

ORDINANCE No.

117570

COUNCIL BILL No.

110563

AN ORDINANCE relating to land use, zoning, and housing; repealing the Zoning Code (Seattle Municipal Code Title 24); and amending the Land Use Code (Seattle Municipal Code Title 23) and the Housing and Building Maintenance Code (Seattle Municipal Code Title 22) to delete obsolete references to Title 24, to eliminate provisions regarding transition from Title 24 to Title 23, to add a definition of "green street" and to correct errors and eliminate other obsolete references and definitions.

Honorable President:

Your Committee on _____

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

COMPTROLLER FILE No. _____

Introduced: 2-13-95	By: Harris
Referred: 2-13-95	To: Hrg., Comm Dev, Urban Env
Referred:	To:
Referred:	To:
Reported: APR 1 1995	Second Reading: APR 1 1995
Third Reading: APR 1 1995	Signed: APR 1 1995
Presented to Mayor: APR 1 1995	Approved: APR 1 1995
Returned to City Clerk: APR 1 1995	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

Law Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

Committee on

was referred the within Council Bill No. 110563

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

be passed as amended by a vote of 2-0 (5) (50)
on 3/28/95

Full Council vote 8-0

Sherry O'Harris

Committee Chair

ORDINANCE 117570

AN ORDINANCE relating to land use, zoning, and housing; repealing the Zoning Code (Seattle Municipal Code Title 24); and amending the Land Use Code (Seattle Municipal Code Title 23) and the Housing and Building Maintenance Code (Seattle Municipal Code Title 22) to delete obsolete references to Title 24, to eliminate provisions regarding transition from Title 24 to Title 23, to add a definition of "green street" and to correct errors and eliminate other obsolete references and definitions.

WHEREAS, certain references and phrases within Title 23 have been rendered obsolete with adoption of the Comprehensive Plan; and

WHEREAS, an error was made in Section 23.50.027.A of recently adopted Ordinance 117430; and

WHEREAS, Ordinance 117245 and Ordinance 117411 eliminated Title 24 zones from the Official Land Use Map of the City of Seattle, allowing now for the repeal of Title 24;
NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Title 24 of the Seattle Municipal Code (SMC) is hereby repealed.

Section 2. Subsection C of Section 22.206.160 of the Seattle Municipal Code, which Section was last amended by Ordinance 115877, is amended as follows:

C. Just Cause Eviction.

1. Owners of housing units shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant unless the building containing such housing unit has a current rental housing registration, as required by SMC Section 22.202.060., and except for good cause. The reasons for termination of tenancy listed below, and no others, shall constitute good cause under this section:

a. The tenant fails to comply with a notice to pay rent or vacate pursuant to RCW 59.12.030(3); a ten (10) day notice to comply or vacate pursuant to RCW 59.12.030(4); or a three (3) day notice to vacate for waste, nuisance or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5);

b. The tenant habitually fails to pay rent when due which causes the owner to notify the tenant in writing of late rent four (4) or more times in a twelve (12) month period;

c. The tenant fails to comply with a material term of the rental agreement or fails to comply with a material obligation under RCW 59.18 after service of a ten (10) day notice to comply or vacate;

d. The tenant habitually fails to comply with the material terms of the rental agreement which causes the owner to serve a ten (10) day notice to comply or vacate three (3) or more times in a twelve (12) month period.

e. The owner seeks possession for the owner or for a member of his or her immediate family and no substantially equivalent unit is vacant and available in the same building. "Immediate family" shall include the spouse, parents, grandparents, children, brothers or sisters of the owner or owner's spouse.

f. The tenant's occupancy is conditioned upon employment on the property and the employment relationship is terminated;

g. The owner seeks to do major reconstruction or rehabilitation in the building which cannot be done with tenants in occupancy. Any tenants dispossessed pursuant to this provision shall be notified in writing by the landlord at the time of vacating of the unit that the tenant has a right of first refusal for the rehabilitated unit. The landlord shall notify the tenant in writing, mailed by regular mail to the last address provided by the tenant,

1 when the unit is ready for reoccupancy, and the tenant shall exercise such right of first refusal
2 within thirty (30) days of the landlord's notice;

3 h. The owner elects to demolish the building, convert it to a
4 condominium or a cooperative, or convert it to a nonresidential use; provided, that the owner
5 must obtain all permits which are necessary to demolish or change the use before terminating
6 any tenancy;

7 i. The owner seeks to discontinue use of a housing unit
8 unauthorized by Title 23 (~~or Title 24~~) of the Seattle Municipal Code after receipt of a
9 notice of violation thereof, provided that relocation assistance, at the rate Two Thousand
10 Dollars (\$2,000.00) for tenant households with an income during the last twelve (12) months
11 at or below fifty percent (50%) of the County median income and of two (2) months' rent for
12 tenant households with an income during the past twelve (12) months above fifty percent
13 (50%) of the County median income, is paid to the tenant(s) of each such unit at least two (2)
14 weeks prior to the date set for compliance in the notice of violation;

15 j. If a tenant is a resident of the owner's own housing unit, the
16 owner may evict the tenant at any time in the manner provided by law;

17 k. If a tenant engages in criminal activity or conduct in the
18 building or on the premises.

19 2. Any rental agreement provision which waives or purports to waive any
20 right, benefit or entitlement created by this subsection C shall be deemed void and of no
21 lawful force or effect.

22 3. With any termination notices required by law, owners terminating any
23 tenancy protected by this ((s))Section shall advise the affected tenant or tenants in writing of
24 the reasons for the termination.

25 4. In any action commenced to evict or to otherwise terminate the
26 tenancy of any tenant, it shall be a defense to the action that there was no current rental
27 housing registration, as required by SMC Section 22.202.060, for the building in which the
28 tenancy existed, or that there was no good cause for such eviction or termination as provided
29 in this ((s))Section.

30 5. It shall be a violation of this ((s))Section for any owner to evict or
31 attempt to evict any tenant or otherwise terminate or attempt to terminate the tenancy of any
32 tenant using a notice which references subparagraphs 1e or 1g of this subsection C as
33 grounds for eviction or termination without fulfilling or carrying out the stated reason for or
34 condition justifying the termination of such tenancy.

35 **Section 3.** The Introduction to the Land Use Code, as last amended by Ordinance
36 110381, is amended as follows:

37 **Introduction: User Information**

38 The Land Use Code contains provisions typically associated with determining what
39 use may be made of a person's property. It is organized in subtitles which (~~enunciate the~~
40 ~~transition from Title 24 to~~) describe the general provisions of Title 23 (Subtitle I), set forth
41 the Land Use Policies as they are adopted (Subtitle II), incorporate City approvals necessary
42 for the division of land (Subtitle III), detail the establishment of zones and the use regulations
43 and development standards applicable within zones (Subtitle IV) and coordinate the
44 administrative and enforcement procedures necessary to implement the land use regulations.

45 While the provisions of Title 23 are integrated and extensive, they do not include all
46 requirements conceivably related to development. For example, with the exception of the
47 coordination of environmental review requirements in the Master Use Permit process, those
48 regulations detailing construction specifications, i.e., building, grading, drainage, etc., are set
49 forth in Title 22, "Building and Construction Codes." Landmark districts and landmark
50 preservation provisions are found in Title 25. The City's SEPA ordinance((s)) and
51 Environmentally Critical Areas ordinance are also set forth in Title 25.

1 **Section 4.** Section 23.02.020 of the Seattle Municipal Code, adopted by
2 Ordinance 110381, is amended as follows:

3 23.02.020 General purpose.

4 The purpose of this Land Use Code is to protect and promote public health, safety
5 and general welfare through a set of regulations and procedures for the use of land which
6 ~~((conform to))~~ are consistent with and implement the City's ((land-use policies))
7 Comprehensive Plan. Procedures are established to increase citizen awareness of land use
8 activities and their impacts and to coordinate necessary review processes. The Land Use
9 Code classifies land within the City into various land use zones and overlay districts which
10 regulate the use and bulk of buildings and structures. The provisions are designed to provide
11 adequate light, air, access, and open space; conserve the natural environment and historic
12 resources; maintain a compatible scale within an area; minimize traffic congestion and
13 enhance the streetscape and pedestrian environment. They seek to achieve an efficient use of
14 the land without major disruption of the natural environment and to direct development to
15 sites with adequate services and amenities.

16 **Section 5.** Chapter 23.04 of the Seattle Municipal Code, as last amended by
17 Ordinance 112522, is amended as follows:

18 CHAPTER 23.04 APPLICABILITY

19 23.04.010 Transition to the Land Use Code.

20 A. General Rules of Interpretation.

21 ~~((1. The Land Use Code is being drafted and adopted in phases and will~~
22 ~~ultimately replace all of what is now Title 24. Provisions of Title 24, as amended, which are~~
23 ~~not specifically repealed, will continue to have full force and effect until the Land Use Code is~~
24 ~~adopted in its entirety.~~

25 2. ~~If, during the transition period, the application of a provision of the~~
26 ~~Land Use Code and a retained provision of Title 24 creates, in the Director's judgment, an~~
27 ~~irreconcilable conflict, the provision of the Land Use Code shall control.))~~

28 ~~((3))~~ Except as otherwise provided, all permits and land use approvals lawfully
29 issued pursuant to repealed provisions of Title 24 or pursuant to a Title 24 zoning
30 classification no longer applicable to the property shall remain in full force and effect for two
31 (2) years from the effective date of repeal or zoning reclassification or until the expiration
32 date of the respective permit or approval if the date is less than two (2) years from the
33 effective date of repeal or zoning reclassification; provided, that permits issued after the
34 effective date of repeal or zoning reclassification ~~((pursuant to subsection D))~~ shall remain in
35 full force and effect for two (2) years from the date the permit is approved for issuance as
36 described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use
37 Decisions.

38 ~~((4. Except as otherwise provided, all applications for permits and land use~~
39 ~~approvals filed before the effective date of Ordinance 109438, April 30, 1981 (the effective~~
40 ~~date of the Master Use Permit Ordinance) shall expire six (6) months from the effective date~~
41 ~~of adoption of the amendatory ordinance codified in this section.))~~

42 B. Existing Contract Rezones. Contract rezones approved under Title 24 shall
43 remain in effect until the date specified in the rezone property use and development
44 agreement. If no expiration date is specified, the rezone shall remain in effect for two (2)
45 years from the effective date of Title 23 zoning for the property or, in the case of downtown,
46 from the effective date of Ordinance 112303 adopting permanent Title 23 zoning for
47 downtown. When Title 23 zoning goes into effect, the property may, at the election of the
48 property owner, be developed pursuant to either the existing rezone property use and
49 development agreement or Title 23. When the contract rezone expires the property shall be
50 regulated solely by the requirements of Title 23.

1 C. Existing Planned Unit Developments. Planned unit developments (PUDs) in
2 an SF or multi-family zone regulated under Title 23 which were authorized pursuant to
3 Section 24.66.040 et seq. shall be permitted to develop according to the specific terms of
4 such authorizations. This shall include the opportunity to apply to the Council for an
5 extension of time for completion of PUDs ((as provided in SMC 24.66.050 F)). Upon
6 completion of the PUDs, the provisions of Title 23, including all use and development
7 standards, shall apply.

8 ((D. ~~Special Transition Rule.~~

9 ~~1. The following transition rule shall apply only to provisions of the Land~~
10 ~~Use Code which are initiated by the City and become effective as part of a defined phase~~
11 ~~during the transition from Title 24 to Title 23 and during the transition from interim Chapter~~
12 ~~23.49 to permanent Chapter 23.49. Once such a phase of the Land Use Code is adopted by~~
13 ~~the Council, any amendments to provisions included in the particular phase shall not invoke~~
14 ~~this transition rule.~~

15 ~~2. Any proposal which is substantially underway on the date new Land~~
16 ~~Use Code provisions become effective shall be subject to either the new substantive~~
17 ~~provisions or to corresponding repealed or modified substantive provisions of Title 24 or~~
18 ~~repealed Chapter 23.49, at the discretion of the applicant, provided that:~~

19 ~~a. The applicant may elect only one (1) set of standards which~~
20 ~~shall apply as appropriate to the entire proposal;~~

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

23 ~~c. The applicant shall have no election as to procedural~~
24 ~~requirements; provided, that an applicant for a proposal which is substantially underway on~~
25 ~~the effective date of the ordinance codified in this section may elect to be subject to the~~
26 ~~procedural requirements in effect at the time of application, provided further, that when~~
27 ~~notices remain to be provided, they shall be provided according to requirements of this~~
28 ~~chapter.~~

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

31 ~~a. A master use permit application has been completed and filed;~~
32 ~~provided, that if an applicant has elected under Section 23.76.010 B to file separate~~
33 ~~applications, only those specific approvals which are sought prior to the effective date of~~
34 ~~applicable provisions shall be subject to this rule; or~~

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

37 ~~c. A draft environmental impact statement (EIS) has been~~
38 ~~approved by the Director for publication.~~

39 ~~E. Implementation.~~

40 ~~1. The Director may prepare and issue rules consistent with this chapter~~
41 ~~to further detail the transition rules.~~

42 ~~2. There shall be no administrative appeal of any determinations made by~~
43 ~~the Director pursuant to this chapter regarding which Code provisions are applicable.))~~

44 Section 6. Section 23.04.030 of the Seattle Municipal Code, entitled "Seattle
45 Shoreline Master Program Transition Rule", (Ordinance 113466), is hereby repealed.

46 Section 7. Subsection A of Section 23.24.040 of the Seattle Municipal Code,
47 which Section was last amended by Ordinance 117430, is amended as follows:

48 23.24.040 Criteria for approval.

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

1. Conformance to the applicable Land Use Policies and ((Zoning Code or)) Land Use Code provisions;
2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.54.010;
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.

Section 8. Section 23.30.020 of the Seattle Municipal Code, as adopted by Ordinance 110381, is amended as follows:

23.30.020 Zone boundaries.

Unless the location of zone boundary lines is expressly established by reference to established lines, points or features on the Official Land Use Map, the zone boundary lines are the centerlines of streets, including freeways, expressways and parkways, public alleys, waterways or railroad rights-of-way, or in the case of navigable water, the pierhead or outer harbor lines, or in the case of Lake Union, the "Seattle Construction Limit Line" as established by ((Chapter 24.82)) Section 23.60.014. Where the pierhead, outer harbor lines or construction limit lines are not established, then the zone boundary lines shall be on the water side of the natural shoreline and five hundred feet (500'), measured at right angles, from the shoreline. If the exact location of a zone boundary line cannot be determined otherwise, then its location shall be determined by measuring to scale on the Official Land Use Map.

Section 9. Section 23.32.006 of the Seattle Municipal Code, adopted by Ordinance 110381, is amended as follows:

23.32.006 Underlying zones established.

The zone classifications established in Section 23.30.010 ((or retained in Section 24.12.020)) and their boundaries within the City are established as shown on the series of maps, marked Exhibit "A" to the ordinance from which this section derives.

Section 10. Section 23.34.006 of the Seattle Municipal Code, entitled "Transition", as last amended by Ordinance 112522, is repealed.

Section 11. Section 23.40.020 of the Seattle Municipal Code, as last amended by Ordinance 117383, is amended as follows:

23.40.020 Variances.

A. Variances may be sought from the provisions ((of Title 24 or the provisions)) of Subtitle IV, Parts 2 and 3 of this Land Use Code, as applicable, except for the establishment of a use which is otherwise not permitted in the zone in which it is proposed, for maximum height which is shown on the Official Land Use Map, from the provisions of Section 23.55.014 A, or, from the provisions of Chapter 23.52. Applications for prohibited variances shall not be accepted for filing.

B. Variances shall be authorized according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

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

1 1. Because of unusual conditions applicable to the subject property,
2 including size, shape, topography, location or surroundings, which were not created by the
3 owner or applicant, the strict application of this Land Use Code (~~(or Title 24)~~) would deprive
4 the property of rights and privileges enjoyed by other properties in the same zone or vicinity;
5 and

6 2. The requested variance does not go beyond the minimum necessary to
7 afford relief, and does not constitute a grant of special privilege inconsistent with the
8 limitations upon other properties in the vicinity and zone in which the subject property is
9 located; and

10 3. The granting of the variance will not be materially detrimental to the
11 public welfare or injurious to the property or improvements in the zone or vicinity in which
12 the subject property is located; and

13 4. The literal interpretation and strict application of the applicable
14 provisions or requirements of this Land Use Code (~~(or Title 24)~~) would cause undue and
15 unnecessary hardship; and

16 5. The requested variance would be consistent with the spirit and purpose
17 of the Land Use Code and adopted Land Use Policies or Comprehensive Plan (~~(component)~~),
18 as applicable.

19 D. When a variance is authorized, conditions may be attached regarding the
20 location, character and other features of a proposed structure or use as may be deemed
21 necessary to carry out the spirit and purpose of this Land Use Code.

22 **Section 12.** Section 23.42.020 of the Seattle Municipal Code, as last amended by
23 Ordinance 117263, is amended as follows:

24 23.42.020 Accessory uses.

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

29 Unless Title 23 (~~(or Title 24)~~) expressly permits an accessory use as a principal use, a
30 use permitted only as an accessory use shall not be permitted as a principal use.

31 B. The general development standards for each zone shall apply to accessory
32 uses unless the general standards are specifically modified.

33 **Section 13.** Section 23.42.042 of the Seattle Municipal Code, a last amended by
34 Ordinance 116262, is amended as follows:

35 23.42.042 Conditional uses.

36 Administrative conditional uses and uses requiring Council approval as provided in
37 the respective zones of Subtitle IV, Part 2, of this Land Use Code (~~(or of Title 24)~~), and
38 applicable provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas,
39 may be authorized according to the procedures set forth in Chapter 23.76, Procedures for
40 Master Use Permits and Council Land Use Decisions.

41 **Section 14.** Subsection G of Section 23.45.182 of the Seattle Municipal Code,
42 which Section was last amended by Ordinance 117263, is amended as follows:

43 23.45.182 Extensions, expansions and structural alterations of nonconforming
44 uses.

45 G. A structure wholly or partially occupied by nonconforming office uses
46 established as of August 10, 1982, which was developed in former RMH 350, RMV 200 or

1 RMV 150 Zones formerly regulated by Title 24 and which met the development standards of
2 the respective zones, or was developed pursuant to variances, may not be expanded or
3 extended except to add dwelling units as provided in subsections D, E and F. Office uses
4 may be expanded or extended within the structure but not beyond the floor area permitted in
5 the former zone nor into any floor area established after August 10, 1982. Type of offices
6 shall be limited to those permitted in the former zone. ~~((Additional parking shall be provided
7 according to Section 24.64.120 of the Zoning Code.))~~

8 **Section 15.** Subsection E of Section 23.49.036 of the Seattle Municipal Code,
9 which Section was last amended by Ordinance 116744, is amended as follows:

10 23.49.036 Planned community developments (PCDs).

11 E. Evaluation of PCDs. A proposed PCD shall be evaluated on the basis of
12 public benefits provided, possible impacts of the project, and consistency with the City's Land
13 Use Policies.

14 1. Public Benefits. A proposed PCD shall provide one (1) or more of the
15 following elements: Housing, low-income housing, services, employment, increased public
16 revenue, strengthening of neighborhood character, improvements in pedestrian circulation or
17 urban form, and/or other elements which further an adopted City policy and provide a
18 demonstrable public benefit.

19 2. Potential Impacts. The potential impacts of a proposed PCD shall be
20 evaluated, including, but not necessarily limited to, the impacts on housing, particularly low-
21 income housing, transportation systems, parking, energy, and public services, as well as
22 environmental factors such as noise, air, light, glare, and water quality.

23 3. The proposed PCD shall be reviewed for consistency with the
24 ~~((Downtown Land Use Policies))~~ Land Use and Transportation Plan for Downtown Seattle
25 and the Land Use Policies for other areas adjacent to Downtown which could be affected by
26 the PCD.

27 4. When the proposed PCD is located in the Pioneer Square Preservation
28 District or International District Special Review District, the Board of the District(s) in which
29 the PCD is located shall review the proposal and make a recommendation to the Department
30 of Neighborhoods Director who shall make a recommendation to the Director prior to the
31 Director's Recommendation to the Council on the PCD.

32 **Section 16.** Subsection B of Section 23.49.037 of the Seattle Municipal Code,
33 which Section was adopted by Ordinance 115657, is amended as follows:

34 23.49.037 Public parks and planned community developments in Downtown
35 Office Core 1.

36 B. Review Process.

37 1. Review Generally. Approval of a PCD is a "Type IV" land use
38 decision pursuant to Chapter 23.76. Approval of a PCD authorized by this section shall be
39 governed by the procedures for such approval prescribed by Chapter 23.76 and by this
40 section. In the event of a conflict between those procedures, the provisions of this section
41 shall prevail. In addition to the fee prescribed by SMC Section 22.900.240, a person
42 submitting a notice of intent to apply for approval of a PCD shall pay the direct costs for all
43 work required pursuant to paragraphs 2 and 3 of this subsection, including review by the
44 Department of Parks and Recreation.

45 2. Beginning Review. A person intending to apply for approval of a PCD
46 begins the review process by submitting a notice of intent to apply to the Director. The
47 notice shall be on a form prescribed by the Director and shall include at least the following
48 information:

- 49 a. The location of the proposed PCD;

1 b. A general description of the proposed PCD, including the
2 proposed uses and the number, height, square footage, footprint and configuration of
3 buildings;

4 c. A general description of the proposed park, including location
5 within the PCD site, access, topography, possible improvements, and relationship to the
6 remainder of the PCD.

7 When a complete notice of intent to apply has been received by the Director,
8 the Director shall send a copy of the notice to the Superintendent of the Seattle Department
9 of Parks and Recreation, who shall then initiate the park planning process described below.

10 3. Initial Park Planning.

11 a. The Parks Superintendent shall begin a park planning process
12 by soliciting information and opinions from the public regarding a park to be provided with
13 the PCD. Park alternatives are not limited to the park described in the notice of intent to
14 apply. The Parks Superintendent shall hold a public hearing to solicit public comment or
15 proposals. The Parks Superintendent and the Director shall appoint a Citizen's ((Design))
16 Project Review committee to advise the Superintendent, Director and City Council regarding
17 the proposed park and PCD, particularly in regard to the design of the park and the PCD.

18 b. The result of the initial park planning process shall be a report
19 which identifies preliminary goals and design objectives for the park, identifies a preferred
20 location for the park on the PCD site, and contains general standards for park improvements
21 and development. The report shall be submitted by the Director to the potential PCD
22 applicant within one hundred eighty (180) days of the date the Parks Superintendent receives
23 the notice of intent to apply.

24 c. The purpose of the report is to give the potential project
25 applicant guidance regarding the kind of park which the City may require. The report does
26 not require the applicant to propose the park which is described in the report, and it does not
27 restrict the City's decisions about the park as the PCD review process proceeds.

28 4. PCD Application. Following receipt of the report the potential
29 applicant may submit an application for PCD approval to the Director. The application shall
30 be on a form prescribed by the Director.

31 5. Development Guidelines and ((Design)) Project Review.
32 Following receipt of the PCD application the Director, in consultation with the
33 Superintendent and the Citizen's ((Design)) Project Review Committee, shall establish
34 development guidelines for the PCD and the public park. The guidelines shall be approved by
35 the Director within one hundred fifty (150) days from the date a complete PCD application is
36 received by the Director. The guidelines shall include recommendations regarding the
37 location of buildings on the site, the footprint of buildings, design compatibility between the
38 park and the PCD, and maintenance and liability for the park and improvements. The
39 guidelines shall also include an estimate of the cost of providing the park which is described
40 in the guidelines.

41 6. Revised Application. Following approval of development guidelines
42 by the Director, the applicant may revise the PCD application or have the Director issue the
43 Director's Report based upon the original PCD application. If the applicant does not submit
44 a revised application or ask the Director to make the report within one hundred twenty (120)
45 days from the date the development guidelines are approved, the PCD application shall be
46 canceled.

47 7. Director's Report, Hearing Examiner Recommendation, and Council
48 Action. The Director, Hearing Examiner and Council shall review and act upon the PCD
49 application as provided in Sections 23.76.036 through 23.76.060.

50 8. Review Criteria.

51 a. The PCD shall have a minimum area of fifty-five thousand
52 (55,000) square feet. The total area of a PCD shall be contiguous. The area of any public
53 right-of-way, or public right-of-way vacated less than five (5) years prior to the date of
54 application for the PCD, within or abutting a proposed PCD, shall not be included in the
55 minimum area calculations, nor shall they be considered a break in contiguity.

- 1 b. The park shall comprise no less than one-half (1/2) the area of the
2 PCD site.
3 c. The park land and improvements shall be dedicated to the City.
4 d. The PCD, including the proposed park, shall be evaluated on the basis
5 of public benefits, adverse impacts, and consistency with the City's Land Use Policies, the
6 Director's guidelines for the PCD, and other applicable laws and policies.
7 e. The design of the PCD shall be compatible
8 with the design and function of the park.
9 9. Exceptions to Development Standards. Development standards of this
10 chapter may be varied or waived through the PCD process, except that the review criteria of
11 subsection B8 and the following standards shall not be varied or waived:
12 a. Light and glare;
13 b. Noise;
14 c. Odor;
15 d. Minimum sidewalk widths;
16 e. View corridor;
17 f. Nonconforming uses;
18 g. Nonconforming structures, when the nonconformity is one of the
19 standards listed in this subsection;
20 h. Use provisions except for provisions for principal and accessory
21 parking;
22 i. Transfer of development rights regulations;
23 j. Bonus values assigned to public benefit features.

24 **Section 17.** Subsections A and B of Section 23.50.027 of the Seattle Municipal
25 Code, which Section was adopted by Ordinance 117430, are amended as follows:

26 **23.50.027 Maximum size of non-industrial use.**

27 A. Applicability.

28 ((A))1. Except as provided in ((S))subsection B, the maximum size of use
29 limits specified in Chart A of this ((s))Section shall apply to uses on a lot, and the total gross
30 floor area occupied by uses limited under Chart A of this ((s))Section shall not exceed an area
31 equal to the area of the lot in an IG1 zone, or two and one-half (2.5) times the area of the lot
32 in an IG2, IB or IC zone, or three (3) times the lot area in IC zones in the South Lake Union
33 Planning Area, as identified in Exhibit 23.50.028A, with sixty-five-foot (65') or eighty-five-
34 foot (85') height limits. The size of use limits apply to principal and accessory uses on a lot.
35 The limits shall be applied separately to the two categories of use listed in Chart A of this
36 ((s))Section.

37 2. The maximum size of use limits shall not apply to the area identified in
38 Exhibit 23.50.027A, provided that no single retail establishment shall exceed 50,000 square
39 feet in size.

CHART A

INDUSTRIAL ZONES

<u>Categories of Uses</u>			
<u>Subject to Size of Use Limits</u>	<u>IG1</u>	<u>IG2 and IB</u>	<u>IC</u>
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))1. A use legally established as of April 3, 1995 which already exceeds the maximum size of use limits in Chart A may continue.

((3))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.

((4))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.

(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.

Section 18. Subsection G of Section 23.53.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 117432, is amended as follows:

23.53.030 Alley improvements in all zones.

G. Exceptions. The Director, after consulting with the Director of the Department of Engineering, may modify or waive the requirements for dedication, paving and drainage, setbacks, grading and no-protest agreements, if it is determined that one (1) or more of the following conditions are met. The Director may require access to be from a street if alley improvements are also waived.

1. Location in an environmentally critical area, disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable;

2. Widening and/or improving the right-of-way would make a building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met;

3. Widening and/or improving the right-of-way would eliminate alley access to an existing lot;

4. Widening and/or improving the right-of-way is impractical because topography precludes the use of the alley for vehicular access to the lot;

5. The alley is in a historic district or special review district, and the ~~((Community Development))~~ Department of Neighborhoods Director finds, after review and recommendation by the appropriate review board, that the widening and/or improvement would be detrimental to the character and goals of the district.

Section 19. Section 23.56.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 115002, is amended as follows:

23.56.010 Overlay districts generally.

A. Purpose. Overlay districts are established to conserve and enhance ~~(T)the~~ City of Seattle's unique natural marine and mountain setting and its environmental and topographic features; to preserve areas of historical note or architectural merit; to assist in the redevelopment and rehabilitation of declining areas of the City; to balance the needs of Major Institution development with the need to preserve adjacent neighborhoods; and to promote the general welfare by safeguarding such areas for the future use and enjoyment of all people.

B. Application of Regulations. Property located within an overlay district as identified on the Land Use Maps, Chapter 23.32, is subject both to its zone classification regulations and to additional requirements imposed for the overlay district. In any case where the provisions of the overlay district conflict with the provisions of the underlying zone, the overlay district provisions shall apply.

~~((C.— Pending the complete transition from Title 24 to Title 23, both Title 24 and this Part of Title 23 will contain certain overlay district regulations.))~~

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

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

10. Northgate General Development Plan.

Section 20. Subsections E, F and G, of Section 23.76.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, are amended 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; 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 (20) working days of application if additional information is required to commence application review.

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

1 reviewed, cancellation of the master use permit application under the provisions of this
2 subsection shall cause the concurrent cancellation of the building permit application.

3 **Section 21.** Subsection B of Section 23.76.016 of the Seattle Municipal Code,
4 which Section was adopted by Ordinance 112522, is amended as follows:

5 23.76.016 Public hearings.

6 B. Type II and III Decisions. The Director may hold a public hearing on Master
7 Use Permit applications requiring Type II and/or III decisions when:

- 8 1. The proposed development is of broad public significance; or
- 9 2. Fifty (50) or more persons file a written request for a hearing not later
10 than the fifteenth day after notice of the application is posted or the thirtieth day following
11 the date
12 of the second publication of notice of the application for a shoreline substantial development;
13 or
- 14 3. The cost of the proposed development, exclusive of land, will exceed
15 Five Hundred Thousand Dollars (\$500,000.00); or
- 16 4. The proposed development will require a shoreline conditional use or a
17 shoreline variance or other extraordinary relief from the provisions of the Seattle Municipal
18 Code, Chapter ((24.60)) 23.60, Shoreline Master Program Regulations.

19 **Section 22.** Subsection C of Section 23.76.028 of the Seattle Municipal Code,
20 which Section was last amended by Ordinance 115751, is amended as follows:

21 23.76.028 Master Use Permit Issuance.

22 C. Once a Master Use Permit is approved for issuance according to subsection
23 A, and any required revisions have been submitted and approved according to subsection B,
24 the applicant shall pay any required fees and pick up the Master Use Permit within sixty (60)
25 days of notice that the permit is ready to be issued. Failure to pick up the permit within the
26 sixty (60) days will result in a written notice of intent to cancel. If the Master Use Permit is
27 not picked up within thirty (30) days from the date of the written notice of intent to cancel,
28 the approval shall be revoked and the Master Use Permit application shall be canceled. When
29 a Master Use Permit is for a project vested to prior Land Use Code ((or Zoning Ordinance))
30 provisions because of an associated building permit application, and the project does not
31 conform with the codes in effect at the time it is ready to issue, then no notice that the Master
32 Use Permit is ready to issues shall be given until the building permit associated with the
33 project is also ready to issue.

34 **Section 23.** Section 23.76.036 of the Seattle Municipal Code, as last amended by
35 Ordinance 115165, is amended as follows:

36 23.76.036 Council decisions required.

37 A. The Council shall make the following Type IV land use decisions along with
38 any associated variances, special exceptions and administrative conditional uses:

- 39 1. Subdivision preliminary plats, including replats requiring subdivision
40 approval (supplemental procedures for preliminary plats are established in SMC Chapter
41 23.22);
- 42 2. Amendments to the Official Land Use Map, including changes in
43 overlay districts and shoreline environment redesignations, except those initiated by the City
44 to implement new land use policies adopted by ((resolution)) ordinance, and except boundary
45 adjustments caused by the acquisition, merger or consolidation of two (2) major institutions
46 pursuant to Section 23.69.023;

1 3. Public projects proposed by applicants other than The City of Seattle
2 that require Council approval;

3 4. Major Institution master plans (supplemental procedures for master
4 plans are established in SMC Chapter 23.69);

5 5. Council conditional uses; and

6 6. Downtown planned community developments~~((; and))~~.

7 ~~((7. Planned unit developments under Title 24.))~~

8 B. Council action shall be required for the following Type V land use decisions:

9 1. City-initiated amendments to the Official Land Use Map to implement
10 new land use policies ~~((adopted by resolution))~~;

11 2. Amendments to the text of SMC Title 23, Land Use Code ~~((and~~
12 ~~SMC Title 24, Zoning and Subdivisions))~~;

13 3. Concept approval for the location or expansion of City facilities
14 ~~((permitted as Council conditional uses by SMC Title 24, Zoning and Subdivisions, and~~
15 ~~these))~~ requiring Council land use approval by SMC Title 23, Land Use Code; and

16 4. Major Institution designations and revocations of Major Institution
17 designations.

18 **Section 24.** Section 23.76.040 of the Seattle Municipal Code as last amended by
19 Ordinance 117430 is amended as follows:

20 23.76.040 Applications.

21 A. Applications for Type IV and V decisions shall be made by the property
22 owner, lessee, contract purchaser, City agency, or an authorized agent thereof, provided that
23 any interested person may make application for an amendment to the Official Land Use Map
24 or an amendment to the text of Title 23, Land Use Code~~((, or Title 24, Zoning and~~
25 ~~Subdivisions))~~.

26 B. All applications for Council land use decisions shall be made to the Director
27 on a form provided by the Department. The Director shall promptly transmit applications for
28 Council land use decisions to the City Clerk for filing with the Council.

29 C. Applications shall be accompanied by payment of the applicable filing fees, if
30 any, as established in SMC Chapter 22.90~~((0))~~1, Permit Fees.

31 D. All applications shall contain the submittal information required by this Title
32 23, Land Use Code; ~~((SMC Title 24, Zoning and Subdivisions))~~; SMC Title 15, Street and
33 Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures; and SMC Chapter 25.09,
34 Regulations for Environmentally Critical Areas. The Director may require additional material
35 from the applicant such as maps, text, or models when the Director determines that such
36 material is needed to accurately assess a proposed project.

37 E. For all Type IV applications the Director shall mail notice to or otherwise
38 notify the applicant within twenty (20) working days of application if additional information
39 is required to commence application review.

40 F. An application shall be deemed abandoned and void if the applicant has failed
41 without reasonable justification to supply all required information or data within thirty (30)
42 days of a written request for it; provided that the Director may extend the period for
43 submission of the information if it is determined that the delay was not the fault of the
44 applicant.

45 **Section 25.** Section 23.76.068 of the Seattle Municipal Code, as adopted by
46 Ordinance 112522, is amended as follows:

47 23.76.068 Re-application rule for text amendments.

48 If an application for an amendment to the text of SMC Title 23, Land Use Code~~((, or~~
49 ~~SMC Title 24, Zoning and Subdivisions,))~~ is denied by the Council, no application for the
50 same or substantially the same amendment shall be considered until twelve (12) months have

1 passed since the filing of the application, provided that this rule shall not apply to City-
2 initiated amendments.

3 **Section 26.** Section 23.84.014 of the Seattle Municipal Code, as last amended by
4 Ordinance 117263, is amended by adding a new subsection "Green streets," to be inserted
5 alphabetically, as follows:

6 "Green street" means a street right-of-way which is part of the street circulation pattern, that
7 through a variety of treatments, such as sidewalk widening, landscaping, traffic calming, and
8 pedestrian-oriented features, is enhanced for pedestrian circulation and open space use.

9 **Section 27.** The subsection entitled "street park" of Section 23.84.036 of the
10 Seattle Municipal Code, is repealed.

11 **Section 28.** Section 23.90.002 of the Seattle Municipal Code, as last amended by
12 Ordinance 113798, is amended as follows:

13 23.90.002 Violations.

14 A. It is a violation of Title 23 for any person to initiate or maintain or cause to be
15 initiated or maintained the use of any structure, land or property within ~~((F))~~the City of
16 Seattle without first obtaining the permits or authorizations required for the use by Title 23~~((~~
17 ~~or Title 24))~~).

18 B. It is a violation of Title 23 for any person to use, construct, locate or demolish
19 or cause to be used, constructed, located, or demolished any structure, land or property
20 within ~~((F))~~the City of Seattle in any manner that is not permitted by the terms of any permit
21 or authorization issued pursuant to Title 23 or ~~((Title 24))~~ previous codes, provided that the
22 terms or conditions are explicitly stated on the permit or approved plans.

23 C. It is a violation of Title 23 to remove or deface any sign, notice, complaint, or
24 order required by or posted in accordance with Title 23, ~~((Title 24,))~~ or Title 25.

25 D. It is a violation of Title 23 to misrepresent any material fact in any application,
26 plans or other information submitted to obtain any land use authorization.

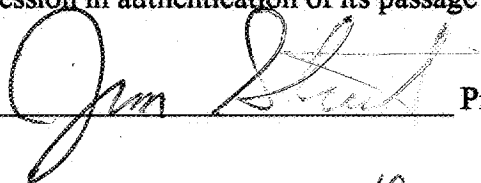
27 E. It is a violation of Title 23 for anyone to fail to comply with the requirements
28 of Title 23 or Title 24.

29 **Section 29. Severability.** The several provisions of this ordinance are declared to be
30 separate and severable and the invalidity of any clause, sentence, paragraph, subdivision,
31 section, subsection, or portion of this ordinance, or the invalidity of the application thereof to
32 any person or circumstance, shall not affect the validity of the remainder of this ordinance or
33 the validity of its application to other persons or circumstance.

1 **Section 30.** It is the intent of the City legislative authority that the amendments made
2 by the ordinance and amendments made to the same subsections by Ordinance 117430 all be
3 given full force and effect.

4 **Section 31.** This ordinance shall take effect and be in force thirty (30) days from and
5 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
6 (10) days after presentation, it shall take effect as provided by Municipal Code Section
7 1.04.020.

8 Passed by the City Council the 3rd day of April, 1995, and signed by me in open
9 session in authentication of its passage this 3rd day of April, 1995.

10 

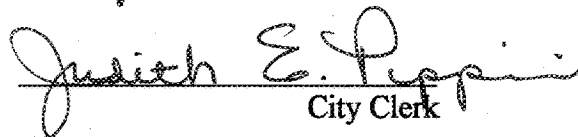
President of the City Council

11 Approved by me this 10 day of April, 1995.

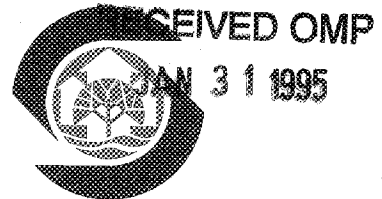
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Mayor

13 Filed by me this 10 day of April, 1995.


14 
15 City Clerk

Seattle
Department of Construction and Land Use



R. F. Krochalis, Director
Norman B. Rice, Mayor

MEMORANDUM

TO: Jim Street, City Council President
VIA: Tom Tierney, Director, OMP
Attn.: Ethan Melone
FROM: 
Rick Krochalis, Director
DATE: January 31, 1995
SUBJECT: Proposed Amendments to Land Use Code and Seattle Shoreline Master Program

We are pleased to submit the attached ordinances which propose minor, non-substantive amendments to the Land Use Code and Seattle Shoreline Master Program. These amendments are intended to ensure consistent use of terminology and provide clear reference to the use of terms such as "policies" and "Comprehensive Plan", in light of the recently adopted Comprehensive Plan. The amendments will also transfer the Lake Union Construction Limit Line to Title 23 from Title 24, and repeal text references to Title 24. These proposed amendments are configured in two separate ordinances to provide for the additional State Department of Ecology review required for the Shoreline amendments.

The proposed text amendments are categorically exempt from environmental review per the State Environmental Policy Act (Seattle SEPA Ordinance, SMC Chapter 25.05). No substantive changes to development standards or regulations are proposed.

Changes to Title 23 Certain phrases, such as "Comprehensive Plan" or "policies" have been used historically throughout the development of the Land Use Code. A search of these, and similar references, was made to ensure that their current usage is consistent with the recently adopted Comprehensive Plan.

Title 24 References Title 24 was Seattle's Zoning Code prior to the adoption of the current Land Use Code, Title 23. Most of the city was rezoned from Title 24 to Title 23 in the 1980s. Ordinance 117245 (August 1994) and Ordinance 117477 (December 1994) rezoned the remaining sites in the city from Title 24 to Title 23, allowing for the repeal of Title 24 with this ordinance.

Changes to Seattle Shoreline Master Program The Seattle Shoreline Master Program amendments strike all references to Title 24, transfer from Title 24 to Title 23 regulatory requirements for the Lake Union Construction Limit Line, and correct non-substantive errors and omissions.

A public hearing has been scheduled for Tuesday, February 14, 1995, at approximately 2:00 p.m. in the Council Chamber. Public notice has been provided in DCLU's General Mailed Release, and the Daily Journal of Commerce. We estimate that the costs incurred by the Department to implement the proposed amendments (including training, codification, and copying) will be approximately \$681.00. Any questions regarding the proposed amendments may be addressed to Molly Hurley, DCLU, at 233-7191.

Attachments

An equal employment opportunity - affirmative action employer.

Seattle Department of Construction and Land Use, 710 - 2nd Avenue, Ste 700, Seattle, WA 98104-1703
DCLU complies with the Americans with Disabilities Act. Accommodations for people with disabilities provided on request.

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ORDINANCE

AN ORDINANCE relating to land use, zoning, and housing; repealing the Zoning Code (Seattle Municipal Code Title 24); and amending the Land Use Code (Seattle Municipal Code Title 23) and the Housing and Building Maintenance Code (Seattle Municipal Code Title 22) to delete obsolete references to Title 24, to eliminate provisions regarding transition from Title 24 to Title 23, to add a definition of "green street" and to correct errors and eliminate other obsolete references and definitions.

WHEREAS, certain references and phrases within Title 23 have been rendered obsolete with adoption of the Comprehensive Plan; and

WHEREAS, an error was made in Section 23.50.027.A of recently adopted Ordinance 117430; and

WHEREAS, Ordinance 117245 and Ordinance 117411 eliminated Title 24 zones from the Official Land Use Map of the City of Seattle, allowing now for the repeal of Title 24;
NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Title 24 of the Seattle Municipal Code (SMC) is hereby repealed.

Section 2. Subsection C of Section 22.206.160 of the Seattle Municipal Code, which Section was last amended by Ordinance 115877, is amended as follows:

C. Just Cause Eviction.

1. Owners of housing units shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant unless the building containing such housing unit has a current rental housing registration, as required by SMC Section 22.202.060., and except for good cause. The reasons for termination of tenancy listed below, and no others, shall constitute good cause under this section:

a. The tenant fails to comply with a notice to pay rent or vacate pursuant to RCW 59.12.030(3); a ten (10) day notice to comply or vacate pursuant to RCW 59.12.030(4); or a three (3) day notice to vacate for waste, nuisance or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5);

b. The tenant habitually fails to pay rent when due which causes the owner to notify the tenant in writing of late rent four (4) or more times in a twelve (12) month period;

c. The tenant fails to comply with a material term of the rental agreement or fails to comply with a material obligation under RCW 59.18 after service of a ten (10) day notice to comply or vacate;

d. The tenant habitually fails to comply with the material terms of the rental agreement which causes the owner to serve a ten (10) day notice to comply or vacate three (3) or more times in a twelve (12) month period.

e. The owner seeks possession for the owner or for a member of his or her immediate family and no substantially equivalent unit is vacant and available in the same building. "Immediate family" shall include the spouse, parents, grandparents, children, brothers or sisters of the owner or owner's spouse.

f. The tenant's occupancy is conditioned upon employment on the property and the employment relationship is terminated;

g. The owner seeks to do major reconstruction or rehabilitation in the building which cannot be done with tenants in occupancy. Any tenants dispossessed pursuant to this provision shall be notified in writing by the landlord at the time of vacating of the unit that the tenant has a right of first refusal for the rehabilitated unit. The landlord shall notify the tenant in writing, mailed by regular mail to the last address provided by the tenant,

1 when the unit is ready for reoccupancy, and the tenant shall exercise such right of first refusal
2 within thirty (30) days of the landlord's notice;

3 h. The owner elects to demolish the building, convert it to a
4 condominium or a cooperative, or convert it to a nonresidential use; provided, that the owner
5 must obtain all permits which are necessary to demolish or change the use before terminating
6 any tenancy;

7 i. The owner seeks to discontinue use of a housing unit
8 unauthorized by Title 23 ((or Title 24)) of the Seattle Municipal Code after receipt of a
9 notice of violation thereof, provided that relocation assistance, at the rate Two Thousand
10 Dollars (\$2,000.00) for tenant households with an income during the last twelve (12) months
11 at or below fifty percent (50%) of the County median income and of two (2) months' rent for
12 tenant households with an income during the past twelve (12) months above fifty percent
13 (50%) of the County median income, is paid to the tenant(s) of each such unit at least two (2)
14 weeks prior to the date set for compliance in the notice of violation;

15 j. If a tenant is a resident of the owner's own housing unit, the
16 owner may evict the tenant at any time in the manner provided by law;

17 k. If a tenant engages in criminal activity or conduct in the
18 building or on the premises.

19 2. Any rental agreement provision which waives or purports to waive any
20 right, benefit or entitlement created by this subsection C shall be deemed void and of no
21 lawful force or effect.

22 3. With any termination notices required by law, owners terminating any
23 tenancy protected by this ((s))Section shall advise the affected tenant or tenants in writing of
24 the reasons for the termination.

25 4. In any action commenced to evict or to otherwise terminate the
26 tenancy of any tenant, it shall be a defense to the action that there was no current rental
27 housing registration, as required by SMC Section 22.202.060, for the building in which the
28 tenancy existed, or that there was no good cause for such eviction or termination as provided
29 in this ((s))Section.

30 5. It shall be a violation of this ((s))Section for any owner to evict or
31 attempt to evict any tenant or otherwise terminate or attempt to terminate the tenancy of any
32 tenant using a notice which references subparagraphs 1e or 1g of this subsection C as
33 grounds for eviction or termination without fulfilling or carrying out the stated reason for or
34 condition justifying the termination of such tenancy.

35 **Section 3.** The Introduction to the Land Use Code, as last amended by Ordinance
36 110381, is amended as follows:

37 Introduction: User Information

38 The Land Use Code contains provisions typically associated with determining what
39 use may be made of a person's property. It is organized in subtitles which ((enunciate the
40 transition from Title 24 to)) describe the general provisions of Title 23 (Subtitle I), set forth
41 the Land Use Policies as they are adopted (Subtitle II), incorporate City approvals necessary
42 for the division of land (Subtitle III), detail the establishment of zones and the use regulations
43 and development standards applicable within zones (Subtitle IV) and coordinate the
44 administrative and enforcement procedures necessary to implement the land use regulations.

45 While the provisions of Title 23 are integrated and extensive, they do not include all
46 requirements conceivably related to development. For example, with the exception of the
47 coordination of environmental review requirements in the Master Use Permit process, those
48 regulations detailing construction specifications, i.e., building, grading, drainage, etc., are set
49 forth in Title 22, "Building and Construction Codes." Landmark districts and landmark
50 preservation provisions are found in Title 25. The City's SEPA ordinance((s)) and
51 Environmentally Critical Areas ordinance are also set forth in Title 25.

1 **Section 4.** Section 23.02.020 of the Seattle Municipal Code, adopted by
2 Ordinance 110381, is amended as follows:

3 23.02.020 General purpose.

4 The purpose of this Land Use Code is to protect and promote public health, safety
5 and general welfare through a set of regulations and procedures for the use of land which
6 ~~((conform to)) are consistent with and implement the City's ((land use policies))~~
7 Comprehensive Plan. Procedures are established to increase citizen awareness of land use
8 activities and their impacts and to coordinate necessary review processes. The Land Use
9 Code classifies land within the City into various land use zones and overlay districts which
10 regulate the use and bulk of buildings and structures. The provisions are designed to provide
11 adequate light, air, access, and open space; conserve the natural environment and historic
12 resources; maintain a compatible scale within an area; minimize traffic congestion and
13 enhance the streetscape and pedestrian environment. They seek to achieve an efficient use of
14 the land without major disruption of the natural environment and to direct development to
15 sites with adequate services and amenities.

16 **Section 5.** Chapter 23.04 of the Seattle Municipal Code, as last amended by
17 Ordinance 112522, is amended as follows:

18 CHAPTER 23.04 APPLICABILITY

19 23.04.010 Transition to the Land Use Code.

20 A. General Rules of Interpretation.

21 ~~((1. The Land Use Code is being drafted and adopted in phases and will~~
22 ~~ultimately replace all of what is now Title 24. Provisions of Title 24, as amended, which are~~
23 ~~not specifically repealed, will continue to have full force and effect until the Land Use Code is~~
24 ~~adopted in its entirety.~~

25 ~~2. If, during the transition period, the application of a provision of the~~
26 ~~Land Use Code and a retained provision of Title 24 creates, in the Director's judgment, an~~
27 ~~irreconcilable conflict, the provision of the Land Use Code shall control.))~~

28 ~~((3)) Except as otherwise provided, all permits and land use approvals lawfully~~
29 ~~issued pursuant to repealed provisions of Title 24 or pursuant to a Title 24 zoning~~
30 ~~classification no longer applicable to the property shall remain in full force and effect for two~~
31 ~~(2) years from the effective date of repeal or zoning reclassification or until the expiration~~
32 ~~date of the respective permit or approval if the date is less than two (2) years from the~~
33 ~~effective date of repeal or zoning reclassification; provided, that permits issued after the~~
34 ~~effective date of repeal or zoning reclassification ((pursuant to subsection D)) shall remain in~~
35 ~~full force and effect for two (2) years from the date the permit is approved for issuance as~~
36 ~~described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use~~
37 ~~Decisions.~~

38 ~~((4. Except as otherwise provided, all applications for permits and land use~~
39 ~~approvals filed before the effective date of Ordinance 109438, April 30, 1981 (the effective~~
40 ~~date of the Master Use Permit Ordinance) shall expire six (6) months from the effective date~~
41 ~~of adoption of the amendatory ordinance codified in this section.))~~

42 B. Existing Contract Rezones. Contract rezones approved under Title 24 shall
43 remain in effect until the date specified in the rezone property use and development
44 agreement. If no expiration date is specified, the rezone shall remain in effect for two (2)
45 years from the effective date of Title 23 zoning for the property or, in the case of downtown,
46 from the effective date of Ordinance 112303 adopting permanent Title 23 zoning for
47 downtown. When Title 23 zoning goes into effect, the property may, at the election of the
48 property owner, be developed pursuant to either the existing rezone property use and
49 development agreement or Title 23. When the contract rezone expires the property shall be
50 regulated solely by the requirements of Title 23.

1 C. Existing Planned Unit Developments. Planned unit developments (PUDs) in
2 an SF or multi-family zone regulated under Title 23 which were authorized pursuant to
3 Section 24.66.040 et seq. shall be permitted to develop according to the specific terms of
4 such authorizations. This shall include the opportunity to apply to the Council for an
5 extension of time for completion of PUDs ((as provided in SMC 24.66.050 F)). Upon
6 completion of the PUDs, the provisions of Title 23, including all use and development
7 standards, shall apply.

8 ((D. ~~Special Transition Rule.~~

9 1. ~~The following transition rule shall apply only to provisions of the Land~~
10 ~~Use Code which are initiated by the City and become effective as part of a defined phase~~
11 ~~during the transition from Title 24 to Title 23 and during the transition from interim Chapter~~
12 ~~23.49 to permanent Chapter 23.49. Once such a phase of the Land Use Code is adopted by~~
13 ~~the Council, any amendments to provisions included in the particular phase shall not invoke~~
14 ~~this transition rule.~~

15 2. ~~Any proposal which is substantially underway on the date new Land~~
16 ~~Use Code provisions become effective shall be subject to either the new substantive~~
17 ~~provisions or to corresponding repealed or modified substantive provisions of Title 24 or~~
18 ~~repealed Chapter 23.49, at the discretion of the applicant, provided that:~~

19 a. ~~The applicant may elect only one (1) set of standards which~~
20 ~~shall apply as appropriate to the entire proposal;~~

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

23 c. ~~The applicant shall have no election as to procedural~~
24 ~~requirements; provided, that an applicant for a proposal which is substantially underway on~~
25 ~~the effective date of the ordinance codified in this section may elect to be subject to the~~
26 ~~procedural requirements in effect at the time of application, provided further, that when~~
27 ~~notices remain to be provided, they shall be provided according to requirements of this~~
28 ~~chapter.~~

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

31 a. ~~A master use permit application has been completed and filed;~~
32 ~~provided, that if an applicant has elected under Section 23.76.010 B to file separate~~
33 ~~applications, only those specific approvals which are sought prior to the effective date of~~
34 ~~applicable provisions shall be subject to this rule; or~~

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

37 c. ~~A draft environmental impact statement (EIS) has been~~
38 ~~approved by the Director for publication.~~

39 E. ~~Implementation.~~

40 1. ~~The Director may prepare and issue rules consistent with this chapter~~
41 ~~to further detail the transition rules.~~

42 2. ~~There shall be no administrative appeal of any determinations made by~~
43 ~~the Director pursuant to this chapter regarding which Code provisions are applicable.))~~

44 Section 6. Section 23.04.030 of the Seattle Municipal Code, entitled "Seattle
45 Shoreline Master Program Transition Rule", (Ordinance 113466), is hereby repealed.

46 Section 7. Subsection A of Section 23.24.040 of the Seattle Municipal Code,
47 which Section was last amended by Ordinance 117430, is amended as follows:

48 23.24.040 Criteria for approval.

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

1. Conformance to the applicable Land Use Policies and ((Zoning Code or)) Land Use Code provisions;
2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.54.010;
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.

Section 8. Section 23.30.020 of the Seattle Municipal Code, as adopted by Ordinance 110381, is amended as follows:

23.30.020 Zone boundaries.

Unless the location of zone boundary lines is expressly established by reference to established lines, points or features on the Official Land Use Map, the zone boundary lines are the centerlines of streets, including freeways, expressways and parkways, public alleys, waterways or railroad rights-of-way, or in the case of navigable water, the pierhead or outer harbor lines, or in the case of Lake Union, the "Seattle Construction Limit Line" as established by ((Chapter 24.82)) Section 23.60.014. Where the pierhead, outer harbor lines or construction limit lines are not established, then the zone boundary lines shall be on the water side of the natural shoreline and five hundred feet (500'), measured at right angles, from the shoreline. If the exact location of a zone boundary line cannot be determined otherwise, then its location shall be determined by measuring to scale on the Official Land Use Map.

Section 9. Section 23.32.006 of the Seattle Municipal Code, adopted by Ordinance 110381, is amended as follows:

23.32.006 Underlying zones established.

The zone classifications established in Section 23.30.010 ((or retained in Section 24.12.020)) and their boundaries within the City are established as shown on the series of maps, marked Exhibit "A" to the ordinance from which this section derives.

Section 10. Section 23.34.006 of the Seattle Municipal Code, entitled "Transition", as last amended by Ordinance 112522, is repealed.

Section 11. Section 23.40.020 of the Seattle Municipal Code, as last amended by Ordinance 117383, is amended as follows:

23.40.020 Variances.

A. Variances may be sought from the provisions ((of Title 24 or the provisions)) of Subtitle IV, Parts 2 and 3 of this Land Use Code, as applicable, except for the establishment of a use which is otherwise not permitted in the zone in which it is proposed, for maximum height which is shown on the Official Land Use Map, from the provisions of Section 23.55.014 A, or, from the provisions of Chapter 23.52. Applications for prohibited variances shall not be accepted for filing.

B. Variances shall be authorized according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

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

1 1. Because of unusual conditions applicable to the subject property,
2 including size, shape, topography, location or surroundings, which were not created by the
3 owner or applicant, the strict application of this Land Use Code ((or Title 24)) would deprive
4 the property of rights and privileges enjoyed by other properties in the same zone or vicinity;
5 and

6 2. The requested variance does not go beyond the minimum necessary to
7 afford relief, and does not constitute a grant of special privilege inconsistent with the
8 limitations upon other properties in the vicinity and zone in which the subject property is
9 located; and

10 3. The granting of the variance will not be materially detrimental to the
11 public welfare or injurious to the property or improvements in the zone or vicinity in which
12 the subject property is located; and

13 4. The literal interpretation and strict application of the applicable
14 provisions or requirements of this Land Use Code ((or Title 24)) would cause undue and
15 unnecessary hardship; and

16 5. The requested variance would be consistent with the spirit and purpose
17 of the Land Use Code and adopted Land Use Policies or Comprehensive Plan ((component)),
18 as applicable.

19 D. When a variance is authorized, conditions may be attached regarding the
20 location, character and other features of a proposed structure or use as may be deemed
21 necessary to carry out the spirit and purpose of this Land Use Code.

22 **Section 12.** Section 23.42.020 of the Seattle Municipal Code, as last amended by
23 Ordinance 117263, is amended as follows:

24 23.42.020 Accessory uses.

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

29 Unless Title 23 ((or Title 24)) expressly permits an accessory use as a principal use, a
30 use permitted only as an accessory use shall not be permitted as a principal use.

31 B. The general development standards for each zone shall apply to accessory
32 uses unless the general standards are specifically modified.

33 **Section 13.** Section 23.42.042 of the Seattle Municipal Code, a last amended by
34 Ordinance 116262, is amended as follows:

35 23.42.042 Conditional uses.

36 Administrative conditional uses and uses requiring Council approval as provided in
37 the respective zones of Subtitle IV, Part 2, of this Land Use Code ((or of Title 24)), and
38 applicable provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas,
39 may be authorized according to the procedures set forth in Chapter 23.76, Procedures for
40 Master Use Permits and Council Land Use Decisions.

41 **Section 14.** Subsection G of Section 23.45.182 of the Seattle Municipal Code,
42 which Section was last amended by Ordinance 117263, is amended as follows:

43 23.45.182 Extensions, expansions and structural alterations of nonconforming
44 uses.

45 G. A structure wholly or partially occupied by nonconforming office uses
46 established as of August 10, 1982, which was developed in former RMH 350, RMV 200 or

1 RMV 150 Zones formerly regulated by Title 24 and which met the development standards of
2 the respective zones, or was developed pursuant to variances, may not be expanded or
3 extended except to add dwelling units as provided in subsections D, E and F. Office uses
4 may be expanded or extended within the structure but not beyond the floor area permitted in
5 the former zone nor into any floor area established after August 10, 1982. Type of offices
6 shall be limited to those permitted in the former zone. ~~((Additional parking shall be provided
7 according to Section 24.64.120 of the Zoning Code.))~~

8 **Section 15.** Subsection E of Section 23.49.036 of the Seattle Municipal Code,
9 which Section was last amended by Ordinance 116744, is amended as follows:

10 23.49.036 Planned community developments (PCDs).

11 E. Evaluation of PCDs. A proposed PCD shall be evaluated on the basis of
12 public benefits provided, possible impacts of the project, and consistency with the City's Land
13 Use Policies.

14 1. Public Benefits. A proposed PCD shall provide one (1) or more of the
15 following elements: Housing, low-income housing, services, employment, increased public
16 revenue, strengthening of neighborhood character, improvements in pedestrian circulation or
17 urban form, and/or other elements which further an adopted City policy and provide a
18 demonstrable public benefit.

19 2. Potential Impacts. The potential impacts of a proposed PCD shall be
20 evaluated, including, but not necessarily limited to, the impacts on housing, particularly low-
21 income housing, transportation systems, parking, energy, and public services, as well as
22 environmental factors such as noise, air, light, glare, and water quality.

23 3. The proposed PCD shall be reviewed for consistency with the
24 ~~((Downtown Land Use Policies))~~ Land Use and Transportation Plan for Downtown Seattle
25 and the Land Use Policies for other areas adjacent to Downtown which could be affected by
26 the PCD.

27 4. When the proposed PCD is located in the Pioneer Square Preservation
28 District or International District Special Review District, the Board of the District(s) in which
29 the PCD is located shall review the proposal and make a recommendation to the Department
30 of Neighborhoods Director who shall make a recommendation to the Director prior to the
31 Director's Recommendation to the Council on the PCD.

32 **Section 16.** Subsection B of Section 23.49.037 of the Seattle Municipal Code,
33 which Section was adopted by Ordinance 115657, is amended as follows:

34 23.49.037 Public parks and planned community developments in Downtown
35 Office Core 1.

36 B. Review Process.

37 1. Review Generally. Approval of a PCD is a "Type IV" land use
38 decision pursuant to Chapter 23.76. Approval of a PCD authorized by this section shall be
39 governed by the procedures for such approval prescribed by Chapter 23.76 and by this
40 section. In the event of a conflict between those procedures, the provisions of this section
41 shall prevail. In addition to the fee prescribed by SMC Section 22.900.240, a person
42 submitting a notice of intent to apply for approval of a PCD shall pay the direct costs for all
43 work required pursuant to paragraphs 2 and 3 of this subsection, including review by the
44 Department of Parks and Recreation.

45 2. Beginning Review. A person intending to apply for approval of a PCD
46 begins the review process by submitting a notice of intent to apply to the Director. The
47 notice shall be on a form prescribed by the Director and shall include at least the following
48 information:

49 a. The location of the proposed PCD;

b. A general description of the proposed PCD, including the proposed uses and the number, height, square footage, footprint and configuration of buildings;

c. A general description of the proposed park, including location within the PCD site, access, topography, possible improvements, and relationship to the remainder of the PCD.

When a complete notice of intent to apply has been received by the Director, the Director shall send a copy of the notice to the Superintendent of the Seattle Department of Parks and Recreation, who shall then initiate the park planning process described below.

3. Initial Park Planning.

a. The Parks Superintendent shall begin a park planning process by soliciting information and opinions from the public regarding a park to be provided with the PCD. Park alternatives are not limited to the park described in the notice of intent to apply. The Parks Superintendent shall hold a public hearing to solicit public comment or proposals. The Parks Superintendent and the Director shall appoint a Citizen's ((Design)) Project Review committee to advise the Superintendent, Director and City Council regarding the proposed park and PCD, particularly in regard to the design of the park and the PCD.

b. The result of the initial park planning process shall be a report which identifies preliminary goals and design objectives for the park, identifies a preferred location for the park on the PCD site, and contains general standards for park improvements and development. The report shall be submitted by the Director to the potential PCD applicant within one hundred eighty (180) days of the date the Parks Superintendent receives the notice of intent to apply.

c. The purpose of the report is to give the potential project applicant guidance regarding the kind of park which the City may require. The report does not require the applicant to propose the park which is described in the report, and it does not restrict the City's decisions about the park as the PCD review process proceeds.

4. PCD Application. Following receipt of the report the potential applicant may submit an application for PCD approval to the Director. The application shall be on a form prescribed by the Director.

5. Development Guidelines and ((Design)) Project Review. Following receipt of the PCD application the Director, in consultation with the Superintendent and the Citizen's ((Design)) Project Review Committee, shall establish development guidelines for the PCD and the public park. The guidelines shall be approved by the Director within one hundred fifty (150) days from the date a complete PCD application is received by the Director. The guidelines shall include recommendations regarding the location of buildings on the site, the footprint of buildings, design compatibility between the park and the PCD, and maintenance and liability for the park and improvements. The guidelines shall also include an estimate of the cost of providing the park which is described in the guidelines.

6. Revised Application. Following approval of development guidelines by the Director, the applicant may revise the PCD application or have the Director issue the Director's Report based upon the original PCD application. If the applicant does not submit a revised application or ask the Director to make the report within one hundred twenty (120) days from the date the development guidelines are approved, the PCD application shall be canceled.

7. Director's Report, Hearing Examiner Recommendation, and Council Action. The Director, Hearing Examiner and Council shall review and act upon the PCD application as provided in Sections 23.76.036 through 23.76.060.

8. Review Criteria.

a. The PCD shall have a minimum area of fifty-five thousand (55,000) square feet. The total area of a PCD shall be contiguous. The area of any public right-of-way, or public right-of-way vacated less than five (5) years prior to the date of application for the PCD, within or abutting a proposed PCD, shall not be included in the minimum area calculations, nor shall they be considered a break in contiguity.

b. The park shall comprise no less than one-half (1/2) the area of the PCD site.

c. The park land and improvements shall be dedicated to the City.

d. The PCD, including the proposed park, shall be evaluated on the basis of public benefits, adverse impacts, and consistency with the City's Land Use Policies, the Director's guidelines for the PCD, and other applicable laws and policies.

e. The design of the PCD shall be compatible with the design and function of the park.

9. Exceptions to Development Standards. Development standards of this chapter may be varied or waived through the PCD process, except that the review criteria of subsection B8 and the following standards shall not be varied or waived:

a. Light and glare;

b. Noise;

c. Odor;

d. Minimum sidewalk widths;

e. View corridor;

f. Nonconforming uses;

g. Nonconforming structures, when the nonconformity is one of the standards listed in this subsection;

h. Use provisions except for provisions for principal and accessory parking;

i. Transfer of development rights regulations;

j. Bonus values assigned to public benefit features.

Section 17. Subsection G of Section 23.49.046 of the Seattle Municipal Code, which Section was last amended by Ordinance 116907, is amended as follows:

G. Work-release centers may be permitted as Council conditional uses, based on the following criteria:

1. Maximum Number of Residents: No work-release center shall house more than fifty (50) persons, excluding resident staff.

2. Dispersion Criteria.

a. The lot line of any new or expanding work-release center shall be located six hundred feet (600') or more from any residential zone, ((any lot line of any special residence,)) and any lot line of any school.

b. The lot line of any new or expanding work-release center shall be located one (1) mile or more from any lot line of any other work-release center.

c. The Director shall determine whether a proposed facility meets the dispersion criteria from maps which shall note the location of current work-release centers ((and special residences)). Any person who disputes the accuracy of the maps may furnish the Director with the new information and, if determined by the Director to be accurate, this information shall be used in processing the application.

3. The Council's decision shall be based on the Land Use and Transportation Plan for Downtown Seattle and the following criteria:

a. The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

b. The extent to which the applicant has demonstrated that the facility can be made secure. The applicant shall submit a proposed security plan to the Director, and the Director, in consultation with the Seattle Police Department, shall consider and evaluate the plan. The security plan shall address, but not be limited to, the following:

i. Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies on sign-outs for time periods consistent with the stated purpose of the absence for unescorted trips by residents away from the center, methods of checking the records of persons

sponsoring outings for work-release residents, and policies on penalties for drug or alcohol use by residents, and

ii. Staff numbers, level of responsibilities and scheduling, and,

iii. Compliance with the security standards of the American Corrections Association;

c. The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure security is maintained;

d. The extent to which the facility's landscape plan meets the requirements of the zone while allowing visual supervision of the residents of the facility;

e. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

f. The extent to which the impacts of traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking;

g. The extent to which the facility is well-served by public transportation or to which the facility is committed to a program of encouraging the use of public or private mass transportation;

h. Verification from the Department of Corrections (DOC), which shall be reviewed by the Police Department, that the proposed work-release center meets the DOC standards for such facilities, and that the facility will meet State laws and requirements.

Section 18. Subsection G of Section 23.49.066 of the Seattle Municipal Code, which Section was last amended by Ordinance 116907, is amended as follows:

G. Work-release centers may be permitted as Council conditional uses, based on the following criteria:

1. Maximum Number of Residents: No work-release center shall house more than fifty (50) persons, excluding resident staff.

2. Dispersion Criteria.

a. The lot line of any new or expanding work-release center shall be located six hundred feet (600') or more from any residential zone, ~~((any lot line of any special residence,))~~ and any lot line of any school.

b. The lot line of any new or expanding work-release center shall be located one (1) mile or more from any lot line of any other work-release center.

c. The Director shall determine whether a proposed facility meets the dispersion criteria from maps which shall note the location of current work-release centers ~~((and special residences))~~. Any person who disputes the accuracy of the maps may furnish the Director with the new information and, if determined by the Director to be accurate, this information shall be used in processing the application.

3. The Council's decision shall be based on the Land Use and Transportation Plan for Downtown Seattle and the following criteria:

a. The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

b. The extent to which the applicant has demonstrated that the facility can be made secure. The applicant shall submit a proposed security plan to the Director, and the Director, in consultation with the Seattle Police Department, shall consider and evaluate the plan. The security plan shall address, but not be limited to, the following:

i. Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies on sign-outs for time periods consistent with the stated purpose of the absence for unescorted

trips by residents away from the center, methods of checking the records of persons sponsoring outings for work-release residents, and policies on penalties for drug or alcohol use by residents, and

ii. Staff numbers, level of responsibilities and scheduling, and,
iii. Compliance with the security standards of the American Corrections Association;

c. The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure security is maintained;

d. The extent to which the facility's landscape plan meets the requirements of the zone while allowing visual supervision of the residents of the facility;

e. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

f. The extent to which the impacts of traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking;

g. The extent to which the facility is well-served by public transportation or to which the facility is committed to a program of encouraging the use of public or private mass transportation;

h. Verification from the Department of Corrections (DOC), which shall be reviewed by the Police Department, that the proposed work-release center meets the DOC standards for such facilities, and that the facility will meet State laws and requirements.

Section 19. Subsection H of Section 23.49.096 of the Seattle Municipal Code, which Section was last amended by Ordinance 116907, is amended as follows:

H. Work-release centers may be permitted as Council conditional uses, based on the following criteria:

1. Maximum Number of Residents: No work-release center shall house more than fifty (50) persons, excluding resident staff.

2. Dispersion Criteria.

a. The lot line of any new or expanding work-release center shall be located six hundred feet (600') or more from any residential zone, ~~((any lot line of any special residence;))~~ and any lot line of any school.

b. The lot line of any new or expanding work-release center shall be located one (1) mile or more from any lot line of any other work-release center.

c. The Director shall determine whether a proposed facility meets the dispersion criteria from maps which shall note the location of current work-release centers ~~((and special residences))~~. Any person who disputes the accuracy of the maps may furnish the Director with the new information and, if determined by the Director to be accurate, this information shall be used in processing the application.

3. The Council's decision shall be based on the Land Use and Transportation Plan for Downtown Seattle and the following criteria:

a. The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

b. The extent to which the applicant has demonstrated that the facility can be made secure. The applicant shall submit a proposed security plan to the Director, and the Director, in consultation with the Seattle Police Department, shall consider and evaluate the plan. The security plan shall address, but not be limited to, the following:

i. Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies on

1 sign-outs for time periods consistent with the stated purpose of the absence for unescorted
2 trips by residents away from the center, methods of checking the records of persons
3 sponsoring outings for work-release residents, and policies on penalties for drug or alcohol
4 use by residents, and

5 ii. Staff numbers, level of responsibilities and scheduling,
6 and,

7 iii. Compliance with the security standards of the American
8 Corrections Association;

9 c. The extent to which proposed lighting is located so as to
10 minimize spillover light on surrounding properties while maintaining appropriate intensity and
11 hours of use to ensure security is maintained;

12 d. The extent to which the facility's landscape plan meets the
13 requirements of the zone while allowing visual supervision of the residents of the facility;

14 e. The extent to which appropriate measures are taken to
15 minimize noise impacts on surrounding properties. Measures to be used for this purpose may
16 include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and
17 limiting the hours of use of certain areas;

18 f. The extent to which the impacts of traffic and parking are
19 mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or
20 changing the access to and location of off-street parking;

21 g. The extent to which the facility is well-served by public
22 transportation or to which the facility is committed to a program of encouraging the use of
23 public or private mass transportation;

24 h. Verification from the Department of Corrections (DOC),
25 which shall be reviewed by the Police Department, that the proposed work-release center
26 meets the DOC standards for such facilities, and that the facility will meet State laws and
27 requirements.

28 **Section 20.** Subsection G of Section 23.49.122 of the Seattle Municipal Code,
29 which Section was last amended by Ordinance 116907, is amended as follows:

30 **G.** Work-release centers may be permitted as Council conditional uses, based on
31 the following criteria:

32 1. **Maximum Number of Residents:** No work-release center shall house
33 more than fifty (50) persons, excluding resident staff.

34 2. **Dispersion Criteria.**

35 a. The lot line of any new or expanding work-release center shall
36 be located six hundred feet (600') or more from any residential zone, ((any lot line of any
37 special residence.)) and any lot line of any school.

38 b. The lot line of any new or expanding work-release center shall
39 be located one (1) mile or more from any lot line of any other work-release center.

40 c. The Director shall determine whether a proposed facility meets
41 the dispersion criteria from maps which shall note the location of current work-release
42 centers ((and special residences)). Any person who disputes the accuracy of the maps may
43 furnish the Director with the new information and, if determined by the Director to be
44 accurate, this information shall be used in processing the application.

45 3. The Council's decision shall be based on the Land Use and
46 Transportation Plan for Downtown Seattle and the following criteria:

47 a. The extent to which the applicant can demonstrate the need for
48 the new or expanding facility in the City, including a statement describing the public interest
49 in establishing or expanding the facility;

50 b. The extent to which the applicant has demonstrated that the
51 facility can be made secure. The applicant shall submit a proposed security plan to the
52 Director, and the Director, in consultation with the Seattle Police Department, shall consider
53 and evaluate the plan. The security plan shall address, but not be limited to, the following:

- i. Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies on sign-outs for time periods consistent with the stated purpose of the absence for unescorted trips by residents away from the center, methods of checking the records of persons sponsoring outings for work-release residents, and policies on penalties for drug or alcohol use by residents, and
- ii. Staff numbers, level of responsibilities and scheduling, and,
- iii. Compliance with the security standards of the American Corrections Association;
- c. The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure security is maintained;
- d. The extent to which the facility's landscape plan meets the requirements of the zone while allowing visual supervision of the residents of the facility;
- e. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;
- f. The extent to which the impacts of traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking;
- g. The extent to which the facility is well-served by public transportation or to which the facility is committed to a program of encouraging the use of public or private mass transportation;
- h. Verification from the Department of Corrections (DOC), which shall be reviewed by the Police Department, that the proposed work-release center meets the DOC standards for such facilities, and that the facility will meet State laws and requirements.

Section 21. Subsections A and B of Section 23.50.027 of the Seattle Municipal Code, which Section was adopted by Ordinance 117430, are amended as follows:

23.50.027 Maximum size of non-industrial use.

A. Applicability.

((A))1. Except as provided in ((S))subsection B, the maximum size of use limits specified in Chart A of this ((s))Section shall apply to uses on a lot, and the total gross floor area occupied by uses limited under Chart A of this ((s))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 use listed in Chart A of this ((s))Section.

2. 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.

CHART A

INDUSTRIAL ZONES

<u>Categories of Uses</u>			
<u>Subject to Size of Use Limits</u>	<u>IG1</u>	<u>IG2 and IB</u>	<u>IC</u>
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))1. A use legally established as of April 3, 1995 which already exceeds the maximum size of use limits in Chart A may continue.

((3))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.

((4))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.

(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.

Section 22. Subsection G of Section 23.53.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 117432, is amended as follows:

23.53.030 Alley improvements in all zones.

G. Exceptions. The Director, after consulting with the Director of the Department of Engineering, may modify or waive the requirements for dedication, paving and drainage, setbacks, grading and no-protest agreements, if it is determined that one (1) or more of the following conditions are met. The Director may require access to be from a street if alley improvements are also waived.

1. Location in an environmentally critical area, disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable;

2. Widening and/or improving the right-of-way would make a building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met;

3. Widening and/or improving the right-of-way would eliminate alley access to an existing lot;

4. Widening and/or improving the right-of-way is impractical because topography precludes the use of the alley for vehicular access to the lot.

5. The alley is in a historic district or special review district, and the ~~((Community Development))~~ Department of Neighborhoods Director finds, after review and recommendation by the appropriate review board, that the widening and/or improvement would be detrimental to the character and goals of the district.

Section 23. Section 23.56.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 115002, is amended as follows:

23.56.010 Overlay districts generally.

A. Purpose. Overlay districts are established to conserve and enhance ~~((F))~~ the City of Seattle's unique natural marine and mountain setting and its environmental and topographic features; to preserve areas of historical note or architectural merit; to assist in the redevelopment and rehabilitation of declining areas of the City; to balance the needs of Major Institution development with the need to preserve adjacent neighborhoods; and to promote the general welfare by safeguarding such areas for the future use and enjoyment of all people.

B. Application of Regulations. Property located within an overlay district as identified on the Land Use Maps, Chapter 23.32, is subject both to its zone classification regulations and to additional requirements imposed for the overlay district. In any case where the provisions of the overlay district conflict with the provisions of the underlying zone, the overlay district provisions shall apply.

~~((C— Pending the complete transition from Title 24 to Title 23, both Title 24 and this Part of Title 23 will contain certain overlay district regulations.))~~

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

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

10. Northgate General Development Plan.

Section 24. Subsections E, F and G, of Section 23.76.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, are amended 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; 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 ~~((20))~~ working days of application if additional information is required to commence application review.

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

1 reviewed, cancellation of the master use permit application under the provisions of this
2 subsection shall cause the concurrent cancellation of the building permit application.

3 **Section 25.** Subsection B of Section 23.76.016 of the Seattle Municipal Code,
4 which Section was adopted by Ordinance 112522, is amended as follows:

5 23.76.016 Public hearings.

6 B. Type II and III Decisions. The Director may hold a public hearing on Master
7 Use Permit applications requiring Type II and/or III decisions when:

- 8 1. The proposed development is of broad public significance; or
- 9 2. Fifty (50) or more persons file a written request for a hearing not later
10 than the fifteenth day after notice of the application is posted or the thirtieth day following
11 the date
12 of the second publication of notice of the application for a shoreline substantial development;
13 or
- 14 3. The cost of the proposed development, exclusive of land, will exceed
15 Five Hundred Thousand Dollars (\$500,000.00); or
- 16 4. The proposed development will require a shoreline conditional use or a
17 shoreline variance or other extraordinary relief from the provisions of the Seattle Municipal
18 Code, Chapter ((24.60)) 23.60, Shoreline Master Program Regulations.

19 **Section 26.** Subsection C of Section 23.76.028 of the Seattle Municipal Code,
20 which Section was last amended by Ordinance 115751, is amended as follows:

21 23.76.028 Master Use Permit Issuance.

22 C. Once a Master Use Permit is approved for issuance according to subsection
23 A, and any required revisions have been submitted and approved according to subsection B,
24 the applicant shall pay any required fees and pick up the Master Use Permit within sixty (60)
25 days of notice that the permit is ready to be issued. Failure to pick up the permit within the
26 sixty (60) days will result in a written notice of intent to cancel. If the Master Use Permit is
27 not picked up within thirty (30) days from the date of the written notice of intent to cancel,
28 the approval shall be revoked and the Master Use Permit application shall be canceled. When
29 a Master Use Permit is for a project vested to prior Land Use Code ((or Zoning Ordinance))
30 provisions because of an associated building permit application, and the project does not
31 conform with the codes in effect at the time it is ready to issue, then no notice that the Master
32 Use Permit is ready to issues shall be given until the building permit associated with the
33 project is also ready to issue.

34 **Section 27.** Section 23.76.036 of the Seattle Municipal Code, as last amended by
35 Ordinance 115165, is amended as follows:

36 23.76.036 Council decisions required.

37 A. The Council shall make the following Type IV land use decisions along with
38 any associated variances, special exceptions and administrative conditional uses:

- 39 1. Subdivision preliminary plats, including replats requiring subdivision
40 approval (supplemental procedures for preliminary plats are established in SMC Chapter
41 23.22).
- 42 2. Amendments to the Official Land Use Map, including changes in
43 overlay districts and shoreline environment redesignations, except those initiated by the City
44 to implement new land use policies adopted by ((resolution)) ordinance, and except boundary
45 adjustments caused by the acquisition, merger or consolidation of two (2) major institutions
46 pursuant to Section 23.69.023;

3. Public projects proposed by applicants other than The City of Seattle that require Council approval;

4. Major Institution master plans (supplemental procedures for master plans are established in SMC Chapter 23.69);

5. Council conditional uses; and

6. Downtown planned community developments~~((and))~~.

~~((7. Planned unit developments under Title 24.))~~

B. Council action shall be required for the following Type V land use decisions:

1. City-initiated amendments to the Official Land Use Map to implement new land use policies ~~((adopted by resolution))~~;

2. Amendments to the text of SMC Title 23, Land Use Code ~~((and SMC Title 24, Zoning and Subdivisions))~~;

3. Concept approval for the location or expansion of City facilities ~~((permitted as Council conditional uses by SMC Title 24, Zoning and Subdivisions, and those))~~ requiring Council land use approval by SMC Title 23, Land Use Code; and

4. Major Institution designations and revocations of Major Institution designations.

Section 28. Section 23.76.040 of the Seattle Municipal Code as last amended by Ordinance 117430 is amended as follows:

23.76.040 Applications.

A. Applications for Type IV and V decisions shall be made by the property owner, lessee, contract purchaser, City agency, or an authorized agent thereof; provided that any interested person may make application for an amendment to the Official Land Use Map or an amendment to the text of Title 23, Land Use Code ~~((or Title 24, Zoning and Subdivisions))~~.

B. All applications for Council land use decisions shall be made to the Director on a form provided by the Department. The Director shall promptly transmit applications for Council land use decisions to the City Clerk for filing with the Council.

C. Applications shall be accompanied by payment of the applicable filing fees, if any, as established in SMC Chapter 22.90~~((9))~~1, Permit Fees.

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, 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 a proposed project.

E. For all Type IV applications the Director shall mail notice to or otherwise notify the applicant within twenty (20) working days of application if additional information is required to commence application review.

F. 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 29. Section 23.76.068 of the Seattle Municipal Code, as adopted by Ordinance 112522, is amended as follows:

23.76.068 Re-application rule for text amendments.

If an application for an amendment to the text of SMC Title 23, Land Use Code ~~((or SMC Title 24, Zoning and Subdivisions,))~~ is denied by the Council, no application for the same or substantially the same amendment shall be considered until twelve (12) months have

1 passed since the filing of the application, provided that this rule shall not apply to City-
2 initiated amendments.

3 **Section 30.** Section 23.84.014 of the Seattle Municipal Code, as last amended by
4 Ordinance 117263, is amended by adding a new subsection "Green streets," to be inserted
5 alphabetically, as follows:

6 "Green street" means a street right-of-way which is part of the street circulation pattern, that
7 through a variety of treatments, such as sidewalk widening, landscaping, traffic calming, and
8 pedestrian-oriented features, is enhanced for pedestrian circulation and open space use.

9 **Section 31.** The subsection entitled "street park" of Section 23.84.036 of the
10 Seattle Municipal Code, is repealed.

11 **Section 32.** Section 23.90.002 of the Seattle Municipal Code, as last amended by
12 Ordinance 113798, is amended as follows:

13 23.90.002 Violations.

14 A. It is a violation of Title 23 for any person to initiate or maintain or cause to be
15 initiated or maintained the use of any structure, land or property within ((F))the City of
16 Seattle without first obtaining the permits or authorizations required for the use by Title 23((
17 or Title 24)).

18 B. It is a violation of Title 23 for any person to use, construct, locate or demolish
19 or cause to be used, constructed, located, or demolished any structure, land or property
20 within ((F))the City of Seattle in any manner that is not permitted by the terms of any permit
21 or authorization issued pursuant to Title 23 or ((Title 24)) previous codes, provided that the
22 terms or conditions are explicitly stated on the permit or approved plans.

23 C. It is a violation of Title 23 to remove or deface any sign, notice, complaint, or
24 order required by or posted in accordance with Title 23, ((Title 24,)) or Title 25.

25 D. It is a violation of Title 23 to misrepresent any material fact in any application,
26 plans or other information submitted to obtain any land use authorization.

27 E. It is a violation of Title 23 for anyone to fail to comply with the requirements
28 of Title 23 or Title 24.

29 **Section 33. Severability.** The several provisions of this ordinance are declared to be
30 separate and severable and the invalidity of any clause, sentence, paragraph, subdivision,
31 section, subsection, or portion of this ordinance, or the invalidity of the application thereof to
32 any person or circumstance, shall not affect the validity of the remainder of this ordinance or
33 the validity of its application to other persons or circumstance.

1 **Section 34.** It is the intent of the City legislative authority that the amendments made
2 by the ordinance and amendments made to the same subsections by Ordinance 117430 all be
3 given full force and effect.

4 **Section 35.** This ordinance shall take effect and be in force thirty (30) days from and
5 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
6 (10) days after presentation, it shall take effect as provided by Municipal Code Section
7 1.04.020.

8 Passed by the City Council the ____ day of _____, 1995, and signed by me in open
9 session in authentication of its passage this ____ day of _____, 1995.

10 _____ President of the City Council

11 Approved by me this ____ day of _____, 1995.

12 _____ Mayor

13 Filed by me this ____ day of _____, 1995.

14 _____
15 City Clerk

City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director
Norman B. Rice, Mayor



SEATTLE CITY ATTORNEY

95FEB-1 PM 3:57

COPY RECEIVED

February 1, 1995

The Honorable Mark Sidran
City Attorney
City of Seattle

OK 2/3/95
JA

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Construction and Land Use

SUBJECT: AN ORDINANCE relating to land use, zoning, and housing;
repealing the Zoning Code (Seattle Municipal Code Title 24);
and amending the Land Use Code (Seattle Municipal Code Title
23) and the Housing and Building Maintenance Code (Seattle
Municipal Code Title 22) to delete obsolete references to Title
24, to eliminate provisions regarding transition from Title 24 to
Title 23, to add a definition of "green street" and to correct
errors and eliminate other obsolete references and definitions.


Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding
this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return
the legislation to OMP. Any specific questions regarding the legislation can be directed to
Ethan Melone at 684-8066.

Sincerely,

Norman B. Rice
Mayor

by


Tom Tierney, Director

legis/melone20

Enclosure

cc: Director, Construction and Land Use

STATE OF WASHINGTON - KING COUNTY

54663
City of Seattle, City Clerk

—SS.

No. ORDINANCE IN

Affidavit of Publication

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

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT/ORD:117570

was published on

04/20/95

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

04/20/95

Notary Public for the State of Washington,
residing in Seattle

Construction Limit Line provisions from SMC Chapter 24.82, amending Sections 23.60.014 and 23.60.156 to delete the reference to Title 24; and amending Sections 23.60.368 and 23.60.633 to correct errors and omissions; Now Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.60.014 of the Seattle Municipal Code, as last amended by

Ordinance 116323, is amended as follows:

Chapter 23.60.014 Regulations Supplemental.

The regulations of this chapter shall be superimposed upon and modify the underlying land use zones in the Shoreline District. The regulations of this chapter supplement other regulations of this title ((and Title 24)) in the following manner:

A. Uses. To be permitted in the Shoreline District, a use must be permitted in both the shoreline environment and the underlying zone in which it is located.

B. Development Standards.

1. A development in the Shoreline District shall meet the development standards of the shoreline environment, any other overlay district in which it is located, as well as those of the underlying zone. In the case of irreconcilable conflicts between the regulations of the shoreline environment and the underlying zoning, the shoreline regulations shall apply, except as provided in this subsection B.

2. The height permitted in the Shoreline District shall be the lower of the heights permitted by the applicable shoreline environment and the underlying zone, except in the Urban Harborfront (UH) Environment where the shoreline height limits shall control.

3. The floor area ratio (FAR) of the underlying zone may not be exceeded, regardless of whether or not the maximum height and lot coverage permitted in the shoreline environment can be achieved.

4. Where view corridors are required in the Shoreline District, yards and/or setbacks of the underlying zoning may be reduced or waived by the Director. Where view corridors are not required by the Shoreline District, yards and/or setbacks of the underlying zoning shall be required.

5. Developments standards for which there are regulations in the underlying zoning but not in this chapter shall apply to developments in the Shoreline District. Such standards include but shall not be limited to parking, open space, street-level location, facade treatments, building depth, width and modulation, and vehicular access. In the case of irreconcilable conflict between a shoreline regulation and a requirement of the underlying zoning, the shoreline regulation shall apply, unless otherwise provided in subsections B2 and B3 above.

6. Measurements in the Shoreline District shall be as regulated in this chapter, Subchapter XVII, Measurements.

7. Lake Union construction limit line.

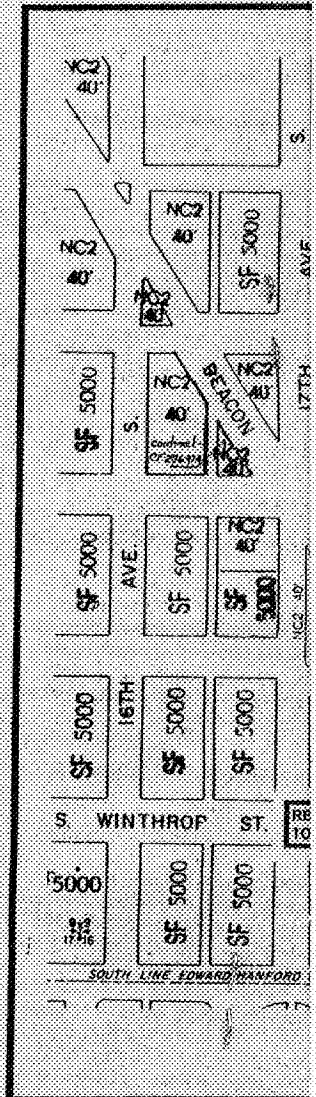
a. Established. There is established along the shores of Lake Union and waters in the vicinity thereof in the City, a "Seattle Construction Limit Line." The

Section 3. The City Clerk is hereby Ordinance at the City Clerk's Office and Department of Construction and Land U

Section 4. This Ordinance shall take its passage and approval by the Mayor, ten (10) days after presentation, it shall 1.04.020.

Passed by the City Council the session in authentication of its passage

JIM STREET,
President of the City Council.
Approved this 10th day of April, 1998
NORMAN B. RICE,
Mayor.
Filed this 10th day of April, 1998
(Seal) JUDITH E. PIPPIN,
City Clerk.
Publication ordered by JUDITH E.
Date of official publication in Da



REZONE L-2 TO NC1-30