of CB 110464, is different than CB 110464 as it was introduced. Shaded text indicates text that was changed. If text was deleted, spaces or a letters where the deletion occurred are shaded.

CS #20.3

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Section 3. A new Section 23.24.045 is hereby added to Chapter 23.24 of the Seattle Municipal Code as follows:

23.24.045 Townhouses.

A. Sites developed or proposed to be developed with townhouse structures may be subdivided into individual townhouse unit lots. The proposed townhouse development as a whole shall meet development standards. The subdivided townhouse unit shall be exempt from meeting development standards for setbacks, lot coverage, density, and structure width and depth, based on the individual unit lot.

B. Subsequent platting actions, additions or modifications to the structure may not create or increase any nonconformity of the structure as a whole, when considered on the combined site.

C. Private, usable open space for each unit shall be provided on the same lot as the unit it serves.

D. As a result of townhouse subdivision, required parking for a unit may be provided on a different lot than the unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

E. The fact that additional development of the lots of individual units may be limited as a result of the application of development standards to the combined site shall be noted on the plat, as recorded.

Section 4. Section 23.30.010 of the Seattle Municipal Code, as last amended by Ordinance 115002, is further amended as follows:

23.30.010 Classifications for the purpose of this subtitle.

All land within the City shall be classified as being ((~~either~~)) within one (1) of the following land use zones ((~~or a zone retained under Title 24~~)) and regulated accordingly:

Zones	Abbreviated
Residential, Single Family 9,600	SF 9600
Residential, Single Family 7,200	SF 7200
Residential, Single Family 5,000	SF 5000
Residential Small Lot	RSL
Residential, Multifamily, Lowrise Duplex/Triplex	LDT
Residential, Multifamily, Lowrise 1	L1
Residential, Multifamily, Lowrise 2	L2
Residential, Multifamily, Lowrise 3	L3
Residential, Multifamily, Lowrise 4	L4
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Commercial 1	C1
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC

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percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.

2. For each urban center or urban village, the zoned capacity for the center or village taken as a whole shall allow the minimum zoned capacity established in Section B of the Land Use Element of the Comprehensive Plan.

3. For the area outside the core of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not exceed the maximum established in Section B of the Land Use Element of the Comprehensive Plan.

((~~A. Match Between Established Locational Criteria and Area Characteristics. In order to ensure compatibility of new and existing development, the characteristics of the area to be rezoned should closely fit the adopted locational criteria for the proposed land use category.~~))

B. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

C. Neighborhood Plans.

1. Council approved neighborhood plans, that apply to the area proposed for rezone, shall be taken into consideration.

2. Where a Council approved neighborhood plan establishes policies for future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.

3. If it is intended that rezones of particular sites or areas identified in a Council approved neighborhood plan are to be required, then the rezones shall be approved through the procedures of Chapter 23.76 simultaneous to the approval of the pertinent parts of the neighborhood plan.

D((~~C~~)).((~~Other~~)) Zoning Principles. The following ~~Z~~zoning principles ((~~relating to compatible land use patterns, size, configuration and boundaries~~)) shall be considered((~~:~~)):

1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.

2. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.

3. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;

b. Freeways, expressways, other major traffic arterials, and railroad tracks;

c. Distinct change in street layout and block orientation;

d. Open space and greenspaces.

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4 Zone Boundaries. In establishing boundaries the following elements shall be considered:

a. Physical buffers as described in subjection 23.34.008D3 above or

b. Platted lot lines.

E((~~D~~)). Impact Evaluation. The evaluation of ((~~decision on~~)) a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

1. Factors to be examined include, but are not limited to, the ((~~effects on~~)) following: ((~~transportation, parking, housing, particularly low-income housing, public services, and environmental factors such as noise, air and water quality and energy conservation.~~))

a. Housing, particularly low-income housing;

b. Public services;

c. Environmental factors, such as noise, air and water quality, glare, odor, shadows, and energy conservation;

d. Pedestrian safety;

e. Manufacturing activity;

f. Employment activity;

g. Character of areas recognized for architectural or historic value.

2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:

a. Street access to the area;

b. Street capacity in the area;

c. Transit service;

d. Parking capacity;

e. Utility and sewer capacity;

((~~E. Neighborhood Planning Efforts. If there are adopted neighborhood plans or recommendations which apply to the area proposed for rezone, these shall be taken into consideration.~~))

F. Changed Circumstances. ((~~If part of the justification for the rezone is changed conditions since the adoption of the Official Land Use Map, evidence of the change shall be taken into consideration.~~)) Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. ~~Evidence might include changes in structure height and scale, addition of new uses, traffic patterns and transit routes and demographic changes.~~ Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone designations in this Chapter.

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23.34.010 ((~~Areas zoned single family~~)) Designation of single family zones.

((~~A.~~)) Except as provided in subsection B of this section, single family zoned areas may be rezoned to another classification only if the applicant can demonstrate that the area does not meet the criteria for single family designation.

B. ~~If a proposed rezone is for five (5) or more acres of vacant land currently zoned for single family use, it may be rezoned to another classification subject to the following determination:~~

~~1. Whether the area is more appropriate for a single family or multifamily designation; and~~

~~2. If multifamily is more appropriate, whether the relevant locational criteria of the multifamily designation which is proposed more closely match the particular characteristics of the area than do the locational criteria of any other multifamily designation.~~))

Areas which meet the criteria for single family zoning contained in subsection B and are located within the adopted boundaries of an urban village may be considered for rezoning to a Residential Small Lot (RSL), Residential Small Lot - Tandem (RSL/T), Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Neighborhood Commercial 1 30'/Lowrise 1(NC1 30'/L1), Neighborhood Commercial 2 30'/Lowrise 1 (NC2 30'/L1), Neighborhood Commercial 3 30'/Lowrise 1 (NC3 30'/L1), or Lowrise 1/Residential-Commercial (L1/RC) only when all of the following conditions are met:

1. A Council Approved neighborhood plan shall have designated the area as appropriate for the zone designation, including specification of the RSL/T suffix, when applicable;

2. All parts of the rezone area are within a five minute walk for a person of typical abilities, within five (5) blocks or within one-quarter (1/4) mile, whichever is less, of a designated principal commercial street;

3. The acreage of land proposed for such rezoning on a cumulative basis does not exceed the quantity of land specified for the area in Appendix C of the Land Use Element of the Comprehensive Plan;

4. If the rezone is to an NC1 30/L1, NC2 30/L1, NC3 30/L1 or L1/RC zone designation, the subject property is contiguous to an urban village commercial zone.

Section 9. Section 23.34.012 of the Seattle Municipal Code, as last amended by Ordinance 112522 has been renumbered and further amended as follows:

23.34.011 ((~~23.34.012~~)) ((~~Locational criteria —~~)) Single family zones, function and locational criteria.

((~~In reviewing a proposal to rezone an area to a single family zone, the following criteria shall also be considered:~~))

A. Function. An area that provides predominantly detached single family structures on lot sizes compatible with the existing pattern of development and the character of single family neighborhoods.

((~~A. The locational criteria for single family zones include the following:~~))

B. Locational Criteria. Except as provided in subsection 23.34.010B, a

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B. Areas meeting the locational criteria for a single family designation may be designated NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 only as provided in subsection 23.34.010B.

C. ((~~2~~)) Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in the Single Family Policies.

((~~3. Whenever possible, commercial zones shall be located where the impacts on other zones can be minimized by the use of transition zones or buffers. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses. The following elements shall be considered as buffers:~~

~~a. Natural features such as topographic breaks, lakes, streams, ravines and shorelines;~~

~~b. Freeways, expressways and other major traffic arterials;~~

~~c. Street layout and block orientation;~~

~~d. Open spaces and greenbelts.~~))

D. ((4)) Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.

E. ((~~5~~)) The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.

((~~6. The cumulative impact of development in the area shall not exceed the capacity of infrastructure such as streets, utilities and sewers.~~

~~7. Community objectives contained in neighborhood and business district development plans adopted by Council shall be given careful consideration.~~

~~8. Changes in commercial boundary, zone designation, height or special district overlay shall occur in an orderly and predictable fashion.~~

~~C. Changed circumstances since the adoption of the land use map need not be shown to justify a proposed rezone, particularly for an area which was not permitted to be considered for commercial designation during the legislative mapping process. Changed circumstance, however, is an important factor to be considered along with the factors listed in subsections A and B. Evidence of changed circumstance may include but need not be limited to changes in or near the area in economic or market conditions, availability of land, technology, population characteristics, intensity and type of development (but not including changes permitted in adjacent major institutions), transportation patterns and capacities, parking availability, environmental impacts, and previous zoning changes in and around the area proposed for rezone.~~

Section 14. Section 23.34.074 of the Seattle Municipal Code, as adopted by Ordinance 112777, is amended as follows:

23.34.074 ((~~**Locational criteria,**~~))

Neighborhood Commercial 1 (NC1) zone((~~s.~~)), function and

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2. Design review shall also be required for all new multifamily and commercial structures which exceed the SEPA thresholds in Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR) zones.

((~~2~~))3. Design Review shall also be required for all new multifamily and commercial structures which exceed SEPA thresholds in Commercial 1 and 2 (C1, C2) zones, when that development abuts or is directly across a street or alley from any lot zoned single family.

4. Design Review shall also be required for all new structures which include more than four thousand (4,000) gross square feet of floor area for nonresidential uses or more than four (4) residential units in Commercial 1 and 2 (C1, C2) zones located within urban village commercial areas as shown on the Official Land Use Map.

((~~3~~))5. Design Review is optional for all new multifamily and commercial structures not otherwise subject to this Chapter, in all multifamily and commercial zones.

B. Phasing. The following development shall be subject to the provisions of this Chapter:

1. ((~~On the effective date of this section -~~)) All new structures described in subsection A1-((~~2,~~))3 that abut or are directly across a street or alley from any lot zoned single family;

2. ((~~Beginning twelve (12) months after the effective date of this section~~))As of April 15, 1995- All new structures described in subsection A2 that abut or are directly across a street or alley from any lot zoned single family, and all new structures described in subsections A1, A3 and A4((~~B1, and all new multifamily and commercial structures which are located in a neighborhood Commercial zone (NC1, NC2, NC3) and exceed the thresholds for SEPA categorical exemption~~));

3. ((~~Beginning eighteen months after the effective date of this section~~))As of October 15, 1995 - All new structures as described in subsection A1-((~~2~~)4.

Section 41. A new Chapter 23.43 is added to Title 23, Seattle Municipal Code, as follows:

23.43.006 Residential Small Lot zone, principal uses permitted outright.

The following principal uses shall be permitted outright in the Residential Small Lot (RSL) zone:

A. Single Family Dwelling Unit on One (1) Lot. The designation RSL without a suffix shall indicate that a detached single family dwelling unit on one (1) lot is the only residential structure type allowed in the zone.

B. Tandem Houses, pursuant to a Council approved neighborhood plan. The designation RSL/T shall indicate that in addition to detached single family dwelling units on individual lots, tandem houses are allowed in the zone.

23.43.008 Development standards for one dwelling unit per lot.

A. Lot Area. Minimum lot area for one (1) detached dwelling unit shall be two thousand five hundred (2500) square feet.

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B. Height Limit and Roof Pitch. The basic height limit shall be twenty-five feet (25'). The ridge of pitched roofs with a minimum slope of three to twelve (3:12) may extend above the height limit to thirty feet (30'). All parts of the roof above twenty-five feet (25') shall be pitched.

C. Structure Depth. The depth of any structure shall not exceed sixty feet (60'). Decks, balconies, and bay windows shall be excluded from measurement for the purposes of this provision.

D. Yards and Setbacks.

1. Front and Rear Yards.

a. The sum of the front yard plus the rear yard shall be thirty feet (30').

b. In no case shall either yard have a depth of less than ten feet (10').

c. If recommended in a Council approved neighborhood plan an ordinance designating an area as RSL may require front and/or rear yard setbacks greater than ten (10) feet, provided that the requirement of Subsections D1a of this Section shall not be increased or decreased, and the requirement of Subsection D1b of this Section shall not be reduced.

2. Side Setbacks. The required side setback shall be five feet (5'). The side setback may be averaged. No portion of the side setback shall be less than three feet (3'), except as follows:

a. Street side setbacks shall be a minimum of five feet (5').

b. If an easement is provided along a side lot line of the abutting lot sufficient to leave a minimum ten foot (10') separation and an average of ten feet (10') between the two (2) principal structures of the two (2) lots, the required side yard may be reduced from the requirement of D2 above. 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 setback. 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. No portion of any structure, including eaves, shall cross the property line.

E. Parking.

1. One (1) parking space per dwelling unit shall be required as provided for single-family structures in Chapter 23.54, Quantity and Design Standards for Access and Off-Street Parking.

2. Access. Access to parking shall be from the alley when the property abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be located on the same lot as the principal structure.

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b. Parking may be in or under a structure, or outside a structure, provided that:

(1) Parking shall not be located in the front yard;

(2) Parking shall not be located in a side setback abutting a street or in the first ten feet (10') of a rear yard abutting a street.

23.43.010 Tandem housing.

A. Density and Minimum Lot Area.

1. The maximum density shall be one (1) dwelling unit per two thousand five hundred (2,500) square feet of lot area.

2. A maximum of two (2) residential structures may be located on a lot used for tandem houses.

3. The minimum lot area for tandem houses shall be five thousand (5,000) square feet.

4. Accessory dwelling units shall not be permitted on a lot containing tandem houses.

B. Height Limit and Roof Pitch.

1. The basic height limit for new principal structures shall be eighteen feet (18'). Existing structures may remain and be expanded, provided that new portions of the structure shall not exceed the height limits of this subsection.

2. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty-eight feet (28'). The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend up to twenty-three feet (23'). All parts of the roof above eighteen feet (18') shall be pitched at the required slope.

C. Yards and Setbacks.

1. Front Yard. The front yard shall be a minimum of ten feet (10').

2. Interior Separation between Tandem Houses. The interior separation between the residential structures shall be a minimum of ten feet (10').

3. Rear Yard. Where no platted alley exists, the rear yard for a lot containing tandem houses shall be a minimum of ten feet (10'). Where a platted developed alley exists, this rear yard requirement shall not apply.

4. Total Combined Yards. The total of the front yard, rear yard (if any), and the interior separation shall be a minimum of thirty-five feet (35').

5. If recommended in a Council approved neighborhood plan an ordinance designating an area as RSL may require front and/or rear yard setbacks greater than ten (10) feet, (except for rear yards where platted and developed alleys exist), subject to the provision of Subsections C1, C2, C3, and C4 of this Section, and provided that the required total combined yards shall not exceed thirty-five feet.

3. Side Setbacks. The required side setback shall be five feet (5').

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The side setback may be averaged. No portion of the side setback shall be less than three feet (3'), except as follows:

a. Street side setbacks shall be a minimum of five feet (5').

b. If an easement is provided along a 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 required side setback may be reduced from the requirement of 23.43.008 D 2. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities on the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement, except that eaves of a principal structure may project a maximum of eighteen inches (18") into the easement. No portion of any structure, including eaves shall cross the property line.

D. Lot Coverage. The maximum lot coverage shall be forty-five percent (45%), subject to the exceptions noted in Section 23.44.010 D.

E. Parking.

1. One (1) parking space per dwelling unit shall be required, as provided for single-family structures in Chapter 23.54.

2. Access. Access to parking shall be from the alley when the property abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be located on the same lot as the tandem houses.

b. Parking may be in or under a structure, or outside a structure, provided that:

(1) Parking shall not be located in the front yard;

(2) Parking shall not be located in a side setback abutting a street or the first ten feet (10') of a rear yard abutting a street.

F. Pedestrian Access to Public Right-of-Way. There shall be an area of no less than ten feet (10') in width between each dwelling unit and a street or platted and developed alley. This access may be a driveway and/or cross any required yards.

23.43.040 Accessory uses and structures

A. Accessory structures shall be permitted in the RSL zone under the following conditions:

1. Garages shall be regulated according to the development standards for garages for each housing type permitted in the RSL zone, as provided in subsections 23.44.014, 23.44.016, 23.44.040, 23.44.044, and 23.44.060.

2. When converted to principal use in tandem house developments, garages shall be subject to the development standards for tandem house principal

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P - Permitted
X - Prohibited
CU - Administrative Conditional Use
CCU - Council Conditional Use
S - Permitted only in the Shoreline District, when permitted by the Seattle Shoreline Master Program.

[1] Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted Major Institution Master Plan or located in a downtown zone. See Section 23.47.006.

[2] The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.

[3] In existing structures only.

[4] New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.

[5] Permitted only as an accessory use according to Section 23.47.006.

[6] See Chapter 23.57 for regulation of communication utilities.

[7] Subject to dispersion criteria in Section 23.47.006.

[8] Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot.

[9] Residential uses in mixed-use structures are permitted outright in NC1, NC2, NC3, and C1 zones. Single-purpose residential structures, other than nursing homes, are permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use according to the provisions of Section 23.47.023, except where the height limit is 85 feet or higher. All residential uses, other than nursing homes in C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted ourtight in all commercial zones, whether in a mixed use structure or as a single-purpose residential use, except in Pedestrian-Desegnated Zones (See Section 23.47.040).

[10] An accessory dwelling unit added to a single family residence shall be allowed ourtight and shall not require a separate conditional use permit. The unit shall be considered accessory to the single family residence, shall meet the standards listed for accessory dwelling units in Seciton 23.44.025 and shall not be considered a separate dwelling unit for all development standard purposes in commercial zones.

[11] Permitted only as an accessory use.

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Section 49. Subsection E of Section 23.47.004 of the Seattle Municipal Code, as last amended by Ordinance 116295, is further amended as follows:

23.47.004 Permitted and prohibited uses.

E. Public Facilities.

1. Public facilities which are similar to those provided by the private sector, such as offices, athletic facilities or medical service uses, shall be permitted or prohibited in all commercial zones according to the use regulations for the particular type of use. These public facilities shall meet the development standards for the use to which they are similar. If the development standards cannot be met, the City Council may waive or change the standards for reasons of public necessity, according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

2. Public facilities which are not similar to those provided by the private sector, such as police and fire stations, shall be permitted unless specifically prohibited in Chart A. These public facilities shall meet the development standards of the zone in which they are located. If the development standards cannot be met, the City Council may waive or change the standards for reasons of public necessity, according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

3. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 50. Subsection B of Section 23.47.006 of the Seattle Municipal Code, as last amended by Ordinance 116907, is further amended as follows:

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

a. Due to location or parcel size, the proposed site is not suited for commercial development; or ((~~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. There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period; commercial structures in disrepair; and vacant or underused commercially-zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an "established commercial street front" may be intersected by streets or alleys, and some lots with no current commercial use.

((~~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~~

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Section 52. Section 23.47.009 of the Seattle Municipal Code, as adopted by Ordinance 116795, is amended as follows:

23.47.009 Density limits for residential uses.

((~~Density limits for residential uses in mixed use structures are~~))

A. Density limits shall not apply to residential uses in mixed use structures, except under the following circumstances:

1. As established ((~~for~~)) in the Northgate Overlay District((,)) as provided in Chapter 23.71.

2. For lots rezoned from SF to NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 per subsection 23.34.010B, the density limit shall be one (1) unit per one thousand six hundred (1600) square feet of lot area.

B. Density limits shall apply for single-purpose residential structures subject to the following, except as provided in subsection C below:

1. In the Northgate Overlay District, as provided in Chapter 23.71.

2. In NC1 zones the density limit shall be one (1) unit per one thousand six hundred (1600) square feet of lot area.

3. In NC2, NC3, C1 and C2 zones with either thirty feet (30') or forty feet (40') height limits, the density limit shall be one (1) unit per one thousand two hundred (1200) square feet of lot area.

4. In NC2, NC3, C1 and C2 zones with sixty five foot (65') height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

5. For lots rezoned from SF to NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 per subsection 23.34.010B, the density limit shall be one (1) unit per one thousand six hundred (1600) square feet of lot area.

6. There shall be no residential density limit for single-purpose residential structures in the NC2/R or NC2/R zone.

C. The following density limits for single-purpose residential structures shall apply in commercial areas where there has been a review subsequent to January 1, 1995 to determine whether single-purpose residential structures shall continue to be conditional uses, permitted outright or prohibited, and if the area is to be included within an urban village or urban center, an urban village boundary has been established:

1. Inside urban village commercial areas as shown on the Official Land Use Map.

a. In NC zones with thirty foot (30') height limits, the density limit shall be one (1) unit per seven hundred (700) square feet of lot area.

b. In NC zones with forty foot (40') height limits, the density limit shall be one (1) unit per five hundred (500) square feet of lot area.

c. In NC zones with sixty-five foot (65') height limits, the density limit shall be one (1) unit per four hundred (400) square feet of lot area.

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d. In C1 and C2 zones with thirty foot (30'), forty foot (40') or sixty-five foot (65') height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area except as provided in subparagraph C1e below.

e. Density limits in a C1 or C2 zone may be increased to the density limit for single-purpose residential structures in the NC zone with the corresponding height designation if the structure is developed according to the standards for NC zones as listed below:

(1) Outdoor storage areas, per Section 23.47.011 E 1;

(2) Screening for gas stations, per Section 23.47.016D3c;

(3) Blank facades, per Section 23.47.016 E;

(4) Drive-in lanes, per Section 23.47.028 A3; and

(5) Location of parking, per Section 23.47.032 B.

f. There shall be no residential density limit for single-purpose residential structures in the NC2/R or NC2/R zone.

2 Outside urban village commercial areas as shown on the Official Land Use Map.

a. In NC zones with thirty foot (30') height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

b. In NC zones with forty foot (40') and sixty-five foot (65') height limits, the density limit shall be one (1) unit per six hundred (600) square feet of lot area.

c. In C1 and C2 zones with thirty foot (30'), forty foot (40') or sixty-five foot (65') height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area.

Section 53. Subsections A and G of Section 23.47.010 of the Seattle Municipal Code, as last amended by Ordinance 114382, are further amended as follows:

23.47.010 Maximum size of nonresidential use.

A. Maximum size of nonresidential use per individual business establishment and per lot.

1. Maximum size regulations shall apply to individual business establishments according to Chart B.

2. Maximum size for all nonresidential uses in NC2/R and NC3/R shall apply per lot as follows:

a. Nonresidential uses shall be limited to the size of the lot area or twenty thousand (20,000) square feet, whichever is greater.

b. Nonresidential uses in zones designated NC2/R and NC3/R with a height limit of thirty or forty feet (30' or 40') may be increased in size up to

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one and one-half (1.5) times the lot area if the nonresidential use is in a mixed use structure according to the provisions of Section 23.47.008, and if a minimum of thirty-five percent (35%) of the gross floor area of the mixed use structure is in residential use, not including parking.

c. Nonresidential uses in zones designated NC2/R and NC3/R with a height limit of sixty-five feet (65') may be increased in size up to two (2) times the lot area if the nonresidential use is in a mixed use structure according to the provisions of section 23.47.008, and if a minimum of thirty-five percent (35%) of the gross floor area of the mixed use structure is in residential use, not including parking.

3. Office uses in C1 and C2 zones shall be limited to the size of the lot area or thirty-five thousand (35,000) square feet, whichever is greater. Office uses in C1 and C2 zones within urban village commercial areas as shown on the Official Land Use Map are exempt from this limit if the structure meets the following standards for NC zones:

(1). Outdoor storage areas, per Section 23.47.011E1;
(2). Screening for gas stations, per Section 23.47.016D3c;
(3). Blank facades, per Section 23.47.016E;
(4). Drive-in Lanes, per Section 23.47.028A; and
(5). Location of parking, per Section 23.47.032B.

G. Increase in Maximum Size Limits.

1. Increases in maximum size limits ((~~may be allowed~~)) for operating business establishments or uses may be permitted as ((s))Special ((e))Exceptions according to the procedures set forth in Chapter 23.76, Master Use Permits and Council Land Use Decisions, subject to the following:

a. Operating business establishments or uses in NC1 zones may be expanded up to a maximum of ten thousand (10,000) square feet.

b. Operating business establishments or uses in NC2 zones which are limited to a maximum size of five thousand (5,000) square feet may be expanded to a maximum size of ten thousand (10,000) square feet, and operating business establishments or uses which are limited to a maximum size of fifteen thousand (15,000) square feet may be expanded to a maximum size of twenty-five thousand (25,000) square feet.

c. Operating business establishments or uses in NC3 zones which are limited to a maximum of ten thousand (10,000) or fifteen thousand (15,000) square feet may be expanded to a maximum size of twenty thousand (20,000) square feet.

2. The decision to permit, condition or deny an increase in size shall be based upon an assessment of the following factors:

a. The impacts of the operating business establishment and the anticipated impacts if an increase in size were permitted;

b. The availability of commercial space in the zone for uses which contribute to the function and desired characteristics of the zone, ((~~according to the Land Use Policies for Neighborhood Commercial Areas~~)) as described in Chapter 23.34;

c. The number of business establishments present in the zone that are similar to the business establishment for which expansion is proposed;

d. The compatibility of the operating business establishment with the character and scale of the business district and the surrounding neighborhood;

e. The length of time the business establishment has been operating.

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CHART B
For Section 23.47.010

Nonresidential Uses Subject to Maximum Size Limit	ZONE NC1	NC2	NC3	C1	C2
Nonresidential uses including institutions and public facilities unless otherwise specified	4,000 sq. ft.	15,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Medical services	10,000 sq. ft.	15,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Multi-purpose convenience store	10,000	~~(15)~~10,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Food processing and craft work	4,000 sq. ft.	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Light manufacturing	X	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Fast-food restaurant[1]	750 sq. ft. 4,000 sq. ft.	750 sq. ft. 8,000 sq. ft.	750 sq. ft. N.M.S.L.	750 sq. ft. N.M.S.L.	750 sq. ft. N.M.S.L.
Fuel sales	X	X	25,000 sq. ft.	N.M.S.L.	N.M.S.L.
Sales, service and rental of commercial equipment and construction materials					
Passenger terminals					
Indoor participant sports and recreation	4,000 sq. ft.	15,000 sq. ft.	25,000 sq. ft.	N.M.S.L.	N.M.S.L.
General manufacturing	X	X	X	15,000 sq. ft.	N.M.S.L.
Wholesale showroom warehouse	X	X	15,000 sq. ft.	25,000 sq. ft.	N.M.S.L.
Mini-warehouses	X	X	15,000 sq. ft.	40,000 sq. ft.	N.M.S.L.
Public schools	N.M.S.L.	N.M.S.L.	N.M.S.L.	N.M.S.L.	N.M.S.L.

NMSL - No Maximum Size Limitations

* - Increases in maximum size limits may be allowed for operating business establishments according to provisions of subsection G.

NA - Not applicable

X - Does not apply, use not permitted in zone

[1] - Fast-food restaurants larger than 750 square feet are conditional uses.

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A. In all commercial zones, single-purpose residential structures shall be subject to the density standards provided for in Section 23.47.009, except as provided for in the Northgate Overlay District, Chapter 23.71.

((~~D~~))B. In all commercial zones with a height limit of eighty-five feet (85') or greater, except those designated NC/R, single-purpose residential structures are prohibited.

C. Single-purpose residential structures shall meet all other development standards applicable to mixed use development, except that the street level uses may be occupied by residential uses other than parking.

Section 58. Subsection A of Seattle Municipal Code Section 23.47.024, as last amended by Ordinance 113892, is further amended as follows:

23.47.024 Open space standards ((~~for mixed use structures~~)).

Usable open space shall be required for all residential uses in mixed use ((~~structures~~)) development and for single-purpose residential structures according to the following:

A. Usable open space shall be required for all residential uses in an amount equal to twenty percent (20%) of the structure's gross floor area in residential use. Calculation of a structure's gross floor area, for the purposes of this subsection, shall exclude area used for mechanical equipment, accessory parking and unenclosed decks, balconies or porches.

Section 59. Subsection A of Section 23.47.028 of the Seattle Municipal Code, as last amended by Ordinance 113263 is further amended as follows:

23.47.028 Standards for Drive-in Businesses.

A. Number of Drive-in Lanes Permitted.

1. Zones designated NC2/R and NC3/R. Drive-in businesses are prohibited in zones designated NC2/R and NC3/R.

((~~1~~))2. NC1 Zones. Gas stations shall be limited to a maximum of four (4) drive-in lanes. Other drive-in businesses are prohibited.

((~~2~~))3. NC2 Zones. All drive-in businesses in NC2 zones shall be limited to a maximum of two (2) drive-in lanes, except gas stations which shall be allowed a maximum of four (4) drive-in lanes.

((~~3~~))4. NC3 Zones. All drive-in businesses in NC3 zones shall be limited to a maximum of four (4) drive-in lanes, except gas stations which shall have no restrictions on the number of drive-in lanes.

((~~4~~))5. C1 and C2 Zones. There shall be no restriction on the number of drive-in lanes in C1 and C2 zones.

Section 60. A new Section 23.49.009 is hereby added to Chapter 23.49 of the Seattle Municipal Code as follows:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

A. In all commercial zones, single-purpose residential structures shall be subject to the density standards provided for in Section 23.47.009, except as provided for in the Northgate Overlay District, Chapter 23.71.

((D))B. In all commercial zones with a height limit of eighty-five feet (85') or greater, except those designated NC/R, single-purpose residential structures are prohibited.

C. Single-purpose residential structures shall meet all other development standards applicable to mixed use development, except that the street level uses may be occupied by residential uses other than parking.

Section 58. Subsection A of Seattle Municipal Code Section 23.47.024, as last amended by Ordinance 113892, is further amended as follows:

23.47.024 Open space standards ((~~for mixed use structures~~)).

Usable open space shall be required for all residential uses in mixed use ((~~structures~~)) development and for single-purpose residential structures according to the following:

A. Usable open space shall be required for all residential uses in an amount equal to twenty percent (20%) of the structure's gross floor area in residential use. Calculation of a structure's gross floor area, for the purposes of this subsection, shall exclude area used for mechanical equipment, accessory parking and unenclosed decks, balconies or porches.

Section 59. Subsection A of Section 23.47.028 of the Seattle Municipal Code, as last amended by Ordinance 113263 is further amended as follows:

23.47.028 Standards for Drive-in Businesses.

A. Number of Drive-in Lanes Permitted.

1. Zones designated NC2/R and NC3/R. Drive-in businesses are prohibited in zones designated NC2/R and NC3/R.

((1))2. NC1 Zones. Gas stations shall be limited to a maximum of four (4) drive-in lanes. Other drive-in businesses are prohibited.

((2))3. NC2 Zones. All drive-in businesses in NC2 zones shall be limited to a maximum of two (2) drive-in lanes, except gas stations which shall be allowed a maximum of four (4) drive-in lanes.

((3))4. NC3 Zones. All drive-in businesses in NC3 zones shall be limited to a maximum of four (4) drive-in lanes, except gas stations which shall have no restrictions on the number of drive-in lanes.

((4))5. C1 and C2 Zones. There shall be no restriction on the number of drive-in lanes in C1 and C2 zones.

Section 60. A new Section 23.49.009 is hereby added to Chapter 23.49 of the Seattle Municipal Code as follows:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 75. Subsection A of Section 23.50.010 of the Seattle Municipal Code, as last amended by Ordinance 113658, is further amended as follows:

23.50.010 Standards for nonconforming structures.

A. Nonconforming structures ~~existing as of the effective date of the ordinance codified in this section~~ which are not in conformance with one (1) or more of the development standards for the Industrial zone in which they are located may be expanded, extended or structurally altered in any manner which does not increase the extent of nonconformity or create additional nonconformity, except that expansions, extensions or structural alterations otherwise required by law or necessary to improve access for the elderly and disabled shall be permitted.

Section 76. Section 23.50.012 of the Seattle Municipal Code, as last amended by Ordinance 117263, is further amended, by adding a new subsection, subsection D, and amending subsection titled "Chart A," as follows:

23.50.012 Permitted and prohibited uses.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

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INDUSTRIAL USES

Chart A

For Section 23.50.012

USES	ZONES		
	IB	IC	IG1 AND IG2
I. MANUFACTURING:			
A. Light manufacturing	P	P	P
B. General manufacturing	P	P	P
C. Heavy manufacturing	CU	X or CU[1]	P or CU[2]
II. HIGH-IMPACT USES:	X	X or CU[3]	X or CU[4]
III. COMMERCIAL:			
A. Retail sales and service			
1. Personal and household sales and services	P	P	P
2. Medical services	P/CU[5]	P/CU[5]	P/CU[5]
3. Animal services			
a. Animal health services	P	P	P
b. Kennel	X	P	P
c. Animal control shelter	P	P	P
4. Automotive retail sales and service	P	P	P
5. Marine retail sales and service	P	P	P
6. Eating and drinking establishment			
a. Fast-food restaurants over 750 square feet	CU	CU	CU
b. Fast-food restaurants under 750 square feet	P	P	P
c. Restaurants with or without cocktail lounges	P	P	P
d. Tavern	P	P	P
e. Brewpub	P	P	P
7. Lodging	CU	CU	CU
8. Mortuary service	P	P	P
9. Existing cemeteries	P	P	P
10. New cemeteries	X	X	X
B. Principal use parking, surface area or garage	P	P	P
C. Nonhousehold sales and services	P	P	P
D. Office	P	P	P
E. Entertainment:			
1. Places of public assembly			
a. Performing arts theater	P	P	P
b. Spectator sports facility	P	P	P
c. Lecture and meeting halls	P	P	P
d. Motion picture theaters	P	P	P
e. Motion picture theater, adult	X	X	X
f. Adult panorama	X	X	X
2. Participant sports and recreation			
a. Indoor	P	P	P
b. Outdoor	P	P	P

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INDUSTRIAL USES

Chart A

For Section 23.50.012

USES	ZONES		
	IB	IG	IG1 AND IG2
I. MANUFACTURING:			
A. Light manufacturing	P	P	P
B. General manufacturing	P	P	P
C. Heavy manufacturing	CU	X or CU[1]	P or CU[2]
II. HIGH IMPACT USES:	X	X or CU[3]	X or CU[4]
III. COMMERCIAL:			
A. Retail sales and service			
1. Personal and household sales and services	P	P	P
2. Medical services	P/CU[5]	P/CU[5]	P/CU[5]
3. Animal services			
a. Animal health services	P	P	P
b. Kennel	X	P	P
c. Animal control shelter	P	P	P
4. Automotive retail sales and service	P	P	P
5. Marine retail sales and service	P	P	P
6. Eating and drinking establishment			
a. Fast-food restaurants over 750 square feet	CU	CU	CU
b. Fast-food restaurants under 750 square feet	P	P	P
c. Restaurants with or without cocktail lounges	P	P	P
d. Tavern	P	P	P
e. Brewpub	P	P	P
7. Lodging	CU	CU	CU
8. Mortuary service	P	P	P
9. Existing cemeteries	P	P	P
10. New cemeteries	X	X	X
B. Principal use parking, surface area or garage	P	P	P
C. Nonhousehold sales and services	P	P	P
D. Office	P	P	P
E. Entertainment:			
1. Places of public assembly			
a. Performing arts theater	P	P	P
b. Spectator sports facility	P	P	P
c. Lecture and meeting halls	P	P	P
d. Motion picture theater	P	P	P
e. Motion picture theater, adult	X	X	X
f. Adult panorama	X	X	X
2. Participant sports and recreation			
a. Indoor	P	P	P
b. Outdoor	P	P	P

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INDUSTRIAL USES

Chart A

For Section 23.50.012 (Continued)

USES	ZONES		
	IB	IC	IG1 AND IG2
F. Wholesale showroom	P	P	P
G. Mini-warehouse	P	P	P
H. Warehouse	P	P	P
I. Outdoor storage	P	P	P
J. Transportation Facilities			
1. Personal transportation services	P	P	P
2. Passenger terminal	P	P	P
3. Cargo terminal	P	P	P
4. Transit vehicle base	CU	CU	CU
5. Heliport	CCU	CU	CU
6. Heliport	X	CCU	CCU
7. Airport, land-based	X	CCU	CCU
8. Airport, water-based	X	CCU	CCU
9. Railroad switchyard	P	P	P
10. Railroad switchyard with mechanized hump	X	X	CU
K. Food processing and craft work	P	P	P
L. Research and development laboratory	P	P	P
IV. SALVAGE AND RECYCLING			
A. Recycling collection station	P	P	P
B. Recycling center	P	P	P
C. Salvage yard	X	X	P
V. UTILITIES			
A. Utility services use	P	P	P
B. Major communication utility[6]	CU	CU	CU
C. Minor communication utility[6]	P	P	P
D. Solid waste transfer station	X	CU	CU
E. Power plant	X	CCU	P
F. Sewage treatment plant	X	CCU	CCU
G. Solid waste incineration facility	X	CCU	CCU
H. Solid waste landfills	X	X	X
VI. INSTITUTIONS			
A. Institute for advanced study	P	P	P
B. Private club	EB	EB	EB

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INDUSTRIAL USES

Chart A

For Section 23.50.012 (Continued)

USES	ZONES		
	IB[a]	IC	IG1 AND IG2
C. Child care center	P	P	P
D. Museum	EB	EB	EB
E. School, elementary or secondary	EB	EB	EB
F. College	EB	EB	EB
G. Community center	EB	EB	EB
H. Community club	EB	EB	EB
I. Vocational or fine arts school	P	P	P
J. Hospital	EB	CU[a]	EB
K. Religious facility	EB	EB	EB
L. University	EB	EB	EB
M. Major institutions, subject to the provisions of Chapter 23.69	EB	EB	EB
VII. PUBLIC FACILITIES			
A. Jails	X	X	X
B. Work release centers	X	X	X
C. Other public facilities	CCU	CCU	CCU
VIII. PARK AND POOL/RIDE LOTS			
A. Park and pool lots	P[z]	P[z]	P[z]
B. Park and ride lots	CU	CU	CU
IX. RESIDENTIAL			
A. Single-family dwelling units	X	X	X
B. Multi-family structures	X	X	X
C. Special residences	X	X	X
D. Floating homes	X	X	X
E. Mobile home park	X	X	X
F. Boarding homes	X	X	X
G. Artist's studio/dwelling	EB/CU	EB/CU	EB/CU
H. Caretaker's quarters	P	P	P

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INDUSTRIAL USES

Chart A

For Section 23.50.012 (Continued)

USES	ZONES		
	IB	IC	IG1 AND IG2
I. Residential use except artist's studio/dwelling and caretaker's quarters in a landmark structure or landmark district	CU	CU	CU
X. OPEN SPACE:			
A. Parks	P	P	P
B. Playgrounds	P	P	P
XI. AGRICULTURAL USES:			
A. Animal husbandry	X	X	X
B. Horticultural use	X	X	X
C. Aquaculture	P	P	P

P - Permitted
X - Prohibited
CU - Administrative conditional use
CCU - Council conditional use
EB - Permitted only in building existing on the date of adoption of the ordinance codified in this section October 5, 1987.

[1] The Heavy Manufacturing uses listed in subsection B10 of Section 23.50.014 may be permitted as a conditional use. All other Heavy Manufacturing uses are prohibited.

[2] Heavy Manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at subsection C of Section 23.50.014.

[3] The High Impact uses listed at subsection B11 of Section 23.50.014 may be permitted as conditional uses.

[4] High Impact 1 uses may be permitted as a conditional use as provided at subsection B5 of Section 23.50.014.

[5] Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution overlay district boundary, shall require administrative conditional use approval, unless included in an adopted major institution master plan or located in a downtown zone. See Section 23.50.014.

[6] See Chapter 23.57 for regulation of major and minor communication utilities and accessory communication devices.

[7] Park and pool lots are not permitted within three thousand feet (3,000') of downtown.

[8] Hospitals may be permitted as a conditional use where accessory to a research development laboratory or an institute for advanced study as provided by subsection B15 of Section 23.50.014.

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Section 77. A new Section 23.50.027 is hereby added to Chapter 23.50 of the Seattle Municipal Code, as follows:

23.50.027 Maximum size of non-industrial use.

A. Except as provided in subsection B, the maximum size of use limits specified in Chart A shall apply to uses on a lot, and the total gross floor area occupied by uses limited under Chart A shall not exceed an area equal to the area of the lot in an IG1 zone, or two and one-half (2.5) times the area of the lot in an IG2, IB or IC zone, or three (3) times the lot area in IC zones in the South Lake Union Planning Area with sixty-five-foot (65') or eighty-five-foot (85') height limits. The size of use limits apply to principal and accessory uses on a lot. The limits shall be applied separately to the two categories of uses listed in Chart A.

CHART A

INDUSTRIAL ZONES

Categories of Uses Subject to Size of Use Limits	IG1	IG2 and IB	IC
◆ Retail sales and service or Entertainment except spectator sports facilities	30,000 sf	75,000 sf	75,000 sf
◆ Office	50,000 sf	100,000 sf	N.M.S.L.

N.M.S.L. = No Maximum Size Limits

B. The following exceptions to the maximum size of use limits are allowed for a structure existing as of April 3, 1995:

1. A use legally established as of April 3, 1995 which already exceeds the maximum size of use limits listed in Chart A may continue.

2. The gross floor area of a use listed in Chart A and legally established as of April 3, 1995 may be converted to another category of use listed in Chart A provided that the combined gross floor area devoted to uses listed in Chart A does not exceed the total gross floor area of such uses legally established as of April 3, 1995.

3. If fifty percent (50%) or more of the gross floor area of the structure has been legally established as of April 3, 1995 with a use or uses listed in Chart A, those categories of uses may exceed the size of use limits as follows:

a. Uses listed in Chart A may expand within and occupy the entire structure.

b. The structure may be expanded by up to the following amounts and the use or uses may be permitted to expand within and occupy the entire structure:

(1) IG1 Zone: Twenty percent (20%) of the existing structure gross floor area or ten thousand (10,000) square feet, whichever is less.

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alley from any lot zoned single family.

4. Design Review shall also be required for all new structures which include more than four thousand (4,000) gross square feet of floor area for nonresidential uses or more than four (4) residential units in Commercial 1 and 2 (C1, C2) zones located within urban village commercial areas as shown on the Official Land Use Map.

((~~3~~))5. Design Review is optional for all new multifamily and commercial structures not otherwise subject to this ((~~C~~))chapter, in all multifamily and commercial zones.

B. Phasing. The following development shall be subject to the provisions of this ((~~C~~))chapter:

1. ((~~On the effective date of this section.~~)) All new structures described in ((~~s~~))Subsections A1-((~~2,~~))3 that abut or are directly across a street or alley from any lot zoned single family;

2. ((~~Beginning twelve (12) months after the effective date of this section)~~)As of April 15, 1995- All new structures described in ((~~s~~))Subsection A2 that abut or are directly across a street or alley from any lot zoned single family, and all new structures described in Subsections A1, A3, and A4((~~B1, and all new multifamily and commercial structures which are located in a neighborhood Commercial zone (NC1, NC2, NC3) and exceed the thresholds for SEPA categorical exemption~~));

3. ((~~Beginning eighteen months after the effective date of this section~~))As of October 15, 1995 - All new structures as described in ((~~s~~))Subsections A1-((~~2~~))4.

Section 41. A new Chapter 23.43 is added to Title 23, Seattle Municipal Code, as follows:

23.43.006 Residential/Small Lot zone, principal uses permitted outright.

The following principal uses shall be permitted outright in the Residential Small Lot (RSL) zone:

A. Single Family Dwelling Unit on One (1) Lot. The designation RSL without a suffix shall indicate that a detached single family dwelling unit on one (1) lot is the only residential structure type allowed in the zone.

B. Tandem Houses, pursuant to a neighborhood plan adopted or amended by the City Council after January 1, 1995. The designation RSL/T shall indicate that in addition to detached single family dwelling units on individual lots, tandem houses are allowed in the zone.

C. Cottage Housing Developments, pursuant to a neighborhood plan adopted or amended by the City Council after January 1, 1995. The designation RSL/C shall indicate that in addition to detached single family dwelling units on individual lots, cottage housing developments are allowed in the zone.

D. The designation RSL/TC shall indicate that in addition to detached single family dwelling units on individual lots, tandem houses and cottage housing developments are allowed in the zone.

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b. If an easement is provided along a 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 required side setback may be reduced from the requirement of 23.43.008 D 2. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities on the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement, except that eaves of a principal structure may project a maximum of eighteen inches (18") into the easement. No portion of any structure, including eaves shall cross the property line.

D. Lot Coverage. The maximum lot coverage shall be forty-five percent (45%), subject to the exceptions noted in Section 23.44.010 D.

E. Parking.

1. One (1) parking space per dwelling unit shall be required, as provided for single family structures in Chapter 23.54.

2. Access. Access to parking shall be from the alley when the property abuts a platted alley improved to the standards of Subsection C of Section 23.53.030, Alley improvements in all zones, or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be located on the same lot as the tandem houses.

b. Parking may be in or under a structure, or outside a structure, provided that:

(1) Parking shall not be located in the front yard;

(2) Parking shall not be located in a side setback abutting a street or the first ten feet (10') of a rear yard abutting a street.

F. Pedestrian Access to Public Right-of-Way. There shall be an area of no less than ten feet (10') in width between each dwelling unit and a street or platted and developed alley. This access may be a driveway and/or cross any required yards.

23.43.040 Accessory uses and structures

A. Accessory structures shall be permitted in the RSL zone under the following conditions:

1. New garages shall be subject to the yard and setback requirements of Section 23.43.008D when accessory to one detached structure per lot, and of Section 23.43.010C when accessory to tandem houses.

2. When converted to principal use in tandem house developments, garages shall be subject to the development standards for tandem house principal structures.

3. Garages shall be limited to a height of twelve feet (12') as measured on the facade containing the entrance for the vehicle.

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b. If an easement is provided along a 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 required side setback may be reduced from the requirement of 23.43.008 D 2. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities on the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement, except that eaves of a principal structure may project a maximum of eighteen inches (18") into the easement. No portion of any structure, including eaves shall cross the property line.

D. Lot Coverage. The maximum lot coverage shall be forty-five percent (45%), subject to the exceptions noted in Section 23.44.010 D.

E. Parking.

1. One (1) parking space per dwelling unit shall be required, as provided for single family structures in Chapter 23.54.

2. Access. Access to parking shall be from the alley when the property abuts a platted alley improved to the standards of Subsection C of Section 23.53.030, Alley improvements in all zones, or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be located on the same lot as the tandem houses.

b. Parking may be in or under a structure, or outside a structure, provided that:

(1) Parking shall not be located in the front yard;

(2) Parking shall not be located in a side setback abutting a street or the first ten feet (10') of a rear yard abutting a street.

F. Pedestrian Access to Public Right-of-Way. There shall be an area of no less than ten feet (10') in width between each dwelling unit and a street or platted and developed alley. This access may be a driveway and/or cross any required yards.

23.43.012 Cottage Housing Developments (CHDs)

A. Accessory dwelling units shall not be permitted in cottage housing developments.

B. Density and Minimum Lot Area.

1. In cottage housing developments (CHDs), the permitted density shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area.

2. Cottage housing developments shall contain a minimum of four

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4. Accessory structures other than garages shall also be limited to twelve feet (12') in height.

B. Solar Collectors. Solar collectors are permitted outright as an accessory use to any principal use subject to the following standards:

1. Solar collectors, including solar greenhouses which meet minimum standards and maximum size limits as determined by the Director, shall not be counted in lot coverage.

2. Solar collectors, except solar greenhouses attached to principal use structures, may exceed the height limits of the RSL zone by four feet (4') or extend four feet (4') above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than nine feet (9') above the height limit established for the zone. A solar collector which exceeds the basic height limit for the zone shall be placed so as not to shade an existing solar collector or property to the north on January 21st, at noon, any more than would a structure built to the maximum permitted height and bulk.

3. Solar collectors and solar greenhouses meeting minimum written energy conservation standards administered by the Director may be located in required yards according to the following conditions:

a. In a side yard, no closer than three feet (3') from the property line; or

b. In a rear yard, no closer than fifteen feet (15') from the rear property line unless there is a platted alley, in which case the solar collector shall be no closer than ten feet (10') from the centerline of the alley; or

c. In a front yard, solar greenhouses which are integrated with the principal structure and have a maximum height of twelve feet (12') may extend up to six feet (6') into the front yard. In no case shall the greenhouse be located closer than five feet (5') from the property line.

C. Home Occupations. Home occupations are permitted accessory uses in the RSL zone, subject to the standards contained in Section 23.44.050, Home occupations.

23.43.080 Nonconforming uses.

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

B. A structure occupied by a nonconforming use may be converted to single family residential use even if the structure does not conform to development standards of the zone. A converted structure may be expanded or extended provided that the expansion or extension shall conform to the development standards of the zone and shall not cause an already nonconforming structure to become more

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Section 77. A new Section 23.50.027 is hereby added to Chapter 23.50 of the Seattle Municipal Code, as follows:

23.50.027 Maximum size of non-industrial use.

A. Except as provided in ((s))Subsection B, the maximum size of use limits specified in Chart A of this section shall apply to uses on a lot, and the total gross floor area occupied by uses limited under Chart A of this section shall not exceed an area equal to the area of the lot in an IG1 zone, or two and one-half (2.5) times the area of the lot in an IG2, IB or IC zone, or three (3) times the lot area in IC zones in the South Lake Union Planning Area, as identified in Exhibit 23.50.028A, with sixty-five-foot (65') or eighty-five-foot (85') height limits. The size of use limits apply to principal and accessory uses on a lot. The limits shall be applied separately to the two categories of uses listed in Chart A of this section.

CHART A

INDUSTRIAL ZONES

Categories of Uses Subject to Size of Use Limits	IG1	IG2 and IB	IC
Retail sales and service or Entertainment except spectator sports facilities	30,000 sf	75,000 sf	75,000 sf
Office	50,000 sf	100,000 sf	N.M.S.L.

N.M.S.L. = No Maximum Size Limits

B. The following exceptions to the maximum size of use limits are allowed for a structure existing as of April 3, 1995:

1. A use legally established as of April 3, 1995 which already exceeds the maximum size of use limits listed in Chart A may continue.

2. The gross floor area of a use listed in Chart A and legally established as of April 3, 1995 may be converted to another category of use listed in Chart A provided that the combined gross floor area devoted to uses listed in Chart A does not exceed the total gross floor area of such uses legally established as of April 3, 1995.

3. If fifty percent (50%) or more of the gross floor area of the structure has been legally established as of April 3, 1995 with a use or uses listed in Chart A, those categories of uses may exceed the size of use limits as follows:

a. Uses listed in Chart A may expand within and occupy the entire structure.

b. The structure may be expanded by up to the following amounts and the use or uses may be permitted to expand within and occupy the entire structure:

(1) IG1 Zone: Twenty percent (20%) of the existing

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23.43.008 Development standards for one dwelling unit per lot.

A. Lot Area. Minimum lot area for one (1) detached dwelling unit shall be two thousand five hundred (2500) square feet.

B. Height Limit and Roof Pitch. The basic height limit shall be twenty-five feet (25'). The ridge of pitched roofs with a minimum slope of three to twelve (3:12) may extend above the height limit to thirty feet (30'). All parts of the roof above twenty-five feet (25') shall be pitched.

C. Structure Depth. The depth of any structure shall not exceed sixty feet

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Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008D2, are present.

E. Neighborhood Plans.

1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.

2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.

Section 8. Section 23.34.010 of the Seattle Municipal Code, as last amended by Ordinance 112522, is further amended as follows:

23.34.010 ((~~Areas zoned single family~~)) <u>Designation of Single Family zones</u>.

A. Except as provided in ((s))Subsection B of this section, single family zoned areas may be rezoned to another classification only if the applicant can demonstrate that the area does not meet the criteria for single family designation.

B. ((~~If a proposed rezone is for five (5) or more acres of vacant land currently zoned for single family use, it may be rezoned to another classification subject to the following determination:~~

~~1. Whether the area is more appropriate for a single family or multifamily designation; and~~

~~2. If multifamily is more appropriate, whether the relevant locational criteria of the multifamily designation which is proposed more closely match the particular characteristics of the area than do the locational criteria of any other multifamily designation.~~))

<u>Areas zoned single family, or RSL which meet the criteria for single family zoning contained in Subsection B of Section 23.34.011 and are located within the adopted boundaries of an urban village may be considered for rezoning to a Residential Small Lot (RSL), Residential Small Lot - Tandem (RSL/T), Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Neighborhood Commercial 1 30'/Lowrise 1(NC1 30'/L1), Neighborhood Commercial 2 30'/Lowrise 1 (NC2 30'/L1), Neighborhood Commercial 3 30'/Lowrise 1 (NC3 30'/L1), or Lowrise 1/Residential-Commercial (L1/RC) only when all of the following conditions are met:</u>

<u>1. A neighborhood plan adopted or amended by the City Council after January 1, 1995 has designated the area as appropriate for the zone designation, including specification of the RSL/T suffix when applicable;</u>

<u>2. All parts of the rezone area are within a five (5) minute walk for a person of typical abilities, within five (5) blocks, or within one-quarter (1/4) mile, whichever is the shortest distance, of a designated principal commercial street;</u>

<u>3. The acreage of land proposed for such rezoning on a cumulative</u>

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STATE OF WASHINGTON - KING COUNTY

—ss.

51028
City of Seattle,City Clerk

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:117430

was published on

01/12/95

The amount of the fee charged for the foregoing publication is the sum of $, which amount has been paid in full.

Subscribed and sworn to before me on

01/12/95

Notary Public for the State of Washington, residing in Seattle

Affidavit of Publication

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formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

E. The fact that additional development of the lots of individual units may be limited as a result of the application of development standards to the combined site

E(D)). Impact Evaluation. The evaluation of [illegible] rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.