ORDINANCE No. 118414

COUNCIL BILL No. 111517

AN ORDINANCE relating to land use and zoning and environmental protection, amending Sections 23.12.060, 23.24.040, 23.24.045, 23.34.004, 23.40.006, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.017, 23.44.022, 23.44.032, 23.44.041, 23.44.051, 23.45.002, 23.45.006, 23.45.010, 23.45.014, 23.45.016, 23.45.018, 23.45.048, 23.45.056, 23.45.058, 23.45.060, 23.45.072, 23.45.076, 23.45.092, 23.45.112, 23.46.002, 23.47.008, 23.47.009, 23.47.014, 23.47.016, 23.47.023, 23.47.024, 23.47.040, 23.53.015, 23.53.025, 23.53.030, 23.54.015, 23.54.030, 23.55.034, 23.57.001, 23.66.025, 23.66.122, 23.67.020, 23.68.002, 23.69.004, 23.71.004, 23.71.008, 23.71.038, 23.73.004, 23.73.008, 23.84.004, 23.84.014, 23.84.030, 23.86.010, 23.86.014, 23.86.016, 23.86.018, 23.90.006, 23.90.020, of the Land Use Code (Title 23 SMC) and Section 25.05.675 of the Seattle SEPA Ordinance, adding a new Chapter 23.59 to the Land Use Code, and repealing Chapters 23.56 and 23.70 of the Land Use Code.

COMPTROLLER FILE No.

Introduced: OCT 21 1996	By: DRAGO
Referred: OCT 21 1996	To: Business, Economic & Community Development Committee
Referred:	To:
Reported: NOV 25 1996	Second Reading: NOV 25 1996
Third Reading: NOV 25 1996	Signed: NOV 25 1996
Presented to Mayor: NOV 26 1996	Approved: DEC 3 1995
Returned to City Clerk: DEC 3 1996	Published: Full 11am
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

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Law Department

The City of Seattle--Legisl

REPORT OF COMMITTEE

Honorable President:

Your Committee on

to which was referred the within Council Bill No.

report that we have considered the same and respectfully recommend that t

BBCL DO Approve as amen

Full Council vote, 8-0

Committee Chair

SMEAD 45 YSF 17703

Over Size

Law Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported and Adopted

Honorable President:

Your Committee on

to which was referred the within Council Bill No.

report that we have consid[illegible]d the same and respectfully recomrned that the same:

BBCL Do approve as amended 3-0

Full Council vote 8-0

Committee Chair

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November 21, 1996
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ORDINANCE 113414

AN ORDINANCE relating to [illegible] and zoning and environmental protection, amending Sections 23.12.060, 23.24.040, 23.[illegible]045, 23.34.094, 23.40.006, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.017, 23.44.022, 23.44.032, 23.44.044, 23.44.051, 23.45.002, 23.45.006, 23.45.010, 23.45.014, 23.45.016, 23.45.018, 23.45.048, 23.45.056, 23.45.058, 23.45.060, 23.45.072, 23.45.076, 23.45.092, 23.45.112, 23.46.002, 23.47.008, 23.47.009, 23.47.014, 23.47.016, 23.47.023, 23.47.024, 23.47.040, 23.53.015, 23.53.025, 23.53.030, 23.54.015, 23.54.030, 23.55.034, 23.57.001, 23.66.025, 23.66.122, 23.67.020, 23.68.002, 23.69.004, 23.71.004, 23.71.008, 23.71.038, 23.73.004, 23.73.008, 23.84.004, 23.84.014, 23.84.030, 23.86.010, 23.86.014, 23.86.016, 23.86.018, 23.90.006, 23.90.020 of the Land Use Code (Title 23) and Section 25.05.675 of the Seattle SEPA Ordinance, adding a new Chapter 23.59 to the Land Use Code, and repealing Chapter 23.56 and 23.70 of the Land Use Code. NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Policy 6: Open Space of Section 23.12.060 of the Seattle Municipal Code (SMC), which Section was adopted by Ordinance 117929, is amended as follows:

23.12.060 Multifamily land use policies.

Policy 6: Open Space

Multifamily developments shall be required to provide open space for the use of the residents, in order to maintain existing street patterns of landscaped front yards, encourage permeable surfaces and vegetation and mitigate the cumulative effects of development.

Ground-related housing shall have ground-level open space [illegible]a is directly accessible to each unit and is for the private use of the residents of that unit. In order to ensure the privacy of the open space, openings (windows, doors, etc.) on walls adjacent to the open space which are part of a different unit or common areas shall be prohibited.

Usable open space for terraced housing must be directly accessible to each unit but may be located above ground level on the rooftop of units below.

Apartments shall have usable ground level open space for the residents of the building. Some required o[illegible] space may be provided as private decks and balconies, or private and common roof gardens.

Highrise apartments shall have a significant portion of the lot area as usable open space for the use of the residents. Some of the open space requirements may be met with areas which are located above ground level but are not higher than the roof of the base structure.

Section 2. Section 23.24.040 of the SMC, which Section was last amended by Ordinance 117570, is amended as follows:

23.24.040 Criteria for approval.

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

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1. Conformance to the applicable Land Use Policies and Land Use Code provisions;

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

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

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

5. Conformance to the applicable provisions of SMC Section ((~~25.09.100~~)) 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;

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

Section 3. Section 23.24.045 of the SMC, which Section was adopted by Ordinance 117430, is hereby amended as follows:

23.24.045 Townhouses.

A. Sites developed or proposed to be developed with townhouse structures may be subdivided into individual townhouse unit lots. The proposed townhouse development as a whole shall meet development standards. The subdivided townhouse unit shall be exempt from meeting development standards ((~~for setbacks, lot coverage, density, and structure width and depth, based on th ~~ ~~dividual unit lot~~)) except that private, usable open space for each unit shall be provided on the same lot as the unit it serves.

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

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

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

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

Section 4. Subsection B of Section 23.34.094 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

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

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

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

2. Areas where a transition is needed to protect a less-intensive zone from potential negative impacts of industrial activity when the area directly abuts a residential, Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 2/Residential ((2)) (NC2/R), Neighborhood Commercial 3 (NC3), Neighborhood Commercial 3/Residential ((3)) (NC3/R), Commercial 1 (C1), or Commercial 2 (C2) zone with a substantial amount of residential development and/or pedestrian character.

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

Section 5. Subsection A of Section 23.40.006 of the SMC, which Section was adopted by Ordinance 115058, is amended as follows:

23.40.006 Demolition of housing.

No demolition permit for a structure containing a housing unit shall be issued unless one of the following conditions is satisfied:

A. A permit or approval has been issued by the Director according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, to change the use of the structure or the premises; provided, that no ((~~h~~))Housing Demolition permit may be issued if the new use is for non-required parking; or

Section 6. Subsection D of Section 23.44.010 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.010 Lot requirements.

D. Lot Coverage Exceptions.

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

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

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

c. The total lot area for any lot may not be increased by the provisions of this ((~~s~~))Section by more than twenty-five percent (25%).

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

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

b. Barrier-free Access. Ramps or other access for the disabled or elderly meeting Washington State Building Code, Chapter ((~~31~~))11;

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

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

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

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

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

Section 7. Subsection B of Section 23.44.012 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.012 Height limits.

B. Special Features.

1. Pitched Roofs. The ridge of a pitched roof on a principal structure may extend up to five feet (5') above the base height limit, as determined under subsection A above. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.44.012 A). No portion of a shed roof shall be permitted to extend beyond the base height limit, as determined under subsection A above.

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

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

Section 8. Subsection D of Section 23.44.014 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.014 Yards.

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

1. Certain Accessory Structures. Any accessory structure may be constructed in a side yard which abuts the rear or side yard of another lot upon recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties. Any accessory structure which is a private garage may be located in that portion of a side yard which is either within thirty-five feet (35') of the centerline of an alley or within twenty-five feet (25') of any rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

2. A single-family structure may extend into one (1) side yard if an easement is provided along the side lot line of the abutting lot, sufficient to leave a ten-foot (10') separation between that structure and any principal structures on the abutting lot. Features and projections such as porches, eaves, and chimneys shall be permitted in the ten-foot (10') separation area as if the property line were five feet (5') from the wall of the house on the dominant lot, provided that no portion of either principal structure including eaves shall cross the actual property line. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side yard.

3. Certain Additions. Certain additions may extend into a required yard where the existing single-family structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least sixty percent (60%) of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, except as described below. They may extend up to the height limit and may include basement additions. New additions to the nonconforming wall or walls shall comply with the following requirements (Exhibit 23.44.014 A):

a. Side yard: When the addition is a side wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than three feet (3') to the side lot line;

b. Rear yard: When the addition is a rear wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than twenty feet (20') to the rear lot line or centerline of an alley abutting the rear lot line;

c. Front yard: When the addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than fifteen feet (15') to the front lot line;

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

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

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

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

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

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

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

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

a. Any attached private garages or covered, unenclosed decks or roofs over patios are portions of principal structures. They may extend into the required rear yard, but shall not be within twelve feet (12') of the centerline of any alley, nor within twelve feet (12') of any rear lot line which is not an alley lot line, nor closer than five feet (5') to any accessory structure.((~~, nor exceed twelve feet (12') in height, except t~~)) The height of private garages shall meet the provisions of Section 23.44.016D2, and the height of the roof over unenclosed decks and patios may not exceed twelve feet (12'). The roof over these decks, patios and garages shall not be used as a deck.

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

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

b. Garages meeting the standards of Section 23.44.106, and other accessory structures meeting the standards of Section 23.44.040, shall be permitted in required rear yards, subject to a maximum combined coverage of forty percent (40%) of the required rear yard.

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

7. Private Garages in Front Yards of Through Lots. On through lots less than one hundred twenty-five feet (125') in depth, either an accessory garage structure or a portion of the principal structure containing a garage shall be permitted to locate in one (1) of the front yards. Private garages, either as accessory structures or as a portion of the principal structure, shall be limited as set forth in Section 23.44.016.

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

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

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

9. Barrier-Free Access. Access facilities for the disabled and elderly meeting Washington State Building Code, Chapter ((~~31~~)) 11 are permitted in any required yards.

10. Freestanding Structures and Bulkheads.

a. Fences, freestanding walls, signs and similar structures six feet (6') or less in height above existing or finished grade whichever is lower, may be erected in any required yard. The six foot (6') height may be averaged along sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

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

b. The Director may allow variation from the development standards listed in subsection D10a above, according to the following:

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

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

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

d. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six feet (6') whichever is greater. When the bulkhead is measured from the low side and it exceeds six feet (6'), an open guardrail of no more than forty-two inches (42") meeting Building

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Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three feet (3') from such a bulkhead or retaining wall.

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

11. Decks in Yards. Decks no greater than eighteen inches (18") above existing or finished grade, whichever is lower, may extend into required yards.

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

13. Solar Collectors. Solar collectors may be located in required yards, subject to the provisions of Section 23 44.046.

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

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

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

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

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

Section 9. Subsections A and C of Section 23.44.016 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.016 Parking location and access.

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

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A. Access.

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

2. Access to parking is permitted through a required yard abutting a street only if the Director determines that one (1) of the following conditions exists:

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

b. Existing topography does not permit alley access; or

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

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

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

f. Parking access must be from the street in order to provide access to parking space(s) which meet the Washington State Building Code, Chapter ((~~31~~)) 11; or

3. Where access to required parking spaces passes through a required yard, automobiles, motorcycles and similar vehicles may be parked on the access located in a required yard. Trailers, boats, recreational vehicles or similar equipment shall not be parked in any required yard abutting a street or on any access which is located in a required yard. When a rear yard abuts a street, trailers, boats, recreational vehicles or similar equipment shall be prohibited from parking in the first ten feet (10') of the rear yard abutting the street.

* * *

C. Location of Parking on Lot.

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

a. Within the principal structure; or

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

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

3. Lots With Uphill Yards Abutting Streets. Accessory parking for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be established in a required yard abutting a street according to subsection C3a or b below only if access to parking is permitted through that yard pursuant to subsection A of this ((s))Section.

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a. Open Parking Space.

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

ii. The parking area shall be at least an average of six feet (6') below the existing grade prior to excavation and/or construction at a line which is ten feet (10') from the street lot line;

iii. The parking space shall be no wider than ten feet (10') for one (1) parking space at the parking surface and no wider than twenty feet (20') for two (2) parking spaces when permitted as provided in subsection C6.

b. Terraced Garage.

i. The ((~~roof~~)) height of a terraced garage shall be ((~~no higher~~)) limited to no more than two feet (2') above existing or finished grade, whichever is lower, ((~~at any point~~)) for the portions of the garage which ((~~is~~)) are ten feet (10') ((~~back~~)) or more from the street lot line. The ridge of a pitched roof on a terraced garage may extend up to three feet (3') above this two foot (2') height limit . All parts of the roof above the two foot (2') height limit shall be pitched at a rate or not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the two foot (2') height limit of this provision. Portions of a terraced garage which are less than ten feet (10') from the street lot line shall comply with the height standards in 23.44.016D2;

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

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

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

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

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

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

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

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

e. Access to parking is permitted through the required yard abutting the street by subsection A of this ((s))Section; and

f. A driveway access bridge may be permitted in any required downhill yard where necessary for access to parking. The access bridge shall be no wider than twelve feet (12') for access to one (1) parking space or eighteen feet (18') for access to two (2) or more parking spaces. The driveway access bridge may not be located closer than five feet (5') to an adjacent property line and shall not be included in lot coverage calculations.

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

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

6. Lots With Uphill((s)) Yards Abutting Streets Or Downhill Or Through Lot Front Yards Fronting On Streets Which Prohibit Parking. Accessory parking for two (2) two (2) axle or four (4) wheeled vehicles may be located in uphill yards abutting streets or downhill or through lot front yards as provided in subsection C3, C4 or C5 if, in consultation with the Engineering Department, it is found that uninterrupted parking for twenty-four (24) hours is prohibited on at least one (1) side of the street within two hundred feet (200') of the lot line over which access is proposed. The Director may authorize((d)) a curb cut wider than would be permitted under Section 23.54.030 if necessary for access.

Section 10. Subsections B and D of Section 23.44.017 of the SMC, which Section was last amended by Ordinance 112777, is amended as follows:

23.44.017 Development standards for public schools.

B. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be thirty feet (30'). For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height shall be thirty-five feet (35') plus ten feet (10') for a pitched roof if all portions of the structure above thirty feet (30') are set back at least twenty feet (20') from all property lines. All parts of a gymnasium or auditorium roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend above the thirty-five foot (35') height limit under this provision.

2. For new public school construction on existing public school sites, the maximum permitted height shall be thirty-five feet (35') plus fifteen feet (15') for a pitched roof. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five-foot (35') height limit under this provision.

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3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the height of the existing school or thirty-five feet (35') plus fifteen feet (15') for a pitched roof, whichever is greater. When the height limit is thirty-five feet (35'), the ridge of the pitched roof on a principal structure may extend up to fifteen feet (15') above the height limit, and all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five-foot (35') limit under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height which may be granted as development standard departure shall be thirty-five feet (35') plus fifteen feet (15') for a pitched roof for elementary schools and sixty feet (60') plus fifteen feet (15') for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when the waiver would contribute to reduced demolition of residential structures.

5. The provisions of subsection B of Section 23.44.012 regarding pitched roofs and sloped lots and the exemptions of subsection C of Section 23.44.012 shall apply.

* * *

D. Structure Width.

1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure shall be sixty-six feet (66') unless either the modulation option in subsection((~~division~~)) a below or the landscape option in subsection((~~division~~)) b below is met.

a. Modulation Option. Facades shall be modulated according to the following provisions:

(1) The minimum depth of modulation shall be four feet (4').

(2) The minimum width of modulation shall be twenty percent (20%) of the total structure width or ten feet (10'), whichever is greater.

b. Landscape Option. The yards provided by the required setbacks shall be landscaped as follows:

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(1) One (1) tree and three (3) shrubs are required for each three hundred (300) square feet of required yard. When new trees are planted, at least half must be deciduous.

(2) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten feet (10') of the area may be substituted for required plantings on a one (1) tree to one (1) tree or one (1) shrub to one (1) shrub basis if the minimum standards ((~~in Section 23.86.022, Measurements~~)) of the Director's Rule for Landscaping, are met, except that shrub height need not exceed two feet (2') at any time. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) square feet of its canopy spread.

(3) The planting of street trees may be substituted for required trees on a one-to-one (1:1) basis. All street trees shall be planted according to City of Seattle ((~~Board of Public Works~~)) tree planting standards.

(4) Each setback required to be landscaped shall be planted with shrubs, grass, and/or evergreen ground cover.

(5) Landscape features such as decorative paving are permitted to a maximum of twenty-five percent (25%) of each required landscaped area.

(6) A plan shall be filed showing the layout of the required landscaping.

(7) The School District shall maintain all landscape material and replace any dead or dying plants.

2. There is no maximum width limit for additions to existing public school structures on existing public school sites. The Director may require landscaping to reduce the appearance of bulk.

3. Development standard departure from the modulation and landscaping standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to permit other techniques to reduce the appearance of bulk. Techniques to reduce the appearance of bulk may be waived by the Director when the waiver would contribute to reduced demolition of residential structures.

Section 11. Subsection K of Section 23.44.022 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.022 Institutions.

K. Bulk and Siting.

1. Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:

a. For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum.

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b. For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.

2. Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.

3. Institutions Located on Lots in More Than One (1) Zone Classification. For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.

4. Height Limit.

a. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or a spire, may extend an additional twenty-five feet (25') above the height limit.

b. For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be thirty-five feet (35') if portions of the structure above thirty feet (30') are set back at least twenty feet (20') from all property lines. Pitched roofs on a gymnasium or auditorium which have a slope of not less than three to twelve (3:12) may extend ten feet (10') above the thirty-five foot (35') height limit. No portion of a shed roof on a gymnasium or an auditorium shall be permitted to extend beyond the thirty-five foot (35') height limit under this provision.

5. Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.

Section 12. Section 23.44.032 of the SMC, which was last amended by Ordinance 110669, is amended as follows:

23.44.032 Certain nonconforming uses.

Nonconforming uses which are authorized pursuant to Section 23.44.080((D)) H may be permitted as a conditional use.

Section 13. Subsection E of Section 23.44.044 of the SMC, which Section was last amended by Ordinance 117263, is repealed.

Section 14. Section 23.44.051 of the SMC, which was last amended by Ordinance 117169, is amended as follows:

23.44.051 Bed and breakfasts.

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A. Bed and breakfasts shall be permitted provided they meet the following standards:

1. A business license for the bed and breakfast was secured from the Finance Department on or before April 1, 1987;

2. The bed and breakfast is operated by the fee owner of the dwelling in which the bed and breakfast is located;

3. ((~~The structure in which the bed and breakfast is located is owned by the same person who had ownership on April 1, 1987;~~))

((~~4.~~)) The fee owner resides in the structure in which the bed and breakfast is located;

((~~5~~))4. No more than two (2) people who reside outside the dwelling are employed, with or without compensation, in the operation of the bed and breakfast;

((~~6~~))5. The bed and breakfast is operated within the principal structure which does not require structural alterations;

((~~7~~))6. There is no evidence of the bed and breakfast from the exterior of the structure.

Section 15. Subsection C of Section 23.45.002 of the SMC, which Section was last amended by Ordinance 116795, is amended as follows:

23.45.002 Scope of provisions.

C. In addition to the provisions of this chapter, certain multifamily areas may be regulated by Overlay Districts, Chapter 23.((~~56~~))59.

Section 16. Subsections A and F of Section 23.45.006 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.45.006 General development standards for structures in multifamily zones.

A. Included within Sections 23.45.006 through 23.45.((~~018~~))190 are ((~~establish~~))the development standards for structures in each multifamily zone. These standards shall also apply to uses accessory to multifamily structures unless specifically modified by development standards for those accessory uses.

* * *

F. In Lowrise 1 zones all multifamily structures shall be townhouses. Apartments shall be prohibited in Lowrise 1 zones, except that floor area in a structure((~~s~~)) existing as of the effective date of the ordinance codified in this section ((~~may be converted to a duplex or a triplex and~~)) may contain ((~~a maximum of one (1)~~)) dwelling units which ((~~is~~)) are not ground-related where density limits of the zone would not be exceeded and new floor area would not be added. The requirements of this subsection shall not be eligible for a variance according to the provisions of Section 23.40.020.

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Section 17. Subsections A and C of Section 23.45.010 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.45.010 Lot coverage--Lowrise zones.

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

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

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

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

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

3. When townhouses and other structures are located on the same lot, the lot coverage shall be calculated as follows:

a. Divide the number of townhouse units by the total number of units on the site, and multiply this figure by the percentage of lot coverage allowed for townhouses in that zone, and

b. Divide the number of units in all other (non townhouse) structures on the site by the total number of units on the site, and multiply this figure by the percentage of lot coverage allowed for all other structures in that zone, and

c. Add 3a and 3b above, which equals the maximum lot coverage.

* * *

C. Lot Coverage Exceptions. The following structures or portions of structures shall be exempted from the measurement of lot coverage:

1. Pedestrian access bridges from alleys, streets or easements, and uncovered, unenclosed bridges of any height necessary for access and five feet (5') or less in width;

2. Ramps or other access for the disabled or elderly meeting Washington State Building Code, Chapter ((~~31~~)) 11;

3. Fences, freestanding walls, bulkheads, signs and other similar structures;

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4. An underground structure, or underground portion of a structure, on any part of the entire lot;

5. The first eighteen inches (18") of horizontal projection of eaves, cornices and gutters;

6. The first four feet (4') of horizontal projection from principal and accessory structures of unenclosed decks, balconies and porches;

7. Solar collectors meeting the provisions of Section 23.44.046 and swimming pools eighteen inches (18") or less above grade.

Section 18. Subsection G of Section 23.45.014 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.45.014 Setback requirements--Lowrise zones.

G. Structures in Required Setbacks.

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

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

2. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter ((~~31~~)) 11, are permitted in required front, side or rear setbacks.

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

4. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

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

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

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b. The Director may allow variation from the development standards listed in subsection G4a above, according to the following:

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

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

~~iii. The design does not present a fire or other safety hazard.~~))

c. Bulkheads and retaining walls used to raise grade may be placed in ((~~any~~)) each required yard when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half feet (91/2').

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

5. Decks no more than eighteen inches (18") above existing or finished grade, whichever is lower, may project into required setbacks.

6. Underground structures are permitted in all setbacks.

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

8. Arbors. Arbors may be permitted in required setbacks under the following conditions:

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

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

Section 19. Section 23.45.016 of the SMC, which was last amended by Ordinance 117173, is amended as follows:

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23.45.016 Open space requirements--Lowrise zones.

A. Quantity of Open Space.

1. Lowrise Duplex/Triplex Zones.

a. Single-family Structures. A minimum of six hundred (600) square feet of landscaped area shall be provided, except for cottage housing developments.

b. Cottage Housing Developments. A minimum of four hundred (400) square feet per unit of landscaped area is required. This quantity shall be allotted as follows:

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

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

c. Structures with Two (2) Dwelling Units. At least one (1) unit shall have direct access to a minimum of four hundred (400) square feet of private, usable open space. The second unit shall also have direct access to four hundred (400) square feet of private, usable open space; or six hundred (600) square feet of common open space shall be provided on the lot.

d. Structures with Three (3) Dwelling Units. At least two (2) units shall have direct access to a minimum of four hundred (400) square feet of private, usable open space per unit. The third unit shall have direct access to four hundred (400) square feet of private, usable open space; or six hundred (600) square feet of common open space shall be provided on the lot.

2. Lowrise 1 Zones.

a. A minimum of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required, except for cottage housing developments. When a new unit that is not a ground-related unit is added to an existing structure, a minimum of three hundred (300) square feet of common open space at ground level shall be provided for the unit, but it does not have to be directly accessible to the unit.

b. Cottage Housing Developments. A minimum of three hundred (300) square feet per unit of landscaped area is required. This quantity shall be allotted as follows:

(1) A minimum of one hundred fifty (150) square feet per unit shall be private, usable open space; and

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

c. On lots with slopes of twenty percent (20%) or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open

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space of another unit, nor be above the living space of any unit. Decks may project into setbacks in accordance with subsection F of Section 23.45.014.

3. Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Ground-related Housing.

(1) In Lowrise 2 and Lowrise 3 zones a minimum of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required.

(2) In Lowrise 4 zones a minimum of fifteen percent (15%) of lot area, plus two hundred (200) square feet per unit of private usable open space, at ground level and directly accessible to each unit, shall be required.

(3) On lots with slopes of twenty percent (20%) or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit. Decks may project into setbacks in accordance with subsection F of Section 23.45.014.

b. Apartments.

(1) Lowrise 2 Zones. A minimum of thirty percent (30%) of the lot area shall be provided as usable open space at ground level.

(2) Lowrise 3 and Lowrise 4 Zones.

i. A minimum of twenty-five percent (25%) of the lot area shall be provided as usable open space at ground level, except as provided in subsection A3b(2)ii.

ii. A maximum of one-third (1/3) of the required open space may be provided above ground in the form of balconies, ((~~or~~)) decks, individual unit decks on roofs or common roof gardens if the total amount of required open space is increased to thirty percent (30%) of lot area.

B. Development Standards.

1. Lowrise Duplex/Triplex Zones and Ground-related Housing in Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Lowrise Duplex/Triplex Zones -- Private Usable Open Space.

(1) Private usable open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of four hundred (400) square feet, except that in cottage housing developments, the quantity per unit shall be a minimum of two hundred (200) square feet. No horizontal dimension of the open space shall be less than ten feet (10')

(2) Private usable open space shall be located a maximum of four feet (4') above or below a private entry to the unit it serves. The floor of the unit accessed by this entry shall have a minimum area of three hundred (300) square feet. This

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minimum area may include a private garage if habitable floor area of the same unit is located directly above.

b. Lowrise Duplex/Triplex Zones -- Common Open Space. Required common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of six hundred (600) square feet, except that in cottage housing developments, the quantity per unit shall be a minimum of one hundred fifty (150) square feet. In cottage housing developments, each cottage shall abut the common open space. No horizontal dimension of the open space shall be less than ten feet ('0').

c. Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones -- Ground-related Housing.

(1) In Lowrise 1 zones the required open space shall be provided in one (1) contiguous parcel, except that in cottage housing developments, the open space shall be allotted as described in subsections A) above and B5 below. In Lowrise 2, Lowrise 3 and Lowrise 4 zones, the required open space for each ground-related dwelling unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet. No horizontal dimension of the open space shall be less than ten feet (10').

(2) Required open space may be located a maximum of ten feet (10') above or below the unit it serves, except as permitted in subsection B1c(4), provided that the access to such open space does not go through or over common circulation areas, common or public open spaces, or the open space serving another unit.

(3) At least fifty percent (50%) of the required open space for a unit shall be level, provided that:

i. The open space may be terraced; and

ii. Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two feet (2').

(4) For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet (10') where the following criteria are met:

i. Where the structure was constructed with floor-to-floor heights in excess of ten feet (10'), the open space may be located a maximum of ten feet (10') plus the height between floors in excess of ten feet (10'), above or below the unit it serves; or

ii. Where the structure was constructed with the first floor in excess of two feet (2') above grade, the open space may be located a maximum of ten feet (10') plus the additional height of the first floor in excess of two feet (2') above grade, above or below the unit it serves.

(5) Lowrise 1 Zone -- Cottage Housing Developments.

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i. At least fifty percent (50%) of the required total open space per unit shall be provided as private usable open space in one (1) contiguous parcel. No horizontal dimension of the open space shall be less than ten feet (10').

ii. Common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area per unit of one hundred fifty (150) square feet. No horizontal dimension shall be less than ten feet (10'). Each cottage shall abut the common open space a minimum of ten feet (10').

d. Required open space may be located in the front, sides or rear of the structure.

e. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly face the open space of a different unit are prohibited, unless such openings are screened by view-obscuring fences, freestanding walls or wingwalls.

f. Parking areas, driveways and pedestrian access other than pedestrian access required by Washington State Building Code, Chapter ((~~31~~)) 11, shall not be counted as open space.

g. Required private usable open space shall be landscaped according to standards promulgated by the Director for ground-related dwelling units.

2. Lowrise 2, Lowrise 3 and Lowrise 4 Zones -- Apartments.

a. No horizontal dimension for required ground-level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter ((~~31~~)) 11, shall not be counted as open space.

d. In order to qualify as above-ground level open space, balconies, ((~~and~~)) decks, and in L3 and L4 zones, individual unit decks on roofs, shall all have a minimum horizontal dimension of six feet (6'), and a total area of at least sixty (60) square feet, while common roof gardens in L3 and L4 zones shall have a minimum area of two hundred fifty (250) square feet. Common roof garden open space shall be landscaped according to the rules promulgated by the Director.

e. For cluster development, at least twenty percent (20%) of the required open space shall be provided in one (1) contiguous area.

f. Terraced Housing on a Slope of Twenty-five Percent (25%) or More.

(1) No horizontal dimension for required ground-level open space shall be less than ten feet (10').

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(2) Required open space is permitted in the front, sides or rear of the structure.

(3) Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter ((~~34~~)) 11, shall not be counted as open space.

(4) In order to qualify as above-ground-level open space, rooftop areas shall have a minimum horizontal dimension of at least ten feet (10') and a total area of at least one hundred twenty (120) square feet.

3. Open Space Exception. When all parking and access to parking is uncovered and is surfaced in permeable material, except gravel, the quantity of required ground-level open space shall be reduced by five percent (5%) of the total lot area.

Section 20. Subsection B of Section 23.45.018 of the SMC, which Section was last amended by Ordinance 117173, is amended as follows:

23.45.018 Parking and access--Lowrise zones.

B. Access to Parking.

1. Alley Access Required. Except as provided in subsections B2 or B3, access to parking shall be from the alley when the site abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts. Street access shall not be permitted.

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

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

b. The lot does not abut a platted alley((;)); or

c. In Lowrise 3 zones, apartments are proposed across an alley from a Single Family or Lowrise Duplex/Triplex zones((;)); or

d. In Lowrise 4 zones apartments are proposed across an alley from a Single Family, Lowrise Duplex/Triplex or Lowrise 1 zone((;)).

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

a. Topography makes alley access infeasible;

b. In all zones except Lowrise Duplex/Triplex, ground-related housing is proposed across an alley from a Single Family zone;

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

d. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter ((~~31~~)) 11, may be from either the street or alley, or both.

4. In Lowrise Duplex/Triplex zones, no more than fifty percent (50%) of the total area of the required front setback extended to side lot lines may be occupied by a driveway providing access to parking, except where the minimum required driveway standards will exceed fifty percent (50%) of the front setback.

Section 21. Subsection B of Section 23.45.048 of the SMC, which Section was last amended by Ordinance 115043 is repealed.

Section 22. Subsection D of Section 23.45.056 of the SMC, which Section was last amended by Ordinance 116262, is amended as follows:

23.45.056 Midrise--Setback requirements.

D. General Setback Exceptions.

1. Required Setbacks for Cluster Developments.

a. Where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be as follows:

Length of Facing Portions of Facades (in feet)	Average Setback (in feet)	Minimum Setback (in feet)
40 or less	15	15
41--60	20	15
61--80	25	15
81--100	30	15
101--150	40	15
151 or more	50	15

b. Structures in cluster developments may be connected by underground garages or elevated walkways; provided, that:

(1) One (1) elevated walkway shall be permitted to connect any two (2) structures in the development;

(2) Additional elevated walkways, in excess of one (1), between any two (2) structures may be permitted by the Director when it is determined that by their location or design a visual separation between structures is maintained((.));

(3) All elevated walkways shall meet the following standards:

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i. The roof planes of elevated walkways shall be at different levels than the roofs or parapets of connected structures.

ii. Walkways shall be set back from street lot lines and the front facades of the structures they connect, and whenever possible shall be located or landscaped so that they are not visible from a street.

iii. The design of the walkways and the materials used shall seek to achieve a sense of openness and transparency.

iv. Elevated walkways shall add to the effect of modulation rather than detract from it.

2. Structures in Required Setbacks.

a. Detached garages, carports or other accessory structures are permitted in the required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure (Exhibit 23.45.056 D). All such accessory structures shall be no greater than twelve feet (12') in height, with open rails permitted above twelve feet (12').

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11--Accessibility ((~~Rules and Regulations for Barrier Free Design~~)), are permitted in required front, side or rear setbacks.

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

d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six feet (6') in height, are permitted in required front, side or rear setbacks.

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

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

h. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

(1) Fences, freestanding walls, signs and similar structures six feet (6') or less in height above existing or finished grade whichever is lower, may be erected in each required setback. The six foot (6') height may be averaged along sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

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

(2) The Director may allow variation from the development standards listed in subsection D2h(1) above, according to the following:

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

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

(3) Bulkheads and retaining walls used to raise grade may be placed in each required setback when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half feet (91/2').

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

i. Arbors. Arbors may be permitted in required setbacks under the following conditions:

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

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

3. Front and rear setbacks may be reduced by twenty-five percent (25%), but no more than five feet (5'), if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to the provisions of

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subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

Section 23. Subsection B of Section 23.45.058 of the SMC, which Section was last amended by Ordinance 113041, is amended as follows:

23.45.058 Midrise--Open space requirements.

B. Development Standards.

1. Required open space shall be landscaped according to standards promulgated by the Director.

2. Ground-related Housing.

a. The required open space for each unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet, and no horizontal dimension shall be less than ten feet (10').

b. Required open space may be located in the front, sides or rear of the structure.

c. Required open space may be located a maximum of ten feet (10') above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit, except as permitted in subsection B((~~1d~~))2e.

d. At least fifty percent (50%) of the required open space for a unit shall be level, provided that:

(1) The open space may be terraced; and

(2) Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two feet (2').

e. For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet (10') where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten feet (10'), the open space may be located a maximum of ten feet (10') plus the height between floors in excess of ten feet (10'), above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two feet (2') above grade, the open space may be located a maximum of ten feet (10') plus the additional height of the first floor in excess of two feet (2') above grade, above or below the unit it serves.

f. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited unless such openings are screened by

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view-obscuring fences, freestanding walls, or wingwalls. Fences, freestanding walls, or wingwalls located in setbacks shall be no more than six feet (6') in height in accordance with Section 23.45.028 D.

g. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier Free Design~~)) Building Code, Chapter 11--Accessibility, shall not be counted as open space.

3. Apartments.

a. No horizontal dimension for required ground level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier Free Design~~)) Building Code, Chapter 11--Accessibility, shall not be counted as open space.

d. In order to qualify as above-ground open space, balconies and decks shall have a minimum horizontal dimension of at least six feet (6'), and minimum area shall be sixty (60) square feet.

e. For cluster development, at least twenty percent (20%) of the required open space shall be provided in one (1) contiguous area.

4. Terraced Housing on a Slope of Twenty-five Percent (25%) or More.

a. No horizontal dimension for required ground-level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier Free Design~~)) Building Code, Chapter 11--Accessibility, shall not be counted as open space.

d. In order to qualify as above-ground open space, rooftop areas, balconies or decks shall have a minimum horizontal dimension of at least ten feet (10'), and a total area of at least one hundred twenty (120) square feet.

Section 24. Subsection B of Section 23.45.060 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.45.060 Midrise--Parking and access.

B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions listed in subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts

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an alley improved to the standards of Section 23.53.030C. Street access shall not be permitted.

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

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

b. The lot does not abut a platted alley;

c. Apartments or terraced housing are proposed across an alley from a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone.

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

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

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

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

d. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter ((~~31~~)) 11 may be from either the street or alley, or both.

Section 25. Subsection D of Section 23.45.072 of the SMC, which Section was last amended by Ordinance 116262, is amended as follows:

23.45.072 Highrise--Setback requirements.

D. General S ck Exceptions.

1. Required Setbacks for Cluster Developments. Where two (2) or more principal structures are located on one (1) lot, or where two (2) or more portions of the same structure exceed sixty feet (60') in height above existing grade, setbacks between structures or portions of structures shall be provided as follows:

a. Interior facades shall be separated as follows:

Elevation of Facade or Portion of Facade From Existing Grade (in feet)	Minimum Separation (in feet)
60 or less	16
61--90	20
91--120	28

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121 or higher 32

b. Within a cluster development, interior facades need not be modulated. Perimeter facades shall follow standard development requirements.

c. Structures or portions of structures over sixty feet (60') in height may be connected by underground garages or portions of structures thirty-seven feet (37') or less in height.

2. Structures in Required Setbacks.

a. Detached garages, carports or other accessory structures are permitted in the required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure (Exhibit 23.45.072 B). All such accessory structures shall be no greater than twelve feet (12') in height above existing grade, with open rails permitted above twelve feet (12').

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State ((~~Rules and Regulations for Barrier-Free Design~~)) Building Code, Chapter 11--Accessibility, are permitted in required front, side or rear setbacks.

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

d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six feet (6') in height, are permitted in required front, side or rear setbacks.

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

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

h. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

(1) Fences, freestanding walls, signs and similar structures six feet (6') or less in height above existing or finished grade whichever is lower, may be erected in each required setback. The six foot (6') height may be averaged along sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

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

(2) The Director may allow variation from the development standards listed in subsection D2h(1) above, according to the following:

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

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

(3). Bulkheads and retaining walls used to raise grade may be placed in each required setback when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half feet (91/2').

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

i. Arbors. Arbors may be permitted in required setbacks under the following conditions:

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

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

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

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Section 26. Subsection B of Section 23.45.076 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.45.076 Highrise--Parking and access.

B. Access to Parking.

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

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

a. The alley borders on a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;

b. The lot does not abut an alley;

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

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

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

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

c. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter ((~~31~~)) 11 may be from either the street or alley, or both.

Section 27. Section 23.45.092 of the SMC, which was last amended by Ordinance 114910, is amended as follows:

23.45.092 Institutions--Structure height.

A. Maximum height limits for institutions shall be as provided for multifamily structures in the same multifamily zone.

B. In the Lowrise zones, for gymnasiums and auditoriums that are accessory to an institution the maximum permitted height shall be thirty-five feet (35') if all portions of the structure above the height limit of the zone are set back at least twenty feet (20') from all property lines. Pitched roofs on the auditorium or gymnasium with a slope of not less than three to twelve (3:12) may extend ten feet (10') above the thirty-five foot (35') height

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limit. No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend beyond thirty-five feet (35').

Section 28. Subsection A of Section 23.45.112 of the SMC, which Section was last amended by Ordinance 116744, is amended as follows:

23.45.112 Public schools.

Public Schools Meeting Development Standards. New public schools or additions to existing public schools and accessory uses including child care centers which meet the following development standards shall be permitted in all multifamily zones. Public schools in single-family attached zones shall meet the development standards for public schools in Lowrise 1 zones. Departures from development standards of this section may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools.

A. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multi-family structures. For gymnasiums and auditoriums in the lowrise zones which are accessory to the public school, the maximum permitted height shall be thirty-five feet (35') plus ten feet (10') for a pitched roof if all portions of the structure above the height limit of the zone are set back at least twenty feet (20') from all property lines. All parts of a gymnasium or auditorium roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend above the thirty-five foot (35') height limit under this provision.

2. For new public school construction on existing public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multi-family structures or thirty-five feet (35') plus fifteen feet (15') for a pitched roof, whichever is greater. If the thirty-five foot (35') height limit applies, all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five foot (35') height limit under this provision.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the maximum height permitted in the zone for multi-family structures, the height of the existing school, or thirty-five feet (35') plus fifteen fe[illegible]15') for a pitched roof, whichever is greater. When the height limit is thirty-five feet (35'), ~~the ridge of the pitched roof on a principal structure may extend up to fifteen feet (15') above the height limit, and~~ all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve((-)) (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five foot (35') height limit under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height which may be granted as a development standard departure shall be thirty-five feet (35') plus fifteen feet (15') for a pitched roof for elementary schools and sixty feet (60') plus fifteen feet (15') for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

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5. The provisions regarding height for sloped lots, pitched roofs, and rooftop features for the zone in which the public school is located shall apply.

Section 29. Subsection E of Section 23.46.002 of the SMC, which Section was last amended by Ordinance 116795, is amended as follows:

23.46.002 Scope of provisions.

E. In addition to the provisions of this chapter, certain residential-commercial areas may be regulated by Overlay Districts, Chapter 23.((~~56~~))59.

Section 30. Section 23.47.008 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.47.008 Mixed use development.

A. A mixed use development consists of residential and nonresidential use in the same structure or in separate structures on the same lot and meeting the standards specified in this ((s))Section, except as provided in the Northgate Overlay District, Chapter 23.71. When an application for a mixed use development with residential and nonresidential uses in separate structures is submitted, a temporary certificate of occupancy shall not be issued for the residential structure(s) until a schedule for completion of the nonresidential building is presented to and approved by the Director, and substantial construction of the nonresidential structure is completed. Substantial construction means that the framing of the exterior walls has been inspected and approved.

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

1. For purposes of calculating the eighty percent (80%) of a structure's street front facade at street level, twenty-two feet (22') for the width of a driveway accessing

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parking may be subtracted from the length of the street front facade if the access cannot be provided from a side street or alley.

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

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

4. Where the lot fronts on two (2) or more streets and abuts a lot which is not zoned commercial, the street front facade requirement shall apply to the structure's facade along the street with the greatest continuous lineal feet of commercially zoned frontage.

5. Where a lot fronts on two (2) or more streets and only abuts lots which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the structure containing the required nonresidential use. On a through lot, the Director may waive the requirement for one (1) or more, but not all of the street fronts if the streets ((is)) are not ((a)) major commercial streets. The Director may require screening of garbage cans, parking and utility meters where the street front facade requirement is waived.

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

7. The entrance to required nonresidential uses at street level shall be no more than three feet (3') above or below sidewalk grade. If the entrance to required nonresidential use at street level in C1 and C2 zones is provided from a surface parking lot located between the street and the structure, the entrance shall be no more than three feet (3') above or below the surface parking lot grade.

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

C. Height for Mixed Use Development.

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

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

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

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a. The additional height is necessary to meet code minimums for ceiling height (thirteen feet (13') floor to floor for nonresidential use at street level and seven feet six inches (7' 6") floor to ceiling for residential space); and

b. The additional height will not permit an additional story to be built (((()))beyond ((~~three (3) for a zone with a thirty foot (30') height limit and four (4) for a zone with a forty foot (40') height limit~~))) what could be built under the applicable height limit if a thirteen foot (13') ceiling height were not required at street level.

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

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

b. The additional height of the structure will not permit an additional story to be built (((()))beyond ((~~three (3) for a zone with a thirty foot (30') height limit and four (4) for a zone with a forty foot (40') height limit~~))) what could be built under the applicable height limit if a thirteen foot (13') ceiling height were not required at street level; and

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

D. Above thirteen feet (13') from finished grade ((~~and above the required nonresidential use~~)), the residential portion of a structure containing residential and nonresidential uses shall be limited to a maximum lot coverage of sixty-four percent (64%). Portions of structures exempted from structure width as provided in Section 23.86.014C shall also be exempt from lot coverage calculations. If the nonresidential and residential uses are located in separate structures, this provision shall only apply to the portion of the residential structure more than thirteen feet (13') above finished grade. This provision shall not apply when an area in an existing building, in nonresidential use as of April 3, 1995, is converted to residential use, provided that the structure is not modified in any way that increases the coverage to greater than sixty-four percent (64%) of the portion of the structure in residential use and over thirteen feet (13') above finished grade.

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

F. Any detached structure existing as of July 25, 1996, that contains residential and nonresidential uses and does not meet the requirements for mixed use development as provided in subsection B may add additional residential units, provided that:

1. An area equal to at least ten percent (10%) of the gross floor area of the structure or fifty percent (50%) of the structure's footprint, whichever is greater, is

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already in nonresidential use qualifying under subsection B3 above and occupies at least sixty percent (60%) of the structure's street front facade at street level; or

2. No decrease is proposed in the percentage of the street front facade at street level that is in qualifying nonresidential use unless at least eighty percent (80%) of the street front facade at street level will remain in qualifying nonresidential use; and no decrease is proposed in the area in nonresidential use, or the depth of nonresidential space extending from the street front facade shall be at least 30 feet.

G. Any detached structure existing as of July 25, 1996, which contains residential and nonresidential uses and exceeds the density limits for single-purpose residential structures may decrease the amount of space devoted to nonresidential uses or decrease the amount of the structure's street front facade at street level that is occupied by nonresidential use provided that:

1. The amount of the structure's street front facade at street level that is occupied by nonresidential uses does not decrease to less than eighty percent (80 percent) of the structure's street front facade, and

2. The amount of space devoted to nonresidential uses at street level does not decrease to less than a depth of thirty feet (30'), provided that the depth may be averaged, with no depth less than fifteen feet (15').

Section 31. Section 23.47.009 of the SMC, which was last amended by Ordinance 117430, is amended as follows:

23.47.009 Density limits for residential uses.

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

1. As established in the Northgate Overlay District as provided in Chapter 23.71.

2. For lots rezoned from SF to NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 per Section 23.34.010 B, the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

B. Density limits shall not apply for single-purpose residential structures along selected streets in the Pike/Pine Overlay District, pursuant to Chapter 23.73.

C. Density limits shall apply for single-purpose residential structures subject to the following, except as provided in subsection ((C)) D below:

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

2. In NC1 zones the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

3. In NC2, NC3, C1 and C2 zones with either thirty feet (30') or forty feet (40') height limits, the density limit shall be one (1) unit per one thousand two hundred (1,200) square feet of lot area.

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

5. For lots rezoned from SF to NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 per Section 23.34.010 B, the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

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

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

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

a. In NC zones with thirty foot (30') height limits, the density limit shall be one (1) unit per seven hundred (700) square feet of lot area.

b. In NC zones with forty foot (40') height limits, the density limit shall be one (1) unit per five hundred (500) square feet of lot area.

c. In NC zones with sixty-five foot (65'((:))) height limits, the density limit shall be one (1) unit per four hundred (400) square feet of lot area.

d. In C1 and C2 zones with thirty foot (30'), forty foot (40') or sixty-five foot (65') height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area except as provided in subparagraph C1e below.

e. Density limits in a C1 or C2 zone may be increased to the density limit for single-purpose residential structures in the NC zone with the corresponding height designation if the structure is developed according to the standards for NC zones as listed below:

(1) Outdoor storage areas, per Section 23.47.011 E1;

(2) Screening for gas stations, per Section 23.47.016 D3c;

(3) Blank facades, per Section 23.47.016 E;

(4) Drive-in lanes, per Section 23.47.028 A3; and

(5) Location of parking, per Section 23.47.032 B.

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

2. Outside urban village commercial areas as shown on the Official Land Use Map.

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a. In NC zones with thirty (30') height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

b. In NC zones with forty foot (40') and sixty-five foot (65') height limits, the density limit shall be one (1) unit per six hundred (600) square feet of lot area.

c. In C1 and C2 zones with thirty foot (30'), forty foot (40') or sixty-five foot (65') height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area.

Section 32. Subsection E of Section 23.47.014 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.47.014 Setback requirements.

E. Structures in Required Setbacks.

1. Decks and balconies with open railings may extend into the required setback, but shall not be permitted within five feet (5') of a residentially zoned lot, except as provided in subsection ((~~C~~))E6.

2. Eaves, cornices and gutters projecting no more than eighteen inches (18") from the structure facade shall be permitted in required setbacks.

3. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter ((~~31~~))11, are permitted in required setbacks.

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

5. Fences, freestanding walls and other similar structures.

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

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

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

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6. Decks which are accessory to residential uses and are no more than eighteen inches (18") above existing or finished grade, whichever is lower, may project into required setbacks.

7. Underground structures are permitted in all setbacks.

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

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

Section 33. Section A of Section 23.47.016 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.47.016 Screening and landscaping standards.

A. The following types of screening and landscaping may be required for specific uses according to the provisions of this chapter.

1. Three-foot (3') High Screening on Street Property Lines. Three-foot (3') high screening may be either:

a. A fence or wall at least three feet (3') in height; or

b. A hedge or landscaped berm at least three feet (3') in height.

2. Six-foot (6') High Screening on Property Lines. Six-foot (6') high screening may be either:

a. A fence or wall six feet (6') in height; or

b. A landscaped berm at least five feet (5') in height or a hedge planted in conformance with landscaping rules promulgated by the Director.

3. Landscaped Areas and Berms. Each area or berm required to be landscaped shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier-Free Design~~)) Building Code, Chapter 11--Accessibility, decorative pavers, sculptures or fountains may cover a maximum of thirty percent (30%) of each required landscaped area or berm. Landscaping shall be provided according to standards promulgated by the Director.

4. Landscaping of Surface Parking Areas. When landscaping of a surface parking area is required, the following standards shall be met:

a. Total Number of Parking Spaces	Required Landscape Area
20 to 50	18 square feet/

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	parking space
51 to 99	25 square feet/ parking space
100 or more	35 square feet/ parking space

b. The minimum size of a required landscaped area shall be one hundred (100) square feet. Berms and other landscaped areas provided to meet screening standards may be counted as part of a landscaped area. No part of a landscaped area shall be less than four feet (4') in dimension except those parts created by turning radii or angles of parking spaces.

c. No stall shall be more than sixty feet (60') from a required landscaped area.

d. One (1) tree shall be required for every ten (10) parking spaces.

e. Each tree shall be three feet (3') away from any curb of a landscaped area or edge of the parking area. Permanent curbs or structural barriers shall enclose each landscaped area.

f. Hardy evergreen groundcover shall be planted in accordance with rules promulgated by the Director. Trees in parking areas shall be selected in consultation with the City Arborist.

5. Combinations of Screening and Landscaping Requirements. When there is more than one (1) type of use which requires screening or landscaping, the requirement which results in the greater amount of screening and landscaping shall be followed. Street trees required by subsection C shall be provided in addition to landscaping required for specific uses in subsection D.

Section 34. Subsection A of Section 23.47.023 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.47.023 Standards for single-purpose residential structures.

A. In all commercial zones, single-purpose residential structures shall be subject to density standards provided for in Section 23.47.009, except as provided for in the Northgate Overlay District, Chapter 23.71, and in the Pike/Pine Overlay District, Chapter 23.73.

Section 35. Section 23.47.024 of the Seattle Municipal Code, which was last amended by Ordinance 117430, is amended as follows:

23.47.024 Open space standards.

Usable open space is intended for use by the residents of the development or structure, and shall be required for all residential uses in mixed use development ((~~for~~)) and single purpose residential structures according to the following:

A. Open Space Quantity. Usable open space shall be required for all residential uses in an amount equal to twenty percent (20%) of the structure's gross floor area in

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residential use. Calculation of a structure's gross floor area, for the purposes of this subsection, shall exclude area used for mechanical equipment, accessory parking and unenclosed decks, balconies or porches.

B. Open Space Development Standards.

1. When permitted, required usable open space may be provided at ground level or may be provided above ground in the form of balconies, decks, solaria, greenhouses, or roof gardens or decks.

2. Balconies and decks provided above ground as open space shall have a minimum area of sixty (60) square feet and no horizontal dimension shall be less than six feet (6').

3. Usable open space at ground level, and roof gardens, solaria, and greenhouses provided above ground as open space shall have a minimum area of two hundred fifty (250) square feet. No horizontal dimension shall be less than ten feet (10').

4. Required usable open space is permitted at the front, sides, or rear of the structure.

5. Parking areas, driveways, and pedestrian access to the nonresidential or residential entrances, except for pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier-free Design~~) Building Code, Chapter 11--Accessibility, shall not be counted as open space.

6. Required open space shall be landscaped according to standards promulgated by the Director.

Section 36. Subsection C of Section 23.47.040 of the Seattle Municipal Code, which Section was adopted by Ordinance 112777, is amended as follows:

23.47.040 General provisions for pedestrian-designated zones.

C. For purposes of this subchapter, the following streets are principal pedestrian streets when located within a pedestrian-designated zone:

Lake City Way Northeast;
Roosevelt Way Northeast;
Greenwood Avenue North;
North 85th Street;
East Greenlake Drive North;
Woodlawn Avenue Northeast;
University Way Northeast;
Northeast Forty-fifth Street;
Northwest Market Street;
Fremont Avenue North;
Fremont Place North;
Queen Anne Avenue North;
Mercer Street;
Roy Street;
First Avenue North;
15th Avenue East;

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Broadway Avenue East;
East Olive Way;
East Madison Street;
Madison Street;
((~~Alki Avenue Southwest;~~))
California Avenue Southwest;
Southwest Alaska Street.

Section 37. Subsection D of Section 23.53.015 of the SMC, which Section was last amended by Ordinance 118302, is amended as follows:

23.53.015 Improvement requirements for existing streets in residential and commercial zones.

D. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-Way Greater Than or Equal to the Minimum Width. When a street with existing curbs abuts a lot and the existing right-of-way is greater than or equal to the minimum width established in subsection A6, but the roadway width is less than the minimum established in the Street Improvement Manual, the following requirements shall be met:

(1) All structures on the lot shall be designed to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

(3) If there is no sidewalk, a sidewalk shall be constructed in the portion of the right-of-way abutting the lot, except when the following types of projects are proposed:

i. Remodeling and use changes within existing structures; and

ii. Additions to existing structures which are exempt from environmental review.

b. Streets With Less than the Minimum Right-of-Way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A5, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. In all residential zones except Highrise zones, an additional three-foot (3') setback shall also be required. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground structures which would not prevent the future widening and improvement of the right-of-way may be

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permitted in the required setback by the Director of Construction and Land Use after consulting with the Director of Engineering.

(2) Grading Requirement. When a setback is required, all structures on the lot shall be designed to accommodate the grade of the future street according to the Street Improvement Manual.

(3) No-protest Agreement Requirement. A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

2. Projects With Reduced Improvement Requirements.

a. One (1) or Two (2) Dwelling Units. When one (1) or two (2) dwelling units are proposed to be constructed, or one (1) or (2) Single Family zoned lots are proposed to be created, the following requirements shall be met:

(1) If there is no existing hard-surfaced roadway, a crushed-rock roadway at least sixteen feet (16') in width shall be required, according to the Street Improvement Manual.

(2) All structures on the lot(s) shall be designed to accommodate the grade of the future street improvements.

(3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

b. Other Projects With Reduced Requirements. The types of projects listed in this subsection D2b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection:

(1) Types of Projects.

i. Proposed developments which contain fewer than ten (10) units in SF, LDT and L1 zones, and six (6) residential units in all other zones;

ii. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: fast-food restaurants, major and minor vehicle repair uses, and multipurpose convenience stores;

iii. Nonresidential structures which have less than four thousand (4000) square feet of gross floor area and which do not contain uses listed in subsection D2b(1)ii which are larger than seven hundred fifty (750) square feet;

iv. Structures containing a mix of residential and nonresidential uses, if there are fewer than ten (10) units in SF, LDT and L1 zones, or fewer than six (6) residential units in all other zones, and the square footage of nonresidential use is less than specified in D2b(1)ii and D2b(1)iii;

v. Remodeling and use changes within existing structures;

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vi. Additions to existing structures which are exempt from environmental review; and

vii. Expansions of a surface parking area or open storage area of less than twenty percent (20%) of parking area or storage area or number of parking spaces.

(2) Paving Requirement. For the types of projects listed in subsection D2b(1), the streets abutting the lot shall have a hard-surfaced roadway at least eighteen feet (18') wide. If there is not an eighteen foot (18') wide hard-surfaced roadway, the roadway shall be paved to a width of at least twenty feet (20') from the lot to the nearest hard-surfaced street meeting this requirement, or one hundred feet (100'), whichever is less. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the Street Improvement Manual. The Director, after consulting with the Director of Engineering, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

(3) Other Requirements. The setback, grading and no-protest agreement requirements of subsection D1b shall also be met.

3. Exceptions from Required Street Improvements. The Director may waive or modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, landscaping and curb and sidewalk installation when it is determined that one (1) or more of the following conditions are met:

a. 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.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for ((~~street parks~~)) green streets, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would eliminate street access to an existing lot.

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

f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for

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example due to an inability to meet the required twenty percent (20%) maximum driveway slope.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 38. Subsection F of Section 23.53.025 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.53.025 Access easement standards.

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

1. Easement width shall be a minimum of ((~~ten feet (10')~~)) five feet (5');

2. Easements serving one (1) or two (2) dwelling units shall provide a paved pedestrian walkway at least three feet (3') wide;

3. Easements serving three (3) or more dwelling units shall provide a paved pedestrian walkway at least five feet (5') wide;

4. Easements over one hundred feet (100') in length shall provide lighting at intervals not to exceed fifty feet (50'). Lighting placement shall not exceed fifteen feet (15') in height;

5. Pedestrian access easements shall not exceed two hundred feet (200') in length.

Section 39. Subsections E and G of Section 23.53.030 of the SMC, which Section was last amended by Ordinance 118302, is amended as follows:

23.53.030 Alley improvements in all zones.

E. Existing Alleys Which Meet the Minimum Width. Except as provided in subsection G and except for one (1) or two (2) dwelling unit developments that abut an alley that is not improved but is in common usage, when an existing alley meets the minimum right-of-way width established in subsection D, the following requirements shall be met:

1. When the alley is used for access to parking spaces, open storage, or loading berths on a lot, the following improvements shall be provided:

a. For the following types of projects, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be improved to at least the equivalent of a crushed rock surface, according to the Street Improvement Manual. The applicant may choose the street to which the improvements will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of

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the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

(1) Residential structures with fewer than ten (10) units;

(2) The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: fast-food restaurants, major and minor vehicle repair uses, and multipurpose convenience stores;

(3) Nonresidential structures which have less than four thousand (4,000) square feet of gross floor area and which do not contain uses listed in subsection E1a(2) which are larger than seven hundred fifty (750) square feet;

(4) Structures containing a mix of residential and nonresidential uses, if the residential use is less than ten (10) units, and the square footage of nonresidential uses is less than specified in subsections E1a(2) and E1a(3);

(5) Remodeling and use changes within existing structures;

(6) Additions to existing structures which are exempt from environmental review; and

(7) Expansions of a surface parking area or open storage area of less than twenty percent (20%) of parking area or storage area or number of parking spaces.

b. For projects not listed in subsection E1a, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be paved. The applicant may choose the street to which the pavement will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

2. When the alley is not used for access, if the alley is not fully improved, all structures shall be designed to accommodate the grade of the future alley improvements, and a no-protest agreement to future alley improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

* * *

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;

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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 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.

6. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

7. Widening the right-of-way would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for green streets, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.

8. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

9. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the right-of-way is at zoned capacity.

Section 40. Chart A of Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 118302, is amended as follows, and is amended to add the following Map B:

Chart A for 23.54.015 Parking.

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PARKING
Chart A
for Section 23.54.015

Use	Parking Requirements
Adult family home	1 for each dwelling unit.
Adult motion picture theater	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Adult panoram	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Airport, land-based (waiting area)	1 for each 100 square feet.
Airport, water-based (waiting area)	1 for each 100 square feet.
Animal services	1 for each 350 square feet.
Animal husbandry (retail area only)	1 for each 350 square feet.
Aquaculture (retail area only)	1 for each 350 square feet.
Artist's studio/dwelling	1 for each dwelling unit.
Automotive parts or accessory sales	1 for each 350 square feet.
Ball courts	1 per court.
Bed and breakfast	1 for each dwelling, plus 1 for each 2 guest rooms or suites.
Bowling alley	5 for each lane.
Brewpub	1 for each 200 square feet.
Business support services	1 for each 2,000 square feet
Business incubators	1 for each 1,000 square feet.
Carwash	1 for each 2,000 square feet.
Caretaker's quarters	1 for each dwelling unit.
Cargo terminal	1 for each 2,000 square feet.
Cemetery	None.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Child care center[2]	1 space for each 10 children or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 children.
Colleges[1]	A number of spaces equal to 15 percent of the maximum number of students present at peak hour; plus 30 percent of the number of employees present at peak hour; plus 1 for each 100 square feet of spectator assembly area in outdoor spectator sports facilities.
Commercial laundries	1 for each 2,000 square feet.
Commercial moorage	1 for each 140 lineal feet of moorage.
Communication utilities	1 for each 2,000 square feet.
Community centers[2, 3] and community clubs[2, 3]	1 for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 for each 350 square feet, excluding ball courts.
Community centers owned and operated by the Seattle Department of Parks and Recreation (DOPAR) [2, 3, 4]	1 for each 555 square feet.
Congregate residences	1 for each 4 residents.
Construction services	1 for each 2,000 square feet.
Custom and craft work	1 for each 1,000 square feet.
Dance halls (dance floor and table area)	1 for each 100 square feet.
Dry storage of boats	1 for each 2,000 square feet.
Family support centers located in community centers owned and operated by the Seattle DOPAR[4]	1 for each 100 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Floating homes	1 for each dwelling unit.
Food processing for human consumption	1 for each 1,000 square feet.
Gas station	1 for each 2,000 square feet.
General retail sales and services	1 for each 350 square feet.
Ground-floor businesses in multi-family zones	None, maximum of 10.
Heavy commercial services	1 for each 2,000 square feet.
Heliports (waiting area)	1 for each 100 square feet.
High-impact uses	1 for each 1,500 square feet or as determined by the Director.
Horticultural uses (retail area only)	1 for each 350 square feet.
Hospitals [5]	1 space for each 2 staff doctors; plus 1 additional space for each 5 employees; plus 1 for each 6 beds.
Hotels	1 for each 4 sleeping rooms or suites.
Institute for advanced study [5]	1 for each 1,000 square feet of administrative offices and similar spaces; plus 1 for each 10 fixed seats in all auditoria and public assembly rooms; or 1 for each 100 square feet of public assembly area not containing fixed seats
Institutes for advanced study in single-family zones((~~ing~~)) (existing)	3.5 for each 1,000 square feet of office space; plus 10 for each 1,000 square feet of additional building footprint to house and support conference center activities, or 37 for each 1,000 square feet of actual conference rooms to be constructed, whichever is ((~~larger~~)) greater.
Kennel	1 for each 2,000 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Lecture and meeting hall	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Major durables, sales, service, and rental	1 for each 2,000 square feet.
Manufacturing, general	1 for each 1,500 square feet.
Manufacturing, heavy	1 for each 1,500 square feet.
Manufacturing, light	1 for each 1,500 square feet.
Marine service station	1 for each 2,000 square feet.
Medical services	1 for each 350 square feet.
Miniature golf	1 for each 2 holes.
Mini-warehouse	1 for each 30 storage units.
Mobile home park	1 for each mobile home.
Mortuary services	1 for each 350 square feet.
Motels	1 for each sleeping room or suite.
Motion picture theater	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Multi-family structures [6] except those listed below	Lots containing 2--10 dwelling units: 1.1 for each dwelling unit. Lots containing 11--30 dwelling units: 1.15 for each dwelling unit. Lots containing 31--60 dwelling units: 1.2 for each dwelling unit. Lots containing more than 60 dwelling units: 1.25 for each dwelling unit.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
	In addition, for all multi-family structures whose average gross floor area per dwelling unit, excluding decks and all portions of a structure shared by multiple dwelling units, exceeds 500 square feet, an additional .0002 spaces per square foot in excess of 500 shall be required up to a maximum additional .15 spaces per dwelling unit; and When at least 50 percent of the dwelling units in a multi-family structure have 3 bedrooms, an additional .25 spaces per bedroom for each unit with 3 bedrooms shall be required; and Any multi-family structure which contains a dwelling unit with 4 or more bedrooms shall be required to provide an additional .25 spaces per bedroom for each unit with 4 or more bedrooms.[7]
Multi-family structures containing dwelling units with 2 or more bedrooms, when within the area impacted by the University of Washington as shown on Map A following this section.	1.5 spaces per unit with 2 or more bedrooms. The requirement for units with 3 or more bedrooms contained above shall also apply. All other requirements for units with fewer than 2 bedrooms shall be as contained above.[7]
Multi-family structures, when within the Alki area as shown on Map B following this section.	1.5 spaces per unit.
Multi-family ((~~structures~~)) development, for those ground-related structures within the development with ((,)) 10 units or ((~~less~~)) fewer	1 for each dwelling unit.
Multi-family structures for low-income elderly	1 for each 6 dwelling units.
Multi-family structures for low-income disabled	1 for each 4 dwelling units.
Multi-purpose convenience store	1 for each 350 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Museum [8]	1 for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; or 1 for every 10 fixed seats for floor area containing fixed seats; plus 1 space for each 250 square feet of other gross floor area open to the public.
Non-household sales and services, except sales, service and rental of office equipment	1 for each 2,000 square feet.
Nursing homes [9]	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 for each 6 beds.
Office, administrative	1 for each 1,000 square feet.
Office, customer service	1 for each 350 square feet.
Outdoor storage	1 for each 2,000 square feet.
Parks	None.
Participant sports and recreation, indoor, unless otherwise specified	1 for each 350 square feet.
Participant sports and recreation, outdoor, unless otherwise specified	1 for each 350 square feet.
Passenger terminals (waiting area)	1 for each 100 square feet.
Performing arts theater	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Personal transportation services	1 for each 2,000 square feet.
Playgrounds	None.
Power plants	1 for each 2,000 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Private club [11]	1 for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 for each 350 square feet, excluding ball courts.
Railroad rights-of-way	None.
Railroad switchyard	1 for each 2,000 square feet.
Railroad switchyard with mechanized hump	1 for each 2,000 square feet.
Recreational marinas	1 for each 75 lineal feet of moorage.
Recycling center	1 for each 2,000 square feet.
Recycling collection station	None.
Religious facility [11]	1 for each 80 square feet of all auditoria and public assembly rooms.
Research and development laboratory	1 for each 1,000 square feet.
Restaurant	1 for each 200 square feet.
Restaurant, fast-food	1 for each 100 square feet.
Sales, service and rental of commercial equipment	1 for each 2,000 square feet.
Sale and rental of large boats	1 for each 2,000 square feet.
Sale and rental of motorized vehicles	1 for each 2,000 square feet.
Sales, service and rental of office equipment	1 for each 350 square feet.
Sale of boat parts or accessories	1 for each 350 square feet.
Sale of heating fuel	1 for each 2,000 square feet.
Salvage yard	1 for each 2,000 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
School, private elementary and secondary [3, 11 ((12))]	1 for each 80 square feet of all auditoria and public assembly rooms, or if no auditorium or assembly rooms, 1 for each staff member.
School, public elementary and secondary [3, 12, 13((, 14))]	1 for each 80 square feet of all auditoria((~~um~~)) or public assembly rooms, or 1 for every 8 fixed seats in auditoriums or public assembly rooms, containing fixed seats, for new public schools on a new or existing public school site.
Sewage treatment plant	1 for each 2,000 square feet.
Single-family dwelling unit	1 for each dwelling unit
Skating rink (rink area)	1 for each 100 square feet.
Solid waste transfer station	1 for each 2,000 square feet.
Specialty food stores	1 for each 350 square feet.
Spectator sports facility	1 for each 10 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Sport range	1 for each 2 stations.
Swimming pool (water area)	1 for each 150 square feet.
Taverns	1 for each 200 square feet.
Transit vehicle base	1 for each 2,000 square feet.
Universities [((15))14]	A number of spaces equal to 15 percent of the maximum number of students present at peak hour; plus 30 percent of the number of employees present at peak hour; plus 1 for each 100 square feet of spectator assembly area in outdoor spectator sports facilities.
Utility service uses	1 for each 2,000 square feet.
Vehicle repair, major	1 for each 2,000 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Vehicle repair, minor	1 for each 2,000 square feet.
Vessel repair, major	1 for each 2,000 square feet.
Vessel repair, minor	1 for each 2,000 square feet.
Vocational or fine arts school	1 for each 2 faculty and full-time employees; plus 1 for each 5 students (based on the maximum number of students in attendance at any one time).
Warehouse	1 for each 1,500 square feet.
Wholesale showroom	1 for each 1,500 square feet.
Work-release centers	1 for each 2 full-time staff members; plus 1 for each 5 residents; plus 1 for each vehicle operated in connection with the work-release center.

[1] When permitted in multi-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122.

[2] When permitted in single-family zones, the Director may modify the parking requirements pursuant to Section 23.44.022; when permitted in multi-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122. The Director, in consultation with the Director of Engineering, may allow child care centers locating in existing structures to provide loading and unloading spaces on-street when no other alternative exists.

[3] Indoor gymnasiums shall not be considered ball courts, nor shall they be considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the entire gymnasium shall be one (1) parking space for every eight (8) fixed seats. Each twenty inches (20") of width of bleachers shall be counted as one (1) fixed seat for the purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain bleachers and is in a community center, the parking requirement shall be one (1) space for each 350 square feet. If the gymnasium does not contain bleachers and is in a community center owned and operated by the Department of Parks and Recreation (DOPAR), the parking requirement shall be one (1) space for each 555 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

[4] When family support centers are located within community centers owned and operated by DOPAR, the Director may lower the combined parking requirement by up to a maximum of fifteen percent (15 %), pursuant to Section 23.54.020 I.

[5] When permitted in multi-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122.

[6] Parking spaces required for multi-family structures may be provided as tandem spaces according to subsection B of Section 23.54.020.

[7] Bedroom--Any habitable room as defined by the Building Code which, in the determination of the Director, is capable of being used as a bedroom.

[8] When permitted in multi-family zones as a conditional use, the Director may modify the parking requirement pursuant to Section 23.45.122.

[9] When specified in single-family zones, Section 23.44.015, the Director may waive some or all of the parking requirements.

[10] When permitted in multi-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122.

[11] When specified in single-family zones, Section 23.44.022, and multi-family zones, Section 23.45.122, the Director may waive some or all of the parking requirements.

[12] ((~~When specified in single-family zones, Section 23.44.022, and multi-family zones, Section 23.45.122, the Director may waive some or all of the parking requirement.~~))

((~~[13]~~)) For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements shall be determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if any auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as shown on Chart A for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is ten percent (10%) or less than that for the existing auditorium or other place of assembly, then no additional parking shall be required.

((~~[14]~~))[13] Development standards departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.

((~~[15]~~))[14] When permitted in multi-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122.

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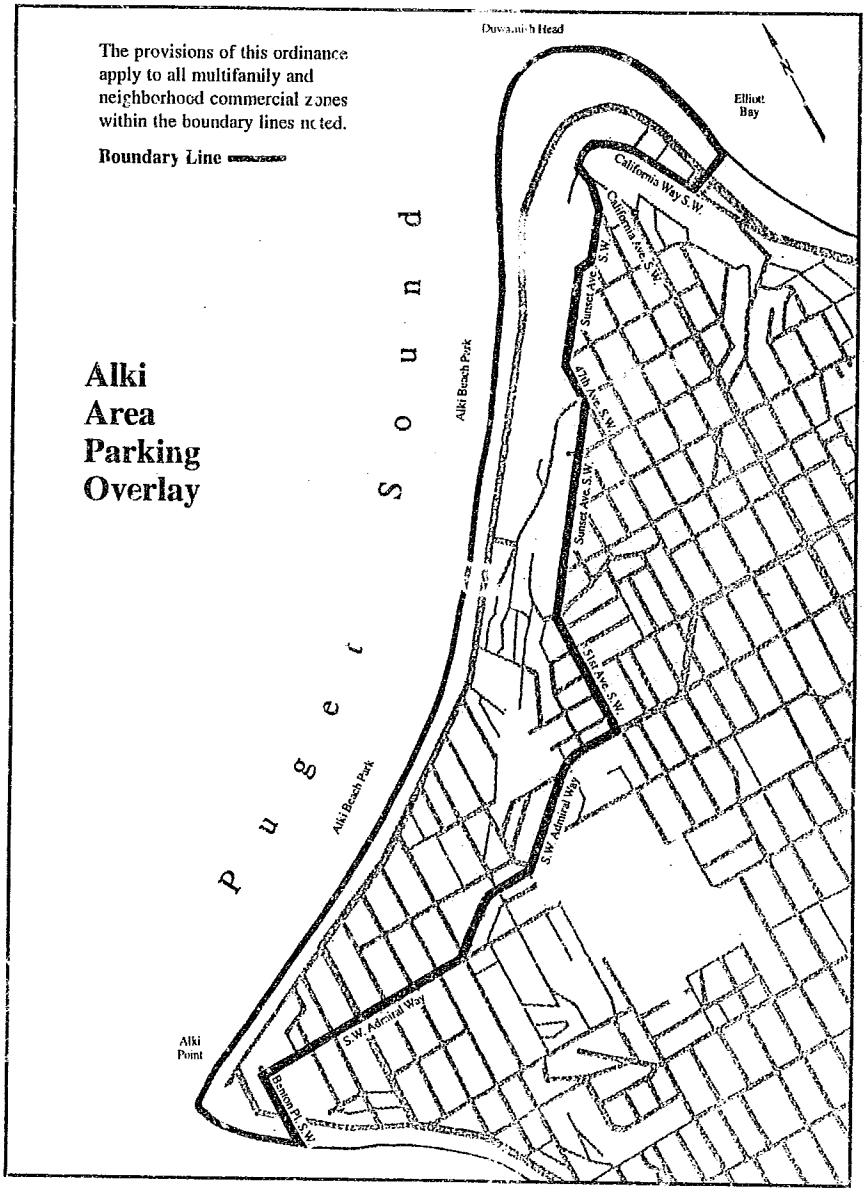
Exhibit for Chart A, Section 23.54.015
Map B — Alki Area Parking Overlay



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Section 41. Subsection F of Section 23.54.030 of the SMC, which Section was last amended by Ordinance 118302, is amended as follows:

23.54.030 Parking space standards

F. Curbcuts. Curbcut requirements shall be determined by whether the parking served by the curbcut is for residential or nonresidential use, and by the zone in which the use is located. When a curbcut is used for more than one (1) use, the requirements for the use with the largest curbcut requirements shall apply.

1. Residential Uses in Single-family and Multi-family Zones and Single-purpose Residential Uses in All Other Zones.

a. For lots not located on a principal arterial as designated on Exhibit 23.53.015 A, the number of curbcuts permitted shall be according to the following chart:

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

For lots with frontage in excess of three hundred twenty feet (320'), the pattern established in the chart shall be continued.

b. Curbcuts shall not exceed a maximum width of ten feet (10') except that:

(1) One (1) curbcut greater than ten feet (10') but in no case greater than twenty feet (20') in width may be substituted for each two (2) curbcuts permitted by subsection F1a; and

(2) A greater width may be specifically permitted by the development standards in a zone; and

(3) When subsection D of Section 23.54.030 requires a driveway greater than ten feet (10') in width, the curbcut may be as wide as the required width of the driveway.

c. For lots on principal arterials designated on Exhibit 23.53.015 A, curbcuts of a maximum width of twenty-three feet (23') shall be permitted according to the following chart.

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

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For lots with street frontage in excess of four hundred eighty feet (480'), the pattern established in the chart shall be continued.

d. There shall be at least thirty feet (30') between any two (2) curbcuts located on a lot.

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

f. Where two (2) adjoining lots share a common driveway according to the provisions of Section 23.54.030 D1, the combined frontage of the two (2) lots shall be considered one (1) in determining the maximum number of permitted curbcuts.

2. Nonresidential Uses in Single-family and Multi-family Zones, and All Uses, Except Single-purpose Residential Uses, in All Other Zones Except Industrial Zones.

a. Number of Curbcuts.

(1) In RC, NC1, NC2((,)) and NC3 ((,)) zones and within Major Institution Overlay Districts ((zones)), the number of two-way curbcuts permitted shall be according to the following chart: ((~~a maximum of two (2) curbcuts for one (1) way traffic or one (1) curbcut for two (2) way traffic shall be permitted on lots with street frontage of eighty feet (80') or less. On lots with street frontage of more than eighty feet (80'), up to two (2) two (2) way curbcuts shall be permitted for each two hundred forty feet (240') of street frontage.~~))

Street Frontage of the Lot	Number of Curbcuts Permitted
0 -- 80	1
81 -- 240	2
241 -- 360	3
361 -- 480	4

For lots with frontage in excess of four hundred eighty feet (480'), the pattern established in the chart shall be continued. The Director may allow two (2) one-way curbcuts to be substituted for one (1) two-way curbcut, after determining that there would not be a significant conflict with pedestrian traffic.

(2) In C1 and C2 zones and the SCM zone, the Director shall review and make a recommendation on the number and location of curbcuts.

(3) In downtown zones, a maximum of two (2) curbcuts for one (1) way traffic at least forty feet (40') apart, or one (1) curbcut for two (2) way traffic, shall be permitted on each street front where access is permitted by Section 23.49.018. No curbcut shall be located within forty feet (40') of an intersection. These standards may be modified by the Director on lots with steep slopes or other special conditions, the minimum necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic, in accordance with the Downtown Land Use Policies.

(4) For public schools, the minimum number of curbcuts determined necessary by the Director shall be permitted.

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b. Curbcut Widths.

(1) For one (1) way traffic, the minimum width of curbcuts shall be twelve feet (12'), and the maximum width shall be fifteen feet (15').

(2) For two (2) way traffic, the minimum width of curbcuts shall be twenty-two feet (22'), and the maximum width shall be twenty-five feet (25'), except that the maximum width may be increased to thirty feet (30') when truck and auto access are combined.

(3) For public schools, the maximum width of curbcuts shall be twenty-five feet (25'). Development standards departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79.

(4) When one (1) of the following conditions applies, the Director may require a curbcut of up to thirty feet (30') in width, if it is found that a wider curbcut is necessary for safe access:

i. The abutting street has a single lane on the side which abuts the lot; or

ii. The curb lane abutting the lot is less than eleven feet (11') wide; or

iii. The proposed development is located on an arterial with an average daily traffic volume of over seven thousand (7,000) vehicles; or

iv. Off-street loading space is required according to subsection H of Section 23.54.015.

c. The entrances to all garages accessory to nonresidential uses and the entrances to all principal use parking garages shall be at least six feet nine inches (6'9") high.

3. All Uses in Industrial Zones.

a. Number and Location of Curbcuts. The number and location of curbcuts shall be determined by the Director.

b. Curbcut Width. Curbcut width in Industrial zones shall be provided as follows:

(1) When the curbcut provides access to a parking area or structure it shall be a minimum of fifteen feet (15') wide and a maximum of thirty feet (30') wide.

(2) When the curbcut provides access to a loading berth, the maximum width of thirty feet (30') set in subsection E3b(1) may be increased to fifty feet (50').

(3) Within the minimum and maximum widths established by this subsection, the Director shall determine the size of the curbcuts.

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4. Curbcuts for Access Easements.

a. When a lot is crossed by an access easement serving other lots, the curbcut serving the easement may be as wide as the easement roadway.

b. The curbcut serving an access easement shall not be counted against the number or amount of curbcut permitted to a lot if the lot is not itself served by the easement.

5. Curbcut Flare. A flare with a maximum width of two and one-half feet (2 1/2') shall be permitted on either side of curbcuts in any zone.

6. Replacement of Unused Curbcuts. When a curbcut is no longer needed to provide access to a lot, the curb and any planting strip shall be replaced.

Section 42. Subsections C and D of Section 23.55.034, which Section was last amended by Ordinance 116780, is amended as follows:

23.55.034 Signs in downtown zones.

C. General Standards for All Signs.

1. Signs may be electrical, externally illuminated, or nonilluminated.

2. No sign shall have rotating or moving parts that revolve at a speed in excess of seven (7) revolutions per minute.

3. No flashing signs shall be permitted.

4. Roof signs shall not be permitted.

5. No portion of any on-premises or off-premises sign shall be located more than sixty-five feet (65') above the elevation of the sidewalk at the street property line closest to the sign, other than for on-premises signs that only identify hotels and public buildings and where such a sign shall have no rotating or moving parts and shall meet the other requirements of this Section.

D. On-premises Signs.

1. Number and Type of Permitted Signs.

a. Each use may have one (1) pole, ground, wall, marquee, under-marquee, projecting or combination sign for each three hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

b. In addition to the signs permitted by subsection D1a, each use may have one (1) wall, awning, canopy, ground, marquee, under-marquee or projecting signs for each thirty (30) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

c. In addition to the signs permitted by subsection D1a and D1b, each multiple business center may have one (1) wall, marquee, under-marquee, projecting or

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combination sign for each three-hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

d. Among the number and type of permitted signs in D1a, D1b and D1c, a maximum of four (4) of these signs identifying hotels or public buildings may be located sixty-five feet (65') or more above the elevation of the sidewalk.

e. Where the principal use or activity on the lot is outdoor retail sales, banner and strings of pennants maintained in good condition shall be allowed in addition to the signs permitted by subsections D1a, D1b and D1c.

2. There shall be no maximum area limits for on-premises signs, except for signs identifying hotels and public buildings sixty-five feet (65') or more above the elevation of the sidewalk, which shall not exceed eighteen feet (18') in length, height or any other direction.

Section 43. Chapter 23.56 of the SMC, which was last amended by Ordinance 117570, is repealed.

Section 44. Section 23.57.001 of the SMC, which was adopted by Ordinance 116295, is hereby amended as follows:

23.57.001 Intent

The intent of this chapter is to provide regulations and development standards for major and minor communication utilities and accessory communication devices. The regulations and development standards contained in this Chapter are imposed to minimize the health, safety and visual impact of telecommunication utilities on nearby areas. Development of communication ((~~facilities~~)) utilities may also be subject to Title 25 of the Municipal Code (Chapter 25.05, SEPA Policies and Procedures; Chapter 25.09, Regulations for Environmentally Critical Areas; Chapter 25.10, Radio-frequency Radiation), in addition to the Land Use Code.

Section 45. A new Chapter 23.59 of the SMC, is hereby added as follows:

Division 3 Overlay Districts

Chapter 23.59
GENERAL PROVISIONS

23.59.010 Overlay Districts generally

A. Purpose. Overlay districts are established to conserve and enhance 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 accomplish City policy objectives for specific areas; 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 Official Land Use Maps, Chapter 23.32, is subject both to its zone classification regulations and to additional requirements imposed for the overlay district. In

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any case where the provisions of the overlay district conflict with the provisions of the underlying zone, the overlay district provisions shall apply.

Section 46. Subsection A of Section 23.66.025 of the SMC, which Section was last amended by Ordinance 116744, is hereby amended as follows:

23.66.025 Use and development standards.

A. The Council may include use and development standards in the ordinance establishing a special review district. If use and development standards are not included, the special review board may, after at least one (1) public hearing, recommend use and development standards for the special review district to the Department of Neighborhoods Director who shall recommend use and development standards to the Council. If the special review board fails to recommend use and development standards within ninety (90) days after its first meeting, the Department of Neighborhoods Director shall prepare use and development standards and recommend such standards to the Council. The Council shall consider proposed use and development standards in the same manner as Land Use Code text amendments. Use and development standards shall be adopted by ordinance and may thereafter be amended in the same manner as Land Use Code text amendments as provided in Chapter 23.((~~06~~))76.

Section 47. Subsections C, D, E and F of Section 23.66.122 of the SMC, which Section was last amended by Ordinance 116744, are hereby repealed.

Section 48. Section 23.67.020 of the SMC, which was adopted by Ordinance 116145, is hereby amended as follows:

23.67.020 Establishment of Southeast Seattle Reinvestment Area (SESRA).

There is established, pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, an overlay district known as the Southeast Seattle Reinvestment Area (SESRA) as shown on the Official Land Use Map, Chapter 23.32.

Section 49. Section 23.68.002 of the SMC, which Section was adopted by Ordinance 113658, is hereby amended as follows:

23.68.002 Establishment of Manufacturing Center Overlay District.

There is established, pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, the Manufacturing Center Overlay District.

Section 50. Section 23.69.004 of the SMC, which Section was adopted by Ordinance 115002, is hereby amended as follows:

23.69.004 Major Institution Overlay District established.

There is hereby established pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, the Major Institution Overlay District, which shall overlay each major institution designated according to the provisions of Section 23.69.024. All land within the Major Institution Overlay (MIO) District shall be designated with one (1) of the following height limits as shown on the Official Land Use Map, Chapter 23.32:

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Designation	Height Limit
MIO-37	37 feet
MIO-50	50 feet
MIO-65	65 feet
MIO-70	70 feet
MIO-90	90 feet
MIO-105	105 feet
MIO-160	160 feet
MIO 200	200 feet
MIO 240	240 feet

Section 51. Chapter 23.70 of the SMC, is hereby repealed.

Section 52. Section 23.71.004 of the SMC, which was adopted by Ordinance 116795, is hereby amended as follows:

23.71.004 Northgate Overlay District established.

There is hereby established pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, the Northgate Overlay District, as shown on the City's Official Land Use Map, Chapter 23.32 and Map A.

Section 53. Subsection D of Section 23.71.008 of the SMC, which Section was adopted by Ordinance 116795, is hereby amended as follows:

23.71.008 Development along major pedestrian streets.

D. Parking Access and Curb Cuts.

1. When a lot abuts an alley which meets the standards of Section 23.53.030C, access to parking shall be from the alley.

2. When a lot does not abut an improved alley, and the lot fronts on more than one (1) street, at least one of which is not a major pedestrian street, access to parking shall be from a street which is not a major pedestrian street.

3. If the lot does not abut an improved alley, and only abuts a major pedestrian street(s), access from the major pedestrian street(s) shall be limited to one (1), two (2) way curb cut within any three hundred foot (300') segment of that lot. For purposes of this subsection, a segment of a lot shall be measured as a lot's continuous streetside lot line unbroken by streets, alleys or property owned by another. A segment may front on two or more streets around corners.

Section 54. Section 23.71.038 of the SMC, which was adopted by Ordinance 116795, is hereby amended as follows:

23.71.038 Standards for mixed use development in commercial zones within the Northgate Overlay District.

Residential and nonresidential uses in a mixed use development in a commercial zone shall meet the requirements of Section 23.47.008 to qualify as a mixed use development((~~, except that residential and nonresidential use may be located in separate~~

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~~structures~~)). The minimum standards of Sections 23.47.008 may vary on sites subject to the requirements for General Development Plans as provided in Section 23.71.026.

Section 55. Section 23.73.004 of the SMC, which Section was adopted by Ordinance 117514, is hereby amended as follows:

23.73.004 Pike/Pine Overlay District established.

There is hereby established pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, the Pike/Pine Overlay District as shown on the Official Land Use Map, Chapter 23.32, and Exhibit 23.73.004A.

Section 56. Subsection C of Section 23.73.008 of the SMC, which Section was adopted by Ordinance 117514, is hereby amended as follows:

23.73.008 Uses.

C. Single-purpose Residential Structures.

1. Single-purpose residential structures are permitted outright where commercial use is not required by subsection B, above, or as provided for in Section 23.47.023((~~D~~))B; and

2. A density of one unit per four hundred (400) square feet of lot area is permitted.

Section 57. Section 23.84.004 of the SMC, which was last amended by Ordinance 117202, is hereby amended as follows:

23.84.004 "B"

"Bay window" means a window feature comprising three (3) or more wall planes ((~~oblique to each other and~~)) that projects((~~ing~~)) beyond a structure face.

Section 58. Section 23.84.014 of the SMC, which was last amended by Ordinance 117570, is hereby amended as follows:

23.84.014 "G"

((~~"Greenbelt" means area either publicly or privately owned which the Council has designated in the Urban Greenbelt Plan, Resolution 25670, to be left primarily in their natural state. These areas are intended to provide or encourag permanent buffers between incompatible land uses, prevent development of environmentally sensitive areas, and maintain areas of natural habitat for wildlife.~~))

Section 59. Section 23.84.030 of the SMC, which was last amended by Ordinance 118012, is hereby amended as follows:

23.84.030 "P"

"Park and pool lot" means ((~~area within surface parking areas,~~)) parking operated or approved by a public ridesharing agency, where commuters park private vehicles and join

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together in carpools or vanpools for the ride to work and back, or board public transit at a stop located outside of the park and pool lot.

"Park and ride lot" means ((~~areas within existing or newly developed surface parking areas~~)) parking where commuters park private vehicles and either join together in carpools or vanpools, or board public transit at a stop located in the park and ride lot.

"Parking, long-term" means a parking space that will be occupied by the same motor vehicle for six (6) hours or more and is used generally by persons who commute to work by private motor vehicle.

Section 60. Subsection B of Section 23.86.010 of the SMC, which Section was last amended by Ordinance 117263, is hereby amended as follows:

23.86.010 Yards.

B. Front Yards.

1. Determining Front Yard Requirements. Front yard requirements are presented in the development standards for each zone. Where the minimum required front yard is to be determined by averaging the setbacks of structures on either side of a lot, the following provisions shall apply:

a. The required depth of the front yard shall be the average of the distance between single-family structures and front lot lines of the nearest single-family structures on each side of the lot (Exhibit 23.86.010B). When the front facade of the single-family structure is not parallel to the front lot line, the shortest distance from the front lot line to the structure shall be used for averaging purposes (Exhibit 23.86.010C).

b. The yards used for front yard averaging shall be on the same block front as the lot, and shall be the front yards of the nearest single-family structures within one hundred feet (100') of the side lot lines of the lot.

c. For averaging purposes, front yard depth shall be measured from the front lot lines to the wall nearest to the street or, where there is no wall, the plane between supports, which comprises twenty percent (20%) or more of the width of the front facade of the single-family structure. Enclosed porches shall be considered part of the single-family structure for measurement purposes. Attached garages or carports permitted in front yards under either Sections 23.44.014D7 or 23.44.016((~~E~~))C, decks, uncovered porches, eaves, attached solar collectors, and other similar parts of the structure shall not be considered part of the structure for measurement purposes.

d. When there is a dedication of street right-of-way to bring the street abutting the lot closer to the minimum widths established in Section 23.53.015, for averaging purposes the amount of the dedication shall be subtracted from the front yard depth of the structures on either side.

e. When the first single-family structure within one hundred feet (100') of a side lot line of the lot is not on the same block front, or does not provide its front yard on the same street, or when there is no single-family structure within one hundred feet (100') of the side lot line, the yard depth used for averaging purposes on that side shall be

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twenty feet (20') (Exhibits 23.86.010D and 23.86.010 E).

f. When the front yard of the first single-family structure within one hundred feet (100') of the side lot line of the lot exceeds twenty feet (20'), the yard depth used for averaging purposes on that side shall be twenty feet (20') (Exhibit 23.86.010F).

g. In cases where the street is very steep or winding, the Director shall determine which adjacent single-family structures should be used for averaging purposes.

2. Sloped Lots in Single-family Zones. For a lot((s)) in a single-family zone((s)), reduction of the required front yard is permitted at a rate of one foot (1') for every percent of slope in excess of thirty-five percent (35%). For the purpose of this provision the slope shall be measured along the centerline of the lot. In the case of irregularly shaped lots, the Director shall determine the line along which slope is calculated.

Section 61. Subsection C of Section 23.86.014 of the SMC, which Section was last amended by Ordinance 114887, is hereby amended as follows:

23.86.014 Structure Width

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

1. Eaves, cornices and gutters provided that when such features project more than eighteen inches (18") from an exterior wall only eighteen inches (18") shall be excluded in the measurement of structure width;

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

3. Chimneys not used to meet modulation requirements provided that only eighteen inches (18") shall be excluded in the measurement of structure width;

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

5. Unenclosed decks, balconies and porches, ten feet (10') or less above existing grade, unless located on the roof of an attached garage or carport included in structure width in subsection B1;

6. Unenclosed decks, balconies and porches, more than ten feet (10') above existing grade, provided that when such features project more than four feet (4') from an exterior wall, only four feet (4') shall be excluded in the measurement of structure width. Such features shall be excluded whether or not used to meet modulation requirements((.)); and

7. Arbors, trellises and similar features.

Section 62. Subsection A of Section 23.86.016 of the SMC, which Section was last amended by Ordinance 114887, is hereby amended as follows:

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23.86.016 Structure Depth

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

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

a. Draw a rectangle that encloses the principal structure.

b. Structure depth shall be the length of the sides of that rectangle most closely parallel to the side lot lines (Exhibit 23.86.016A).

c. In Lowrise zones when more than one (1) structure is located on a lot and no portion of a structure is behind any portion of another structure and the structures are separated by a minimum of ten feet (10'), the maximum depth of each structure shall be measured individually. (See Exhibit 23.86.016B.) When any portion of a structure is behind any portion of another structure then maximum structure depth shall be the combined depth of the structures on the lot.

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

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

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

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

d. Chimneys used to meet modulation requirements;

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

f. Accessory structures which are less than three feet (3') from the principal structure at any point.

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

a. Eaves, cornices and gutters provided that when such features project more than eighteen inches (18") from an exterior wall only eighteen inches (18") shall be excluded in the measurement of the structure depth;

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

c. Chimneys not used to meet modulation requirements provided that only eighteen inches (18") shall be excluded in the measurement of structure depth:

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

e. Unenclosed decks, balconies and porches, ten feet (10') or less ((~~above existing grade~~)) in height, unless located on the roof of an attached garage or carport included in structure depth in subsection A2a;

f. Unenclosed decks, balconies and porches, more than ten feet (10') ((~~above existing grade~~)) in height, provided that when such features project more than four feet (4') from an exterior wall only four feet (4') shall be excluded in the measurement of structure depth. Such features shall be excluded whether or not used to meet modulation requirements.

Section 63. Subsection H of Section 23.86.018 of the SMC, which Section was last amended by Ordinance 114196, is hereby amended as follows:

23.86.018 Open space.

H. Open Space Relationship to Grade.

1. The elevation of open space for ground-related housing must be within ten feet (10') of the elevation of the dwelling unit it serves. The ten feet (10') shall be measured between the finished floor level of the principal living areas of a dwelling unit and the grade of at least fifty percent (50%) of the required open space. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination.

The grade of the open space can either be the existing grade or within eighteen inches (18") of existing grade. The portion of the open space which is within ten feet (10') of the unit shall include the point where the access to the open space from the unit occurs.

2. The elevation of private usable open space for ((~~Single-Family Attached~~)) Lowrise Duplex/Triplex structures must be within four feet (4') of the elevation of the dwelling unit it serves. The four feet (4') shall be measured between the finished floor level of the dwelling unit and the grade of at least fifty percent (50%) of the required open space. The grade of the open space can either be the existing grade or within eighteen inches (18") of existing grade. The maximum difference in elevation at the point of access shall be four feet (4').

Section 64. Subsection B of Section 23.90.006 of the Seattle Municipal Code, which Section last amended by Ordinance 117263, is amended as follows:

23.90.006 Investigation and notice of violation.

B. If after investigation the Director determines that the standards or requirements have been violated, the Director shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall state separately each standard or requirement violated, shall state what corrective action, if any, is necessary to comply with the standards or requirements; and shall set a reasonable time for compliance. The notice shall state that any subsequent violations may result in

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criminal prosecution as provided in Section 23.90.020. In the event of violations of the standards or requirements of the ((~~Greenbelt Overlay District, Chapter 23.70, or of the~~)) Seattle Shoreline Master Program, Chapter 23.60, the required corrective action shall include, if appropriate, but shall not be limited to, mitigating measures such as restoration of the area ((~~and replacement of damaged or destroyed trees~~)). In the event of violation of Section 23.44.025, regarding accessory dwelling units, the notice shall state that a civil penalty pursuant to Section 23.90.019 is imposed and notify the owner(s) of the procedure for contesting that penalty.

Section 65. Subsection B of Section 23.90.020 of the Seattle Municipal Code, which Section last amended by Ordinance 113978, is amended as follows:

23.90.020 Criminal penalties.

B. A criminal penalty, not to exceed Five Thousand Dollars ($5,000.00) per occurrence, may be imposed:

1. For violations of Section 23.90.002 D;

2. For any other violation of this Code for which corrective action is not possible; and

3. For any wil((~~l~~))ful, intentional, or bad faith failure or refusal to comply with the standards or requirements of this Code.((~~; and~~

~~4. For violations of the Greenbelt Overlay District standards and requirements contained in Chapter 23.70.~~))

Section 66. Section 25.05.675 of the Seattle Municipal Code, last amended by Ordinance 118302, is amended to add the following Exhibit 2:

25.05.675 Specific environmental policies.

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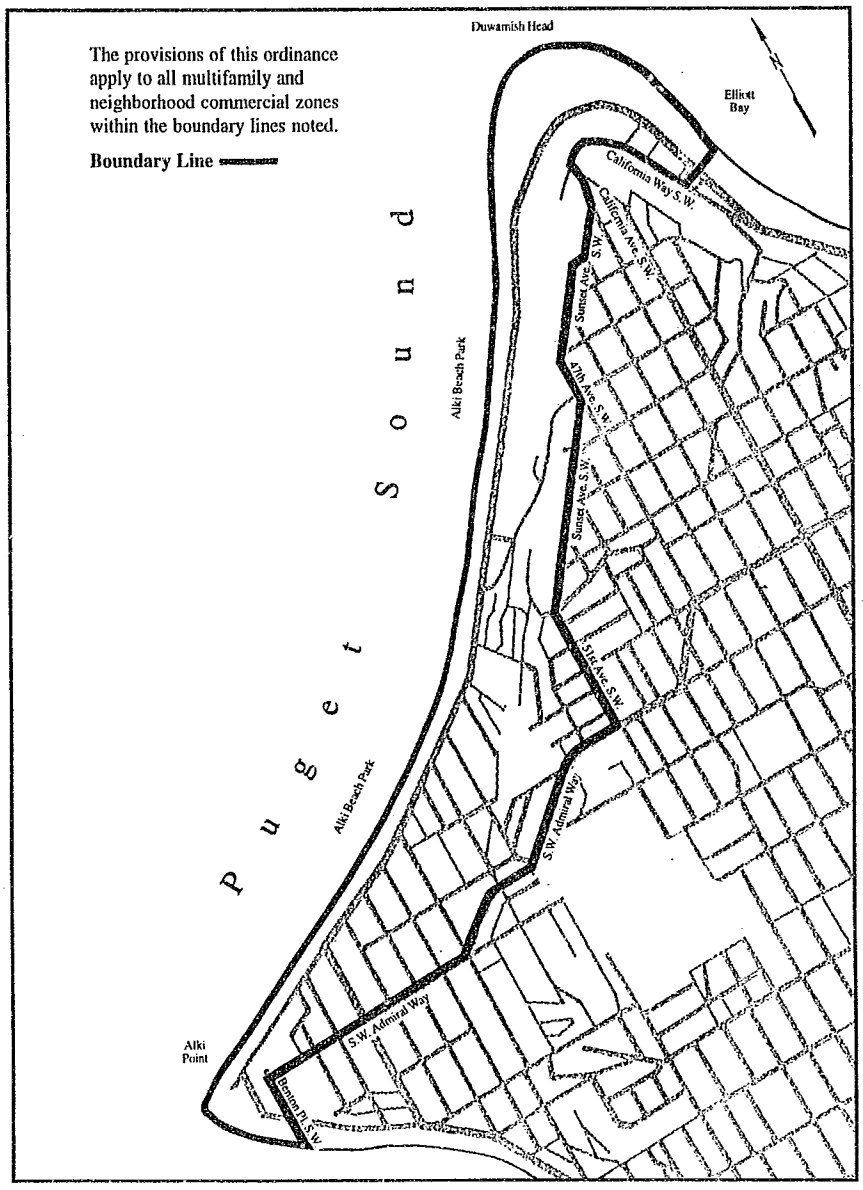
EXHIBIT 2 --ALKI PARKING AREA OVERLAY

Exhibit 2



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Section 67. Map B and Exhibit 2, both the Alki Area Parking Overlay, adopted by and attached to Ordinance 116168, are hereby repealed.

Section 68. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 69. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by the Municipal Code Section 1.04.020.

Passed by the City Council the 25 day of November, 1996, and signed by me in open session in authentication of its passage this 25 day of November, 1996.

President of the City Council

Approved by me this 3 day of December, 1996.

Norman B. Rice, Mayor

Filed by me this 3 day of December, 1996.

Margaret Carter
Clerk

(SEAL)

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City of Seattle
FINAL RECOMMENDATION

LAND USE CODE OMNIBUS ORDINANCE

October7, 1996

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INTRODUCTION

Resolution 29316, adopted by the City Council on March 18, 1996, directed further evaluation of measures to implement regulatory reform. The resolution called for the establishment of an ongoing process for development and implementation of regulatory reform and code maintenance measures. In addition to correcting typographical errors and incorrect cross references, implementing changes in the Code needed due to other already-adopted legislation and clarifying code provisions, the Department of Construction and Land Use (DCLU) expects that these code maintenance ordinances will also include small substantive code amendments.

In response to this resolution and the need for numerous amendments, DCLU is proposing these amendments to the Land Use Code in what will be the first of a once or twice annual maintenance and omnibus code cycle.

DCLU proposed two ordinances for public review on July 25, 1996, one which is specific to changes to the Shoreline Chapter of the Land Use Code, the other which covers many of the other chapters in the Land Use Code. The shoreline changes are in a separate ordinance because they are subject to approval by the Washington Department of Ecology. The comment period for the proposed amendments lasted until September 5, 1996.

The Mayor's Final Recommendation includes the following substantive amendments, as listed below. The Code sections to be reviewed were identified by citizens, elected officials or by City staff, and are discussed in more detail in this report:

- shoreline setbacks for residential properties
- covered unenclosed decks or roofs over patios in rear yards
- terraced garages in single family zones
- bed and breakfasts in single family zones
- height allowed for auditoriums and gymnasiums accessory to institutions
- arbors, trellis' and fences in required setbacks in lowrise, midrise and highrise zones
- addition of non-ground related units in existing structures in L1 zones
- allowing rooftop decks in L3 and L4 zones
- mixed use development standards
- pedestrian access easements
- exceptions to alley requirements in all zones

- alley improvements for small scale development
- no protest agreements
- the height of signs for hotels and public buildings in the downtown zones
- definition of bay windows
- inserting the Alki Area Parking Overlay map into the Land Use Code and the Seattle SEPA Ordinance

In addition, the following amendments are proposed, but are not discussed in the report because they are non-substantive or are not changing regulations:

- correcting typographical errors and Land Use code section references;
- including changes in the Code needed due to other already-adopted legislation (e.g., changes the old "Single Family Attached" zone designation to the current "Lowrise/Duplex/Triplex")
- clarifying code provisions (e.g., the definition of a street segment in the Northgate Overlay District; how to calculate parking requirements for ground related multifamily structures with 10 units or less; how to determine lot coverage in multifamily zones when both townhouses and other structures are located on a lot)
- repealing the Greenbelt Overlay District, which was invalidated by the courts

The Final ordinance is long primarily because of the many clarifications and corrections to typographical errors and Land Use Code section references.

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HIGHLIGHTS OF CHANGES FROM THE JULY 25, 1996 DCLU DRAFT REPORT AND ORDINANCE

Few substantive changes have been made from the July 25, 1996 DCLU Draft Report and Ordinance.

Under the addition of one non-ground related unit in existing structures in L1 zones (see report), the recommendation has been changed to allow an *unlimited* number of non-ground related units in an existing structure. The structure must still meet the density standards for the zone and no additional square footage may be added to the structure. The recommendation in the Draft Report allowed a maximum of *one* non-ground related unit per structure.

Under the shoreline code amendment (see report) which allows for a reduced setback in some circumstances, the Director may grant the reduced setback if it will not impact the shoreline environment and if views from adjacent residences are not obscured. In the Final Recommendation, the language has been slightly changed to clarify that views from adjacent residences must not be materially obscured. Under the previous language, any view blockage, regardless of how minor, could be interpreted to be ground for denial of the reduced setback.

Finally, in the ordinance one point of clarification has been added. In Section 23.24.045 A -- Townhouses, the code language explains that townhouse structures may be subdivided into individual townhouse unit lots, as long as the proposed townhouse development as a whole meets development standards. Subdivided townhouses are exempt from meeting development standards for setbacks, lot coverage, density, and structure width and depth, based on the individual unit lot. The Final Ordinance deletes this last reference to specific development standards because other development standards may be exempted for subdivided townhouse units, as long as the development as a whole meets development standards.

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PROPOSED AMENDMENTS

Shoreline Code Amendment

Under the Seattle Shoreline Management Program (Seattle Municipal Code Chapter 23.60), the shoreline setback for a residence is determined by the setbacks of the residences on either side of the subject residence. In some cases, the required minimum setback calculated by this method may be extremely large, such as 80, 90, 100 or more feet. Citizens have requested a means by which this setback can be reduced. For example, the Seattle Shoreline Code currently states that if no houses are within 100 feet of the subject residence, the setback shall be at least 25 feet from the line of ordinary high water. Consequently, the existing regulations may cause inequitable results.

Recommendation: If determining the setback for a residence results in a setback of over 75 feet from the line of ordinary high water, allow the Director to reduce the setback to no less than 75 feet if the applicant can demonstrate that the reduced setback will not adversely impact the shoreline environment (SMC 23.60.198B).

Covered Unenclosed Decks or Roofs Over Patios in Rear Yards

In single family zones, covered, unenclosed decks and roofs over patios which extend into the required rear yard (within 25 feet of the rear property line) are allowed. These extensions are allowed as long as they are no closer than 12 feet to the rear property line nor over 12 feet in height. The intent of this provision was to allow a deck to extend into a rear yard if covered, since the covering would help to suppress the noise that might be generated from the use of the deck. However, some have interpreted the language to mean that a deck could also be placed on top of the covered roof or deck, thus creating a 12 foot high uncovered deck. The creation of a second deck was not the intent of this regulation, and is not desired because of the potential for noise and bulk impacts.

Recommendation: Clarify that the cover or roof of an unenclosed deck or patio cannot be used as a deck (SMC 23.44.014D), as displayed in the below exhibit.

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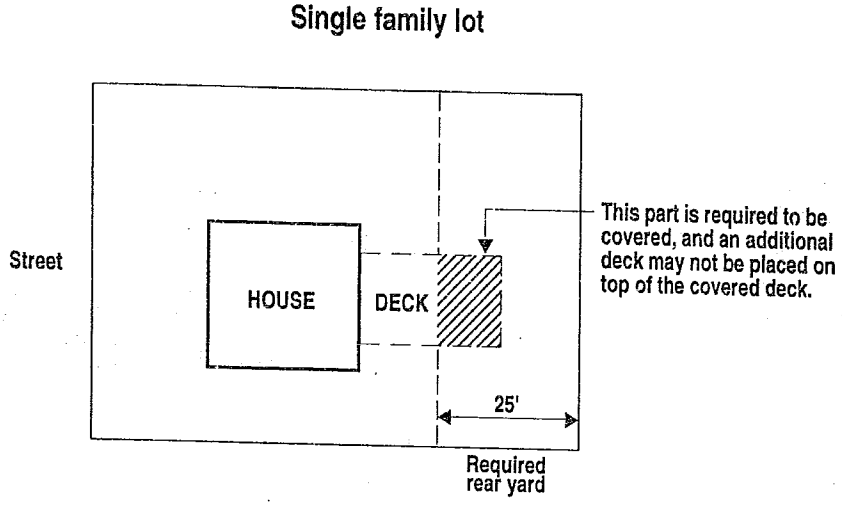
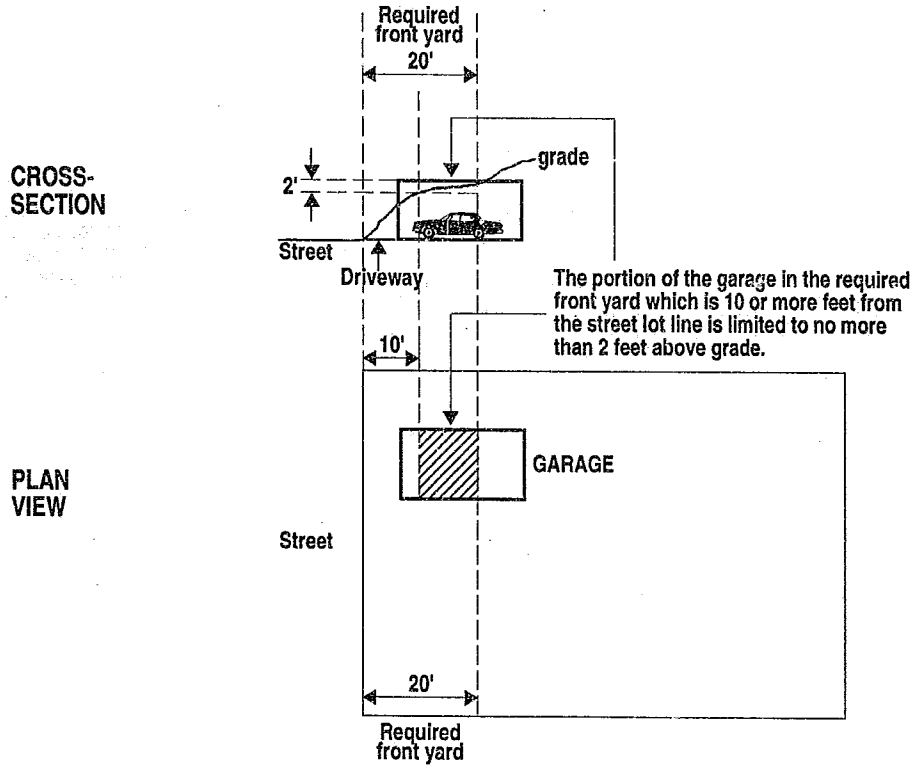


Terraced Garages in Single Family Zones

Currently in single family zones, terraced garages (garages partially below existing or finished grade) may be allowed in the required front yard (within 20 feet from the street lot line), as long as they are no higher than 2 feet above existing or finished grade, whichever is lower, at any point which is 10 feet back from the street lot line. In other words, garages are allowed in the required front yard if the front yard slopes uphill enough so that the garage, when measured 10 feet back from the street lot line, would be mostly below grade. This code provision does not account for garages which are only partially located within the required front yard, and have entrances which are more than 10 feet back from the street lot line. Furthermore, the Code does not allow for pitched roofs on these terraced garages.

Recommendation: Clarify that terraced garages may be allowed more than 10 feet back from the street lot line, as displayed in the exhibit below. Add provisions which allow for pitched roofs on all terraced garages in the required front yard (SMC 23.44.016C).



Bed and Breakfasts in Single Family Zones

Currently in single family zones, bed and breakfasts are only permitted if a business license for the bed and breakfast was secured from the City Finance Department on or before April 1, 1987, and if the structure in which the bed and breakfast is located is owned by the same person who had ownership on April 1, 1987. This issue has been raised by bed and breakfast owners, who are unable to sell the bed and breakfast use to a new owner without

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the new owner reverting the use to a single family residence. The current regulations will lead to the discontinuation of all bed and breakfasts in single family zones. Allowing the continuation of the bed and breakfast use after sale will not increase the number of bed and breakfasts in single family zones, nor will it increase the impacts of bed and breakfasts on the surrounding neighborhood.

Recommendation: Allow the owner of a bed and breakfast, who obtained a license for the use from the Finance Department on or before April 1, 1987, to sell the structure to a new owner, who in turn may continue the use of the bed and breakfast (SMC 23.44.051).

Height Allowed for Gymnasiums and Auditoriums Accessory to Institutions

Height limits for schools in single family and lowrise zones are displayed in the following table:

Height Limits for Public Schools and other Institutions in Single Family and Lowrise Zones

	Single Family Zones	Lowrise Duplex/Triplex; Lowrise 1, Lowrise 2	Lowrise 3
Public school construction on **new** public school sites	30 feet, plus 5 feet for a pitched roof	25 feet, plus 10 feet for a pitched roof	30 feet, plus 5 feet for a pitched roof
Public school construction on **existing** public school sites	35 feet, plus 15 feet for a pitched roof	35 feet, plus 15 feet for a pitched roof	35 feet, plus 15 feet for a pitched roof
All other institutions	30 feet, plus 5 feet for a pitched roof	25 feet, plus 10 feet for a pitched roof	30 feet, plus 5 feet for a pitched roof

Applicants have stated that 25, 30 or 35 feet is not high enough to allow for the normal height needed for a functional auditorium or gymnasium and for clearance necessary for ball courts. Currently, an institution must apply for a variance or a conditional use permit, or a public school must initiate a development standard departure process, to propose auditorium or gymnasium heights over 25, 30 or 35 feet. All of these processes are discretionary land use decisions which may be appealed to the Hearing Examiner.

Recommendation: Allow auditoriums or gymnasiums which are accessory to public or private schools or other institutions in single family and multifamily zones to extend to a

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height of 40 feet, with 10 additional feet allowed for pitched roofs. Require that the portion of the auditorium or gymnasium that is above the height limit of the zone to be set back at least 20 feet from all property lines (SMC 23.44.017B, 23.44.022K, 23.45.092, 23.45.112A).

Arbors, Trellises and Fences in Required Setbacks in Lowrise, Midrise and Highrise Zones

The lowrise, midrise and highrise zones were not modified to allow for the arbor/trellis feature in required setbacks as is allowed in the single family zones. In addition, the midrise and highrise zones were not modified to allow 6 foot high fences to extend two more feet in height (as long as the additional two foot height space is predominantly open) as is allowed in the single family and lowrise zones. These kinds of accessory structures usually enhance overall development, and often help to soften the bulk and scale of the principal structure on the site. For sites with substantial slope in the rear yard, a six foot high fence does not necessarily provide much privacy, nor is it an adequate height for providing both height and architectural detailing.

Recommendation: Allow the arbor/trellis feature in required setbacks in the lowrise, midrise and highrise zones, and allow for fences with open structure up to 8 feet in the midrise and highrise zones (SMC 23.45.014G, 23.45.056D, 23.45.072D).

Addition of One Non-Ground Related Unit in Existing Structures in L1 Zones

All new multifamily structures in Lowrise 1 zones are required to be townhouses; in other words, all the units must be ground-related. Structures existing as of December 18, 1989, however, may be converted to a duplex or a triplex and may contain a maximum of one dwelling unit which is not ground-related (as long as density standards are met). Some have raised the issue of why a non-ground related unit can be added to an existing structure but only if the total number of units in the structure does not exceed three. Seattle's Comprehensive Plan's Housing Element includes an array of policies directed at ensuring that sufficient housing and "in-fill" housing can be developed to meet the demand for housing in the City.

Recommendation: Allow an existing structure in an L1 zone to have a maximum of one additional non-ground related unit, regardless of how many ground or non-ground related units are in the structure (as long as density standards are met) (SMC 23.45.006F).

Rooftop Decks in L3 and L4 Zones

One third of the required open space for apartments in Lowrise 3 and Lowrise 4 zones may be provided in the form of balconies or decks, if the total amount of required open space is

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increased from 25 percent to 30 percent of lot area. The current definition of a deck, however, does not allow for individual unit roof decks or common roof gardens. These roof areas are often a prime location for required open space.

Recommendation: Allow individual unit roof decks and common roof gardens in L3 and L4 zones as part of the required open space above ground (SMC 23.45.016A3 and B).

Mixed Use Development Standards

Below are several recommendations to clarify and amend the regulations for mixed use development. A mixed use development consists of residential and nonresidential uses, and the regulations discussed below are applicable in the commercial zones (Neighborhood Commercial 1,2, and 3 and Commercial 1 and 2 zones).

Residential and Nonresidential Uses in Separate Structures

Developers may construct residential development in commercial zones as either single-purpose residential structures or as part of a mixed use development. Single-purpose residential development is subject to a density limit depending on the zone, while residential development as part of a mixed use development is not subject to a density limit. Consequently, there is a strong incentive to develop residential use as part of a mixed use development as opposed to a single-purpose residential structure.

Residential and nonresidential uses in a mixed use development may now be provided in separate structures on the same lot. The nonresidential area must be provided in order for the development to achieve higher densities. Therefore, assurances are needed that the builder will complete the structure(s) containing the nonresidential use. DCLU Director's Rule 9-95 explains what requirements apply when an applicant submits a proposal for a mixed use development with residential and nonresidential uses in separate structures and desires a temporary certificate of occupancy for the residential structure(s). The recommendation below would codify those requirements.

Recommendation: Require that when an applicant submits a proposal for a mixed use development with residential and nonresidential uses in separate structures, DCLU shall issue a temporary certificate of occupancy for the residential structure(s) only when a schedule for completion of the nonresidential building is presented to and approved by the Department and when substantial construction of the nonresidential structure(s) is completed (SMC 23.47.008A).

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Street Front Facade Requirement for a Through Lot

The street front facade of a mixed use development must include nonresidential uses. However, the Council adopted a provision that allows the Director to waive the requirement on one of the street fronts if the lot on which the mixed use development is located is a through lot and if one of the streets is not a major commercial street. Since the Council passed this regulation, some developers have proposed mixed use developments on entire city blocks, and it has been unclear how DCLU should apply the through-lot exemption in this situation.

Recommendation: Clarify that if a through lot fronts on more than two streets, the Director may waive the requirement for nonresidential use along more than one street, but not all the streets, if the streets are not major commercial streets (SMC 23.47.008B5).

Entrances to Required Nonresidential Space

The entrance to nonresidential uses at street level is required to be no more than three feet above or below sidewalk grade in all commercial zones. However, in Commercial 1 and 2 zones the City allows parking lots to be located between sidewalks and structures. Consequently, this requirement could be difficult to meet on a sloping lot where the grade of the sidewalk may be well above or below the grade of the structure.

Recommendation: Clarify that the entrance to required nonresidential use at street level shall be no more than 3 feet above or below sidewalk grade in NC1, NC2, and NC3 zones (SMC 23.47.008B7).

Height

A 13 foot floor to floor minimum ceiling height is required for all nonresidential space at street level in mixed use development, and allows mixed use structures to exceed the height limit by up to four feet under certain circumstances in zones with 30' or 40' height limits. This provision was added in recognition that a nonresidential space with a high ceiling height is more attractive for prospective tenants, but that developers should not be expected to sacrifice floor height of residential space in order to achieve a slightly higher ceiling in the nonresidential space at the street level. A developer may not exceed three stories in a zone with a 30 foot height limit and four in a zone with a 40 foot height limit. (The intent of this regulation was to include only stories above grade.) However, "story", as defined in the Land Use Code, includes all stories regardless of whether they are above or below grade.

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Recommendation: Clarify that in order to exceed the height limit by up to 4 feet, developers may not build an additional story beyond what they could build under the 30 foot or 40 foot height limit.

Lot Coverage

The residential portion of a mixed use structure above street level is limited to a maximum lot coverage of 64 percent. The previous regulation required that the residential portion of a mixed use structure above the street level be limited to a maximum width of 80 percent of the width of the lot and a maximum depth of 80 percent of the depth of the lot. The intent of both the old and new regulation is to provide light and air to the residents who live in mixed use structures and to ensure that the structures are compatible in scale with their surroundings.

The Council changed the 80 percent width and depth regulation to allow for more design flexibility with the intent that the 64 percent lot coverage maximum allow the same development potential as the 80 percent width and depth maximum. Structure width and depth as defined in the Land Use Code allows applicants to exclude certain portions of the structure from the width and depth measurement, such as eaves, cornices and gutters, chimneys and unenclosed decks, per SMC 23.86.014C and 23.86.016C. Lot coverage calculations, however, do not allow these exemptions. Therefore, the 64 percent maximum lot coverage results in less development potential than the previous 80 percent width and depth provision.

Recommendation: When measuring the maximum lot coverage for mixed use structures, allow the same exemptions when measuring structure width and depth (SMC 23.47.008D).

Structures with Residential Uses that do not Meet the Mixed Use Standards

The Land Use Code currently requires DCLU to consider any detached structure that contains residential uses and does not meet the requirements for mixed use development a single purpose residential structure.

However, the Land Use Code does not adequately address how DCLU should treat existing structures that contain residential and nonresidential uses and that do not meet the requirements for mixed use development, but want to either add additional residential units or decrease the amount of nonresidential space.

Recommendation: Add provisions that allow existing mixed use structures that do not meet the current development standards that define mixed use to add residential units or

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decrease the amount of nonresidential space if a certain portion of the structure is in nonresidential use and if a certain percentage of the nonresidential use occupies the structure's street front facade (23.47.008F and G).

Open Space for Mixed Use Development and Single Purpose Residential Structures

The Land Use Code does not specify the intended users of open space required for all residential uses in mixed use development and single purpose residential development.

Recommendation: Clarify that required open space for mixed use development and single purpose residential structures is intended for use by the residents living in the structure (SMC 23.47.024).

Pedestrian Access Easements

Currently, a pedestrian access easement from a street to a lot proposed for residential use is required when the lot abuts an alley but does not abut a street. An easement width of 10 feet is required, and a paved pedestrian walkway of either 3 or 5 feet is required depending on how many dwelling units the easement is serving. It is not clear why a 10 foot wide easement is required when the actual walkway required is only 3 or 5 feet wide. This requirement results in difficulty creating "infill" development where existing structures are typically located less than 10 feet from the side lot line. (A proposed easement would likely be located near the side lot line.) Seattle's Comprehensive Plan's Housing Element includes an array of policies directed at ensuring that sufficient housing and "in-fill" housing can be developed to meet the demand for housing in the City.

Recommendation: Require a minimum easement width of 5 feet to a lot proposed for residential use when the lot abuts an alley but does not abut a street (SMC 23.53.025F).

Exceptions to Alley requirements in all zones.

Exceptions from required street improvements are allowed based on certain conditions as spelled out in the Land Use Code (SMC 23.53.015D3 and 23.53.020E3). The list of exceptions for alley improvements is not the same as for street improvements, even though the same kinds of situations occur for both types of improvements

Recommendation: Add additional exception conditions for alley improvements so the list of exception conditions is the same for alley improvements as for street improvements (SMC 23.53.030G).

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Alley Improvements for Small Scale Development

Street improvement requirements are reduced for developments consisting of only 1 or 2 dwelling units. Alley improvement requirement breaks, however, do not exist for small scale development. Furthermore, the Street Improvement Manual (Joint Director's Rule DCLU 30-90/SED 91-4), which is a detailed companion to the Land Use Code street improvement requirements, exempts alley improvements for projects that include one or two dwelling units, as long as the alley is in common usage. Changing the Land Use Code requirements for alley improvements would create consistency between the Street Improvement Manual and Code required street improvements.

Recommendation: Allow alley improvement exceptions for developments of one or two dwelling units which abut an alley which is improved or in common usage (SMC 23.53.030E).

No-Protest Agreements

The Land Use Code requires that in residential and commercial zones, when new lots are created or new development proposed, existing streets generally must be improved (meaning pavement, curbs, sidewalks, grading to future right-of-way grade, etc.). There are exceptions for streets which already have curbs, projects which are smaller than a certain size and for other special circumstances; these exceptions, however, require that developers or home owners sign what is called a "No Protest Agreement." This is an agreement by the property owner that if the City improves the street in the future via a Local Improvement District (LID) (created either by the neighborhood or the City), the property owner will not protest the assessed proportional cost of the street improvement. However, according to the Department of Engineering, there has only been one LID related to single family development formed in the last ten years by residents.

The requirement for a no-protest agreement results in considerable confusion for homeowners and developers, who either don't understand the legal terminology and process or fear the future consequences. This requirement is triggered in about half of all new single family construction, but in many cases the lack of the paperwork to fulfill the requirement is the only correction needed on the project, causing unnecessary delay.

Removing the requirement for the no-protest agreement means that if a neighborhood wanted to form a LID, a property owner or group of owners who owned property on which the assessment for the proposed improvement totaled at least 60% of the total assessment could refuse to participate and thereby stop the improvements. (It needs to be clear that vital street improvements, such as is necessary for public access, sanitary sewers, water mains or fire hydrants cannot be stopped by protest. In general, the only improvements handled in this manner are curbs, sidewalks or street trees.) Current use of the LID process

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is further restricted to cases where the assessment to a property owner cannot exceed the increased value to that property resulting from the improvement. It appears that there are few locations in Seattle where the value of the improvement would meet this test. Given that neither the City nor the neighborhoods have relied upon the LID process in single family zones (with one exception in ten years), it appears that the requirement is an empty paperwork exercise, which needlessly complicates the permitting process for both applicants and DCLU without providing much of a benefit.

Recommendation: Delete the requirements that a no-protest agreement must be filed when one or two single family lots are proposed to be created or when one or two dwelling units are proposed to be constructed (SMC 23.53.015).

Height of Signs for Hotels and Public Buildings in Downtown Zones

Currently, all signs in the downtown zones cannot be above 65 feet. Tourists and visitors in Seattle often have a difficult time locating hotels and public buildings as they walk and drive through the downtown.

Recommendation: Allow signs for hotels and public buildings in downtown zones to be above 65 feet, but subject these signs to the other regulations for downtown signs (in other words, these signs cannot be internally illuminated, be flashing or on roofs, or have rotating or moving parts that revolve at speeds greater than seven revolutions per minutes). In addition, limit these signs to a maximum of 18 feet in length, height or other direction, and permit the signs to only identify the hotel and public building (as opposed to identifying other goods or services available on-site), and limit the number of these signs above 65 feet to four (SMC 23.55.034).

Definition of Bay Windows

Bay windows are allowed to project up to two feet into required front, rear, and street side yards in single family and lowrise zones. The definition for bay windows, however, only allows for projections which have angled side walls. Many bay projections on older homes were not built with 45 degree side walls, but rather with perpendicular side walls. Whether the side walls of the bay window are angled or perpendicular, the effect is essentially the same: to provide modulation along a facade and interest to the design of the structure. The proposed amendment would allow for more flexibility in design, particularly for single family residences with this type of modulating feature, but often without angled (oblique) side walls.

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Recommendation: Change the definition of bay window to delete the requirement that projections must have angled side walls, as displayed in the exhibit below (SMC 23.84.004).

Code allows this today...

Recommendation would allow this as well...

Alki Area Parking Overlay

In December 1991, the City Council adopted Ordinance 116015, which removed the pedestrian designation along Alki Avenue Southwest in Southwest Seattle. The list of pedestrian-designated streets in the Land Use Code was never amended to reflect this change. In addition, Ordinance 116168, adopted by the City Council in April 1992, revised the parking requirements for new multifamily dwelling units in the Alki Area. Maps displaying the Alki Area Parking Overlay were adopted as part of the ordinance but never placed in the Land Use Code and in the Seattle SEPA Ordinance because of the difficulty of reading the maps.

Recommendation: Delete Alki Avenue Southwest from the list of pedestrian-designated streets, repeal the Alki Avenue Parking Overlay Map in Ordinance 116168, and adopt a new map showing the overlay area.

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(Omnibus Land Use Code Changes)

INFORMATION ON THIS SIGN-UP SHEET IS *PUBLIC RECORD*

#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS	ZIP
	Catherine Walker	Washington Hotels		
	DAVID ZEUSKE	THE WESTIN HOTEL, SEATTLE	1900 5th avenue, Seattle, WA	98101
	Ken Weiker	" " " Preston Gates & Ellis	5000 Columbia Seafirst Ctr Sea WA	98104

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PUBLIC HEARING SIGN-UP SHEET

(Omnibus Land Use Code Changes)

GANIZATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
Thorels Inn Hotel, SEATTLE	1900 5th Avenue, Seattle, WA	98101	
Preston Gates & Ellis	5000 Columbia Seafirst CTR Sea WA	98104	623-7580

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#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS	ZIP
1	RAY 'ISHRAH		10100 RAINIER AV. SOUTH, SEATTLE	98178
2	[illegible] JENER		10106 RAINIER AVE SO,	98178
3	[illegible] Lorentzen	Friends of Queen Anne	3231 Conklin Pl. W	98119
4	[illegible] M SMITH	FOODMAKER INC	18161 SEGALE PARK DR R TUKWILA	98188
5	TRYG LUNQUIST		9802 44th S.W	98136
6	TRACY HARRIS	PRUDENTIAL N.W.	3221 CALIF. AVE. S.W., SEA	98116
7	JANET GARROW	Carruthers & Hempelmann	701 5th Ave. Seattle	98104
8	Peter Vierthaler			
9	Allen Jaworski	Lake Co. Real Estate	18030 3rd N.W.	98177

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(Omnibus Land Use Code Changes)

RD

RGANIZATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
	10100 RAINIER AV · SOUTH, SEATTLE	98178	641-5938 (HOME) 655-1936 (OFFICE)
	10106 RAINIER AVE SO,	98178	
s of Queen Anne	3232 Conkling Pl. W	98119	283-4350
MAKER INC	18161 SEGALE PARK DR R TUKWILA	98188	394-4979
	9802 44th S.W	98136	937-1948
ENTIAL N.W.	3221 CALIF. AVE. S.W, SEA	98116	932-3003
s & Hempelmann	709 5th Ave. Seattle	98104	587-0700
			789-2533
Co. Real Estate	18030 3-d N.W.	98177	718-2225

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Seattle
Department of Construction and Land Use

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

MEMORANDUM

TO: Jan Drago, City Council President

VIA: Tom Tierney, Director, OMP

Attn.: Elma Borbe, Budget Analyst

FROM: Rick Krochalis, Director

DATE: October 7, 1996

SUBJECT: Land Use Code Omnibus Ordinance

TRANSMITTAL

With this memorandum we are transmitting for City Council consideration a proposed ordinance to adopt numerous text amendments to the Land Use Code and to the Seattle State Environmental Policy Act (SEPA) Ordinance.

BACKGROUND AND SUMMARY OF RECOMMENDATIONS

For many years DCLU has had to defer a substantial number of amendments to the Land Use Code due to other priorities. Many deferred amendments are relatively minor, but are important to those whose property they affect, or to citizens and staff who must often interpret unclear or redundant code provisions. This legislation is referred to as the omnibus amendment package because of the many disparate items it includes.

These amendments are the forerunner of a twice a year maintenance cycle we intend to pursue in the future. This process is also consistent with Resolution 29316 adopted by the City Council on March 18, 1996, in which the Council directed DCLU to establish an on-going process for code maintenance and consideration of further regulatory reform measures.

Generally, amendments in the current package fall into two categories. First, there are those "clean-up" amendments which correct inadvertent clerical or typographical errors, incorrect cross-references, clarify existing code provisions and the like. The second type of amendments are proposed to address substantive regulatory reform issues but their nature and/or breadth of application did not warrant an individual amendment process. The need for the proposed amendments were identified by citizens, elected officials and City staff.

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A public review draft was published on July 25, 1996, and citizens had until September 5 to comment. A number of comment letters were received in support of the proposed shoreline setback and bed and breakfast amendments. One citizen expressed concerns about allowing common roof decks in L3 and L4 zones. Two letters were received about allowing additional non-ground related units within existing structures in L1 zones, one in support of the amendment and another expressing concerns. A community council commented that the proposed increase of height limits for gymnasiums and auditoriums and the removal of height limits for hotel signs in the downtown area should be considered as separate amendments and pulled from the omnibus amendment.

The Mayor's Final Recommendation includes the following substantive amendments:

- shoreline setbacks for residential properties
- covered unenclosed decks or roofs over patios in rear yards
- terraced garages in single family zones
- bed and breakfasts in single family zones
- height allowed for auditoriums and gymnasiums accessory to institutions
- arbors, trellis' and fences in required setbacks in lowrise, midrise and highrise zones
- addition of non-ground related units in existing structures in L1 zones
- allowing rooftop decks in L3 and L4 zones
- mixed use development standards
- pedestrian access easements
- exceptions to alley requirements in all zones
- alley improvements for small scale development
- no protest agreements
- the height of signs for hotels and public buildings in the downtown zones
- definition of bay windows
- inserting the Alki Area Parking Overlay map into the Land Use Code and the Seattle SEPA Ordinance

SEPA

DCLU has completed environmental review and issued a Determination of Non-Significance (no environmental impact statement required) on July 15, 1996. No appeals of the determination were filed during the appeal period which ended on August 9, 1996.

COSTS OF IMPLEMENTATION

The costs of implementing the proposed text amendments will be primarily for staff training and codification of the amendments. One staff person will provide training at three regularly scheduled staff meetings. Costs of training, including copying, training time and preparation would be approximately $574. The cost of copying the ordinance for DCLU staff will be approximately $440. Printing new Land Use Code pages by the Book Publishing company will cost approximately $468. The total cost for code publication and purchase is approximately $908. Implementation costs for training, code publication and purchase will total approximately $1,482.

A number of the proposed amendments can save applicants time and money and will provide the opportunity for more affordable housing due to increased development flexibility. These two goals are consistent with the spirit and intent of regulatory reform. Both the proposed changes to

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the width of pedestrian easements and the proposal to allow additional non ground related units within existing structures in L1 zones could encourage additional infill development and affordable housing opportunities. Allowing additional height for auditoriums and gymnasiums accessory to institutions and allowing reduced shoreline setbacks in certain circumstances will reduce permitting times and costs for applicants by eliminating the need for waivers and variances. The proposed amendments to eliminate the no-protest agreement and to allow alley improvement waivers for one or two dwelling unit developments will reduce costs and time for applicants. Finally, many of the proposed amendments are for clarification purposes, but may also save applicants time in terms of understanding the regulations. Internally, the recommendations are anticipated to save DCLU staff time and money by clarifying and streamlining a number of regulations in the Land Use Code.

If you have any questions about the recommended changes, please call Nathan Torgelson at 233-3885.

attachments

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October 22, 1996
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ORDINANCE_____

AN ORDINANCE relating to land use and zoning and environmental protection, amending Sections 23.12.060, 23.24.040, 23.24.045, 23.34.094, 23.40.006, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.017, 23.44.022, 23.44.032, 23.44.044, 23.44.051, 23.45.002, 23.45.006, 23.45.010, 23.45.014, 23.45.016, 23.45.018, 23.45.048, 23.45.056, 23.45.058, 23.45.060, 23.45.072, 23.45.076, 23.45.092, 23.45.112, 23.46.002, 23.47.008, 23.47.009, 23.47.014, 23.47.016, 23.47.023, 23.47.024, 23.47.040, 23.53.015, 23.53.025, 23.53.030, 23.54.015, 23.54.030, 23.55.034, 23.57.001, 23.66.025, 23.66.122, 23.67.020, 23.68.002, 23.69.004, 23.71.004, 23.71.008, 23.71.038, 23.73.004, 23.73.008, 23.84.004, 23.84.014, 23.84.030, 23.86.010, 23.86.014, 23.86.016, 23.86.018, 23.90.006, 23.90.020 of the Land Use Code (Title 23) and Section 25.05.675 of the Seattle SEPA Ordinance, adding a new Chapter 23.59 to the Land Use Code, and repealing Chapter 23.56 and 23.70 of the Land Use Code. NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Policy 6: Open Space of Section 23.12.060 of the Seattle Municipal Code (SMC), which Section was adopted by Ordinance 117929, is amended as follows:

23.12.060 Multifamily land use policies.

Policy 6: Open Space

Multifamily developments shall be required to provide open space for the use of the residents, in order to maintain existing street patterns of landscaped front yards, encourage permeable surfaces and vegetation and mitigate the cumulative effects of development.

Ground-related housing shall have ground-level open space which is directly accessible to each unit and is for the private use of the residents of that unit. In order to ensure the privacy of the open space, openings (windows, doors, etc.) on walls adjacent to the open space which are part of a different unit or common areas shall be prohibited.

Usable open space for terraced housing must be directly accessible to each unit but may be located above ground level on the rooftop of units below.

Apartments shall have usable ground level open space for the residents of the building. Some required open space may be provided as private decks and balconies, or private and common roof gardens.

Highrise apartments shall have a significant portion of the lot area as usable open space for the use of the residents. Some of the open space requirements may be met with areas which are located above ground level but are not higher than the roof of the base structure.

Section 2. Section 23.24.040 of the SMC, which Section was last amended by Ordinance 117570, is amended as follows:

23.24.040 Criteria for approval.

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

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1. Conformance to the applicable Land Use Policies and Land Use Code provisions;

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

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

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

5. Conformance to the applicable provisions of SMC Section ((~~25.09.100~~)) 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;

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

Section 3. Section 23.24.045 of the SMC, which Section was adopted by Ordinance 117430, is hereby amended as follows:

23.24.045 Townhouses.

A. Sites developed or proposed to be developed with townhouse structures may be subdivided into individual townhouse unit lots. The proposed townhouse development as a whole shall meet development standards. The subdivided townhouse unit shall be exempt from meeting development standards ((~~for setbacks, lot coverage, density, and structure width and depth, based on the individual unit lot~~)) except that private, usable open space for each unit shall be provided on the same lot as the unit it serves.

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

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

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

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

Section 4. Subsection B of Section 23.34.094 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.094 Industrial Buffer (IB) zone, functional criteria.

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

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

2. Areas where a transition is needed to protect a less-intensive zone from potential negative impacts of industrial activity when the area directly abuts a residential, Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 2/Residential ((2)) (NC2/R), Neighborhood Commercial 3 (NC3), Neighborhood Commercial 3/Residential ((3)) (NC3/R), Commercial 1 (C1), or Commercial 2 (C2) zone with a substantial amount of residential development and/or pedestrian character.

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

Section 5. Subsection A of Section 23.40.006 of the SMC, which Section was adopted by Ordinance 115058, is amended as follows:

23.~~4~~3.006 Demolition of housing.

No demolition permit for a structure containing a housing unit shall be issued unless one of the following conditions is satisfied:

A. A permit or approval has been issued by the Director according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, to change the use of the structure or the premises; provided, that no ((~~h~~))Housing Demolition permit may be issued if the new use is for non-required parking; or

Section 6. Subsection D of Section 23.44.010 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.010 Lot requirements.

D. Lot Coverage Exceptions.

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

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

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

c. The total lot area for any lot may not be increased by the provisions of this ((~~s~~))Section by more than twenty-five percent (25%).

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

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

b. Barrier-free Access. Ramps or other access for the disabled or elderly meeting Washington State Building Code, Chapter ((~~31~~))11;

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

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

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

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

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

Section 7. Subsection B of Section 23.44.012 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.012 Height limits.

B. Special Features.

1. Pitched Roofs. The ridge of a pitched roof on a principal structure may extend up to five feet (5') above the base height limit, as determined under subsection A above. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.44.012 A). No portion of a shed roof shall be permitted to extend beyond the base height limit, as determined under subsection A above.

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

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

Section 8. Subsection D of Section 23.44.014 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.014 Yards.

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

1. Certain Accessory Structures. Any accessory structure may be constructed in a side yard which abuts the rear or side yard of another lot upon recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties. Any accessory structure which is a private garage may be located in that portion of a side yard which is either within thirty-five feet (35') of the centerline of an alley or within twenty-five feet (25') of any rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

2. A single-family structure may extend into one (1) side yard if an easement is provided along the side lot line of the abutting lot, sufficient to leave a ten-foot (10') separation between that structure and any principal structures on the abutting lot. Features and projections such as porches, eaves, and chimneys shall be permitted in the ten-foot (10') separation area as if the property line were five feet (5') from the wall of the house on the dominant lot, provided that no portion of either principal structure including eaves shall cross the actual property line. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side yard.

3. Certain Additions. Certain additions may extend into a required yard when the existing single-family structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least sixty percent (60%) of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, except as described below. They may extend up to the height limit and may include basement additions. New additions to the nonconforming wall or walls shall comply with the following requirements (Exhibit 23.44.014 A):

a. Side yard: When the addition is a side wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than three feet (3') to the side lot line;

b. Rear yard: When the addition is a rear wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than twenty feet (20') to the rear lot line or centerline of an alley abutting the rear lot line;

c. Front yard: When the addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than fifteen feet (15') to the front lot line;

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

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

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

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

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

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

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

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

a. Any attached private garages or covered, unenclosed decks or roofs over patios are portions of principal structures. They may extend into the required rear yard, but shall not be within twelve feet (12') of the centerline of any alley, nor within twelve feet (12') of any rear lot line which is not an alley lot line, nor closer than five feet (5') to any accessory structure.((~~, nor exceed twelve feet (12') in height, except t~~)) The height of private garages shall meet the provisions of Section 23.44.016D2, and the height of the roof over unenclosed decks and patios may not exceed twelve feet (12'). The roof over these decks, patios and garages shall not be used as a deck.

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

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

b. Garages meeting the standards of Section 23.44.106, and other accessory structures meeting the standards of Section 23.44.040, shall be permitted in required rear yards, subject to a maximum combined coverage of forty percent (40%) of the required rear yard.

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

7. Private Garages in Front Yards of Through Lots. On through lots less than one hundred twenty-five feet (125') in depth, either an accessory garage structure or a portion of the principal structure containing a garage shall be permitted to locate in one (1) of the front yards. Private garages, either as accessory structures or as a portion of the principal structure, shall be limited as set forth in Section 23.44.016.

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

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

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

9. Barrier-Free Access. Access facilities for the disabled and elderly meeting Washington State Building Code, Chapter ((~~31~~)) 11 are permitted in any required yards.

10. Freestanding Structures and Bulkheads.

a. Fences, freestanding walls, signs and similar structures six feet (6') or less in height above existing or finished grade whichever is lower, may be erected in any required yard. The six foot (6') height may be averaged along sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

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

b. The Director may allow variation from the development standards listed in subsection D10a above, according to the following:

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

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

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

d. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six feet (6') whichever is greater. When the bulkhead is measured from the low side and it exceeds six feet (6'), an open guardrail of no more than forty-two inches (42") meeting Building

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Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three feet (3') from such a bulkhead or retaining wall.

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

11. Decks in Yards. Decks no greater than eighteen inches (18") above existing or finished grade, whichever is lower, may extend into required yards.

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

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

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

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

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

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

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

Section 9. Subsections A and C of Section 23.44.016 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.016 Parking location and access.

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

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A. Access.

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

2. Access to parking is permitted through a required yard abutting a street only if the Director determines that one (1) of the following conditions exists:

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

b. Existing topography does not permit alley access; or

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

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

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

f. Parking access must be from the street in order to provide access to parking space(s) which meet the Washington State Building Code, Chapter ((~~31~~)) 11; or

3. Where access to required parking spaces passes through a required yard, automobiles, motorcycles and similar vehicles may be parked on the access located in a required yard. Trailers, boats, recreational vehicles or similar equipment shall not be parked in any required yard abutting a street or on any access which is located in a required yard. When a rear yard abuts a street, trailers, boats, recreational vehicles or similar equipment shall be prohibited from parking in the first ten feet (10') of the rear yard abutting the street.

* * *

C. Location of Parking on Lot.

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

a. Within the principal structure; or

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

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

3. Lots With Uphill Yards Abutting Streets. Accessory parking for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be established in a required yard abutting a street according to subsection C3a or b below only if access to parking is permitted through that yard pursuant to subsection A of this ((~~s~~))Section.

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a. Open Parking Space.

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

ii. The parking area shall be at least an average of six feet (6') below the existing grade prior to excavation and/or construction at a line which is ten feet (10') from the street lot line;

iii. The parking space shall be no wider than ten feet (10') for one (1) parking space at the parking surface and no wider than twenty feet (20') for two (2) parking spaces when permitted as provided in subsection C6.

b. Terraced Garage.

i. The ((~~roof~~)) height of a terraced garage shall be ((~~no higher~~)) limited to no more than two feet (2') above existing or finished grade, whichever is lower, ((~~at any point~~)) for the portions of the garage which ((~~is~~)) are ten feet (10') ((~~back~~)) or more from the street lot line. The ridge of a pitched roof on a terraced garage may extend up to three feet (3') above this two foot (2') height limit. All parts of the roof above the two foot (2') height limit shall be pitched at a rate or not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the two foot (2') height limit of this provision. Portions of a terraced garage which are less than ten feet (10') from the street lot line shall comply with the height standards in 23.44.016D2;

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

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

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

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

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

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

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

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

e. Access to parking is permitted through the required yard abutting the street by subsection A of this ((s))Section; and

f. A driveway access bridge may be permitted in any required downhill yard where necessary for access to parking. The access bridge shall be no wider than twelve feet (12') for access to one (1) parking space or eighteen feet (18') for access to two (2) or more parking spaces. The driveway access bridge may not be located closer than five feet (5') to an adjacent property line and shall not be included in lot coverage calculations.

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

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

6. Lots With Uphill((,)) Yards Abutting Streets Or Downhill Or Through Lot Front Yards Fronting On Streets Which Prohibit Parking. Accessory parking for two (2) two (2) axle or four (4) wheeled vehicles may be located in uphill yards abutting streets or downhill or through lot front yards as provided in subsection C3, C4 or C5 if, in consultation with the Engineering Department, it is found that uninterrupted parking for twenty-four (24) hours is prohibited on at least one (1) side of the street within two hundred feet (200') of the lot line over which access is proposed. The Director may authorize((d)) a curb cut wider than would be permitted under Section 23.54.030 if necessary for access.

Section 10. Subsections B and D of Section 23.44.017 of the SMC, which Section was last amended by Ordinance 112777, is amended as follows:

23.44.017 Development standards for public schools.

B. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be thirty feet (30'). For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height shall be forty feet (40') plus ten feet (10') for a pitched roof if all portions of the structure above thirty feet (30') are set back at least twenty feet (20') from all property lines. All parts of a gymnasium or auditorium roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend above the forty (40') height limit under this provision.

2. For new public school construction on existing public school sites, the maximum permitted height shall be thirty-five feet (35') plus fifteen feet (15') for a pitched roof. For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height shall be forty feet (40') plus ten feet (10') for a pitched roof if all portions of the structure above thirty-five feet (35') are set back at least twenty feet (20')

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from all property lines. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the ((~~thirty-five-foot (35')~~)) height limits under this provision.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the height of the existing school or thirty-five feet (35') plus fifteen feet (15') for a pitched roof, whichever is greater. For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height shall be the height of an existing gymnasium or auditorium or forty feet (40') plus ten feet (10') for a pitched roof, whichever is greater. All portions of the gymnasium and auditorium structure above thirty five feet (35') must be set back at least twenty feet (20') from all property lines. When the height limit is thirty-five feet (35') for the school or forty feet (40') for a gymnasium or auditorium, ((~~the ridge of the pitched roof on a principal structure may extend up to fifteen feet (15') above the height limit, and~~)) all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the ((~~thirty-five-foot (35')~~)) height limits under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height which may be granted as development standard departure shall be thirty-five feet (35') plus fifteen feet (15') for a pitched roof for elementary schools and sixty feet (60') plus fifteen feet (15') for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when the waiver would contribute to reduced demolition of residential structures.

5. The provisions of subsection B of Section 23.44.012 regarding pitched roofs and sloped lots and the exemptions of subsection C of Section 23.44.012 shall apply.

* * *

D. Structure Width.

1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure shall be sixty-six feet (66') unless either the modulation option in subsection((~~division~~)) a below or the landscape option in subsection((~~division~~)) b below is met.

a. Modulation Option. Facades shall be modulated according to the following provisions:

(1) The minimum depth of modulation shall be four feet (4').

(2) The minimum width of modulation shall be twenty percent (20%) of the total structure width or ten feet (10'), whichever is greater.

b. Landscape Option. The yards provided by the required setbacks shall be landscaped as follows:

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(1) One (1) tree and three (3) shrubs are required for each three hundred (300) square feet of required yard. When new trees are planted, at least half must be deciduous.

(2) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten feet (10') of the area may be substituted for required plantings on a one (1) tree to one (1) tree or one (1) shrub to one (1) shrub basis if the minimum standards ((~~in Section 23.86.022, Measurements~~)) of the Director's Rule for Landscaping, are met, except that shrub height need not exceed two feet (2') at any time. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) square feet of its canopy spread.

(3) The planting of street trees may be substituted for required trees on a one-to-one (1:1) basis. All street trees shall be planted according to City of Seattle ((~~Board of Public Works~~)) tree planting standards.

(4) Each setback required to be landscaped shall be planted with shrubs, grass, and/or evergreen ground cover.

(5) Landscape features such as decorative paving are permitted to a maximum of twenty-five percent (25%) of each required landscaped area.

(6) A plan shall be filed showing the layout of the required landscaping.

(7) The School District shall maintain all landscape material and replace any dead or dying plants.

2. There is no maximum width limit for additions to existing public school structures on existing public school sites. The Director may require landscaping to reduce the appearance of bulk.

3. Development standard departure from the modulation and landscaping standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to permit other techniques to reduce the appearance of bulk. Techniques to reduce the appearance of bulk may be waived by the Director when the waiver would contribute to reduced demolition of residential structures.

Section 11. Subsection K of Section 23.44.022 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.022 Institutions.

K. Bulk and Siting.

1. Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:

a. For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum.

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b. For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.

2. Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.

3. Institutions Located on Lots in More Than One (1) Zone Classification. For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.

4. Height Limit.

a. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or a spire, may extend an additional twenty-five feet (25') above the height limit.

b. For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be forty feet (40') if portions of the structure above thirty feet (30') are set back at least twenty feet (20') from all property lines. Pitched roofs on a gymnasium or auditorium with a slope of not less than three to twelve (3:12) may extend ten feet (10') above the forty foot (40') height limit. No portion of a shed roof on a gymnasium or an auditorium shall be permitted to extend beyond the forty foot (40') height limit under this provision.

5. Façade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.

Section 12. Section 23.44.032 of the SMC, which was last amended by Ordinance 110669, is amended as follows:

23.44.032 Certain nonconforming uses.

Nonconforming uses which are authorized pursuant to Section 23.44.080((~~D~~)) H may be permitted as a conditional use.

Section 13. Subsection E of Section 23.44.044 of the SMC, which Section was last amended by Ordinance 117263, is repealed.

Section 14. Section 23.44.051 of the SMC, which was last amended by Ordinance 117169, is amended as follows:

23.44.051 Bed and breakfasts.

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A. Bed and breakfasts shall be permitted provided they meet the following standards:

1. A business license for the bed and breakfast was secured from the Finance Department on or before April 1, 1987;

2. The bed and breakfast is operated by the fee owner of the dwelling in which the bed and breakfast is located;

3. ((~~The structure in which the bed and breakfast is located is owned by the same person who had ownership on April 1, 1987;~~))

((~~4.~~)) The fee owner resides in the structure in which the bed and breakfast is located;

((~~5~~))4. No more than two (2) people who reside outside the dwelling are employed, with or without compensation, in the operation of the bed and breakfast;

((~~6~~))5. The bed and breakfast is operated within the principal structure which does not require structural alterations;

((~~7~~))6. There is no evidence of the bed and breakfast from the exterior of the structure.

Section 15. Subsection C of Section 23.45.002 of the SMC, which Section was last amended by Ordinance 116795, is amended as follows:

23.45.002 Scope of provisions.

C. In addition to the provisions of this chapter, certain multifamily areas may be regulated by Overlay Districts, Chapter 23.((~~56~~))59.

Section 16. Subsections A and F of Section 23.45.006 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.45.006 General development standards for structures in multifamily zones.

A. Included within Sections 23.45.006 through 23.45.((~~018~~))190 are ((~~establish~~))the development standards for structures in each multifamily zone. These standards shall also apply to uses accessory to multifamily structures unless specifically modified by development standards for those accessory uses.

* * *

F. In Lowrise 1 zones all multifamily structures shall be townhouses. Apartments shall be prohibited in Lowrise 1 zones, except that floor area in a structure((s)) existing as of the effective date of the ordinance codified in this section ((~~may be converted to a duplex or a triplex and~~)) may contain ((~~a maximum of one (1)~~)) dwelling units which ((~~is~~)) are not ground-related where density limits of the zone would not be exceeded and new floor area would not be addded. The requirements of this subsection shall not be eligible for a variance according to the provisions of Section 23.40.020.

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Section 17. Subsections A and C of Section 23.45.010 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.45.010 Lot coverage--Lowrise zones.

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

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

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

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

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

3. When townhouses and other structures are located on the same lot, the lot coverage shall be calculated as follows:

a. Divide the number of townhouse units by the total number of units on the site, and multiply this figure by the percentage of lot coverage allowed for townhouses in that zone, and

b. Divide the number of units in all other (non townhouse) structures on the site by the total number of units on the site, and multiply this figure by the percentage of lot coverage allowed for all other structures in that zone, and

c. Add 3a and 3b above, which equals the maximum lot coverage.

* * *

C. Lot Coverage Exceptions. The following structures or portions of structures shall be exempted from the measurement of lot coverage:

1. Pedestrian access bridges from alleys, streets or easements, and uncovered, unenclosed bridges of any height necessary for access and five feet (5') or less in width;

2. Ramps or other access for the disabled or elderly meeting Washington State Building Code, Chapter ((31)) 11;

3. Fences, freestanding walls, bulkheads, signs and other similar structures;

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4. An underground structure, or underground portion of a structure, on any part of the entire lot;

5. The first eighteen inches (18") of horizontal projection of eaves, cornices and gutters;

6. The first four feet (4') of horizontal projection from principal and accessory structures of unenclosed decks, balconies and porches;

7. Solar collectors meeting the provisions of Section 23.44.046 and swimming pools eighteen inches (18") or less above grade.

Section 18. Subsection G of Section 23.45.014 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.45.014 Setback requirements--Lowrise zones.

G. Structures in Required Setbacks.

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

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

2. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter ~~((31))~~ 11, are permitted in required front, side or rear setbacks.

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

4. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

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

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

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b. The Director may allow variation from the development standards listed in subsection G4a above, according to the following:

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

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

~~iii. The design does not present a fire or other safety hazard.~~))

c. Bulkheads and retaining walls used to raise grade may be placed in ((~~any~~)) each required yard when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half feet (91/2').

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

5. Decks no more than eighteen inches (18") above existing or finished grade, whichever is lower, may project into required setbacks.

6. Underground structures are permitted in all setbacks.

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

8. Arbors. Arbors may be permitted in required setbacks under the following conditions:

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

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

Section 19. Section 23.45.016 of the SMC, which was last amended by Ordinance 117173, is amended as follows:

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23.45.016 Open space requirements--Lowrise zones.

A. Quantity of Open Space.

1. Lowrise Duplex/Triplex Zones.

a. Single-family Structures. A minimum of six hundred (600) square feet of landscaped area shall be provided, except for cottage housing developments.

b. Cottage Housing Developments. A minimum of four hundred (400) square feet per unit of landscaped area is required. This quantity shall be allotted as follows:

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

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

c. Structures with Two (2) Dwelling Units. At least one (1) unit shall have direct access to a minimum of four hundred (400) square feet of private, usable open space. The second unit shall also have direct access to four hundred (400) square feet of private, usable open space; or six hundred (600) square feet of common open space shall be provided on the lot.

d. Structures with Three (3) Dwelling Units. At least two (2) units shall have direct access to a minimum of four hundred (400) square feet of private, usable open space per unit. The third unit shall have direct access to four hundred (400) square feet of private, usable open space; or six hundred (600) square feet of common open space shall be provided on the lot.

2. Lowrise 1 Zones.

a. A minimum of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required, except for cottage housing developments. When a new unit that is not a ground-related unit is added to an existing structure, a minimum of three hundred (300) square feet of common open space at ground level shall be provided for the unit, but it does not have to be directly accessible to the unit.

b. Cottage Housing Developments. A minimum of three hundred (300) square feet per unit of landscaped area is required. This quantity shall be allotted as follows:

(1) A minimum of one hundred fifty (150) square feet per unit shall be private, usable open space; and

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

c. On lots with slopes of twenty percent (20%) or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open

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space of another unit, nor be above the living space of any unit. Decks may project into setbacks in accordance with subsection F of Section 23.45.014.

3. Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Ground-related Housing.

(1) In Lowrise 2 and Lowrise 3 zones a minimum of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required.

(2) In Lowrise 4 zones a minimum of fifteen percent (15%) of lot area, plus two hundred (200) square feet per unit of private usable open space, at ground level and directly accessible to each unit, shall be required.

(3) On lots with slopes of twenty percent (20%) or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit. Decks may project into setbacks in accordance with subsection F of Section 23.45.014.

b. Apartments.

(1) Lowrise 2 Zones. A minimum of thirty percent (30%) of the lot area shall be provided as usable open space at ground level.

(2) Lowrise 3 and Lowrise 4 Zones.

i. A minimum of twenty-five percent (25%) of the lot area shall be provided as usable open space at ground level, except as provided in subsection A3b(2)ii.

ii. A maximum of one-third (1/3) of the required open space may be provided above ground in the form of balconies, ((~~or~~)) decks, individual unit decks on roofs or common roof gardens if the total amount of required open space is increased to thirty percent (30%) of lot area.

B. Development Standards.

1. Lowrise Duplex/Triplex Zones and Ground-related Housing in Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Lowrise Duplex/Triplex Zones -- Private Usable Open Space.

(1) Private usable open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of four hundred (400) square feet, except that in cottage housing developments, the quantity per unit shall be a minimum of two hundred (200) square feet. No horizontal dimension of the open space shall be less than ten feet (10').

(2) Private usable open space shall be located a maximum of four feet (4') above or below a private entry to the unit it serves. The floor of the unit accessed by this entry shall have a minimum area of three hundred (300) square feet. This

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minimum area may include a private garage if habitable floor area of the same unit is located directly above.

b. Lowrise Duplex/Triplex Zones -- Common Open Space. Required common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of six hundred (600) square feet, except that in cottage housing developments, the quantity per unit shall be a minimum of one hundred fifty (150) square feet. In cottage housing developments, each cottage shall abut the common open space. No horizontal dimension of the open space shall be less than ten feet (10').

c. Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones -- Ground-related Housing.

(1) In Lowrise 1 zones the required open space shall be provided in one (1) contiguous parcel, except that in cottage housing developments, the open space shall be allotted as described in subsections A2b above and B5 below. In Lowrise 2, Lowrise 3 and Lowrise 4 zones, the required open space for each ground-related dwelling unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet. No horizontal dimension of the open space shall be less than ten feet (10').

(2) Required open space may be located a maximum of ten feet (10') above or below the unit it serves, except as permitted in subsection B1c(4), provided that the access to such open space does not go through or over common circulation areas, common or public open spaces, or the open space serving another unit.

(3) At least fifty percent (50%) of the required open space for a unit shall be level, provided that:

i. The open space may be terraced; and

ii. Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two feet (2').

(4) For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet (10') where the following criteria are met:

i. Where the structure was constructed with floor-to-floor heights in excess of ten feet (10'), the open space may be located a maximum of ten feet (10') plus the height between floors in excess of ten feet (10'), above or below the unit it serves; or

ii. Where the structure was constructed with the first floor in excess of two feet (2') above grade, the open space may be located a maximum of ten feet (10') plus the additional height of the first floor in excess of two feet (2') above grade, above or below the unit it serves.

(5) Lowrise 1 Zone -- Cottage Housing Developments.

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i. At least fifty percent (50%) of the required total open space per unit shall be provided as private usable open space in one (1) contiguous parcel. No horizontal dimension of the open space shall be less than ten feet (10').

ii. Common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area per unit of one hundred fifty (150) square feet. No horizontal dimension shall be less than ten feet (10'). Each cottage shall abut the common open space a minimum of ten feet (10').

d. Required open space may be located in the front, sides or rear of the structure.

e. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly face the open space of a different unit are prohibited, unless such openings are screened by view-obscuring fences, freestanding walls or wingwalls.

f. Parking areas, driveways and pedestrian access other than pedestrian access required by Washington State Building Code, Chapter ((~~31~~)) 11, shall not be counted as open space.

g. Required private usable open space shall be landscaped according to standards promulgated by the Director for ground-related dwelling units.

2. Lowrise 2, Lowrise 3 and Lowrise 4 Zones -- Apartments.

a. No horizontal dimension for required ground-level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter ((~~31~~)) 11, shall not be counted as open space.

d. In order to qualify as above-ground level open space, balconies, ((~~and~~)) decks, and in L3 and L4 zones, individual unit decks on roofs, shall all have a minimum horizontal dimension of six feet (6'), and a total area of at least sixty (60) square feet, while common roof gardens in L3 and L4 zones shall have a minimum area of two hundred fifty (250) square feet. Common roof garden open space shall be landscaped according to the rules promulgated by the Director.

e. For cluster development, at least twenty percent (20%) of the required open space shall be provided in one (1) contiguous area.

f. Terraced Housing on a Slope of Twenty-five Percent (25%) or More.

(1) No horizontal dimension for required ground-level open space shall be less than ten feet (10').

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(2) Required open space is permitted in the front, sides or rear of the structure.

(3) Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter ((31)) 11, shall not be counted as open space.

(4) In order to qualify as above-ground-level open space, rooftop areas shall have a minimum horizontal dimension of at least ten feet (10') and a total area of at least one hundred twenty (120) square feet.

5. Open Space Exception. When all parking and access to parking is uncovered and is surfaced in permeable material, except gravel, the quantity of required ground-level open space shall be reduced by five percent (5%) of the total lot area.

Section 20. Subsection B of Section 23.45.018 of the SMC, which Section was last amended by Ordinance 117173, is amended as follows:

23.45.018 Parking and access--Lowrise zones.

B. Access to Parking.

1. Alley Access Required. Except as provided in subsections B2 or B3, access to parking shall be from the alley when the site abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts. Street access shall not be permitted.

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

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

b. The lot does not abut a platted alley((.)); or

c. In Lowrise 3 zones, apartments are proposed across an alley from a Single Family or Lowrise Duplex/Triplex zones((.)); or

d. In Lowrise 4 zones apartments are proposed across an alley from a Single Family, Lowrise Duplex/Triplex or Lowrise 1 zone((.)).

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

a. Topography makes alley access infeasible;

b. In all zones except Lowrise Duplex/Triplex, ground-related housing is proposed across an alley from a Single Family zone;

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

d. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter ((~~31~~)) 11, may be from either the street or alley, or both.

4. In Lowrise Duplex/Triplex zones, no more than fifty percent (50%) of the total area of the required front setback extended to side lot lines may be occupied by a driveway providing access to parking, except where the minimum required driveway standards will exceed fifty percent (50%) of the front setback.

Section 21. Subsection B of Section 23.45.048 of the SMC, which Section was last amended by Ordinance 115043 is repealed.

Section 22. Subsection D of Section 23.45.056 of the SMC, which Section was last amended by Ordinance 116262, is amended as follows:

23.45.056 Midrise--Setback requirements.

D. General Setback Exceptions.

1. Required Setbacks for Cluster Developments.

a. Where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be as follows:

Length of Facing Portions of Facades (in feet)	Average Setback (in feet)	Minimum Setback (in feet)
40 or less	15	15
41--60	20	15
61--80	25	15
81--100	30	15
101--150	40	15
151 or more	50	15

b. Structures in cluster developments may be connected by underground garages or elevated walkways; provided, that:

(1) One (1) elevated walkway shall be permitted to connect any two (2) structures in the development;

(2) Additional elevated walkways, in excess of one (1), between any two (2) structures may be permitted by the Director when it is determined that by their location or design a visual separation between structures is maintained((.));

(3) All elevated walkways shall meet the following standards:

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i. The roof planes of elevated walkways shall be at different levels than the roofs or parapets of connected structures.

ii. Walkways shall be set back from street lot lines and the front facades of the structures they connect, and whenever possible shall be located or landscaped so that they are not visible from a street.

iii. The design of the walkways and the materials used shall seek to achieve a sense of openness and transparency.

iv. Elevated walkways shall add to the effect of modulation rather than detract from it.

2. Structures in Required Setbacks.

a. Detached garages, carports or other accessory structures are permitted in the required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure (Exhibit 23.45.056 D). All such accessory structures shall be no greater than twelve feet (12') in height, with open rails permitted above twelve feet (12').

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11--Accessibility ((~~Rules and Regulations for Barrier Free Design~~)), are permitted in required front, side or rear setbacks.

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

d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six feet (6') in height, are permitted in required front, side or rear setbacks.

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

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

h. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

(1) Fences, freestanding walls, signs and similar structures six feet (6') or less in height above existing or finished grade whichever is lower, may be erected in each required setback. The six foot (6') height may be averaged along sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

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

(2) The Director may allow variation from the development standards listed in subsection D2h(1) above, according to the following:

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

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

(3) Bulkheads and retaining walls used to raise grade may be placed in each required setback when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half feet (91/2').

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

i. Arbors. Arbors may be permitted in required setbacks under the following conditions:

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

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

3. Front and rear setbacks may be reduced by twenty-five percent (25%), but no more than five feet (5'), if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to the provisions of

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subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

Section 23. Subsection B of Section 23.45.058 of the SMC, which Section was last amended by Ordinance 113041, is amended as follows:

23.45.058 Midrise--Open space requirements.

B. Development Standards.

1. Required open space shall be landscaped according to standards promulgated by the Director.

2. Ground-related Housing.

a. The required open space for each unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet, and no horizontal dimension shall be less than ten feet (10').

b. Required open space may be located in the front, sides or rear of the structure.

c. Required open space may be located a maximum of ten feet (10') above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit, except as permitted in subsection B((~~4d~~))2e.

d. At least fifty percent (50%) of the required open space for a unit shall be level, provided that:

(1) The open space may be terraced; and

(2) Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two feet (2').

e. For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet (10') where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten feet (10'), the open space may be located a maximum of ten feet (10') plus the height between floors in excess of ten feet (10'), above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two feet (2') above grade, the open space may be located a maximum of ten feet (10') plus the additional height of the first floor in excess of two feet (2') above grade, above or below the unit it serves.

f. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited unless such openings are screened by

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view-obscuring fences, freestanding walls, or wingwalls. Fences, freestanding walls, or wingwalls located in setbacks shall be no more than six feet (6') in height in accordance with Section 23.45.028 D.

g. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier Free Design~~)) Building Code, Chapter 11--Accessibility, shall not be counted as open space.

3. Apartments.

a. No horizontal dimension for required ground level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier Free Design~~)) Building Code, Chapter 11--Accessibility, shall not be counted as open space.

d. In order to qualify as above-ground open space, balconies and decks shall have a minimum horizontal dimension of at least six feet (6'), and minimum area shall be sixty (60) square feet.

e. For cluster development, at least twenty percent (20%) of the required open space shall be provided in one (1) contiguous area.

4. Terraced Housing on a Slope of Twenty-five Percent (25%) or More.

a. No horizontal dimension for required ground-level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier Free Design~~)) Building Code, Chapter 11--Accessibility, shall not be counted as open space.

d. In order to qualify as above-ground open space, rooftop areas, balconies or decks shall have a minimum horizontal dimension of at least ten feet (10'), and a total area of at least one hundred twenty (120) square feet.

Section 24. Subsection B of Section 23.45.060 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.45.060 Midrise--Parking and access.

B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions listed in subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts

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an alley improved to the standards of Section 23.53.030C. Street access shall not be permitted.

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

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

b. The lot does not abut a platted alley;

c. Apartments or terraced housing are proposed across an alley from a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone.

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

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

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

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

d. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter ((31)) 11 may be from either the street or alley, or both.

Section 25. Subsection D of Section 23.45.072 of the SMC, which Section was last amended by Ordinance 116262, is amended as follows:

23.45.072 Highrise--Setback requirements.

D. General Setback Exceptions.

1. Required Setbacks for Cluster Developments. Where two (2) or more principal structures are located on one (1) lot, or where two (2) or more portions of the same structure exceed sixty feet (60') in height above existing grade, setbacks between structures or portions of structures shall be provided as follows:

a. Interior facades shall be separated as follows:

Elevation of Facade or Portion of Facade From Existing Grade (in feet)	Minimum Separation (in feet)
60 or less	16
61--90	20
91--120	28

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121 or higher	32

b. Within a cluster development, interior facades need not be modulated. Perimeter facades shall follow standard development requirements.

c. Structures or portions of structures over sixty feet (60') in height may be connected by underground garages or portions of structures thirty-seven feet (37') or less in height.

2. Structures in Required Setbacks.

a. Detached garages, carports or other accessory structures are permitted in the required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure (Exhibit 23.45.072 B). All such accessory structures shall be no greater than twelve feet (12') in height above existing grade, with open rails permitted above twelve feet (12').

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State ((~~Rules and Regulations for Barrier Free Design~~)) Building Code, Chapter 11--Accessibility, are permitted in required front, side or rear setbacks.

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

d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six feet (6') in height, are permitted in required front, side or rear setbacks.

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

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

h. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

(1) Fences, freestanding walls, signs and similar structures six feet (6') or less in height above existing or finished grade whichever is lower, may be erected in each required setback. The six foot (6') height may be averaged along sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

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

(2) The Director may allow variation from the development standards listed in subsection D2h(1) above, according to the following:

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

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

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

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

i. Arbors. Arbors may be permitted in required setbacks under the following conditions:

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

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

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

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Section 26. Subsection B of Section 23.45.076 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.45.076 Highrise--Parking and access.

B. Access to Parking.

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

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

a. The alley borders on a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;

b. The lot does not abut an alley;

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

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

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

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

c. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter ((~~31~~)) 11 may be from either the street or alley, or both.

Section 27. Section 23.45.092 of the SMC, which was last amended by Ordinance 114910, is amended as follows:

23.45.092 Institutions--Structure height.

A. Maximum height limits for institutions shall be as provided for multifamily structures in the same multifamily zone.

B. In the Lowrise zones, for gymnasiums and auditoriums which are accessory to an institution the maximum permitted height shall be forty feet (40') if all portions of the structure above the height limit of the zone are set back at least twenty feet (20') from all property lines. Pitched roofs on the auditorium or gymnasium with a slope of not less than three to twelve (3:12) may extend ten feet (10') above the forty foot (40') height limit. No

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portion of a shed roof on a gymnasium or auditorium shall be permitted to extend beyond forty feet (40').

Section 28. Subsection A of Section 23.45.112 of the SMC, which Section was last amended by Ordinance 116744, is amended as follows:

23.45.112 Public schools.

Public Schools Meeting Development Standards. New public schools or additions to existing public schools and accessory uses including child care centers which meet the following development standards shall be permitted in all multifamily zones. Public schools in single-family attached zones shall meet the development standards for public schools in Lowrise 1 zones. Departures from development standards of this section may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools.

A. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multi-family structures. For gymnasiums and auditoriums in the lowrise zones which are accessory to the public school, the maximum permitted height shall be forty feet (40') plus ten feet (10') for a pitched roof if all portions of the structure above the height limit of the zone are set back at least twenty feet (20') from all property lines. All parts of a gymnasium or auditorium roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend above the forty feet (40') height limit under this provision.

2. For new public school construction on existing public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multi-family structures or thirty-five feet (35') plus fifteen feet (15') for a pitched roof, whichever is greater. For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height shall be the maximum height permitted in the zone for multifamily structures or forty feet (40') plus ten feet (10') for a pitched roof, whichever is greater. If the greater height limit for the gymnasium or auditorium is forty feet (40'), all portions of the structure above thirty-five feet (35') shall be set back at least twenty feet (20') from all property lines. ((~~If the thirty-five foot (35') height limit applies, a~~))All parts of the roof permitted above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the ((~~thirty-five foot (35')~~)) height limits under this provision.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the maximum height permitted in the zone for multi-family structures, the height of the existing school, or thirty-five feet (35') plus fifteen feet (15') for a pitched roof, whichever is greater. For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height shall the maximum height permitted in the zone for a multi-family structure, the height of the existing gymnasium or auditorium, or forty feet (40') plus ten feet (10') for a pitched roof, whichever is greater. If the greater height limit for the gymnasium or auditorium is forty feet (40'), all portions of the structure above thirty five feet (35') shall be set back at least twenty feet (20') from all property lines. When the height limit is thirty-five feet (35') for the school or forty feet (40') for a gymnasium or auditorium, ((~~the ridge of the pitched roof on a principal structure may extend up to fifteen feet (15') above the height limit, and~~)) all parts of the roof

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permitted above the height limit must be pitched at a rate of not less than three to twelve((.)) (3:12). No portion of a shed roof shall be permitted to extend beyond the ((~~thirty-five-foot (35')~~)) height limits under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height which may be granted as a development standard departure shall be thirty-five feet (35') plus fifteen feet (15') for a pitched roof for elementary schools and sixty feet (60') plus fifteen feet (15') for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

5. The provisions regarding height for sloped lots, pitched roofs, and rooftop features for the zone in which the public school is located shall apply.

Section 29. Subsection E of Section 23.46.002 of the SMC, which Section was last amended by Ordinance 116795, is amended as follows:

23.46.002 Scope of provisions.

E. In addition to the provisions of this chapter, certain residential-commercial areas may be regulated by Overlay Districts, Chapter 23.((~~56~~))59.

Section 30. Section 23.47.008 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.47.008 Mixed use development.

A. A mixed use development consists of residential and nonresidential use in the same structure or in separate structures on the same lot and meeting the standards specified in this ((~~s~~))Section, except as provided in the Northgate Overlay District, Chapter 23.71. When an application for a mixed use development with residential and nonresidential uses in separate structures is submitted, a temporary certificate of occupancy shall not be issued for the residential structure(s) until a schedule for completion of the nonresidential building is presented to and approved by the Director, and substantial construction of the nonresidential structure is completed. Substantial construction means that the framing of the exterior walls has been inspected and approved.

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

1. For purposes of calculating the eighty percent (80%) of a structure's street front facade at street level, twenty-two feet (22') for the width of a driveway accessing

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parking may be subtracted from the length of the street front facade if the access cannot be provided from a side street or alley.

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

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

4. Where the lot fronts on two (2) or more streets and abuts a lot which is not zoned commercial, the street front facade requirement shall apply to the structure's facade along the street with the greatest continuous lineal feet of commercially zoned frontage.

5. Where a lot fronts on two (2) or more streets and only abuts lots which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the structure containing the required nonresidential use. On a through lot, the Director may waive the requirement for one (1) or more, but not all of the street fronts if the streets ((is)) are not ((a)) major commercial streets. The Director may require screening of garbage cans, parking and utility meters where the street front facade requirement is waived.

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

7. The entrance to required nonresidential uses at street level shall be no more than three feet (3') above or below sidewalk grade. If the entrance to required nonresidential use at street level in C1 and C2 zones is provided from a surface parking lot located between the street and the structure, the entrance shall be no more than three feet (3') above or below the surface parking lot grade.

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

C. Height for Mixed Use Development.

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

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

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

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a. The additional height is necessary to meet code minimums for ceiling height (thirteen feet (13') floor to floor for nonresidential use at street level and seven feet six inches (7' 6") floor to ceiling for residential space); and

b. The additional height will not permit an additional story to be built ((())beyond ((~~three (3) for a zone with a thirty foot (30') height limit and four (4) for a zone with a forty foot (40') height limit~~))) what could be built under the applicable height limit if a thirteen foot (13') ceiling height were not required at street level.

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

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

b. The additional height of the structure will not permit an additional story to be built ((())beyond ((~~three (3) for a zone with a thirty foot (30') height limit and four (4) for a zone with a forty foot (40') height limit~~))) what could be built under the applicable height limit if a thirteen foot (13') ceiling height were not required at street level; and

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

D. Above thirteen feet (13') from finished grade ((~~and above the required nonresidential use~~)), the residential portion of a structure containing residential and nonresidential uses shall be limited to a maximum lot coverage of sixty-four percent (64%). Portions of structures exempted from structure width as provided in Section 23.86.014C shall also be exempt from lot coverage calculations. If the nonresidential and residential uses are located in separate structures, this provision shall only apply to the portion of the residential structure more than thirteen feet (13') above finished grade. This provision shall not apply when an area in an existing building, in nonresidential use as of April 3, 1995, is converted to residential use, provided that the structure is not modified in any way that increases the coverage to greater than sixty-four percent (64%) of the portion of the structure in residential use and over thirteen feet (13') above finished grade.

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

F. Any detached structure existing as of July 25, 1996, that contains residential and nonresidential uses and does not meet the requirements for mixed use development as provided in subsection B may add additional residential units, provided that:

1. An area equal to at least ten percent (10%) of the gross floor area of the structure or fifty percent (50%) of the structure's footprint, whichever is greater, is

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already in nonresidential use qualifying under subsection B3 above and occupies at least sixty percent (60%) of the structure's street front facade at street level; or

2. No decrease is proposed in the percentage of the street front facade at street level that is in qualifying nonresidential use unless at least eighty percent (80%) of the street front facade at street level will remain in qualifying nonresidential use; and no decrease is proposed in the area in nonresidential use, or the depth of nonresidential space extending from the street front facade shall be at least 30 feet.

G. Any detached structure existing as of July 25, 1996, which contains residential and nonresidential uses and exceeds the density limits for single-purpose residential structures may decrease the amount of space devoted to nonresidential uses or decrease the amount of the structure's street front facade at street level that is occupied by nonresidential use provided that:

1. The amount of the structure's street front facade at street level that is occupied by nonresidential uses does not decrease to less than eighty percent (80 percent) of the structure's street front facade, and

2. The amount of space devoted to nonresidential uses at street level does not decrease to less than a depth of thirty feet (30'), provided that the depth may be averaged, with no depth less than fifteen feet (15').

Section 31. Section 23.47.009 of the SMC, which was last amended by Ordinance 117430, is amended as follows:

23.47.009 Density limits for residential uses.

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

1. As established in the Northgate Overlay District as provided in Chapter 23.71.

2. For lots rezoned from SF to NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 per Section 23.34.010 B, the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

B. Density limits shall not apply for single-purpose residential structures along selected streets in the Pike/Pine Overlay District, pursuant to Chapter 23.73.

C. Density limits shall apply for single-purpose residential structures subject to the following, except as provided in subsection ((C)) D below:

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

2. In NC1 zones the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

3. In NC2, NC3, C1 and C2 zones with either thirty feet (30') or forty feet (40') height limits, the density limit shall be one (1) unit per one thousand two hundred (1,200) square feet of lot area.

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

5. For lots rezoned from SF to NC1 30'/L1, NC2 30'/L1, or NC3 30'/L1 per Section 23.34.010 B, the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

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

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

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

a. In NC zones with thirty foot (30') height limits, the density limit shall be one (1) unit per seven hundred (700) square feet of lot area.

b. In NC zones with forty foot (40') height limits, the density limit shall be one (1) unit per five hundred (500) square feet of lot area.

c. In NC zones with sixty-five foot (65'((~~5~~))) height limits, the density limit shall be one (1) unit per four hundred (400) square feet of lot area.

d. In C1 and C2 zones with thirty foot (30'), forty foot (40') or sixty-five foot (65') height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area except as provided in subparagraph C1e below.

e. Density limits in a C1 or C2 zone may be increased to the density limit for single-purpose residential structures in the NC zone with the corresponding height designation if the structure is developed according to the standards for NC zones as listed below:

(1) Outdoor storage areas, per Section 23.47.011 E1;

(2) Screening for gas stations, per Section 23.47.016 D3c;

(3) Blank facades, per Section 23.47.016 E;

(4) Drive-in lanes, per Section 23.47.028 A3; and

(5) Location of parking, per Section 23.47.032 B.

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

2. Outside urban village commercial areas as shown on the Official Land Use Map.

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a. In NC zones with thirty (30') height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

b. In NC zones with forty foot (40') and sixty-five foot (65') height limits, the density limit shall be one (1) unit per six hundred (600) square feet of lot area.

c. In C1 and C2 zones with thirty foot (30'), forty foot (40') or sixty-five foot (65') height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area.

Section 32. Subsection E of Section 23.47.014 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.47.014 Setback requirements.

E. Structures in Required Setbacks.

1. Decks and balconies with open railings may extend into the required setback, but shall not be permitted within five feet (5') of a residentially zoned lot, except as provided in subsection ((~~C~~))E6.

2. Eaves, cornices and gutters projecting no more than eighteen inches (18") from the structure facade shall be permitted in required setbacks.

3. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter ((~~31~~))11, are permitted in required setbacks.

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

5. Fences, freestanding walls and other similar structures.

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

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

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

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6. Decks which are accessory to residential uses and are no more than eighteen inches (18") above existing or finished grade, whichever is lower, may project into required setbacks.

7. Underground structures are permitted in all setbacks.

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

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

Section 33. Section A of Section 23.47.016 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.47.016 Screening and landscaping standards.

A. The following types of screening and landscaping may be required for specific uses according to the provisions of this chapter.

1. Three-foot (3') High Screening on Street Property Lines. Three-foot (3') high screening may be either:

a. A fence or wall at least three feet (3') in height; or

b. A hedge or landscaped berm at least three feet (3') in height.

2. Six-foot (6') High Screening on Property Lines. Six-foot (6') high screening may be either:

a. A fence or wall six feet (6') in height; or

b. A landscaped berm at least five feet (5') in height or a hedge planted in conformance with landscaping rules promulgated by the Director.

3. Landscaped Areas and Berms. Each area or berm required to be landscaped shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier-Free Design~~)) Building Code, Chapter 11--Accessibility, decorative pavers, sculptures or fountains may cover a maximum of thirty percent (30%) of each required landscaped area or berm. Landscaping shall be provided according to standards promulgated by the Director.

4. Landscaping of Surface Parking Areas. When landscaping of a surface parking area is required, the following standards shall be met:

a. Total Number of Parking Spaces	Required Landscape Area
20 to 50	18 square feet/

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	parking space
51 to 99	25 square feet/ parking space
100 or more	35 square feet/ parking space

b. The minimum size of a required landscaped area shall be one hundred (100) square feet. Berms and other landscaped areas provided to meet screening standards may be counted as part of a landscaped area. No part of a landscaped area shall be less than four feet (4') in dimension except those parts created by turning radii or angles of parking spaces.

c. No stall shall be more than sixty feet (60') from a required landscaped area.

d. One (1) tree shall be required for every ten (10) parking spaces.

e. Each tree shall be three feet (3') away from any curb of a landscaped area or edge of the parking area. Permanent curbs or structural barriers shall enclose each landscaped area.

f. Hardy evergreen groundcover shall be planted in accordance with rules promulgated by the Director. Trees in parking areas shall be selected in consultation with the City Arborist.

5. Combinations of Screening and Landscaping Requirements. When there is more than one (1) type of use which requires screening or landscaping, the requirement which results in the greater amount of screening and landscaping shall be followed. Street trees required by subsection C shall be provided in addition to landscaping required for specific uses in subsection D.

Section 34. Subsection A of Section 23.47.023 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.47.023 Standards for single-purpose residential structures.

A. In all commercial zones, single-purpose residential structures shall be subject to density standards provided for in Section 23.47.009, except as provided for in the Northgate Overlay District, Chapter 23.71, and in the Pike/Pine Overlay District, Chapter 23.73.

Section 35. Section 23.47.024 of the Seattle Municipal Code, which was last amended by Ordinance 117430, is amended as follows:

23.47.024 Open space standards.

Usable open space is intended for use by the residents of the development or structure, and shall be required for all residential uses in mixed use development ((~~for~~)) and single purpose residential structures according to the following:

A. Open Space Quantity. Usable open space shall be required for all residential uses in an amount equal to twenty percent (20%) of the structure's gross floor area in

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residential use. Calculation of a structure's gross floor area, for the purposes of this subsection, shall exclude area used for mechanical equipment, accessory parking and unenclosed decks, balconies or porches.

B. Open Space Development Standards.

1. When permitted, required usable open space may be provided at ground level or may be provided above ground in the form of balconies, decks, solaria, greenhouses, or roof gardens or decks.

2. Balconies and decks provided above ground as open space shall have a minimum area of sixty (60) square feet and no horizontal dimension shall be less than six feet (6').

3. Usable open space at ground level, and roof gardens, solaria, and greenhouses provided above ground as open space shall have a minimum area of two hundred fifty (250) square feet. No horizontal dimension shall be less than ten feet (10').

4. Required usable open space is permitted at the front, sides, or rear of the structure.

5. Parking areas, driveways, and pedestrian access to the nonresidential or residential entrances, except for pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier-free Design~~) Building Code, Chapter 11--Accessibility, shall not be counted as open space.

6. Required open space shall be landscaped according to standards promulgated by the Director.

Section 36. Subsection C of Section 23.47.040 of the Seattle Municipal Code, which Section was adopted by Ordinance 112777, is amended as follows:

23.47.040 General provisions for pedestrian-designated zones.

C. For purposes of this subchapter, the following streets are principal pedestrian streets when located within a pedestrian-designated zone:

Lake City Way Northeast;
Roosevelt Way Northeast;
Greenwood Avenue North;
North 85th Street;
East Greenlake Drive North;
Woodlawn Avenue Northeast;
University Way Northeast;
Northeast Forty-fifth Street;
Northwest Market Street;
Fremont Avenue North;
Fremont Place North;
Queen Anne Avenue North;
Mercer Street;
Roy Street;
First Avenue North;
15th Avenue East;

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Broadway Avenue East;
East Olive Way;
East Madison Street;
Madison Street;
((~~Alki Avenue Southwest;~~))
California Avenue Southwest;
Southwest Alaska Street.

Section 37. Subsection D of Section 23.53.015 of the SMC, which Section was last amended by Ordinance 118302, is amended as follows:

23.53.015 Improvement requirements for existing streets in residential and commercial zones.

D. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-Way Greater Than or Equal to the Minimum Width. When a street with existing curbs abuts a lot and the existing right-of-way is greater than or equal to the minimum width established in subsection A6, but the roadway width is less than the minimum established in the Street Improvement Manual, the following requirements shall be met:

(1) All structures on the lot shall be designed to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

(3) If there is no sidev alk, a sidewalk shall be constructed in the portion of the right-of-way abutting the lot, except when the following types of projects are proposed:

i. Remodeling and use changes within existing structures; and

ii. Additions to existing structures which are exempt from environmental review.

b. Streets With Less than the Minimum Right-of-Way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A5, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. In all residential zones except Highrise zones, an additional three-foot (3') setback shall also be required. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground structures which would not prevent the future widening and improvement of the right-of-way may be

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permitted in the required setback by the Director of Construction and Land Use after consulting with the Director of Engineering.

(2) Grading Requirement. When a setback is required, all structures on the lot shall be designed to accommodate the grade of the future street according to the Street Improvement Manual.

(3) No-protest Agreement Requirement. A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

2. Projects With Reduced Improvement Requirements.

a. One (1) or Two (2) Dwelling Units. When one (1) or two (2) dwelling units are proposed to be constructed, or one (1) or (2) Single Family zoned lots are proposed to be created, the following requirements shall be met:

(1) If there is no existing hard-surfaced roadway, a crushed-rock roadway at least sixteen feet (16') in width shall be required, according to the Street Improvement Manual.

(2) All structures on the lot(s) shall be designed to accommodate the grade of the future street improvements.

~~(((3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.~~))

b. Other Projects With Reduced Requirements. The types of projects listed in this subsection D2b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection:

(1) Types of Projects.

i. Proposed developments which contain fewer than ten (10) units in SF, LDT and L1 zones, and six (6) residential units in all other zones;

ii. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: fast-food restaurants, major and minor vehicle repair uses, and multipurpose convenience stores;

iii. Nonresidential structures which have less than four thousand (4000) square feet of gross floor area and which do not contain uses listed in subsection D2b(1)ii which are larger than seven hundred fifty (750) square feet;

iv. Structures containing a mix of residential and nonresidential uses, if there are fewer than ten (10) units in SF, LDT and L1 zones, or fewer than six (6) residential units in all other zones, and the square footage of nonresidential use is less than specified in D2b(1)ii and D2b(1)iii;

v. Remodeling and use changes within existing structures;

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vi. Additions to existing structures which are exempt from environmental review; and

vii. Expansions of a surface parking area or open storage area of less than twenty percent (20%) of parking area or storage area or number of parking spaces.

(2) Paving Requirement. For the types of projects listed in subsection D2b(1), the streets abutting the lot shall have a hard-surfaced roadway at least eighteen feet (18') wide. If there is not an eighteen foot (18') wide hard-surfaced roadway, the roadway shall be paved to a width of at least twenty feet (20') from the lot to the nearest hard-surfaced street meeting this requirement, or one hundred feet (100'), whichever is less. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the Street Improvement Manual. The Director, after consulting with the Director of Engineering, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

(3) Other Requirements. The setback, grading and no-protest agreement requirements of subsection D1b shall also be met.

3. Exceptions from Required Street Improvements. The Director may waive or modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, landscaping and curb and sidewalk installation when it is determined that one (1) or more of the following conditions are met:

a. 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.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for ((~~street parks~~)) green streets, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would eliminate street access to an existing lot.

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

f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for

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example due to an inability to meet the required twenty percent (20%) maximum driveway slope.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 38. Subsection F of Section 23.53.025 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.53.025 Access easement standards.

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

1. Easement wi !th shall be a minimum of ((~~ten feet (10')~~)) five feet (5');

2. Easements serving one (1) or two (2) dwelling units shall provide a paved pedestrian walkway at least three feet (3') wide;

3. Easements serving three (3) or more dwelling units shall provide a paved pedestrian walkway at least five feet (5') wide;

4. Easements over one hundred feet (100') in length shall provide lighting at intervals not to exceed fifty feet (50'). Lighting placement shall not exceed fifteen feet (15') in height;

5. Pedestrian access easements shall not exceed two hundred feet (200') in length.

Section 39. Subsections E and G of Section 23.53.030 of the SMC, which Section was last amended by Ordinance 118302, is amended as follows:

23.53.030 Alley improvements in all zones.

E. Existing Alleys Which Meet the Minimum Width. Except as provided in subsection G and except for one (1) or two (2) dwelling unit developments that abut an alley that is not improved but is in common usage, when an existing alley meets the minimum right-of-way width established in subsection D, the following requirements shall be met:

1. When the alley is used for access to parking spaces, open storage, or loading berths on a lot, the following improvements shall be provided:

a. For the following types of projects, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be improved to at least the equivalent of a crushed rock surface, according to the Street Improvement Manual. The applicant may choose the street to which the improvements will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of

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the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

(1) Residential structures with fewer than ten (10) units;

(2) The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: fast-food restaurants, major and minor vehicle repair uses, and multipurpose convenience stores;

(3) Nonresidential structures which have less than four thousand (4,000) square feet of gross floor area and which do not contain uses listed in subsection E1a(2) which are larger than seven hundred fifty (750) square feet;

(4) Structures containing a mix of residential and nonresidential uses, if the residential use is less than ten (10) units, and the square footage of nonresidential uses is less than specified in subsections E1a(2) and E1a(3);

(5) Remodeling and use changes within existing structures;

(6) Additions to existing structures which are exempt from environmental review; and

(7) Expansions of a surface parking area or open storage area of less than twenty percent (20%) of parking area or storage area or number of parking spaces.

b. For projects not listed in subsection E1a, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be paved. The applicant may choose the street to which the pavement will be installed. If the alley does not extend from street to street and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

2. When the alley is not used for access, if the alley is not fully improved, all structures shall be designed to accommodate the grade of the future alley improvements, and a no-protest agreement to future alley improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

* * *

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;

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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 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.

6. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

7. Widening the right-of-way would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for green streets, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.

8. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

9. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the right-of-way is at zoned capacity.

Section 40. Chart A of Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 118302, is amended as follows, and is amended to add the following Map B:

Chart A for 23.54.015 Parking.

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PARKING
Chart A
for Section 23.54.015

Use	Parking Requirements
Adult family home	1 for each dwelling unit.
Adult motion picture theater	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Adult panoram	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Airport, land-based (waiting area)	1 for each 100 square feet.
Airport, water-based (waiting area)	1 for each 100 square feet.
Animal services	1 for each 350 square feet.
Animal husbandry (retail area only)	1 for each 350 square feet.
Aquaculture (retail area only)	1 for each 350 square feet.
Artist's studio/dwelling	1 for each dwelling unit.
Automotive parts or accessory sales	1 for each 350 square feet.
Ball courts	1 per court.
Bed and breakfast	1 for each dwelling, plus 1 for each 2 guest rooms or suites.
Bowling alley	5 for each lane.
Brewpub	1 for each 200 square feet.
Business support services	1 for each 2,000 square feet
Business incubators	1 for each 1,000 square feet.
Carwash	1 for each 2,000 square feet.
Caretaker's quarters	1 for each dwelling unit.
Cargo terminal	1 for each 2,000 square feet.
Cemetery	None.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Child care center[2]	1 space for each 10 children or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 children.
Colleges[1]	A number of spaces equal to 15 percent of the maximum number of students present at peak hour; plus 30 percent of the number of employees present at peak hour; plus 1 for each 100 square feet of spectator assembly area in outdoor spectator sports facilities.
Commercial laundries	1 for each 2,000 square feet.
Commercial moorage	1 for each 140 lineal feet of moorage.
Communication utilities	1 for each 2,000 square feet.
Community centers[2, 3] and community clubs[2, 3]	1 for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 for each 350 square feet, excluding ball courts.
Community centers owned and operated by the Seattle Department of Parks and Recreation (DOPAR)[2, 3, 4]	1 for each 555 square feet.
Congregate residences	1 for each 4 residents.
Construction services	1 for each 2,000 square feet.
Custom and craft work	1 for each 1,000 square feet.
Dance halls (dance floor and table area)	1 for each 100 square feet.
Dry storage of boats	1 for each 2,000 square feet.
Family support centers located in community centers owned and operated by the Seattle DOPAR[4]	1 for each 100 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Floating homes	1 for each dwelling unit.
Food processing for human consumption	1 for each 1,000 square feet.
Gas station	1 for each 2,000 square feet.
General retail sales and services	1 for each 350 square feet.
Ground-floor businesses in multi-family zones	None, maximum of 10.
Heavy commercial services	1 for each 2,000 square feet.
Heliports (waiting area)	1 for each 100 square feet.
High-impact uses	1 for each 1,500 square feet or as determined by the Director.
Horticultural uses (retail area only)	1 for each 350 square feet.
Hospitals [5]	1 space for each 2 staff doctors; plus 1 additional space for each 5 employees; plus 1 for each 6 beds.
Hotels	1 for each 4 sleeping rooms or suites.
Institute for advanced study [5]	1 for each 1,000 square feet of administrative offices and similar spaces; plus 1 for each 10 fixed seats in all auditoria and public assembly rooms; or 1 for each 100 square feet of public assembly area not containing fixed seats
Institutes for advanced study in single-family zones((~~ing~~)) (existing)	3.5 for each 1,000 square feet of office space; plus 10 for each 1,000 square feet of additional building footprint to house and support conference center activities, or 37 for each 1,000 square feet of actual conference rooms to be constructed, whichever is ((~~larger~~)) greater.
Kennel	1 for each 2,000 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Lecture and meeting hall	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Major durables, sales, service, and rental	1 for each 2,000 square feet.
Manufacturing, general	1 for each 1,500 square feet.
Manufacturing, heavy	1 for each 1,500 square feet.
Manufacturing, light	1 for each 1,500 square feet.
Marine service station	1 for each 2,000 square feet.
Medical services	1 for each 350 square feet.
Miniature golf	1 for each 2 holes.
Mini-warehouse	1 for each 30 storage units.
Mobile home park	1 for each mobile home.
Mortuary services	1 for each 350 square feet.
Motels	1 for each sleeping room or suite.
Motion picture theater	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Multi-family structures [6] except those listed below	Lots containing 2--10 dwelling units: 1.1 for each dwelling unit. Lots containing 11--30 dwelling units: 1.15 for each dwelling unit. Lots containing 31--60 dwelling units: 1.2 for each dwelling unit. Lots containing more than 60 dwelling units: 1.25 for each dwelling unit.

GS 19.2

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
	In addition, for all multi-family structures whose average gross floor area per dwelling unit, excluding decks and all portions of a structure shared by multiple dwelling units, exceeds 500 square feet, an additional .0002 spaces per square foot in excess of 500 shall be required up to a maximum additional .15 spaces per dwelling unit; and When at least 50 percent of the dwelling units in a multi-family structure have 3 bedrooms, an additional .25 spaces per bedroom for each unit with 3 bedrooms shall be required; and Any multi-family structure which contains a dwelling unit with 4 or more bedrooms shall be required to provide an additional .25 spaces per bedroom for each unit with 4 or more bedrooms.[7]
Multi-family structures containing dwelling units with 2 or more bedrooms, when within the area impacted by the University of Washington as shown on Map A following this section.	1.5 spaces per unit with 2 or more bedrooms. The requirement for units with 3 or more bedrooms contained above shall also apply. All other requirements for units with fewer than 2 bedrooms shall be as contained above.[7]
Multi-family structures, when within the Alki area as shown on Map B following this section.	1.5 spaces per unit.
Multi-family ((~~structures~~)) development, for those ground-related structures within the development with ((,)) 10 units or ((~~less~~)) fewer	1 for each dwelling unit.
Multi-family structures for low-income elderly	1 for each 6 dwelling units.
Multi-family structures for low-income disabled	1 for each 4 dwelling units.
Multi-purpose convenience store	1 for each 350 square feet.

GS 19.2

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Museum [8]	1 for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; or 1 for every 10 fixed seats for floor area containing fixed seats; plus 1 space for each 250 square feet of other gross floor area open to the public.
Non-household sales and services, except sales, service and rental of office equipment	1 for each 2,000 square feet.
Nursing homes [9]	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 for each 6 beds.
Office, administrative	1 for each 1,000 square feet.
Office, customer service	1 for each 350 square feet.
Outdoor storage	1 for each 2,000 square feet.
Parks	None.
Participant sports and recreation, indoor, unless otherwise specified	1 for each 350 square feet.
Participant sports and recreation, outdoor, unless otherwise specified	1 for each 350 square feet.
Passenger terminals (waiting area)	1 for each 100 square feet.
Performing arts theater	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Personal transportation services	1 for each 2,000 square feet.
Playgrounds	None.
Power plants	1 for each 2,000 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Private club [10]	1 for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 for each 350 square feet, excluding ball courts.
Railroad rights-of-way	None.
Railroad switchyard	1 for each 2,000 square feet.
Railroad switchyard with mechanized hump	1 for each 2,000 square feet.
Recreational marinas	1 for each 75 lineal feet of moorage.
Recycling center	1 for each 2,000 square feet.
Recycling collection station	None.
Religious facility [11]	1 for each 80 square feet of all auditoria and public assembly rooms.
Research and development laboratory	1 for each 1,000 square feet.
Restaurant	1 for each 200 square feet.
Restaurant, fast-food	1 for each 100 square feet.
Sales, service and rental of commercial equipment	1 for each 2,000 square feet.
Sale and rental of large boats	1 for each 2,000 square feet.
Sale and rental of motorized vehicles	1 for each 2,000 square feet.
Sales, service and rental of office equipment	1 for each 350 square feet.
Sale of boat parts or accessories	1 for each 350 square feet.
Sale of heating fuel	1 for each 2,000 square feet.
Salvage yard	1 for each 2,000 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
School, private elementary and secondary [3, 11 ((12))]	1 for each 80 square feet of all auditoria and public assembly rooms, or if no auditorium or assembly rooms, 1 for each staff member.
School, public elementary and secondary [3, 12, 13((, 14))]	1 for each 80 square feet of all auditoria((um)) or public assembly rooms, or 1 for every 8 fixed seats in auditoriums or public assembly rooms, containing fixed seats, for new public schools on a new or existing public school site.
Sewage treatment plant	1 for each 2,000 square feet.
Single-family dwelling units	1 for each dwelling unit
Skating rink (rink area)	1 for each 100 square feet.
Solid waste transfer station	1 for each 2,000 square feet.
Specialty food stores	1 for each 350 square feet.
Spectator sports facility	1 for each 10 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Sport range	1 for each 2 stations.
Swimming pool (water area)	1 for each 150 square feet.
Taverns	1 for each 200 square feet.
Transit vehicle base	1 for each 2,000 square feet.
Universities ((15))[14]	A number of spaces equal to 15 percent of the maximum number of students present at peak hour; plus 30 percent of the number of employees present at peak hour; plus 1 for each 100 square feet of spectator assembly area in outdoor spectator sports facilities.
Utility service uses	1 for each 2,000 square feet.
Vehicle repair, major	1 for each 2,000 square feet.

GS 19.2

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PARKING
Chart A
for Section 23.54.015 (Continued)

Vehicle repair, minor	1 for each 2,000 square feet.
Vessel repair, major	1 for each 2,000 square feet.
Vessel repair, minor	1 for each 2,000 square feet.
Vocational or fine arts school	1 for each 2 faculty and full-time employees; plus 1 for each 5 students (based on the maximum number of students in attendance at any one time).
Warehouse	1 for each 1,500 square feet.
Wholesale showroom	1 for each 1,500 square feet.
Work-release centers	1 for each 2 full-time staff members; plus 1 for each 5 residents; plus 1 for each vehicle operated in connection with the work-release center.

[1] When permitted in multi-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122.

[2] When permitted in single-family zones, the Director may modify the parking requirements pursuant to Section 23.44.022; when permitted in multi-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122. The Director, in consultation with the Director of Engineering, may allow child care centers locating in existing structures to provide loading and unloading spaces on-street when no other alternative exists.

[3] Indoor gymnasiums shall not be considered ball courts, nor shall they be considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the entire gymnasium shall be one (1) parking space for every eight (8) fixed seats. Each twenty inches (20") of width of bleachers shall be counted as one (1) fixed seat for the purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain bleachers and is in a community center, the parking requirement shall be one (1) space for each 350 square feet. If the gymnasium does not contain bleachers and is in a community center owned and operated by the Department of Parks and Recreation (DOPAR), the parking requirement shall be one (1) space for each 555 square feet.

GS 19 2

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PARKING
Chart A
for Section 23.54.015 (Continued)

[4] When family support centers are located within community centers owned and operated by DOPAR, the Director may lower the combined parking requirement by up to a maximum of fifteen percent (15 %), pursuant to Section 23.54.020 I.

[5] When permitted in multi-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122.

[6] Parking spaces required for multi-family structures may be provided as tandem spaces according to subsection B of Section 23.54.020.

[7] Bedroom--Any habitable room as defined by the Building Code which, in the determination of the Director, is capable of being used as a bedroom.

[8] When permitted in multi-family zones as a conditional use, the Director may modify the parking requirement pursuant to Section 23.45.122.

[9] When specified in single-family zones, Section 23.44.015, the Director may waive some or all of the parking requirements.

[10] When permitted in multi-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122.

[11] When specified in single-family zones, Section 23.44.022, and multi-family zones, Section 23.45.122, the Director may waive some or all of the parking requirements.

[12] ((~~When specified in single-family zones, Section 23.44.022, and multi-family zones, Section 23.45.122, the Director may waive some or all of the parking requirement.~~))

(([13])) For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements shall be determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if any auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as shown on Chart A for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is ten percent (10%) or less than that for the existing auditorium or other place of assembly, then no additional parking shall be required.

((~~[14]~~))[13] Development standards departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.

((~~[15]~~))[14] When permitted in multi-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122.

CS 19 2

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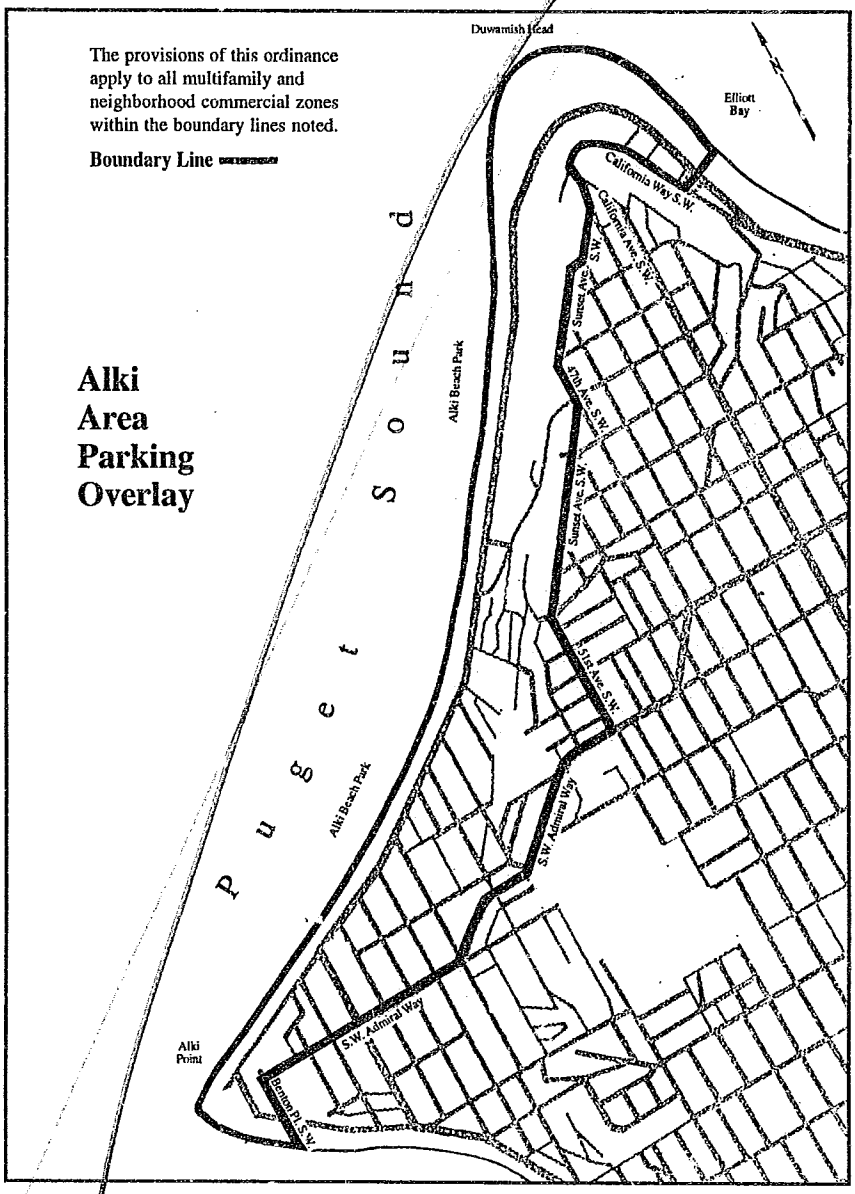
Exhibit for Chart A, Section 23.54.015
Map B — Alki Area Parking Overlay



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Section 41. Subsection F of Section 23.54.030 of the SMC, which Section was last amended by Ordinance 118302, is amended as follows:

23.54.030 Parking space standards

F. Curbcuts. Curbcut requirements shall be determined by whether the parking served by the curbcut is for residential or nonresidential use, and by the zone in which the use is located. When a curbcut is used for more than one (1) use, the requirements for the use with the largest curbcut requirements shall apply.

1. Residential Uses in Single-family and Multi-family Zones and Single-purpose Residential Uses in All Other Zones.

a. For lots not located on a principal arterial as designated on Exhibit 23.53.015 A, the number of curbcuts permitted shall be according to the following chart:

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

For lots with frontage in excess of three hundred twenty feet (320'), the pattern established in the chart shall be continued.

b. Curbcuts shall not exceed a maximum width of ten feet (10') except that:

(1) One (1) curbcut greater than ten feet (10') but in no case greater than twenty feet (20') in width may be substituted for each two (2) curbcuts permitted by subsection F1a; and

(2) A greater width may be specifically permitted by the development standards in a zone; and

(3) When subsection D of Section 23.54.030 requires a driveway greater than ten feet (10') in width, the curbcut may be as wide as the required width of the driveway.

c. For lots on principal arterials designated on Exhibit 23.53.015 A, curbcuts of a maximum width of twenty-three feet (23') shall be permitted according to the following chart.

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

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For lots with street frontage in excess of four hundred eighty feet (480'), the pattern established in the chart shall be continued.

d. There shall be at least thirty feet (30') between any two (2) curbcuts located on a lot.

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

f. Where two (2) adjoining lots share a common driveway according to the provisions of Section 23.54.030 D1, the combined frontage of the two (2) lots shall be considered one (1) in determining the maximum number of permitted curbcuts.

2. Nonresidential Uses in Single-family and Multi-family Zones, and All Uses, Except Single-purpose Residential Uses, in All Other Zones Except Industrial Zones.

a. Number of Curbcuts.

(1) In RC, NC1, NC2((,)) and NC3 ((,)) zones and within Major Institution Overlay Districts ((zones)), the number of two-way curbcuts permitted shall be according to the following chart: ((~~a maximum of two (2) curbcuts for one (1) way traffic or one (1) curbcut for two (2) way traffic shall be permitted on lots with street frontage of eighty feet (80') or less. On lots with street frontage of more than eighty feet (80'), up to two (2) two (2) way curbcuts shall be permitted for each two hundred forty feet (240') of street frontage.~~))

Street Frontage of the Lot	Number of Curbcuts Permitted
0 -- 80	1
81 -- 240	2
241 -- 360	3
361 -- 480	4

For lots with frontage in excess of four hundred eighty feet (480'), the pattern established in the chart shall be continued. The Director may allow two (2) one-way curbcuts to be substituted for one (1) two-way curbcut, after determining that there would not be a significant conflict with pedestrian traffic.

(2) In C1 and C2 zones and the SCM zone, the Director shall review and make a recommendation on the number and location of curbcuts.

(3) In downtown zones, a maximum of two (2) curbcuts for one (1) way traffic at least forty feet (40') apart, or one (1) curbcut for two (2) way traffic, shall be permitted on each street front where access is permitted by Section 23.49.018. No curbcut shall be located within forty feet (40') of an intersection. These standards may be modified by the Director on lots with steep slopes or other special conditions, the minimum necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic, in accordance with the Downtown Land Use Policies.

(4) For public schools, the minimum number of curbcuts determined necessary by the Director shall be permitted.

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b. Curbcut Widths.

(1) For one (1) way traffic, the minimum width of curbcuts shall be twelve feet (12'), and the maximum width shall be fifteen feet (15').

(2) For two (2) way traffic, the minimum width of curbcuts shall be twenty-two feet (22'), and the maximum width shall be twenty-five feet (25'), except that the maximum width may be increased to thirty feet (30') when truck and auto access are combined.

(3) For public schools, the maximum width of curbcuts shall be twenty-five feet (25'). Development standards departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79.

(4) When one (1) of the following conditions applies, the Director may require a curbcut of up to thirty feet (30') in width, if it is found that a wider curbcut is necessary for safe access:

i. The abutting street has a single lane on the side which abuts the lot; or

ii. The curb lane abutting the lot is less than eleven feet (11') wide; or

iii. The proposed development is located on an arterial with an average daily traffic volume of over seven thousand (7,000) vehicles; or

iv. Off-street loading space is required according to subsection H of Section 23.54.015.

c. The entrances to all garages accessory to nonresidential uses and the entrances to all principal use parking garages shall be at least six feet nine inches (6'9") high.

3. All Uses in Industrial Zones.

a. Number and Location of Curbcuts. The number and location of curbcuts shall be determined by the Director.

b. Curbcut Width. Curbcut width in Industrial zones shall be provided as follows:

(1) When the curbcut provides access to a parking area or structure it shall be a minimum of fifteen feet (15') wide and a maximum of thirty feet (30') wide.

(2) When the curbcut provides access to a loading berth, the maximum width of thirty feet (30') set in subsection E3b(1) may be increased to fifty feet (50').

(3) Within the minimum and maximum widths established by this subsection, the Director shall determine the size of the curbcuts.

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4. Curbcuts for Access Easements.

a. When a lot is crossed by an access easement serving other lots, the curbcut serving the easement may be as wide as the easement roadway.

b. The curbcut serving an access easement shall not be counted against the number or amount of curbcut permitted to a lot if the lot is not itself served by the easement.

5. Curbcut Flare. A flare with a maximum width of two and one-half feet (2 1/2') shall be permitted on either side of curbcuts in any zone.

6. Replacement of Unused Curbcuts. When a curbcut is no longer needed to provide access to a lot, the curb and any planting strip shall be replaced.

Section 42. Subsections C and D of Section 23.55.034, which Section was last amended by Ordinance 116780, is amended as follows:

23.55.034 Signs in downtown zones.

C. General Standards for All Signs.

1. Signs may be electrical, externally illuminated, or nonilluminated.

2. No sign shall have rotating or moving parts that revolve at a speed in excess of seven (7) revolutions per minute.

3. No flashing signs shall be permitted.

4. Roof signs shall not be permitted.

5. No portion of any on-premises or off-premises sign shall be located more than sixty-five feet (65') above the elevation of the sidewalk at the street property line closest to the sign, other than for on-premises signs that only identify hotels and public buildings and where such a sign shall have no rotating or moving parts and shall meet the other requirements of this Section.

D. On-premises Signs.

1. Number and Type of Permitted Signs.

a. Each use may have one (1) pole, ground, wall, marquee, under-marquee, projecting or combination sign for each three hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

b. In addition to the signs permitted by subsection D1a, each use may have one (1) wall, awning, canopy, ground, marquee, under-marquee or projecting signs for each thirty (30) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

c. In addition to the signs permitted by subsection D1a and D1b, each multiple business center may have one (1) wall, marquee, under-marquee, projecting or

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combination sign for each three-hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

d. Among the number and type of permitted signs in D1a, D1b and D1c, a maximum of four (4) of these signs identifying hotels or public buildings may be located sixty-five feet (65') or more above the elevation of the sidewalk.

e. Where the principal use or activity on the lot is outdoor retail sales, banner and strings of pennants maintained in good condition shall be allowed in addition to the signs permitted by subsections D1a, D1b and D1c.

2. There shall be no maximum area limits for on-premises signs, except for signs identifying hotels and public buildings sixty-five feet (65') or more above the elevation of the sidewalk, which shall not exceed eighteen feet (18') in length, height or any other direction.

Section 43. Chapter 23.56 of the SMC, which was last amended by Ordinance 117570, is repealed.

Section 44. Section 23.57.001 of the SMC, which was adopted by Ordinance 116295, is hereby amended as follows:

23.57.001 Intent

The intent of this chapter is to provide regulations and development standards for major and minor communication utilities and accessory communication devices. The regulations and development standards contained in this Chapter are imposed to minimize the health, safety and visual impact of telecommunication utilities on nearby areas. Development of communication ((~~facilities~~)) utilities may also be subject to Title 25 of the Municipal Code (Chapter 25.05, SEPA Policies and Procedures; Chapter 25.09, Regulations for Environmentally Critical Areas; Chapter 25.10, Radio-frequency Radiation), in addition to the Land Use Code.

Section 45. A new Chapter 23.59 of the SMC, is hereby added as follows:

Division 3 Overlay Districts

Chapter 23.59
GENERAL PROVISIONS

23.59.010 Overlay Districts generally

A. Purpose. Overlay districts are established to conserve and enhance 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 accomplish City policy objectives for specific areas; 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 Official Land Use Maps, Chapter 23.32, is subject both to its zone classification regulations and to additional requirements imposed for the overlay district. In

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any case where the provisions of the overlay district conflict with the provisions of the underlying zone, the overlay district provisions shall apply.

Section 46. Subsection A of Section 23.66.025 of the SMC, which Section was last amended by Ordinance 116744, is hereby amended as follows:

23.66.025 Use and development standards.

A. The Council may include use and development standards in the ordinance establishing a special review district. If use and development standards are not included, the special review board may, after at least one (1) public hearing, recommend use and development standards for the special review district to the Department of Neighborhoods Director who shall recommend use and development standards to the Council. If the special review board fails to recommend use and development standards within ninety (90) days after its first meeting, the Department of Neighborhoods Director shall prepare use and development standards and recommend such standards to the Council. The Council shall consider proposed use and development standards in the same manner as Land Use Code text amendments. Use and development standards shall be adopted by ordinance and may thereafter be amended in the same manner as Land Use Code text amendments as provided in Chapter 23.((~~06~~))76.

Section 47. Subsections C, D, E and F of Section 23.66.122 of the SMC, which Section was last amended by Ordinance 116744, are hereby repealed.

Section 48. Section 23.67.020 of the SMC, which was adopted by Ordinance 116145, is hereby amended as follows:

23.67.020 Establishment of Southeast Seattle Reinvestment Area (SESRA).

There is established, pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, an overlay district known as the Southeast Seattle Reinvestment Area (SESRA) as shown on the Official Land Use Map, Chapter 23.32.

Section 49. Section 23.68.002 of the SMC, which Section was adopted by Ordinance 113658, is hereby amended as follows:

23.68.002 Establishment of Manufacturing Center Overlay District.

There is established, pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, the Manufacturing Center Overlay District.

Section 50. Section 23.69.004 of the SMC, which Section was adopted by Ordinance 115002, is hereby amended as follows:

23.69.004 Major Institution Overlay District established.

There is hereby established pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, the Major Institution Overlay District, which shall overlay each major institution designated according to the provisions of Section 23.69.024. All land within the Major Institution Overlay (MIO) District shall be designated with one (1) of the following height limits as shown on the Official Land Use Map, Chapter 23.32:

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Designation	Height Limit
MIO-37	37 feet
MIO-50	50 feet
MIO-65	65 feet
MIO-70	70 feet
MIO-90	90 feet
MIO-105	105 feet
MIO-160	160 feet
MIO 200	200 feet
MIO 240	240 feet

Section 51. Chapter 23.70 of the SMC, is hereby repealed.

Section 52. Section 23.71.004 of the SMC, which was adopted by Ordinance 116795, is hereby amended as follows:

23.71.004 Northgate Overlay District established.

There is hereby established pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, the Northgate Overlay District, as shown on the City's Official Land Use Map, Chapter 23.32 and Map A.

Section 53. Subsection D of Section 23.71.008 of the SMC, which Section was adopted by Ordinance 116795, is hereby amended as follows:

23.71.008 Development along major pedestrian streets.

D. Parking Access and Curb Cuts.

1. When a lot abuts an alley which meets the standards of Section 23.53.030C, access to parking shall be from the alley.

2. When a lot does not abut an improved alley, and the lot fronts on more than one (1) street, at least one of which is not a major pedestrian street, access to parking shall be from a street which is not a major pedestrian street.

3. If the lot does not abut an improved alley, and only abuts a major pedestrian street(s), access from the major pedestrian street(s) shall be limited to one (1), two (2) way curb cut within any three hundred foot (300') segment of that lot. For purposes of this subsection, a segment of a lot shall be measured as a lot's continuous streetside lot line unbroken by streets, alleys or property owned by another. A segment may front on two or more streets around corners.

Section 54. Section 23.71.038 of the SMC, which was adopted by Ordinance 116795, is hereby amended as follows:

23.71.038 Standards for mixed use development in commercial zones within the Northgate Overlay District.

Residential and nonresidential uses in a mixed use development in a commercial zone shall meet the requirements of Section 23.47.008 to qualify as a mixed use development((~~, except that residential and nonresidential use may be located in separate~~

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~~structures~~)). The minimum standards of Sections 23.47.008 may vary on sites subject to the requirements for General Development Plans as provided in Section 23.71.026.

Section 55. Section 23.73.004 of the SMC, which Section was adopted by Ordinance 117514, is hereby amended as follows:

23.73.004 Pike/Pine Overlay District established.

There is hereby established pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, the Pike/Pine Overlay District as shown on the Official Land Use Map, Chapter 23.32, and Exhibit 23.73.004A.

Section 56. Subsection C of Section 23.73.008 of the SMC, which Section was adopted by Ordinance 117514, is hereby amended as follows:

23.73.008 Uses.

C. Single-purpose Residential Structures.

1. Single-purpose residential structures are permitted outright where commercial use is not required by subsection B, above, or as provided for in Section 23.47.023((~~D~~))B; and

2. A density of one unit per four hundred (400) square feet of lot area is permitted.

Section 57. Section 23.84.004 of the SMC, which was last amended by Ordinance 117202, is hereby amended as follows:

23.84.004 "B"

"Bay window" means a window feature comprising three (3) or more wall planes ((~~oblique to each other and~~)) that projects((~~ing~~)) beyond a structure face.

Section 58. Section 23.84.014 of the SMC, which was last amended by Ordinance 117570, is hereby amended as follows:

23.84.014 "G"

((~~"Greenbelt" means area either publicly or privately owned which the Council has designated in the Urban Greenbelt Plan, Resolution 25670, to be left primarily in their natural state. These areas are intended to provide or encourage permanent buffers between incompatible land uses, prevent development of environmentally sensitive areas, and maintain areas of natural habitat for wildlife.~~))

Section 59. Section 23.84.030 of the SMC, which was last amended by Ordinance 118012, is hereby amended as follows:

23.84.030 "P"

"Park and pool lot" means ((~~area within surface parking areas,~~)) parking operated or approved by a public ridesharing agency, where commuters park private vehicles and join

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together in carpools or vanpools for the ride to work and back, or board public transit at a stop located outside of the park and pool lot.

"Park and ride lot" means ((~~areas within existing or newly developed surface parking areas~~)) parking where commuters park private vehicles and either join together in carpools or vanpools, or board public transit at a stop located in the park and ride lot.

"Parking, long-term" means a parking space that will be occupied by the same motor vehicle for six (6) hours or more and is used generally by persons who commute to work by private motor vehicle.

Section 60. Subsection B of Section 23.86.010 of the SMC, which Section was last amended by Ordinance 117263, is hereby amended as follows:

23.86.010 Yards.

B. Front Yards.

1. Determining Front Yard Requirements. Front yard requirements are presented in the development standards for each zone. Where the minimum required front yard is to be determined by averaging the setbacks of structures on either side of a lot, the following provisions shall apply:

a. The required depth of the front yard shall be the average of the distance between single-family structures and front lot lines of the nearest single-family structures on each side of the lot (Exhibit 23.86.010B). When the front facade of the single-family structure is not parallel to the front lot line, the shortest distance from the front lot line to the structure shall be used for averaging purposes (Exhibit 23.86.010C).

b. The yards used for front yard averaging shall be on the same block front as the lot, and shall be the front yards of the nearest single-family structures within one hundred feet (100') of the side lot lines of the lot.

c. For averaging purposes, front yard depth shall be measured from the front lot lines to the wall nearest to the street or, where there is no wall, the plane between supports, which comprises twenty percent (20%) or more of the width of the front facade of the single-family structure. Enclosed porches shall be considered part of the single-family structure for measurement purposes. Attached garages or carports permitted in front yards under either Sections 23.44.014D7 or 23.44.016((E))C, decks, uncovered porches, eaves, attached solar collectors, and other similar parts of the structure shall not be considered part of the structure for measurement purposes.

d. When there is a dedication of street right-of-way to bring the street abutting the lot closer to the minimum widths established in Section 23.53.015, for averaging purposes the amount of the dedication shall be subtracted from the front yard depth of the structures on either side.

e. When the first single-family structure within one hundred feet (100') of a side lot line of the lot is not on the same block front, or does not provide its front yard on the same street, or when there is no single-family structure within one hundred feet (100') of the side lot line, the yard depth used for averaging purposes on that side shall be

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twenty feet (20') (Exhibits 23.86.010D and 23.86.010 E).

f. When the front yard of the first single-family structure within one hundred feet (100') of the side lot line of the lot exceeds twenty feet (20'), the yard depth used for averaging purposes on that side shall be twenty feet (20') (Exhibit 23.86.010F).

g. In cases where the street is very steep or winding, the Director shall determine which adjacent single-family structures should be used for averaging purposes.

2. Sloped Lots in Single-family Zones. For a lot((s)) in a single-family zone((s)), reduction of the required front yard is permitted at a rate of one foot (1') for every percent of slope in excess of thirty-five percent (35%). For the purpose of this provision the slope shall be measured along the centerline of the lot. In the case of irregularly shaped lots, the Director shall determine the line along which slope is calculated.

Section 61. Subsection C of Section 23.86.014 of the SMC, which Section was last amended by Ordinance 114887, is hereby amended as follows:

23.86.014 Structure Width

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

1. Eaves, cornices and gutters provided that when such features project more than eighteen inches (18") from an exterior wall only eighteen inches (18") shall be excluded in the measurement of structure width;

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

3. Chimneys not used to meet modulation requirements provided that only eighteen inches (18") shall be excluded in the measurement of structure width;

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

5. Unenclosed decks, balconies and porches, ten feet (10') or less above existing grade, unless located on the roof of an attached garage or carport included in structure width in subsection B1;

6. Unenclosed decks, balconies and porches, more than ten feet (10') above existing grade, provided that when such features project more than four feet (4') from an exterior wall, only four feet (4') shall be excluded in the measurement of structure width. Such features shall be excluded whether or not used to meet modulation requirements((.)); and

7. Arbors, trellises and similar features.

Section 62. Subsection A of Section 23.86.016 of the SMC, which Section was last amended by Ordinance 114887, is hereby amended as follows:

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23.86.016 Structure Depth

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

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

a. Draw a rectangle that encloses the principal structure.

b. Structure depth shall be the length of the sides of that rectangle most closely parallel to the side lot lines (Exhibit 23.86.016A).

c. In Lowrise zones when more than one (1) structure is located on a lot and no portion of a structure is behind any portion of another structure and the structures are separated by a minimum of ten feet (10'), the maximum depth of each structure shall be measured individually. (See Exhibit 23.86.016B.) When any portion of a structure is behind any portion of another structure then maximum structure depth shall be the combined depth of the structures on the lot.

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

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

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

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

d. Chimneys used to meet modulation requirements;

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

f. Accessory structures which are less than three feet (3') from the principal structure at any point.

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

a. Eaves, cornices and gutters provided that when such features project more than eighteen inches (18") from an exterior wall only eighteen inches (18") shall be excluded in the measurement of the structure depth;

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

c. Chimneys not used to meet modulation requirements provided that only eighteen inches (18") shall be excluded in the measurement of structure depth;

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

e. Unenclosed decks, balconies and porches, ten feet (10') or less ((~~above existing grade~~)) in height, unless located on the roof of an attached garage or carport included in structure depth in subsection A2a;

f. Unenclosed decks, balconies and porches, more than ten feet (10') ((~~above existing grade~~)) in height, provided that when such features project more than four feet (4') from an exterior wall only four feet (4') shall be excluded in the measurement of structure depth. Such features shall be excluded whether or not used to meet modulation requirements.

Section 63. Subsection H of Section 23.86.018 of the SMC, which Section was last amended by Ordinance 114196, is hereby amended as follows:

23.86.018 Open space.

H. Open Space Relationship to Grade.

1. The elevation of open space for ground-related housing must be within ten feet (10') of the elevation of the dwelling unit it serves. The ten feet (10') shall be measured between the finished floor level of the principal living areas of a dwelling unit and the grade of at least fifty percent (50%) of the required open space. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination.

The grade of the open space can either be the existing grade or within eighteen inches (18") of existing grade. The portion of the open space which is within ten feet (10') of the unit shall include the point where the access to the open space from the unit occurs.

2. The elevation of private usable open space for ((~~Single Family Attached~~)) Lowrise Duplex/Triplex structures must be within four feet (4') of the elevation of the dwelling unit it serves. The four feet (4') shall be measured between the finished floor level of the dwelling unit and the grade of at least fifty percent (50%) of the required open space. The grade of the open space can either be the existing grade or within eighteen inches (18") of existing grade. The maximum difference in elevation at the point of access shall be four feet (4').

Section 64. Subsection B of Section 23.90.006 of the Seattle Municipal Code, which Section last amended by Ordinance 117263, is amended as follows:

23.90.006 Investigation and notice of violation.

B. If after investigation the Director determines that the standards or requirements have been violated, the Director shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall state separately each standard or requirement violated, shall state what corrective action, if any, is necessary to comply with the standards or requirements; and shall set a reasonable time for compliance. The notice shall state that any subsequent violations may result in

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criminal prosecution as provided in Section 23.90.020. In the event of violations of the standards or requirements of the ((~~Greenbelt Overlay District, Chapter 23.70, or of the~~)) Seattle Shoreline Master Program, Chapter 23.60, the required corrective action shall include, if appropriate, but shall not be limited to, mitigating measures such as restoration of the area ((~~and replacement of damaged or destroyed trees~~)). In the event of violation of Section 23.44.025, regarding accessory dwelling units, the notice shall state that a civil penalty pursuant to Section 23.90.019 is imposed and notify the owner(s) of the procedure for contesting that penalty.

Section 65. Subsection B of Section 23.90.020 of the Seattle Municipal Code, which Section last amended by Ordinance 113978, is amended as follows:

23.90.020 Criminal penalties.

B. A criminal penalty, not to exceed Five Thousand Dollars ($5,000.00) per occurrence, may be imposed:

1. For violations of Section 23.90.002 D;

2. For any other violation of this Code for which corrective action is not possible; and

3. For any wil((l))ful, intentional, or bad faith failure or refusal to comply with the standards or requirements of this Code.((~~; and~~

~~4. For violations of the Greenbelt Overlay District standards and requirements contained in Chapter 23.70.~~))

Section 66. Section 25.05.675 of the Seattle Municipal Code, last amended by Ordinance 118302, is amended to add the following Exhibit 2:

25.05.675 Specific environmental policies.

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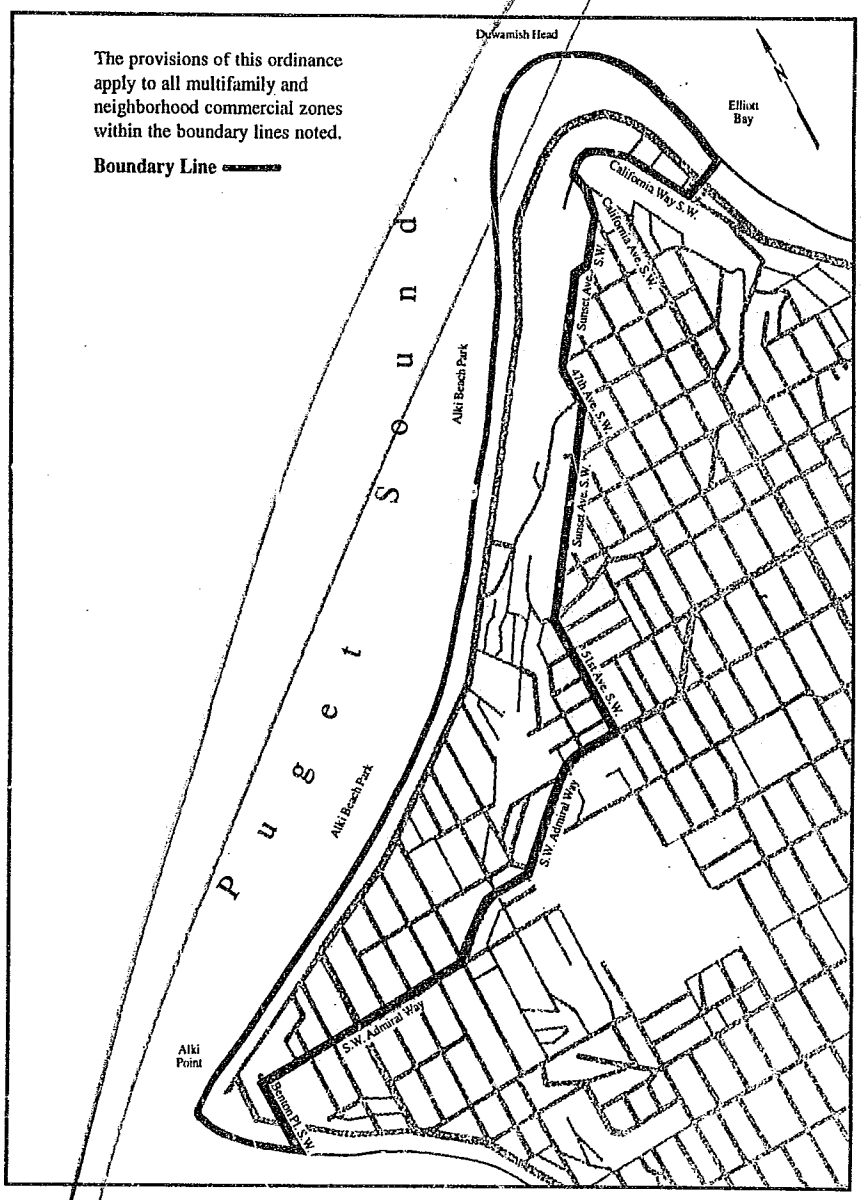
EXHIBIT 2 --ALKI PARKING AREA OVERLAY

Exhibit 2



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Section 67. Map B and Exhibit 2, both the Alki Area Parking Overlay, adopted by and attached to Ordinance 116168, are hereby repealed.

Section 68. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 69. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by the Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 1996, and signed by me in open session in authentication of its passage this _____ day of _____, 1996.

_____
President of the City Council

Approved by me this _____ day of _____, 1996.

_____
Norman B. Rice, Mayor

Filed by me this _____ day of _____, 1996.

_____
Clerk

(SEAL)

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ngt
October 7, 1996
V2

old Ord.

ORDINANCE_____

AN ORDINANCE relating to land use and zoning and environmental protection, amending Sections 23.12.060, 23.24.040, 23.24.045, 23.34.094, 23.40.006, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.017, 23.44.022, 23.44.032, 23.44.044, 23.44.051, 23.45.002, 23.45.006, 23.45.010, 23.45.014, 23.45.016, 23.45.018, 23.45.048, 23.45.056, 23.45.058, 23.45.060, 23.45.072, 23.45.076, 23.45.092, 23.45.112, 23.46.002, 23.47.008, 23.47.009, 23.47.014, 23.47.016, 23.47.023, 23.47.024, 23.47.040, 23.53.015, 23.53.025, 23.53.030, 23.54.015, 23.54.030, 23.55.034, 23.57.001, 23.66.025, 23.66.122, 23.67.020, 23.68.002, 23.69.004, 23.71.004, 23.71.008, 23.71.038, 23.73.004, 23.73.008, 23.84.004, 23.84.014, 23.84.030, 23.86.010, 23.86.014, 23.86.016, 23.86.018, 23.90.006, 23.90.020 of the Land Use Code (Title 23) and Section 25.05.675 of the Seattle SEPA Ordinance, adding a new Chapter 23.59 to the Land Use Code, and repealing Chapter 23.56 and 23.70 of the Land Use Code. NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Policy 6: Open Space of Section 23.12.060 of the Seattle Municipal Code (SMC), which Section was adopted by Ordinance 117929, is amended as follows:

23.12.060 Multifamily land use policies.

Policy 6: Open Space

Multifamily developments shall be required to provide open space for the use of the residents, in order to maintain existing street patterns of landscaped front yards, encourage permeable surfaces and vegetation and mitigate the cumulative effects of development.

Ground-related housing shall have ground-level open space which is directly accessible to each unit and is for the private use of the residents of that unit. In order to ensure the privacy of the open space, openings (windows, doors, etc.) on walls adjacent to the open space which are part of a different unit or common areas shall be prohibited.

Usable open space for terraced housing must be directly accessible to each unit but may be located above ground level on the rooftop of units below.

Apartments shall have usable ground level open space for the residents of the building. Some required open space may be provided as private decks and balconies, or private and common roof gardens.

Highrise apartments shall have a significant portion of the lot area as usable open space for the use of the residents. Some of the open space requirements may be met with areas which are located above ground level but are not higher than the roof of the base structure.

Section 2. Section 23.24.040 of the SMC, which Section was last amended by Ordinance 117570, is amended as follows:

23.24.040 Criteria for approval.

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

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1. Conformance to the applicable Land Use Policies and Land Use Code provisions;

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

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

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

5. Conformance to the applicable provisions of SMC Section ((~~25.09.100~~)) 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;

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

Section 3. Section 23.24.045 of the SMC, which Section was adopted by Ordinance 117430, is hereby amended as follows:

23.24.045 Townhouses.

A. Sites developed or proposed to be developed with townhouse structures may be subdivided into individual townhouse unit lots. The proposed townhouse development as a whole shall meet development standards. The subdivided townhouse unit shall be exempt from meeting development standards ((~~for setbacks, lot coverage, density, and structure width and depth, based on the individual unit lot~~)) except that private, usable open space for each unit shall be provided on the same lot as the unit it serves.

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

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

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

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

Section 4. Subsection B of Section 23.34.094 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

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

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

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

2. Areas where a transition is needed to protect a less-intensive zone from potential negative impacts of industrial activity when the area directly abuts a residential, Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 2/Residential ((2)) (NC2/R), Neighborhood Commercial 3 (NC3), Neighborhood Commercial 3/Residential ((3)) (NC3/R), Commercial 1 (C1), or Commercial 2 (C2) zone with a substantial amount of residential development and/or pedestrian character.

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

Section 5. Subsection A of Section 23.40.006 of the SMC, which Section was adopted by Ordinance 115058, is amended as follows:

23.40.006 Demolition of housing.

No demolition permit for a structure containing a housing unit shall be issued unless one of the following conditions is satisfied:

A. A permit or approval has been issued by the Director according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, to change the use of the structure or the premises; provided, that no ((h))Housing Demolition permit may be issued if the new use is for non-required parking; or

Section 6. Subsection D of Section 23.44.010 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.010 Lot requirements.

D. Lot Coverage Exceptions.

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

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

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

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

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

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

b. Barrier-free Access. Ramps or other access for the disabled or elderly meeting Washington State Building Code, Chapter ((~~31~~))11;

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

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

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

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

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

Section 7. Subsection B of Section 23.44.012 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.012 Height limits.

B. Special Features.

1. Pitched Roofs. The ridge of a pitched roof on a principal structure may extend up to five feet (5') above the base height limit, as determined under subsection A above. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.44.012 A). No portion of a shed roof shall be permitted to extend beyond the base height limit, as determined under subsection A above.

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

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

Section 8. Subsection D of Section 23.44.014 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.014 Yards.

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

1. Certain Accessory Structures. Any accessory structure may be constructed in a side yard which abuts the rear or side yard of another lot upon recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties. Any accessory structure which is a private garage may be located in that portion of a side yard which is either within thirty-five feet (35') of the centerline of an alley or within twenty-five feet (25') of any rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

2. A single-family structure may extend into one (1) side yard if an easement is provided along the side lot line of the abutting lot, sufficient to leave a ten-foot (10') separation between that structure and any principal structures on the abutting lot. Features and projections such as porches, eaves, and chimneys shall be permitted in the ten-foot (10') separation area as if the property line were five feet (5') from the wall of the house on the dominant lot, provided that no portion of either principal structure including eaves shall cross the actual property line. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side yard.

3. Certain Additions. Certain additions may extend into a required yard when the existing single-family structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least sixty percent (60%) of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, except as described below. They may extend up to the height limit and may include basement additions. New additions to the nonconforming wall or walls shall comply with the following requirements (Exhibit 23.44.014 A):

a. Side yard: When the addition is a side wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than three feet (3') to the side lot line;

b. Rear yard: When the addition is a rear wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than twenty feet (20') to the rear lot line or centerline of an alley abutting the rear lot line;

c. Front yard: When the addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than fifteen feet (15') to the front lot line;

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

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

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

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

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

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

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

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

a. Any attached private garages or covered, unenclosed decks or roofs over patios are portions of principal structures. They may extend into the required rear yard, but shall not be within twelve feet (12') of the centerline of any alley, nor within twelve feet (12') of any rear lot line which is not an alley lot line, nor closer than five feet (5') to any accessory structure.((, nor exceed twelve feet (12') in height, except t)) The height of private garages shall meet the provisions of Section 23.44.016D2, and the height of the roof over unenclosed decks and patios may not exceed twelve feet (12'). The roof over these decks, patios and garages shall not be used as a deck.

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

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

b. Garages meeting the standards of Section 23.44.106, and other accessory structures meeting the standards of Section 23.44.040, shall be permitted in required rear yards, subject to a maximum combined coverage of forty percent (40%) of the required rear yard.

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

7. Private Garages in Front Yards of Through Lots. On through lots less than one hundred twenty-five feet (125') in depth, either an accessory garage structure or a portion of the principal structure containing a garage shall be permitted to locate in one (1) of the front yards. Private garages, either as accessory structures or as a portion of the principal structure, shall be limited as set forth in Section 23.44.016.

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

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

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

9. Barrier-Free Access. Access facilities for the disabled and elderly meeting Washington State Building Code, Chapter ((31)) 11 are permitted in any required yards.

10. Freestanding Structures and Bulkheads.

a. Fences, freestanding walls, signs and similar structures six feet (6') or less in height above existing or finished grade whichever is lower, may be erected in any required yard. The six foot (6') height may be averaged along sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

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

b. The Director may allow variation from the development standards listed in subsection D10a above, according to the following:

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

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

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

d. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six feet (6') whichever is greater. When the bulkhead is measured from the low side and it exceeds six feet (6'), an open guardrail of no more than forty-two inches (42") meeting Building

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Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three feet (3') from such a bulkhead or retaining wall.

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

11. Decks in Yards. Decks no greater than eighteen inches (18") above existing or finished grade, whichever is lower, may extend into required yards.

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

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

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

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

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

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

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

Section 9. Subsections A and C of Section 23.44.016 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.016 Parking location and access.

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

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A. Access.

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

2. Access to parking is permitted through a required yard abutting a street only if the Director determines that one (1) of the following conditions exists:

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

b. Existing topography does not permit alley access; or

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

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

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

f. Parking access must be from the street in order to provide access to parking space(s) which meet the Washington State Building Code, Chapter ((~~31~~)) 11; or

3. Where access to required parking spaces passes through a required yard, automobiles, motorcycles and similar vehicles may be parked on the access located in a required yard. Trailers, boats, recreational vehicles or similar equipment shall not be parked in any required yard abutting a street or on any access which is located in a required yard. When a rear yard abuts a street, trailers, boats, recreational vehicles or similar equipment shall be prohibited from parking in the first ten feet (10') of the rear yard abutting the street.

* * *

C. Location of Parking on Lot.

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

a. Within the principal structure; or

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

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

3. Lots With Uphill Yards Abutting Streets. Accessory parking for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be established in a required yard abutting a street according to subsection C3a or b below only if access to parking is permitted through that yard pursuant to subsection A of this ((s))Section.

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a. Open Parking Space.

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

ii. The parking area shall be at least an average of six feet (6') below the existing grade prior to excavation and/or construction at a line which is ten feet (10') from the street lot line;

iii. The parking space shall be no wider than ten feet (10') for one (1) parking space at the parking surface and no wider than twenty feet (20') for two (2) parking spaces when permitted as provided in subsection C6.

b. Terraced Garage.

i. The ((~~roof~~)) height of a terraced garage shall be ((~~no higher~~)) limited to no more than two feet (2') above existing or finished grade, whichever is lower, ((~~at any point~~)) for the portions of the garage which ((~~is~~)) are ten feet (10') ((~~back~~)) or more from the street lot line. The ridge of a pitched roof on a terraced garage may extend up to three feet (3') above this two foot (2') height limit. All parts of the roof above the two foot (2') height limit shall be pitched at a rate or not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the two foot (2') height limit of this provision. Portions of a terraced garage which are less than ten feet (10') from the street lot line shall comply with the height standards in 23.44.016D2;

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

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

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

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

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

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

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

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

e. Access to parking is permitted through the required yard abutting the street by subsection A of this ((s))Section; and

f. A driveway access bridge may be permitted in any required downhill yard where necessary for access to parking. The access bridge shall be no wider than twelve feet (12') for access to one (1) parking space or eighteen feet (18') for access to two (2) or more parking spaces. The driveway access bridge may not be located closer than five feet (5') to an adjacent property line and shall not be included in lot coverage calculations.

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

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

6. Lots With Uphill((,)) Yards Abutting Streets Or Downhill Or Through Lot Front Yards Fronting On Streets Which Prohibit Parking. Accessory parking for two (2) two (2) axle or four (4) wheeled vehicles may be located in uphill yards abutting streets or downhill or through lot front yards as provided in subsection C3, C4 or C5 if, in consultation with the Engineering Department, it is found that uninterrupted parking for twenty-four (24) hours is prohibited on at least one (1) side of the street within two hundred feet (200') of the lot line over which access is proposed. The Director may authorize((d)) a curb cut wider than would be permitted under Section 23.54.030 if necessary for access.

Section 10. Subsections B and D of Section 23.44.017 of the SMC, which Section was last amended by Ordinance 112777, is amended as follows:

23.44.017 Development standards for public schools.

B. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be thirty feet (30'). For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height shall be forty feet (40') plus ten feet (10') for a pitched roof if all portions of the structure above thirty feet (30') are set back at least twenty feet (20') from all property lines. All parts of a gymnasium or auditorium roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend above the forty (40') height limit under this provision.

2. For new public school construction on existing public school sites, the maximum permitted height shall be thirty-five feet (35') plus fifteen feet (15') for a pitched roof. For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height shall be forty feet (40') plus ten feet (10') for a pitched roof if all portions of the structure above thirty-five feet (35') are set back at least twenty feet (20')

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from all property lines. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the ((~~thirty-five-foot (35')~~)) height limits under this provision.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the height of the existing school or thirty-five feet (35') plus fifteen feet (15') for a pitched roof, whichever is greater. For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height shall be the height of an existing gymnasium or auditorium or forty feet (40') plus ten feet (10') for a pitched roof, whichever is greater. All portions of the gymnasium and auditorium structure above thirty five feet (35') must be set back at least twenty feet (20') from all property lines. When the height limit is thirty-five feet (35') for the school or forty feet (40') for a gymnasium or auditorium, ((~~the ridge of the pitched roof on a principal structure may extend up to fifteen feet (15') above the height limit, and~~)) all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the ((~~thirty-five-foot (35')~~)) height limits under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height which may be granted as development standard departure shall be thirty-five feet (35') plus fifteen feet (15') for a pitched roof for elementary schools and sixty feet (60') plus fifteen feet (15') for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when the waiver would contribute to reduced demolition of residential structures.

5. The provisions of subsection B of Section 23.44.012 regarding pitched roofs and sloped lots and the exemptions of subsection C of Section 23.44.012 shall apply.

* * *

D. Structure Width.

1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure shall be sixty-six feet (66') unless either the modulation option in subsection((~~division~~)) a below or the landscape option in subsection((~~division~~)) b below is met.

a. Modulation Option. Facades shall be modulated according to the following provisions:

(1) The minimum depth of modulation shall be four feet (4').

(2) The minimum width of modulation shall be twenty percent (20%) of the total structure width or ten feet (10'), whichever is greater.

b. Landscape Option. The yards provided by the required setbacks shall be landscaped as follows:

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(1) One (1) tree and three (3) shrubs are required for each three hundred (300) square feet of required yard. When new trees are planted, at least half must be deciduous.

(2) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten feet (10') of the area may be substituted for required plantings on a one (1) tree to one (1) tree or one (1) shrub to one (1) shrub basis if the minimum standards ((~~in Section 23.86.022, Measurements~~)) of the Director's Rule for Landscaping, are met, except that shrub height need not exceed two feet (2') at any time. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) square feet of its canopy spread.

(3) The planting of street trees may be substituted for required trees on a one-to-one (1:1) basis. All street trees shall be planted according to City of Seattle ((~~Board of Public Works~~)) tree planting standards.

(4) Each setback required to be landscaped shall be planted with shrubs, grass, and/or evergreen ground cover.

(5) Landscape features such as decorative paving are permitted to a maximum of twenty-five percent (25%) of each required landscaped area.

(6) A plan shall be filed showing the layout of the required landscaping.

(7) The School District shall maintain all landscape material and replace any dead or dying plants.

2. There is no maximum width limit for additions to existing public school structures on existing public school sites. The Director may require landscaping to reduce the appearance of bulk.

3. Development standard departure from the modulation and landscaping standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to permit other techniques to reduce the appearance of bulk. Techniques to reduce the appearance of bulk may be waived by the Director when the waiver would contribute to reduced demolition of residential structures.

Section 11. Subsection K of Section 23.44.022 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.44.022 Institutions.

K. Bulk and Siting.

1. Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:

a. For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum.

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b. For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.

2. Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.

3. Institutions Located on Lots in More Than One (1) Zone Classification. For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.

4. Height Limit.

a. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or a spire, may extend an additional twenty-five feet (25') above the height limit.

b. For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be forty feet (40') if portions of the structure above thirty feet (30') are set back at least twenty feet (20') from all property lines. Pitched roofs on a gymnasium or auditorium with a slope of not less than three to twelve (3:12) may extend ten feet (10') above the forty foot (40') height limit. No portion of a shed roof on a gymnasium or an auditorium shall be permitted to extend beyond the forty foot (40') height limit under this provision.

5. Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.

Section 12. Section 23.44.032 of the SMC, which was last amended by Ordinance 110669, is amended as follows:

23.44.032 Certain nonconforming uses.

Nonconforming uses which are authorized pursuant to Section 23.44.080((D)) H may be permitted as a conditional use.

Section 13. Subsection E of Section 23.44.044 of the SMC, which Section was last amended by Ordinance 117263, is repealed.

Section 14. Section 23.44.051 of the SMC, which was last amended by Ordinance 117169, is amended as follows:

23.44.051 Bed and breakfasts.

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A. Bed and breakfasts shall be permitted provided they meet the following standards:

1. A business license for the bed and breakfast was secured from the Finance Department on or before April 1, 1987;

2. The bed and breakfast is operated by the fee owner of the dwelling in which the bed and breakfast is located;

3. ((~~The structure in which the bed and breakfast is located is owned by the same person who had ownership on April 1, 1987;~~))

((~~4.~~)) The fee owner resides in the structure in which the bed and breakfast is located;

((~~5~~))4. No more than two (2) people who reside outside the dwelling are employed, with or without compensation, in the operation of the bed and breakfast;

((~~6~~))5. The bed and breakfast is operated within the principal structure which does not require structural alterations;

((~~7~~))6. There is no evidence of the bed and breakfast from the exterior of the structure.

Section 15. Subsection C of Section 23.45.002 of the SMC, which Section was last amended by Ordinance 116795, is amended as follows:

23.45.002 Scope of provisions.

C. In addition to the provisions of this chapter, certain multifamily areas may be regulated by Overlay Districts, Chapter 23.((~~56~~))59.

Section 16. Subsections A and F of Section 23.45.006 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.45.006 General development standards for structures in multifamily zones.

A. Included within Sections 23.45.006 through 23.45.((~~018~~))190 are ((~~establish~~))the development standards for structures in each multifamily zone. These standards shall also apply to uses accessory to multifamily structures unless specifically modified by development standards for those accessory uses.

* * *

F. In Lowrise 1 zones all multifamily structures shall be townhouses. Apartments shall be prohibited in Lowrise 1 zones, except that floor area in a structure((s)) existing as of the effective date of the ordinance codified in this section ((~~may be converted to a duplex or a triplex and~~)) may contain ((~~a maximum of one (1)~~)) dwelling units which ((~~is~~)) are not ground-related where density limits of the zone would not be exceeded and new floor area would not be addded. The requirements of this subsection shall not be eligible for a variance according to the provisions of Section 23.40.020.

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Section 17. Subsections A and C of Section 23.45.010 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.45.010 Lot coverage--Lowrise zones.

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

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

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

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

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

3. When townhouses and other structures are located on the same lot, the lot coverage shall be calculated as follows:

a. Divide the number of townhouse units by the total number of units on the site, and multiply this figure by the percentage of lot coverage allowed for townhouses in that zone, and

b. Divide the number of units in all other (non townhouse) structures on the site by the total number of units on the site, and multiply this figure by the percentage of lot coverage allowed for all other structures in that zone, and

c. Add 3a and 3b above, which equals the maximum lot coverage.

* * *

C. Lot Coverage Exceptions. The following structures or portions of structures shall be exempted from the measurement of lot coverage:

1. Pedestrian access bridges from alleys, streets or easements, and uncovered, unenclosed bridges of any height necessary for access and five feet (5') or less in width;

2. Ramps or other access for the disabled or elderly meeting Washington State Building Code, Chapter ((~~31~~)) 11;

3. Fences, freestanding walls, bulkheads, signs and other similar structures;

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4. An underground structure, or underground portion of a structure, on any part of the entire lot;

5. The first eighteen inches (18") of horizontal projection of eaves, cornices and gutters;

6. The first four feet (4') of horizontal projection from principal and accessory structures of unenclosed decks, balconies and porches;

7. Solar collectors meeting the provisions of Section 23.44.046 and swimming pools eighteen inches (18") or less above grade.

Section 18. Subsection G of Section 23.45.014 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.45.014 Setback requirements--Lowrise zones.

G. Structures in Required Setbacks.

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

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

2. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter ((~~31~~)) 11, are permitted in required front, side or rear setbacks.

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

4. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

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

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

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b. The Director may allow variation from the development standards listed in subsection G4a above, according to the following:

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

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

~~iii. The design does not present a fire or other safety hazard.~~))

c. Bulkheads and retaining walls used to raise grade may be placed in ((~~any~~)) each required yard when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half feet (91/2').

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

5. Decks no more than eighteen inches (18") above existing or finished grade, whichever is lower, may project into required setbacks.

6. Underground structures are permitted in all setbacks.

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

8. Arbors. Arbors may be permitted in required setbacks under the following conditions:

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

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

Section 19. Section 23.45.016 of the SMC, which was last amended by Ordinance 117173, is amended as follows:

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23.45.016 Open space requirements--Lowrise zones.

A. Quantity of Open Space.

1. Lowrise Duplex/Triplex Zones.

a. Single-family Structures. A minimum of six hundred (600) square feet of landscaped area shall be provided, except for cottage housing developments.

b. Cottage Housing Developments. A minimum of four hundred (400) square feet per unit of landscaped area is required. This quantity shall be allotted as follows:

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

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

c. Structures with Two (2) Dwelling Units. At least one (1) unit shall have direct access to a minimum of four hundred (400) square feet of private, usable open space. The second unit shall also have direct access to four hundred (400) square feet of private, usable open space; or six hundred (600) square feet of common open space shall be provided on the lot.

d. Structures with Three (3) Dwelling Units. At least two (2) units shall have direct access to a minimum of four hundred (400) square feet of private, usable open space per unit. The third unit shall have direct access to four hundred (400) square feet of private, usable open space; or six hundred (600) square feet of common open space shall be provided on the lot.

2. Lowrise 1 Zones.

a. A minimum of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required, except for cottage housing developments. When a new unit that is not a ground-related unit is added to an existing structure, a minimum of three hundred (300) square feet of common open space at ground level shall be provided for the unit, but it does not have to be directly accessible to the unit.

b. Cottage Housing Developments. A minimum of three hundred (300) square feet per unit of landscaped area is required. This quantity shall be allotted as follows:

(1) A minimum of one hundred fifty (150) square feet per unit shall be private, usable open space; and

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

c. On lots with slopes of twenty percent (20%) or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open

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space of another unit, nor be above the living space of any unit. Decks may project into setbacks in accordance with subsection F of Section 23.45.014.

3. Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Ground-related Housing.

(1) In Lowrise 2 and Lowrise 3 zones a minimum of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required.

(2) In Lowrise 4 zones a minimum of fifteen percent (15%) of lot area, plus two hundred (200) square feet per unit of private usable open space, at ground level and directly accessible to each unit, shall be required.

(3) On lots with slopes of twenty percent (20%) or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit. Decks may project into setbacks in accordance with subsection F of Section 23.45.014.

b. Apartments.

(1) Lowrise 2 Zones. A minimum of thirty percent (30%) of the lot area shall be provided as usable open space at ground level.

(2) Lowrise 3 and Lowrise 4 Zones.

i. A minimum of twenty-five percent (25%) of the lot area shall be provided as usable open space at ground level, except as provided in subsection A3b(2)ii.

ii. A maximum of one-third (1/3) of the required open space may be provided above ground in the form of balconies, ((or)) decks, individual unit decks on roofs or common roof gardens if the total amount of required open space is increased to thirty percent (30%) of lot area.

B. Development Standards.

1. Lowrise Duplex/Triplex Zones and Ground-related Housing in Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Lowrise Duplex/Triplex Zones -- Private Usable Open Space.

(1) Private usable open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of four hundred (400) square feet, except that in cottage housing developments, the quantity per unit shall be a minimum of two hundred (200) square feet. No horizontal dimension of the open space shall be less than ten feet (10').

(2) Private usable open space shall be located a maximum of four feet (4') above or below a private entry to the unit it serves. The floor of the unit accessed by this entry shall have a minimum area of three hundred (300) square feet. This

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minimum area may include a private garage if habitable floor area of the same unit is located directly above.

b. Lowrise Duplex/Triplex Zones -- Common Open Space. Required common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of six hundred (600) square feet, except that in cottage housing developments, the quantity per unit shall be a minimum of one hundred fifty (150) square feet. In cottage housing developments, each cottage shall abut the common open space. No horizontal dimension of the open space shall be less than ten feet (10').

c. Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones -- Ground-related Housing.

(1) In Lowrise 1 zones the required open space shall be provided in one (1) contiguous parcel, except that in cottage housing developments, the open space shall be allotted as described in subsections A2b above and B5 below. In Lowrise 2, Lowrise 3 and Lowrise 4 zones, the required open space for each ground-related dwelling unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet. No horizontal dimension of the open space shall be less than ten feet (10').

(2) Required open space may be located a maximum of ten feet (10') above or below the unit it serves, except as permitted in subsection B1c(4), provided that the access to such open space does not go through or over common circulation areas, common or public open spaces, or the open space serving another unit.

(3) At least fifty percent (50%) of the required open space for a unit shall be level, provided that:

i. The open space may be terraced; and

ii. Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two feet (2').

(4) For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet (10') where the following criteria are met:

i. Where the structure was constructed with floor-to-floor heights in excess of ten feet (10'), the open space may be located a maximum of ten feet (10') plus the height between floors in excess of ten feet (10'), above or below the unit it serves; or

ii. Where the structure was constructed with the first floor in excess of two feet (2') above grade, the open space may be located a maximum of ten feet (10') plus the additional height of the first floor in excess of two feet (2') above grade, above or below the unit it serves.

(5) Lowrise 1 Zone -- Cottage Housing Developments.

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i. At least fifty percent (50%) of the required total open space per unit shall be provided as private usable open space in one (1) contiguous parcel. No horizontal dimension of the open space shall be less than ten feet (10').

ii. Common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area per unit of one hundred fifty (150) square feet. No horizontal dimension shall be less than ten feet (10'). Each cottage shall abut the common open space a minimum of ten feet (10').

d. Required open space may be located in the front, sides or rear of the structure.

e. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly face the open space of a different unit are prohibited unless such openings are screened by view-obscuring fences, freestanding walls or walls.

f. Parking areas, driveways and pedestrian access other than pedestrian access required by Washington State Building Code, Chapter ((~~31~~)) 11, shall not be counted as open space.

g. Required private usable open space shall be landscaped according to standards promulgated by the Director for ground-related dwelling units.

2. Lowrise 2, Lowrise 3 and Lowrise 4 Zones -- Apartments.

a. No horizontal dimension for required ground-level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter ((~~31~~)) 11, shall not be counted as open space.

d. In order to qualify as above-ground level open space, balconies, ((~~and~~)) decks, and in L3 and L4 zones, individual unit decks on roofs, shall all have a minimum horizontal dimension of six feet (6'), and a total area of at least sixty (60) square feet, while common roof gardens in L3 and L4 zones shall have a minimum area of two hundred fifty (250) square feet. Common roof garden open space shall be landscaped according to the rules promulgated by the Director.

e. For cluster development, at least twenty percent (20%) of the required open space shall be provided in one (1) contiguous area.

f. Terraced Housing on a Slope of Twenty-five Percent (25%) or More.

(1) No horizontal dimension for required ground-level open space shall be less than ten feet (10').

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(2) Required open space is permitted in the front, sides or rear of the structure.

(3) Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter ((~~31~~)) 11, shall not be counted as open space.

(4) In order to qualify as above-ground-level open space, rooftop areas shall have a minimum horizontal dimension of at least ten feet (10') and a total area of at least one hundred twenty (120) square feet.

3. Open Space Exception. When all parking and access to parking is uncovered and is surfaced in permeable material, except gravel, the quantity of required ground-level open space shall be reduced by five percent (5%) of the total lot area.

Section 20. Subsection B of Section 23.45.018 of the SMC, which Section was last amended by Ordinance 117173, is amended as follows:

23.45.018 Parking and access--Lowrise zones.

B. Access to Parking.

1. Alley Access Required. Except as provided in subsections B2 or B3, access to parking shall be from the alley when the site abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts. Street access shall not be permitted.

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

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

b. The lot does not abut a platted alley((~~,~~)); or

c. In Lowrise 3 zones, apartments are proposed across an alley from a Single Family or Lowrise Duplex/Triplex zones((~~,~~)); or

d. In Lowrise 4 zones apartments are proposed across an alley from a Single Family, Lowrise Duplex/Triplex or Lowrise 1 zone((~~,~~)).

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

a. Topography makes alley access infeasible;

b. In all zones except Lowrise Duplex/Triplex, ground-related housing is proposed across an alley from a Single Family zone;

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

d. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter ((31)) 11, may be from either the street or alley, or both.

4. In Lowrise Duplex/Triplex zones, no more than fifty percent (50%) of the total area of the required front setback extended to side lot lines may be occupied by a driveway providing access to parking, except where the minimum required driveway standards will exceed fifty percent (50%) of the front setback.

Section 21. Subsection B of Section 23.45.048 of the SMC, which Section was last amended by Ordinance 115043 is repealed:

Section 22. Subsection D of Section 23.45.056 of the SMC, which Section was last amended by Ordinance 116262, is amended as follows:

23.45.056 Midrise--Setback requirements.

D. General Setback Exceptions.

1. Required Setbacks for Cluster Developments.

a. Where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be as follows:

Length of Facing Portions of Facades (in feet)	Average Setback (in feet)	Minimum Setback (in feet)
40 or less	15	15
41--60	20	15
61--80	25	15
81--100	30	15
101--150	40	15
151 or more	50	15

b. Structures in cluster developments may be connected by underground garages or elevated walkways; provided, that:

(1) One (1) elevated walkway shall be permitted to connect any two (2) structures in the development;

(2) Additional elevated walkways, in excess of one (1), between any two (2) structures may be permitted by the Director when it is determined that by their location or design a visual separation between structures is maintained((.));

(3) All elevated walkways shall meet the following standards:

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i. The roof planes of elevated walkways shall be at different levels than the roofs or parapets of connected structures.

ii. Walkways shall be set back from street lot lines and the front facades of the structures they connect, and whenever possible shall be located or landscaped so that they are not visible from a street.

iii. The design of the walkways and the materials used shall seek to achieve a sense of openness and transparency.

iv. Elevated walkways shall add to the effect of modulation rather than detract from i

2. Structures in Required Setbacks.

a. Detached garages, carports or other accessory structures are permitted in the required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure (Exhibit 23.45.056 D). All such accessory structures shall be no greater than twelve feet (12') in height, with open rails permitted above twelve feet (12').

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11--Accessibility ((~~Rules and Regulations for Barrier-Free Design~~)), are permitted in required front, side or rear setbacks.

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

d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six feet (6') in height, are permitted in required front, side or rear setbacks.

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

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

h. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

(1) Fences, freestanding walls, signs and similar structures six feet (6') or less in height above existing or finished grade whichever is lower, may be erected in each required setback. The six foot (6') height may be averaged along sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

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

) The Director may allow variation from the development standards listed in subsection D2h(1) above, according to the following:

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

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

(3) Bulkheads and retaining walls used to raise grade may be placed in each required setback when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half feet (91/2').

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

i. Arbors. Arbors may be permitted in required setbacks under the following conditions:

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

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

ii. Front and rear setbacks may be reduced by twenty-five percent (25%), but no more than five feet (5'), if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to the provisions of

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subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

Section 23. Subsection B of Section 23.45.058 of the SMC, which Section was last amended by Ordinance 113041, is amended as follows:

23.45.058 Midrise--Open space requirements.

B. Development Standards.

1. Required open space shall be landscaped according to standards promulgated by the Director.

2. Ground-related Housing.

a. The required open space for each unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet, and no horizontal dimension shall be less than ten feet (10').

b. Required open space may be located in the front, sides or rear of the structure.

c. Required open space may be located a maximum of ten feet (10') above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit, except as permitted in subsection B((~~1d~~))2e.

d. At least fifty percent (50%) of the required open space for a unit shall be level, provided that:

(1) The open space may be terraced; and

(2) Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two feet (2').

e. For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet (10'), where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten feet (10'), the open space may be located a maximum of ten feet (10') plus the height between floors in excess of ten feet (10'), above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two feet (2') above grade, the open space may be located a maximum of ten feet (10') plus the additional height of the first floor in excess of two feet (2') above grade, above or below the unit it serves.

f. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited unless such openings are screened by

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view-obscuring fences, freestanding walls, or wingwalls. Fences, freestanding walls, or wingwalls located in setbacks shall be no more than six feet (6') in height in accordance with Section 23.45.028 D.

g. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier-Free Design~~)) Building Code, Chapter 11--Accessibility, shall not be counted as open space.

3. Apartments.

a. No horizontal dimension for required ground level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier-Free Design~~)) Building Code, Chapter 11--Accessibility, shall not be counted as open space.

d. In order to qualify as above-ground open space, balconies and decks shall have a minimum horizontal dimension of at least six feet (6'), and minimum area shall be sixty (60) square feet.

e. For cluster development, at least twenty percent (20%) of the required open space shall be provided in one (1) contiguous area.

4. Terraced Housing on a Slope of Twenty-five Percent (25%) or More.

a. No horizontal dimension for required ground-level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier-Free Design~~)) Building Code, Chapter 11--Accessibility, shall not be counted as open space.

d. In order to qualify as above-ground open space, rooftop areas, balconies or decks shall have a minimum horizontal dimension of at least ten feet (10'), and a total area of at least one hundred twenty (120) square feet.

Section 24. Subsection B of Section 23.45.060 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.45.060 Midrise--Parking and access.

B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions listed in subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts

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an alley improved to the standards of Section 23.53.030C. Street access shall not be permitted.

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

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

b. The lot does not abut a platted alley;

c. Apartments or terraced housing are proposed across an alley from a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone.

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

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

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

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

d. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter ((31)) 11 may be from either the street or alley, or both.

Section 25. Subsection D of Section 23.45.072 of the SMC, which Section was last amended by Ordinance 116262, is amended as follows:

23.45.072 Highrise--Setback requirements.

D. General Setback Exceptions.

1. Required Setbacks for Cluster Developments. Where two (2) or more principal structures are located on one (1) lot, or where two (2) or more portions of the same structure exceed sixty feet (60') in height above existing grade, setbacks between structures or portions of structures shall be provided as follows:

a. Interior facades shall be separated as follows:

Elevation of Facade or Portion of Facade From Existing Grade (in feet)	Minimum Separation (in feet)
60 or less	16
61--90	20
91--120	28

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121 or higher

b. Within a cluster development, interior facades need not be modulated. Perimeter facades shall follow standard development requirements.

c. Structures or portions of structures over sixty feet (60') in height may be connected by underground garages or portions of structures thirty-seven feet (37') or less in height.

2. Structures in Required Setbacks.

a. Detached garages, carports or other accessory structures are permitted in the required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure (Exhibit 23.45.072 B). All such accessory structures shall be no greater than twelve feet (12') in height above existing grade, with open rails permitted above twelve feet (12').

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State ((~~Rules and Regulations for Barrier Free Design~~)) Building Code, Chapter 11--Accessibility, are permitted in required front, side or rear setbacks.

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

d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six feet (6') in height, are permitted in required front, side or rear setbacks.

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

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

h. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

(1) Fences, freestanding walls, signs and similar structures six feet (6') or less in height above existing or finished grade whichever is lower, may be erected in each required setback. The six foot (6') height may be averaged along sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

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

(2) The Director may allow variation from the development standards listed in subsection D2b(1) above, according to the following:

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

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

(3). Bulkheads and retaining walls used to raise grade may be placed in each required setback when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half feet (91/2').

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

i. Arbors. Arbors may be permitted in required setbacks under the following conditions:

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

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

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

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Section 26. Subsection B of Section 23.45.076 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.45.076 Highrise--Parking and access.

B. Access to Parking.

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

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

a. The alley borders on a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;

b. The lot does not abut an alley;

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

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

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

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

c. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter ((~~31~~)) 11 may be from either the street or alley, or both.

Section 27. Section 23.45.092 of the SMC, which was last amended by Ordinance 114910, is amended as follows:

23.45.092 Institutions--Structure height.

A. Maximum height limits for institutions shall be as provided for multifamily structures in the same multifamily zone.

B. In the Lowrise zones, for gymnasiums and auditoriums which are accessory to an institution the maximum permitted height shall be forty feet (40') if all portions of the structure above the height limit of the zone are set back at least twenty feet (20') from all property lines. Pitched roofs on the auditorium or gymnasium with a slope of not less than three to twelve (3:12) may extend ten feet (10') above the forty foot (40') height limit. No

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portion of a shed roof on a gymnasium or auditorium shall be permitted to extend beyond forty feet (40').

Section 28. Subsection A of Section 23.45.112 of the SMC, which Section was last amended by Ordinance 116744, is amended as follows:

23.45.112 Public schools.

Public Schools Meeting Development Standards. New public schools or additions to existing public schools and accessory uses including child care centers which meet the following development standards shall be permitted in all multifamily zones. Public schools in single-family attached zones shall meet the development standards for public schools in Lowrise 1 zones. Departures from development standards of this section may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools.

A. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multi-family structures. For gymnasiums and auditoriums in the lowrise zones which are accessory to the public school, the maximum permitted height shall be forty feet (40') plus ten feet (10') for a pitched roof if all portions of the structure above the height limit of the zone are set back at least twenty feet (20') from all property lines. All parts of a gymnasium or auditorium roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend above the forty feet (40') height limit under this provision.

2. For new public school construction on existing public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multi-family structures or thirty-five feet (35') plus fifteen feet (15') for a pitched roof, whichever is greater. For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height shall be the maximum height permitted in the zone for multifamily structures or forty feet (40') plus ten feet (10') for a pitched roof, whichever is greater. If the greater height limit for the gymnasium or auditorium is forty feet (40'), all portions of the structure above thirty-five feet (35') shall be set back at least twenty feet (20') from all property lines. ((~~If the thirty-five foot (35') height limit applies, a~~))All parts of the roof permitted above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the ((~~thirty-five foot (35')~~)) height limits under this provision.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the maximum height permitted in the zone for multi-family structures, the height of the existing school, or thirty-five feet (35') plus fifteen feet (15') for a pitched roof, whichever is greater. For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height shall the maximum height permitted in the zone for a multi-family structure, the height of the existing gymnasium or auditorium, or forty feet (40') plus ten feet (10') for a pitched roof, whichever is greater. If the greater height limit for the gymnasium or auditorium is forty feet (40'), all portions of the structure above thirty five feet (35') shall be set back at least twenty feet (20') from all property lines. When the height limit is thirty-five feet (35') for the school or forty feet (40') for a gymnasium or auditorium, ((~~the ridge of the pitched roof on a principal structure may extend up to fifteen feet (15') above the height limit, and~~)) all parts of the roof

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permitted above the height limit must be pitched at a rate of not less than three to twelve((.)) (3:12). No portion of a shed roof shall be permitted to extend beyond the ((~~thirty-five foot (35')~~)) height limits under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height which may be granted as a development standard departure shall be thirty-five feet (35') plus fifteen feet (15') for a pitched roof for elementary schools and sixty feet (60') plus fifteen feet (15') for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

5. The provisions regarding height for sloped lots, pitched roofs, and rooftop features for the zone in which the public school is located shall apply.

Section 29. Subsection E of Section 23.46.002 of the SMC, which Section was last amended by Ordinance 116795, is amended as follows:

23.46.002 Scope of provisions.

E. In addition to the provisions of this chapter, certain residential-commercial areas may be regulated by Overlay Districts, Chapter 23.((~~56~~))59.

Section 30. Section 23.47.008 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.47.008 Mixed use development.

A. A mixed use development consists of residential and nonresidential use in the same structure or in separate structures on the same lot and meeting the standards specified in this ((s))Section, except as provided in the Northgate Overlay District, Chapter 23.71. When an application for a mixed use development with residential and nonresidential uses in separate structures is submitted, a temporary certificate of occupancy shall not be issued for the residential structure(s) until a schedule for completion of the nonresidential building is presented to and approved by the Director, and substantial construction of the nonresidential structure is completed. Substantial construction means that the framing of the exterior walls has been inspected and approved.

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

1. For purposes of calculating the eighty percent (80%) of a structure's street front facade at street level, twenty-two feet (22') for the width of a driveway accessing

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parking may be subtracted from the length of the street front facade if the access cannot be provided from a side street or alley.

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

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

4. Where the lot fronts on two (2) or more streets and abuts a lot which is not zoned commercial, the street front facade requirement shall apply to the structure's facade along the street with the greatest continuous lineal feet of commercially zoned frontage.

5. Where a lot fronts on two (2) or more streets and only abuts lots which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the structure containing the required nonresidential use. On a through lot, the Director may waive the requirement for one (1) or more, but not all of the street fronts if the streets ((is)) are not ((a)) major commercial streets. The Director may require screening of garbage cans, parking and utility meters where the street front facade requirement is waived.

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

7. The entrance to required nonresidential uses at street level shall be no more than three feet (3') above or below sidewalk grade. If the entrance to required nonresidential use at street level in C1 and C2 zones is provided from a surface parking lot located between the street and the structure, the entrance shall be no more than three feet (3') above or below the surface parking lot grade.

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

C. Height for Mixed Use Development.

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

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

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

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a. The additional height is necessary to meet code minimums for ceiling height (thirteen feet (13') floor to floor for nonresidential use at street level and seven feet six inches (7' 6") floor to ceiling for residential space); and

b. The additional height will not permit an additional story to be built (((()))beyond ((~~three (3) for a zone with a thirty foot (30') height limit and four (4) for a zone with a forty foot (40') height limit~~))) what could be built under the applicable height limit if a thirteen foot (13') ceiling height were not required at street level.

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

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

b. The additional height of the structure will not permit an additional story to be built (((()))beyond ((~~three (3) for a zone with a thirty foot (30') height limit and forty foot (40') height limit~~))) what could be built under the applicable height limit if a thirteen foot (13') ceiling height were not required at street level; and

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

D. Above thirteen feet (13') from finished grade ((~~and above the required nonresidential use~~)), the residential portion of a structure containing residential and nonresidential uses shall be limited to a maximum lot coverage of sixty-four percent (64%). Portions of structures exempted from structure width as provided in Section 23.86.014C shall also be exempt from lot coverage calculations. If the nonresidential and residential uses are located in separate structures, this provision shall only apply to the portion of the residential structure more than thirteen feet (13') above finished grade. This provision shall not apply when an area in an existing building, in nonresidential use as of April 3, 1995, is converted to residential use, provided that the structure is not modified in any way that increases the coverage to greater than sixty-four percent (64%) of the portion of the structure in residential use and over thirteen feet (13') above finished grade.

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

F. Any detached structure existing as of July 25, 1996, that contains residential and nonresidential uses and does not meet the requirements for mixed use development as provided in subsection B may add additional residential units, provided that:

1. An area equal to at least ten percent (10%) of the gross floor area of the structure or fifty percent (50%) of the structure's footprint, whichever is greater, is

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already in nonresidential use qualifying under subsection B3 above and occupies at least sixty percent (60%) of the structure's street front facade at street level; or

2. No decrease is proposed in the percentage of the street front facade at street level that is in qualifying nonresidential use unless at least eighty percent (80%) of the street front facade at street level will remain in qualifying nonresidential use; and no decrease is proposed in the area in nonresidential use, or the depth of nonresidential space extending from the street front facade shall be at least 30 feet.

G. Any detached structure existing as of July 25, 1996, which contains residential and nonresidential uses and exceeds the density limits for single-purpose residential structures may decrease the amount of space devoted to nonresidential uses or decrease the amount of the structure's street front facade at street level that is occupied by nonresidential use provided that:

1. The amount of the structure's street front facade at street level that is occupied by nonresidential uses does not decrease to less than eighty percent (80 percent) of the structure's street front facade, and

2. The amount of space devoted to nonresidential uses at street level does not decrease to less than a depth of thirty feet (30'), provided that the depth may be averaged, with no depth less than fifteen feet (15').

Section 31. Section 23.47.009 of the SMC, which was last amended by Ordinance 117430, is amended as follows:

23.47.009 Density limits for residential uses.

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

1. As established in the Northgate Overlay District as provided in Chapter 23.71.

2. For lots rezoned from SF to NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 per Section 23.34.010 B, the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

B. Density limits shall not apply for single-purpose residential structures along selected streets in the Pike/Pine Overlay District, pursuant to Chapter 23.73.

C. Density limits shall apply for single-purpose residential structures subject to the following, except as provided in subsection ((C)) D below:

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

2. In NC1 zones the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

3. In NC2, NC3, C1 and C2 zones with either thirty feet (30') or forty feet (40') height limits, the density limit shall be one (1) unit per one thousand two hundred (1,200) square feet of lot area.

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

5. For lots rezoned from SF to NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 per Section 23.34.010 B, the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

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

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

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

a. In NC zones with thirty foot (30') height limits, the density limit shall be one (1) unit per seven hundred (700) square feet of lot area.

b. In NC zones with forty foot (40') height limits, the density limit shall be one (1) unit per five hundred (500) square feet of lot area.

c. In NC zones with sixty-five foot (65'((-))) height limits, the density limit shall be one (1) unit per four hundred (400) square feet of lot area.

d. In C1 and C2 zones with thirty foot (30'), forty foot (40') or sixty-five foot (65') height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area except as provided in subparagraph C1e below.

e. Density limits in a C1 or C2 zone may be increased to the density limit for single-purpose residential structures in the NC zone with the corresponding height designation if the structure is developed according to the standards for NC zones as listed below:

(1) Outdoor storage areas, per Section 23.47.011 E1;

(2) Screening for gas stations, per Section 23.47.016 D3c;

(3) Blank facades, per Section 23.47.016 E;

(4) Drive-in lanes, per Section 23.47.028 A3; and

(5) Location of parking, per Section 23.47.032 B.

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

2. Outside urban village commercial areas as shown on the Official Land Use Map.

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a. In NC zones with thirty (30') height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

b. In NC zones with forty foot (40') and sixty-five foot (65') height limits, the density limit shall be one (1) unit per six hundred (600) square feet of lot area.

c. In C1 and C2 zones with thirty foot (30'), forty foot (40') or sixty-five foot (65') height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area.

Section 32. Subsection E of Section 23.47.014 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.47.014 Setback requirements.

E. Structures in Required Setbacks.

1. Decks and balconies with open railings may extend into the required setback, but shall not be permitted within five feet (5') of a residentially zoned lot, except as provided in subsection ((C))E6.

2. Eaves, cornices and gutters projecting no more than eighteen inches (18") from the structure facade shall be permitted in required setbacks.

3. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter ((~~31~~))11, are permitted in required setbacks.

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

5. Fences, freestanding walls and other similar structures.

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

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

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

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6. Decks which are accessory to residential uses and are no more than eighteen inches (18") above existing or finished grade, whichever is lower, may project into required setbacks.

7. Underground structures are permitted in all setbacks.

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

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

Section 33. Section A of Section 23.47.016 of the SMC, which Section was last amended by Ordinance 117430, is amended as follows:

23.47.016 Screening and landscaping standards.

A. The following types of screening and landscaping may be required for specific uses according to the provisions of this chapter.

1. Three-foot (3') High Screening on Street Property Lines. Three-foot (3') high screening may be either:

a. A fence or wall at least three feet (3') in height; or

b. A hedge or landscaped berm at least three feet (3') in height.

2. Six-foot (6') High Screening on Property Lines. Six-foot (6') high screening may be either:

a. A fence or wall six feet (6') in height; or

b. A landscaped berm at least five feet (5') in height or a hedge planted in conformance with landscaping rules promulgated by the Director.

3. Landscaped Areas and Berms. Each area or berm required to be landscaped shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier-Free Design~~)) Building Code, Chapter 11--Accessibility, decorative pavers, sculptures or fountains may cover a maximum of thirty percent (30%) of each required landscaped area or berm. Landscaping shall be provided according to standards promulgated by the Director.

4. Landscaping of Surface Parking Areas. When landscaping of a surface parking area is required, the following standards shall be met:

a. Total Number of Parking Spaces	Required Landscape Area
20 to 50	18 square feet/

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	51 to 99	parking space 25 square feet/ parking space
	100 or more	35 square feet/ parking space

b. The minimum size of a required landscaped area shall be one hundred (100) square feet. Berms and other landscaped areas provided to meet screening standards may be counted as part of a landscaped area. No part of a landscaped area shall be less than four feet (4') in dimension except those parts created by turning radii or angles of parking spaces.

c. No stall shall be more than sixty feet (60') from a required landscaped area.

d. One (1) tree shall be required for every ten (10) parking spaces.

e. Each tree shall be three feet (3') away from any curb of a landscaped area or edge of the parking area. Permanent curbs or structural barriers shall enclose each landscaped area.

f. Hardy evergreen groundcover shall be planted in accordance with rules promulgated by the Director. Trees in parking areas shall be selected in consultation with the City Arborist.

5. Combinations of Screening and Landscaping Requirements. When there is more than one (1) type of use which requires screening or landscaping, the requirement which results in the greater amount of screening and landscaping shall be followed. Street trees required by subsection C shall be provided in addition to landscaping required for specific uses in subsection D.

Section 34. Subsection A of Section 23.47.023 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.47.023 Standards for single-purpose residential structures.

A. In all commercial zones, single-purpose residential structures shall be subject to density standards provided for in Section 23.47.009, except as provided for in the Northgate Overlay District, Chapter 23.71, and in the Pike/Pine Overlay District, Chapter 23.73.

Section 35. Section 23.47.024 of the Seattle Municipal Code, which was last amended by Ordinance 117430, is amended as follows:

23.47.024 Open space standards.

Usable open space is intended for use by the residents of the development or structure, and shall be required for all residential uses in mixed use development ((~~for~~)) and single purpose residential structures according to the following:

A. Open Space Quantity. Usable open space shall be required for all residential uses in an amount equal to twenty percent (20%) of the structure's gross floor area in

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residential use. Calculation of a structure's gross floor area, for the purposes of this subsection, shall exclude area used for mechanical equipment, accessory parking and unenclosed decks, balconies or porches.

B. Open Space Development Standards.

1. When permitted, required usable open space may be provided at ground level or may be provided above ground in the form of balconies, decks, solaria, greenhouses, or roof gardens or decks.

2. Balconies and decks provided above ground as open space shall have a minimum area of sixty (60) square feet and no horizontal dimension shall be less than six feet (6').

3. Usable open space at ground level, and roof gardens, solaria, and greenhouses provided above ground as open space shall have a minimum area of two hundred fifty (250) square feet. No horizontal dimension shall be less than ten feet (10').

4. Required usable open space is permitted at the front, sides, or rear of the structure.

5. Parking areas, driveways, and pedestrian access to the nonresidential or residential entrances, except for pedestrian access meeting the Washington State ((~~Rules and Regulations for Barrier-free Design~~) Building Code, Chapter 11--Accessibility, shall not be counted as open space.

6. Required open space shall be landscaped according to standards promulgated by the Director.

Section 36. Subsection C of Section 23.47.040 of the Seattle Municipal Code, which Section was adopted by Ordinance 112777, is amended as follows:

23.47.040 General provisions for pedestrian-designated zones.

C. For purposes of this subchapter, the following streets are principal pedestrian streets when located within a pedestrian-designated zone:

Lake City Way Northeast;
Roosevelt Way Northeast;
Greenwood Avenue North;
North 85th Street;
East Greenlake Drive North;
Woodlawn Avenue Northeast;
University Way Northeast;
Northeast Forty-fifth Street;
Northwest Market Street;
Fremont Avenue North;
Fremont Place North;
Queen Anne Avenue North;
Mercer Street;
Roy Street;
First Avenue North;
15th Avenue East;

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Broadway Avenue East;
East Olive Way;
East Madison Street;
Madison Street;
((~~Alki Avenue Southwest;~~))
California Avenue Southwest;
Southwest Alaska Street.

Section 37. Subsection D of Section 23.53.015 of the SMC, which Section was last amended by Ordinance 11747, is amended as follows:

23.53.015 Improvement requirements for existing streets in residential and commercial zones.

D. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-Way Greater Than or Equal to the Minimum Width. When a street with existing curbs abuts a lot and the existing right-of-way is greater than or equal to the minimum width established in subsection A6, but the roadway width is less than the minimum established in the Street Improvement Manual, the following requirements shall be met:

(1) All structures on the lot shall be designed to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

(3) If there is no sidewalk, a sidewalk shall be constructed in the portion of the right-of-way abutting the lot, except when the following types of projects are proposed:

i. Remodeling and use changes within existing structures; and

ii. Additions to existing structures which are exempt from environmental review.

b. Streets With Less than the Minimum Right-of-Way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A5, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. In all residential zones except Highrise zones, an additional three-foot (3') setback shall also be required. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground structures which would not prevent the future widening and improvement of the right-of-way may be

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permitted in the required setback by the Director of Construction and Land Use after consulting with the Director of Engineering.

(2) Grading Requirement. When a setback is required, all structures on the lot shall be designed to accommodate the grade of the future street according to the Street Improvement Manual.

(3) No-protest Agreement Requirement. A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

2. Projects With Reduced Improvement Requirements.

a. One (1) or Two (2) Dwelling Units. When one (1) or two (2) dwelling units are proposed to be constructed, or one (1) or (2) Single Family zoned lots are proposed to be created, the following requirements shall be met:

(1) If there is no existing hard-surfaced roadway, a crushed-rock roadway at least sixteen feet (16') in width shall be required, according to the Street Improvement Manual.

(2) All structures on the lot(s) shall be designed to accommodate the grade of the future street improvements.

~~((3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.))~~

b. Other Projects With Reduced Requirements. The types of projects listed in this subsection D2b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection:

(1) Types of Projects.

i. Proposed developments which contain fewer than ten (10) units in SF, LDT and L1 zones, and six (6) residential units in all other zones;

ii. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: fast-food restaurants, major and minor vehicle repair uses, and multipurpose convenience stores;

iii. Nonresidential structures which have less than four thousand (4000) square feet of gross floor area and which do not contain uses listed in subsection D2b(1)ii which are larger than seven hundred fifty (750) square feet;

iv. Structures containing a mix of residential and nonresidential uses, if there are fewer than ten (10) units in SF, LDT and L1 zones, or fewer than six (6) residential units in all other zones, and the square footage of nonresidential use is less than specified in D2b(1)ii and D2b(1)iii;

v. Remodeling and use changes within existing structures;

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vi. Additions to existing structures which are exempt from environmental review; and

vii. Expansions of a surface parking area or open storage area of less than twenty percent (20%) of parking area or storage area or number of parking spaces.

(2) Paving Requirement. For the types of projects listed in subsection D2b(1), the streets abutting the lot shall have a hard-surfaced roadway at least eighteen feet (18') wide. If there is not an eighteen foot (18') wide hard-surfaced roadway, the roadway shall be paved to a width of at least twenty feet (20') from the lot to the nearest hard-surfaced street meeting this requirement, or one hundred feet (100'), whichever is less. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the Street Improvement Manual. The Director, after consulting with the Director of Engineering, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

(3) Other Requirements. The setback, grading and no-protest agreement requirements of subsection D1b shall also be met.

3. Exceptions from Required Street Improvements. The Director may waive or modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, landscaping and curb and sidewalk installation when it is determined that one (1) or more of the following conditions are met:

a. 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.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for ((~~street parks~~)) green streets, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would eliminate street access to an existing lot.

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

f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for

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example due to an inability to meet the required twenty percent (20%) maximum driveway slope.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 38. Subsection F of Section 23.53.025 of the SMC, which Section was last amended by Ordinance 117263, is amended as follows:

23.53.025 Access easement standards.

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

1. Easement width shall be a minimum of ((~~ten feet (10')~~)) five feet (5');

2. Easements serving one (1) or two (2) dwelling units shall provide a paved pedestrian walkway at least three feet (3') wide;

3. Easements serving three (3) or more dwelling units shall provide a paved pedestrian walkway at least five feet (5') wide;

4. Easements over one hundred feet (100') in length shall provide lighting at intervals not to exceed fifty feet (50'). Lighting placement shall not exceed fifteen feet (15') in height;

5. Pedestrian access easements shall not exceed two hundred feet (200') in length.

Section 39. Subsections E and G of Section 23.53.030 of the SMC, which Section was last amended by Ordinance 117570, is amended as follows:

23.53.030 Alley improvements in all zones.

E. Existing Alleys Which Meet the Minimum Width. Except as provided in subsection G and except for one (1) or two (2) dwelling unit developments that abut an alley that is not improved but is in common usage, when an existing alley meets the minimum right-of-way width established in subsection D, the following requirements shall be met:

1. When the alley is used for access to parking spaces, open storage, or loading berths on a lot, the following improvements shall be provided:

a. For the following types of projects, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be improved to at least the equivalent of a crushed rock surface, according to the Street Improvement Manual. The applicant may choose the street to which the improvements will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of

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the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

(1) Residential structures with fewer than ten (10) units;

(2) The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: fast-food restaurants, major and minor vehicle repair uses, and multipurpose convenience stores;

(3) Nonresidential structures which have less than four thousand (4,000) square feet of gross floor area and which do not contain uses listed in subsection E1a(2) which are larger than seven hundred fifty (750) square feet;

(4) Structures containing a mix of residential and nonresidential uses, if the residential use is less than ten (10) units, and the square footage of nonresidential uses is less than specified in subsections E1a(2) and E1a(3);

(5) Remodeling and use changes within existing structures;

(6) Additions to existing structures which are exempt from environmental review; and

(7) Expansions of a surface parking area or open storage area of less than twenty percent (20%) of parking area or storage area or number of parking spaces.

b. For projects not listed in subsection E1a, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be paved. The applicant may choose the street to which the pavement will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

2. When the alley is not used for access, if the alley is not fully improved, all structures shall be designed to accommodate the grade of the future alley improvements, and a no-protest agreement to future alley improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

* * *

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;

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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 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.

6. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

7. Widening the right-of-way would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for green streets, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.

8. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

9. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the right-of-way is at zoned capacity.

Section 40. Chart A of Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 117869, is amended as follows, and is amended to add the following Map B:

Chart A for 23.54.015 Parking.

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PARKING
Chart A
for Section 23.54.015

Use	Parking Requirements
Adult family home	1 for each dwelling unit.
Adult motion picture theater	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Adult panoram	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Airport, land-based (waiting area)	1 for each 100 square feet.
Airport, water-based (waiting area)	1 for each 100 square feet.
Animal services	1 for each 350 square feet.
Animal husbandry (retail area only)	1 for each 350 square feet.
Aquaculture (retail area only)	1 for each 350 square feet.
Artist's studio/dwelling	1 for each dwelling unit.
Automotive parts or accessory sales	1 for each 350 square feet.
Ball courts	1 per court.
Bed and breakfast	1 for each dwelling, plus 1 for each 2 guest rooms or suites.
Bowling alley	5 for each lane.
Brewpub	1 for each 200 square feet.
Business support services	1 for each 2,000 square feet
Business incubators	1 for each 1,000 square feet.
Carwash	1 for each 2,000 square feet.
Caretaker's quarters	1 for each dwelling unit.
Cargo terminal	1 for each 2,000 square feet.
Cemetery	None.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Child care center[2]	1 space for each 10 children or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 children.
Colleges[1]	A number of spaces equal to 15 percent of the maximum number of students present at peak hour; plus 30 percent of the number of employees present at peak hour; plus 1 for each 100 square feet of spectator assembly area in outdoor spectator sports facilities.
Commercial laundries	1 for each 2,000 square feet.
Commercial moorage	1 for each 140 lineal feet of moorage.
Communication utilities	1 for each 2,000 square feet.
Community centers[2, 3] and community clubs[2, 3]	1 for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 for every 3 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 for each 350 square feet, excluding ball courts.
Community centers owned and operated by the Seattle Department of Parks and Recreation (DOPAR)[2, 3, 4]	1 for each 555 square feet.
Congregate residences	1 for each 4 residents.
Construction services	1 for each 2,000 square feet.
Custom and craft work	1 for each 1,000 square feet.
Dance halls (dance floor and table area)	1 for each 100 square feet.
Dry storage of boats	1 for each 2,000 square feet.
Family support centers located in community centers owned and operated by the Seattle DOPAR[4]	1 for each 100 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Floating homes	1 for each dwelling unit.
Food processing for human consumption	1 for each 1,000 square feet.
Gas station	1 for each 2,000 square feet.
General retail sales and services	1 for each 350 square feet.
Ground-floor businesses in multi-family zones	None, maximum of 10.
Heavy commercial services	1 for each 2,000 square feet.
Heliports (waiting area)	1 for each 100 square feet.
High-impact uses	1 for each 1,500 square feet or as determined by the Director.
Horticultural uses (retail area only)	1 for each 350 square feet.
Hospitals [5]	1 space for each 2 staff doctors; plus 1 additional space for each 5 employees; plus 1 for each 6 beds.
Hotels	1 for each 4 sleeping rooms or suites.
Institute for advanced study [5]	1 for each 1,000 square feet of administrative offices and similar spaces; plus 1 for each 10 fixed seats in all auditoria and public assembly rooms; or 1 for each 100 square feet of public assembly area not containing fixed seats
Institutes for advanced study in single-family zones((~~ing~~)) (existing)	3.5 for each 1,000 square feet of office space; plus 10 for each 1,000 square feet of additional building footprint to house and support conference center activities, or 37 for each 1,000 square feet of actual conference rooms to be constructed, whichever is ((~~larger~~)) greater.
Kennel	1 for each 2,000 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Lecture and meeting hall	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Major durables, sales, service, and rental	1 for each 2,000 square feet.
Manufacturing, general	1 for each 1,500 square feet.
Manufacturing, heavy	1 for each 1,500 square feet.
Manufacturing, light	1 for each 1,500 square feet.
Marine service station	1 for each 2,000 square feet.
Medical services	1 for each 350 square feet.
Miniature golf	1 for each 2 holes.
Mini-warehouse	1 for each 30 storage units.
Mobile home park	1 for each mobile home.
Mortuary services	1 for each 350 square feet.
Motels	1 for each sleeping room or suite.
Motion picture theater	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Multi-family structures, except those listed below	Lots containing 2--10 dwelling units: 1.1 for each dwelling unit. Lots containing 11--30 dwelling units: 1.15 for each dwelling unit. Lots containing 31--60 dwelling units: 1.2 for each dwelling unit. Lots containing more than 60 dwelling units: 1.25 for each dwelling unit.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
	In addition, for all multi-family structures whose average gross floor area per dwelling unit, excluding decks and all portions of a structure shared by multiple dwelling units, exceeds 500 square feet, an additional .0002 spaces per square foot in excess of 500 shall be required up to a maximum additional .15 spaces per dwelling unit; and When at least 50 percent of the dwelling units in a multi-family structure have 3 bedrooms, an additional .25 spaces per bedroom for each unit with 3 bedrooms shall be required; and Any multi-family structure which contains a dwelling unit with 4 or more bedrooms shall be required to provide an additional .25 spaces per bedroom for each unit with 4 or more bedrooms.[7]
Multi-family structures containing dwelling units with 2 or more bedrooms, when within the area impacted by the University of Washington as shown on Map A following this section.	1.5 spaces per unit with 2 or more bedrooms. The requirement for units with 3 or more bedrooms contained above shall also apply. All other requirements for units with fewer than 2 bedrooms shall be as contained above.[7]
Multi-family structures, when within the Alki area as shown on Map B following this section.	1.5 spaces per unit.
Multi-family ((~~structures~~)) development, for those ground-related structures within the development with ((,)) 10 units or ((~~less~~)) fewer	1 for each dwelling unit.
Multi-family structures for low-income elderly	1 for each 6 dwelling units.
Multi-family structures for low-income disabled	1 for each 4 dwelling units.
Multi-purpose convenience store	1 for each 350 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Museum [8]	1 for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; or 1 for every 10 fixed seats for floor area containing fixed seats; plus 1 space for each 250 square feet of other gross floor area open to the public.
Non-household sales and services, except sales, service and rental of office equipment	1 for each 2,000 square feet.
Nursing homes [9]	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 for each 6 beds.
Office, administrative	1 for each 1,000 square feet.
Office, customer service	1 for each 350 square feet.
Outdoor storage	1 for each 2,000 square feet.
Parks	None.
Participant sports and recreation, indoor, unless otherwise specified	1 for each 350 square feet.
Participant sports and recreation, outdoor, unless otherwise specified	1 for each 350 square feet.
Passenger terminals (waiting area)	1 for each 100 square feet.
Performing arts theater	1 for each 8 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Personal transportation services	1 for each 2,000 square feet.
Playgrounds	None.
Power plants	1 for each 2,000 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
Private club [10]	1 for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 for each 350 square feet, excluding ball courts.
Railroad rights-of-way	None.
Railroad switchyard	1 for each 2,000 square feet.
Railroad switchyard with mechanized hump	1 for each 2,000 square feet.
Recreational marinas	1 for each 75 lineal feet of moorage.
Recycling center	1 for each 2,000 square feet.
Recycling collection station	None.
Religious facility [11]	1 for each 80 square feet of all auditoria and public assembly rooms.
Research and development laboratory	1 for each 1,000 square feet.
Restaurant	1 for each 200 square feet.
Restaurant, fast-food	1 for each 100 square feet.
Sales, service and rental of commercial equipment	1 for each 2,000 square feet.
Sale and rental of large boats	1 for each 2,000 square feet.
Sale and rental of motorized vehicles	1 for each 2,000 square feet.
Sales, service and rental of office equipment	1 for each 350 square feet.
Sale of boat parts or accessories	1 for each 350 square feet.
Sale of heating fuel	1 for each 2,000 square feet.
Salvage yard	1 for each 2,000 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Use	Parking Requirements
School, private elementary and secondary [3, 11 ((12))]	1 for each 80 square feet of all auditoria and public assembly rooms, or if no auditorium or assembly rooms, 1 for each staff member.
School, public elementary and secondary [3, 12, 13((, 14))]	1 for each 80 square feet of all auditoria((~~um~~)) or public assembly rooms, or 1 for every 8 fixed seats in auditoriums or public assembly rooms, containing fixed seats, for new public schools on a new or existing public school site.
Sewage treatment plant	1 for each 2,000 square feet.
Single-family dwelling units	1 for each dwelling unit
Skating rink (rink area)	1 for each 100 square feet.
Solid waste transfer station	1 for each 2,000 square feet.
Specialty food stores	1 for each 350 square feet.
Spectator sports facility	1 for each 10 fixed seats or 1 for each 100 square feet of spectator assembly area not containing fixed seats.
Sport range	1 for each 2 stations.
Swimming pool (water area)	1 for each 150 square feet.
Taverns	1 for each 200 square feet.
Transit vehicle base	1 for each 2,000 square feet.
Universities ((~~15~~))14	A number of spaces equal to 15 percent of the maximum number of students present at peak hour; plus 30 percent of the number of employees present at peak hour; plus 1 for each 100 square feet of spectator assembly area in outdoor spectator sports facilities.
Utility service uses	1 for each 2,000 square feet.
Vehicle repair, major	1 for each 2,000 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

Vehicle repair, minor	1 for each 2,000 square feet.
Vessel repair, major	1 for each 2,000 square feet.
Vessel repair, minor	1 for each 2,000 square feet.
Vocational or fine arts school	1 for each 2 faculty and full-time employees; plus 1 for each 5 students (based on the maximum number of students in attendance at any one time).
Warehouse	1 for each 1,500 square feet.
Wholesale showroom	1 for each 1,500 square feet.
Work-release centers	1 for each 2 full-time staff members; plus 1 for each 5 residents; plus 1 for each vehicle operated in connection with the work-release center.

[1] When permitted in multi-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122.

[2] When permitted in single-family zones, the Director may modify the parking requirements pursuant to Section 23.44.022; when permitted in multi-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122. The Director, in consultation with the Director of Engineering, may allow child care centers locating in existing structures to provide loading and unloading spaces on-street when no other alternative exists.

[3] Indoor gymnasiums shall not be considered ball courts, nor shall they be considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the entire gymnasium shall be one (1) parking space for every eight (8) fixed seats. Each twenty inches (20") of width of bleachers shall be counted as one (1) fixed seat for the purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain bleachers and is in a community center, the parking requirement shall be one (1) space for each 350 square feet. If the gymnasium does not contain bleachers and is in a community center owned and operated by the Department of Parks and Recreation (DOPAR), the parking requirement shall be one (1) space for each 555 square feet.

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PARKING
Chart A
for Section 23.54.015 (Continued)

4. When family support centers are located within community centers owned and operated by DOPAR, the Director may lower the combined parking requirement by up to a maximum of fifteen percent (15 %), pursuant to Section 23.54.020 I.

5. When permitted in multifamily zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122.

6. Parking spaces required for multi-family structures may be provided as tandem spaces according to subsection B of Section 23.54.020.

7. Bedroom--Any habitable room as defined by the Building Code which, in the determination of the Director, is capable of being used as a bedroom.

8. When permitted in multi-family zones as a conditional use, the Director may modify the parking requirement pursuant to Section 23.45.122.

9. When specified in single-family zones, Section 23.44.015, the Director may waive some or all of the parking requirements.

10. When permitted in multi-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122.

11. When specified in single-family zones, Section 23.44.022, and multi-family zones, Section 23.45.122, the Director may waive some or all of the parking requirements.

12. When specified in single-family zones, Section 23.44.022, and multi-family zones, Section 23.45.122, the Director may waive some or all of the parking requirement.

13. For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements shall be determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if any auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as shown on Chart A for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is ten percent (10%) or less than that for the existing auditorium or other place of assembly, then no additional parking shall be required.

14. Development standards departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.

15. When permitted in multi-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122.

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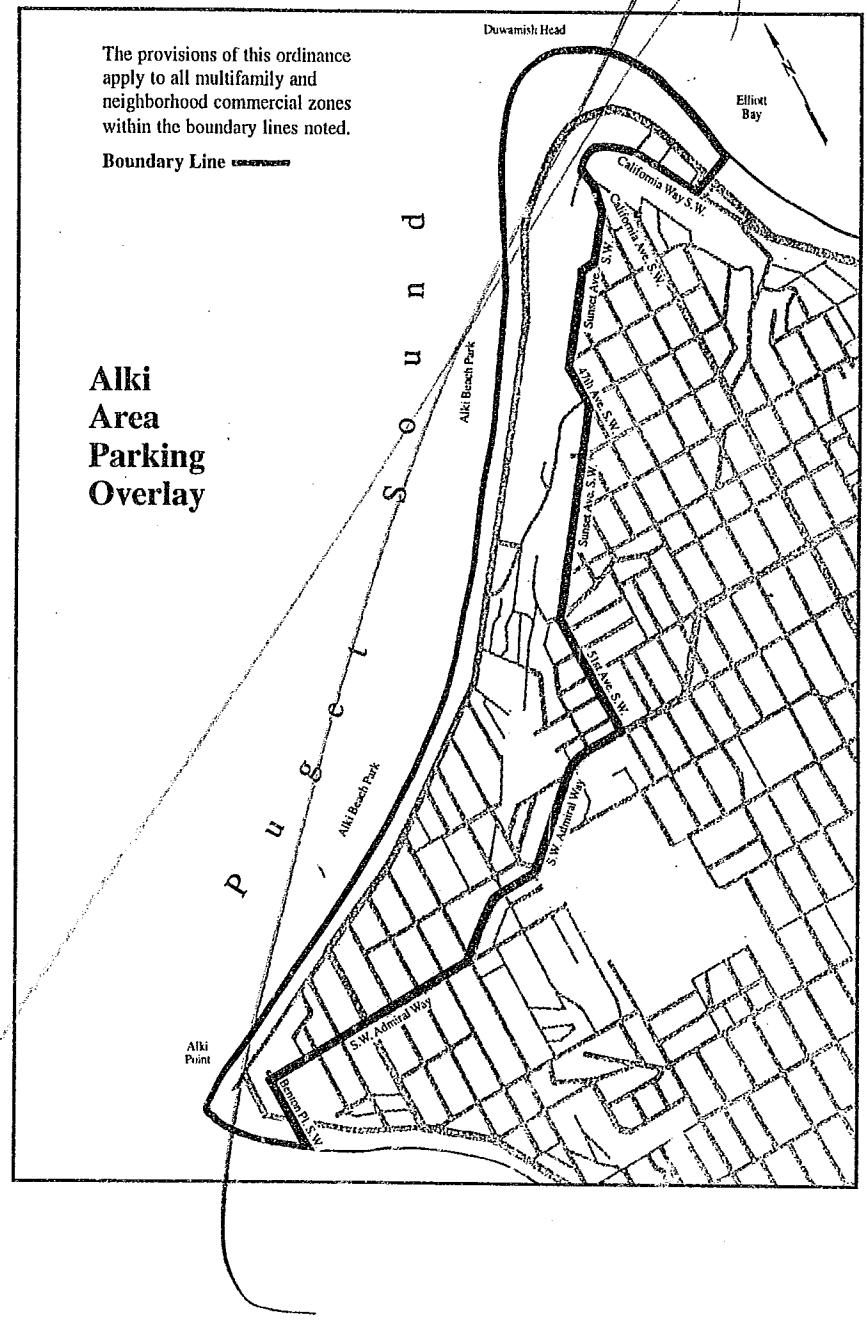
Exhibit for Chart A, Section 23.54.015
Map B — Alki Area Parking Overlay



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Section 41. Subsection F of Section 23.54.030 of the SMC, which Section was last amended by Ordinance _____, is amended as follows:

23.54.030 Parking space standards

F. Curbcuts. Curbcut requirements shall be determined by whether the parking served by the curbcut is for residential or nonresidential use, and by the zone in which the use is located. When a curbcut is used for more than one (1) use, the requirements for the use with the largest curbcut requirements shall apply.

1. Residential Uses in Single-family and Multi-family Zones and Single-purpose Residential Uses in All Other Zones.

a. For lots not located on a principal arterial as designated on Exhibit 23.53.015 A, the number of curbcuts permitted shall be according to the following chart:

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

For lots with frontage in excess of three hundred twenty feet (320'), the pattern established in the chart shall be continued.

b. Curbcuts shall not exceed a maximum width of ten feet (10') except that:

(1) One (1) curbcut greater than ten feet (10') but in no case greater than twenty feet (20') in width may be substituted for each two (2) curbcuts permitted by subsection F1a; and

(2) A greater width may be specifically permitted by the development standards in a zone; and

(3) When subsection D of Section 23.54.030 requires a driveway greater than ten feet (10') in width, the curbcut may be as wide as the required width of the driveway.

c. For lots on principal arterials designated on Exhibit 23.53.015 A, curbcuts of a maximum width of twenty-three feet (23') shall be permitted according to the following chart.

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

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For lots with street frontage in excess of four hundred eighty feet (480'), the pattern established in the chart shall be continued.

d. There shall be at least thirty feet (30') between any two (2) curbcuts located on a lot.

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

f. Where two (2) adjoining lots share a common driveway according to the provisions of Section 23.54.030 D1, the combined frontage of the two (2) lots shall be considered one (1) in determining the maximum number of permitted curbcuts.

2. Nonresidential Uses in Single-family and Multi-family Zones, and All Uses, Except Single-purpose Residential Uses, in All Other Zones Except Industrial Zones.

a. Number of Curbcuts.

(1) In RC, NC1, NC2((,)) and NC3 ((,)) zones and within Major Institution Overlay Districts ((zones)), the number of two-way curbcuts permitted shall be according to the following chart: ((a maximum of two (2) curbcuts for one (1) way traffic or one (1) curbcut for two (2) way traffic shall be permitted on lots with street frontage of eighty feet (80') or less. On lots with street frontage of more than eighty feet (80'), up to two (2) two (2) way curbcuts shall be permitted for each two hundred forty feet (240') of street frontage.))

Street Frontage of the Lot	Number of Curbcuts Permitted
0 -- 80	1
81 -- 240	2
241 -- 360	3
361 -- 480	4

For lots with frontage in excess of four hundred eighty feet (480'), the pattern established in the chart shall be continued. The Director may allow two (2) one-way curbcuts to be substituted for one (1) two-way curbcut, after determining that there would not be a significant conflict with pedestrian traffic.

(2) In C1 and C2 zones and the SCM zone, the Director shall review and make a recommendation on the number and location of curbcuts.

(3) In downtown zones, a maximum of two (2) curbcuts for one (1) way traffic at least forty feet (40') apart, or one (1) curbcut for two (2) way traffic, shall be permitted on each street front where access is permitted by Section 23.49.018. No curbcut shall be located within forty feet (40') of an intersection. These standards may be modified by the Director on lots with steep slopes or other special conditions, the minimum necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic, in accordance with the Downtown Land Use Policies.

(4) For public schools, the minimum number of curbcuts determined necessary by the Director shall be permitted.

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b. Curbcut Widths.

(1) For one (1) way traffic, the minimum width of curbcuts shall be twelve feet (12'), and the maximum width shall be fifteen feet (15').

(2) For two (2) way traffic, the minimum width of curbcuts shall be twenty-two feet (22'), and the maximum width shall be twenty-five feet (25'), except that the maximum width may be increased to thirty feet (30') when truck and auto access are combined.

(3) For public schools, the maximum width of curbcuts shall be twenty-five feet (25'). Development standards departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79.

(4) When one (1) of the following conditions applies, the Director may require a curbcut of up to thirty feet (30') in width, if it is found that a wider curbcut is necessary for safe access:

i. The abutting street has a single lane on the side which abuts the lot; or

ii. The curb lane abutting the lot is less than eleven feet (11') wide; or

iii. The proposed development is located on an arterial with an average daily traffic volume of over seven thousand (7,000) vehicles; or

iv. Off-street loading space is required according to subsection H of Section 23.54.015.

c. The entrances to all garages accessory to nonresidential uses and the entrances to all principal use parking garages shall be at least six feet nine inches (6'9") high.

3. All Uses in Industrial Zones.

a. Number and Location of Curbcuts. The number and location of curbcuts shall be determined by the Director.

b. Curbcut Width. Curbcut width in Industrial zones shall be provided as follows:

(1) When the curbcut provides access to a parking area or structure it shall be a minimum of fifteen feet (15') wide and a maximum of thirty feet (30') wide.

(2) When the curbcut provides access to a loading berth, the maximum width of thirty feet (30') set in subsection E3b(1) may be increased to fifty feet (50').

(3) Within the minimum and maximum widths established by this subsection, the Director shall determine the size of the curbcuts.

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4. Curbcuts for Access Easements.

a. When a lot is crossed by an access easement serving other lots, the curbcut serving the easement may be as wide as the easement roadway.

b. The curbcut serving an access easement shall not be counted against the number or amount of curbcut permitted to a lot if the lot is not itself served by the easement.

5. Curbcut Flare. A flare with a maximum width of two and one-half feet (2 1/2') shall be permitted on either side of curbcuts in any zone.

6. Replacement of Unused Curbcuts. When a curbcut is no longer needed to provide access to a lot, the curb and any planting strip shall be replaced.

Section 42. Subsections C and D of Section 23.55.034, which Section was last amended by Ordinance 116780, is amended as follows:

23.55.034 Signs in downtown zones.

C. General Standards for All Signs.

1. Signs may be electrical, externally illuminated, or nonilluminated.

2. No sign shall have rotating or moving parts that revolve at a speed in excess of seven (7) revolutions per minute.

3. No flashing signs shall be permitted.

4. Roof signs shall not be permitted.

5. No portion of any on-premises or off-premises sign shall be located more than sixty-five feet (65') above the elevation of the sidewalk at the street property line closest to the sign, other than for on-premises signs that only identify hotels and public buildings and where such a sign shall have no rotating or moving parts and shall meet the other requirements of this Section.

D. On-premises Signs.

1. Number and Type of Permitted Signs.

a. Each use may have one (1) pole, ground, wall, marquee, under-marquee, projecting or combination sign for each three hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

b. In addition to the signs permitted by subsection D1a, each use may have one (1) wall, awning, canopy, ground, marquee, under-marquee or projecting signs for each thirty (30) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

c. In addition to the signs permitted by subsection D1a and D1b, each multiple business center may have one (1) wall, marquee, under-marquee, projecting or

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combination sign for each three-hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

d. Among the number and type of permitted signs in D1a, D1b and D1c, a maximum of four (4) of these signs identifying hotels or public buildings may be located sixty-five feet (65') or more above the elevation of the sidewalk.

e. Where the principal use or activity on the lot is outdoor retail sales, banner and strings of pennants maintained in good condition shall be allowed in addition to the signs permitted by subsections D1a, D1b and D1c.

2. There shall be no maximum area limits for on-premises signs, except for signs identifying hotels and public buildings sixty-five feet (65') or more above the elevation of the sidewalk, which shall not exceed eighteen feet (18') in length, height or any other direction.

Section 43. Chapter 23.56 of the SMC, which was last amended by Ordinance 117570, is repealed.

Section 44. Section 23.57.001 of the SMC, which was adopted by Ordinance 116295, is hereby amended as follows:

23.57.001 Intent

The intent of this chapter is to provide regulations and development standards for major and minor communication utilities and accessory communication devices. The regulations and development standards contained in this Chapter are imposed to minimize the health, safety and visual impact of telecommunication utilities on nearby areas. Development of communication ((~~facilities~~)) utilities may also be subject to Title 25 of the Municipal Code (Chapter 25.05, SEPA Policies and Procedures; Chapter 25.09, Regulations for Environmentally Critical Areas; Chapter 25.10, Radio-frequency Radiation), in addition to the Land Use Code.

Section 45. A new Chapter 23.59 of the SMC, is hereby added as follows:

Division 3 Overlay Districts

Chapter 23.59
GENERAL PROVISIONS

23.59.010 Overlay Districts generally

A. Purpose. Overlay districts are established to conserve and enhance 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 accomplish City policy objectives for specific areas; 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 Official Land Use Maps, Chapter 23.32, is subject both to its zone classification regulations and to additional requirements imposed for the overlay district. In

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any case where the provisions of the overlay district conflict with the provisions of the underlying zone, the overlay district provisions shall apply.

Section 46. Subsection A of Section 23.66.025 of the SMC, which Section was last amended by Ordinance 116744, is hereby amended as follows:

23.66.025 Use and development standards.

A. The Council may include use and development standards in the ordinance establishing a special review district. If use and development standards are not included, the special review board may, after at least one (1) public hearing, recommend use and development standards for the special review district to the Department of Neighborhoods Director who shall recommend use and development standards to the Council. If the special review board fails to recommend use and development standards within ninety (90) days after its first meeting, the Department of Neighborhoods Director shall prepare use and development standards and recommend such standards to the Council. The Council shall consider proposed use and development standards in the same manner as Land Use Code text amendments. Use and development standards shall be adopted by ordinance and may thereafter be amended in the same manner as Land Use Code text amendments as provided in Chapter 23.((~~06~~))76.

Section 47. Subsections C, D, E and F of Section 23.66.122 of the SMC, which Section was last amended by Ordinance 116744, are hereby repealed.

Section 48. Section 23.67.020 of the SMC, which was adopted by Ordinance 116145, is hereby amended as follows:

23.67.020 Establishment of Southeast Seattle Reinvestment Area (SESRA).

There is established, pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, an overlay district known as the Southeast Seattle Reinvestment Area (SESRA) as shown on the Official Land Use Map, Chapter 23.32.

Section 49. Section 23.68.002 of the SMC, which Section was adopted by Ordinance 116658, is hereby amended as follows:

23.68.002 Establishment of Manufacturing Center Overlay District.

There is established, pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, the Manufacturing Center Overlay District.

Section 50. Section 23.69.004 of the SMC, which Section was adopted by Ordinance 115002, is hereby amended as follows:

23.69.004 Major Institution Overlay District established.

There is hereby established pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, the Major Institution Overlay District, which shall overlay each major institution designated according to the provisions of Section 23.69.024. All land within the Major Institution Overlay (MIO) District shall be designated with one (1) of the following height limits as shown on the Official Land Use Map, Chapter 23.32:

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Designation	Height Limit
MIO-37	37 feet
MIO-50	50 feet
MIO-65	65 feet
MIO-70	70 feet
MIO-90	90 feet
MIO-105	105 feet
MIO-160	160 feet
MIO 200	200 feet
MIO 240	240 feet

Section 51. Chapter 23.70 of the SMC, is hereby repealed.

Section 52. Section 23.71.004 of the SMC, which was adopted by Ordinance 116795, is hereby amended as follows:

23.71.004 Northgate Overlay District established.

There is hereby established pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, the Northgate Overlay District, as shown on the City's Official Land Use Map, Chapter 23.32 and Map A.

Section 53. Subsection D of Section 23.71.008 of the SMC, which Section was adopted by Ordinance 116795, is hereby amended as follows:

23.71.008 Development along major pedestrian streets.

D. Parking Access and Curb Cuts.

1. When a lot abuts an alley which meets the standards of Section 23.53.030C, access to parking shall be from the alley.

2. When a lot does not abut an improved alley, and the lot fronts on more than one (1) street, at least one of which is not a major pedestrian street, access to parking shall be from a street which is not a major pedestrian street.

3. If the lot does not abut an improved alley, and only abuts a major pedestrian street(s), access from the major pedestrian street(s) shall be limited to one (1), two (2) way curb cut within any three hundred foot (300') segment of that lot. For purposes of this subsection, a segment of a lot shall be measured as a lot's continuous streetside lot line unbroken by streets, alleys or property owned by another. A segment may front on two or more streets around corners.

Section 54. Section 23.71.038 of the SMC, which was adopted by Ordinance 116795, is hereby amended as follows:

23.71.038 Standards for mixed use development in commercial zones within the Northgate Overlay District.

Residential and nonresidential uses in a mixed use development in a commercial zone shall meet the requirements of Section 23.47.008 to qualify as a mixed use development((~~, except that residential and nonresidential use may be located in separate~~

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~~structures~~)). The minimum standards of Sections 23.47.008 may vary on sites subject to the requirements for General Development Plans as provided in Section 23.71.026.

Section 55. Section 23.73.004 of the SMC, which Section was adopted by Ordinance 117514, is hereby amended as follows:

23.73.004 Pike/Pine Overlay District established.

There is hereby established pursuant to Chapter 23.((~~56~~))59 of the Seattle Municipal Code, the Pike/Pine Overlay District as shown on the Official Land Use Map, Chapter 23.32, and Exhibit 23.73.004A.

Section 56. Subsection C of Section 23.73.008 of the SMC, which Section was adopted by Ordinance 117514, is hereby amended as follows:

23.73.008 Uses.

C. Single-purpose Residential Structures.

1. Single-purpose residential structures are permitted outright where commercial use is not required by subsection B, above, or as provided for in Section 23.47.023((~~D~~))B; and

2. A density of one unit per four hundred (400) square feet of lot area is permitted.

Section 57. Section 23.84.004 of the SMC, which was last amended by Ordinance 117202, is hereby amended as follows:

23.84.004 "B"

"Bay window" means a window feature comprising three (3) or more wall planes ((~~oblique to each other and~~)) that projects((~~ing~~)) beyond a structure face.

Section 58. Section 23.84.014 of the SMC, which was last amended by Ordinance 117570, is hereby amended as follows:

23.84.014 "G"

((~~"Greenbelt" means area either publicly or privately owned which the Council has designated in the Urban Greenbelt Plan, Resolution 25670, to be left primarily in their natural state. These areas are intended to provide or encourage permanent buffers between incompatible land uses, prevent development of environmentally sensitive areas, and maintain areas of natural habitat for wildlife.~~))

Section 59. Section 23.84.030 of the SMC, which was last amended by Ordinance 118012, is hereby amended as follows:

23.84.030 "P"

"Park and pool lot" means ((~~area within surface parking areas,~~)) parking operated or approved by a public ridesharing agency, where commuters park private vehicles and join

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together in carpools or vanpools for the ride to work and back, or board public transit at a stop located outside of the park and pool lot.

"Park and ride lot" means ((~~areas within existing or newly developed surface parking areas~~)) parking where commuters park private vehicles and either join together in carpools or vanpools, or board public transit at a stop located in the park and ride lot.

"Parking, long-term" means a parking space that will be occupied by the same motor vehicle for six (6) hours or more and is used generally by persons who commute to work by private motor vehicle.

Section 60. Subsection B of Section 23.86.010 of the SMC, which Section was last amended by Ordinance 117263, is hereby amended as follows:

23.86.010 Yards.

B. Front Yards.

1. Determining Front Yard Requirements. Front yard requirements are presented in the development standards for each zone. Where the minimum required front yard is to be determined by averaging the setbacks of structures on either side of a lot, the following provisions shall apply:

a. The required depth of the front yard shall be the average of the distance between single-family structures and front lot lines of the nearest single-family structures on each side of the lot (Exhibit 23.86.010B). When the front facade of the single-family structure is not parallel to the front lot line, the shortest distance from the front lot line to the structure shall be used for averaging purposes (Exhibit 23.86.010C).

b. The yards used for front yard averaging shall be on the same block front as the lot and shall be the front yards of the nearest single-family structures within one hundred feet (100') of the side lot lines of the lot.

c. For averaging purposes, front yard depth shall be measured from the front lot lines to the wall nearest to the street or, where there is no wall, the plane between supports, which comprises twenty percent (20%) or more of the width of the front facade of the single-family structure. Enclosed porches shall be considered part of the single-family structure for measurement purposes. Attached garages or carports permitted in front yards under either Sections 23.44.014D7 or 23.44.016((E))C, decks, uncovered porches, eaves, attached solar collectors, and other similar parts of the structure shall not be considered part of the structure for measurement purposes.

d. When there is a dedication of street right-of-way to bring the street abutting the lot closer to the minimum widths established in Section 23.53.015, for averaging purposes the amount of the dedication shall be subtracted from the front yard depth of the structures on either side.

e. When the first single-family structure within one hundred feet (100') of a side lot line of the lot is not on the same block front, or does not provide its front yard on the same street, or when there is no single-family structure within one hundred feet (100') of the side lot line, the yard depth used for averaging purposes on that side shall be

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twenty feet (20') (Exhibits 23.86.010D and 23.86.010 E).

f. When the front yard of the first single-family structure within one hundred feet (100') of the side lot line of the lot exceeds twenty feet (20'), the yard depth used for averaging purposes on that side shall be twenty feet (20') (Exhibit 23.86.010F).

g. In cases where the street is very steep or winding, the Director shall determine which adjacent single-family structures should be used for averaging purposes.

2. Sloped Lots in Single-family Zones. For a lot((s)) in a single-family zone((s)), reduction of the required front yard is permitted at a rate of one foot (1') for every percent of slope in excess of thirty-five percent (35%). For the purpose of this provision the slope shall be measured along the centerline of the lot. In the case of irregularly shaped lots, the Director shall determine the line along which slope is calculated.

Section 61. Subsection C of Section 23.86.014 of the SMC, which Section was last amended by Ordinance 114887, is hereby amended as follows:

23.86.014 Structure Width

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

1. Eaves, cornices and gutters provided that when such features project more than eighteen inches (18") from an exterior wall only eighteen inches (18") shall be excluded in the measurement of structure width;

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

3. Chimneys not used to meet modulation requirements provided that only eighteen inches (18") shall be excluded in the measurement of structure width;

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

5. Unenclosed decks, balconies and porches, ten feet (10') or less above existing grade, unless located on the roof of an attached garage or carport included in structure width in subsection B1;

6. Unenclosed decks, balconies and porches, more than ten feet (10') above existing grade, provided that when such features project more than four feet (4') from an exterior wall only four feet (4') shall be excluded in the measurement of structure width. Such features shall be excluded whether or not used to meet modulation requirements((.)); and

7. Arbors, trellises and similar features.

Section 62. Subsection A of Section 23.86.016 of the SMC, which Section was last amended by Ordinance 114887, is hereby amended as follows:

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23.86.016 Structure Depth

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

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

a. Draw a rectangle that encloses the principal structure.

b. Structure depth shall be the length of the sides of that rectangle most closely parallel to the side lot lines (Exhibit 23.86.016A).

c. In Lowrise zones when more than one (1) structure is located on a lot and no portion of a structure is behind any portion of another structure and the structures are separated by a minimum of ten feet (10'), the maximum depth of each structure shall be measured individually. (See Exhibit 23.86.016B.) When any portion of a structure is behind any portion of another structure then maximum structure depth shall be the combined depth of the structures on the lot.

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

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

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

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

d. Chimneys used to meet modulation requirements;

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

f. Accessory structures which are less than three feet (3') from the principal structure at any point.

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

a. Eaves, cornices and gutters provided that when such features project more than eighteen inches (18") from an exterior wall only eighteen inches (18") shall be excluded in the measurement of the structure depth;

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

c. Chimneys not used to meet modulation requirements provided that only eighteen inches (18") shall be excluded in the measurement of structure depth;

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

e. Unenclosed decks, balconies and porches, ten feet (10') or less ((~~above existing grade~~)) in height, unless located on the roof of an attached garage or carport included in structure depth in subsection A2a;

f. Unenclosed decks, balconies and porches, more than ten feet (10') ((~~above existing grade~~)) in height, provided that when such features project more than four feet (4') from an exterior wall only four feet (4') shall be excluded in the measurement of structure depth. Such features shall be excluded whether or not used to meet modulation requirements.

Section 63. Subsection H of Section 23.86.018 of the SMC, which Section was last amended by Ordinance 114196, is hereby amended as follows:

23.86.018 Open space.

H. Open Space Relationship to Grade.

1. The elevation of open space for ground-related housing must be within ten feet (10') of the elevation of the dwelling unit it serves. The ten feet (10') shall be measured between the finished floor level of the principal living areas of a dwelling unit and the grade of at least fifty percent (50%) of the required open space. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination.

The grade of the open space can either be the existing grade or within eighteen inches (18") of existing grade. The portion of the open space which is within ten feet (10') of the unit shall include the point where the access to the open space from the unit occurs.

2. The elevation of private usable open space for ((~~Single Family Attached~~)) Lowrise Duplex/Triplex structures must be within four feet (4') of the elevation of the dwelling unit it serves. The four feet (4') shall be measured between the finished floor level of the dwelling unit and the grade of at least fifty percent (50%) of the required open space. The grade of the open space can either be the existing grade or within eighteen inches (18") of existing grade. The maximum difference in elevation at the point of access shall be four feet (4').

Section 64. Subsection B of Section 23.90.006 of the Seattle Municipal Code, which Section last amended by Ordinance 117263, is amended as follows:

23.90.006 Investigation and notice of violation.

B. If after investigation the Director determines that the standards or requirements have been violated, the Director shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall state separately each standard or requirement violated, shall state what corrective action, if any, is necessary to comply with the standards or requirements; and shall set a reasonable time for compliance. The notice shall state that any subsequent violations may result in

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criminal prosecution as provided in Section 23.90.020. In the event of violations of the standards or requirements of the ((~~Greenbelt Overlay District, Chapter 23.70, or of the~~)) Seattle Shoreline Master Program, Chapter 23.60, the required corrective action shall include, if appropriate, but shall not be limited to, mitigating measures such as restoration of the area ((~~and replacement of damaged or destroyed trees~~)). In the event of violation of Section 23.44.025, regarding accessory dwelling units, the notice shall state that a civil penalty pursuant to Section 23.90.019 is imposed and notify the owner(s) of the procedure for contesting that penalty.

Section 65. Subsection B of Section 23.90.020 of the Seattle Municipal Code, which Section last amended by Ordinance 113978, is amended as follows:

23.90.020 Criminal penalties.

B. A criminal penalty, not to exceed Five Thousand Dollars ($5,000.00) per occurrence, may be imposed:

1. For violations of Section 23.90.002 D;

2. For any other violation of this Code for which corrective action is not possible; and

3. For any wil((l))ful, intentional, or bad faith failure or refusal to comply with the standards or requirements of this Code.((~~; and~~

~~4. For violations of the Greenbelt Overlay District standards and requirements contained in Chapter 23.70.~~))

Section ~~66~~. Section 25.05.675 of the Seattle Municipal Code, last amended by Ordinance 117979, is amended to add the following Exhibit 2:

25.05.675 Specific environmental policies.

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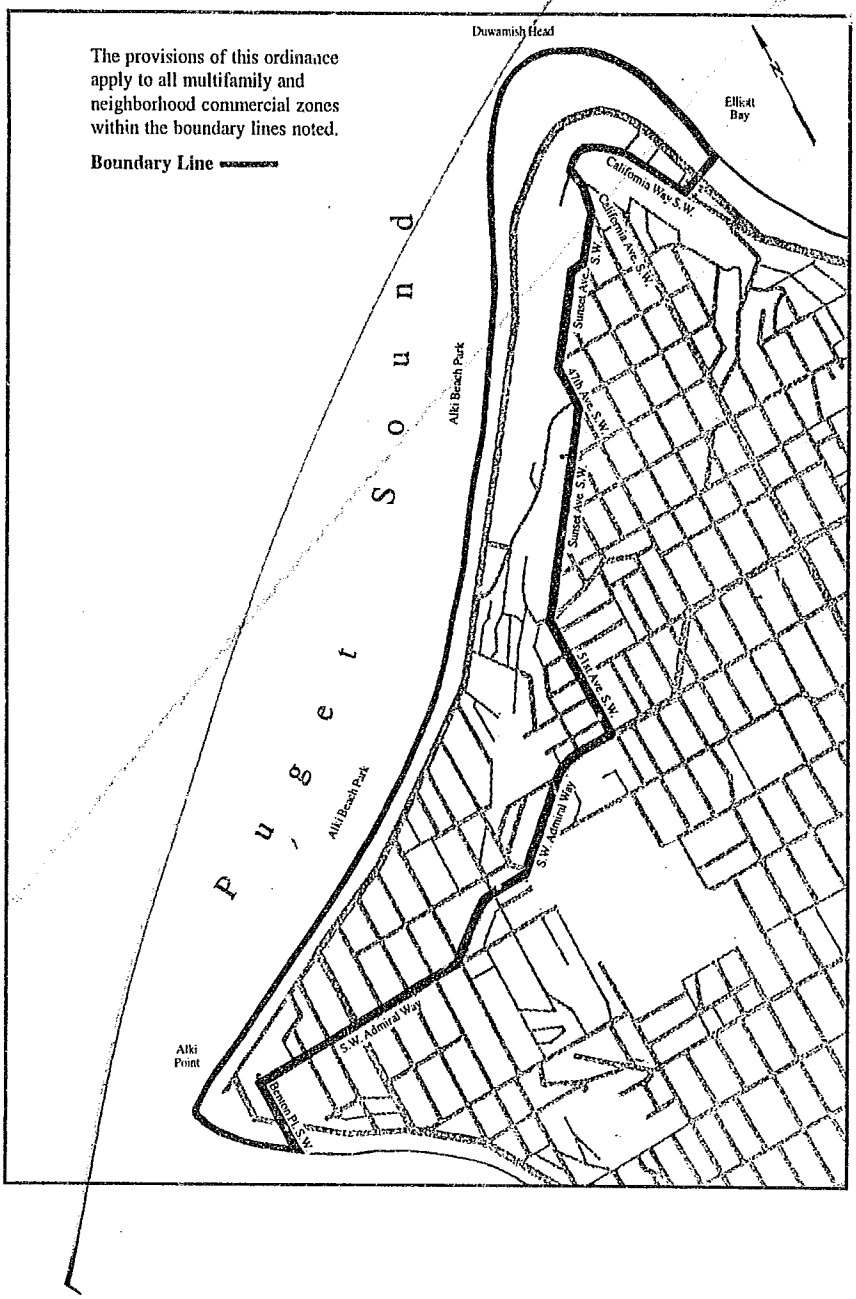
EXHIBIT 2 --ALKI PARKING AREA OVERLAY

Exhibit 2



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Section 67. Map B and Exhibit 2, both the Alki Area Parking Overlay, adopted by .ttached to Ordinance 116168, are hereby repealed.

Section 68. The provisions of this ordinance are declared to be separate and able. The invalidity of any particular provision shall not affect the validity of any other .sion.

Section 69. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by the Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 1996, and signed by me in open session in authentication of its passage this _____ day of _____, 1996.

_____
President of the City Council

Approved by me this _____ day of _____, 1996.

_____
Norman B. Rice, Mayor

Filed by me this _____ day of _____, 1996.

_____
Clerk

(SEAL)

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96-345

City of Seattle

Executive Department—Office of Management and Planning

COPY RECEIVED
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SEATTLE CITY ATTORNEY

Thomas M. Tierney, Director
Norman B. Rice, Mayor

October 7, 1996

OK 10/14/96
TK

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

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

REQUESTING DEPARTMENT: Construction and Land Use

SUBJECT: AN ORDINANCE relating to land use and zoning and environmental protection, amending Sections 23.12.060, 23.24.040, 23.24.045, 23.34.094, 23.40.006, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.017, 23.44.022, 23.44.032, 23.44.044, 23.44.051, 23.45.002, 23.45.006, 23.45.010, 23.45.014, 23.45.016, 23.45.018, 23.45.048, 23.45.056, 23.45.058, 23.45.060, 23.45.072, 23.45.076, 23.45.092, 23.45.112, 23.46.0[illegible], 23.47.008, 23.47.009, 23.47.014, 23.47.016, 23.47.023, 23.47.024, 23.47.040, 23.53.015, 23.53.025, 23.53.030, 23.54.015, 23.54.030, 23.55.034, 23.57.001, 23.66.025, 23.66.122, 23.67.020, 23.68.002, 23.69.004, 23.71.004, 23.71.008, 23.71.038, 23.73.004, 23.73.008, 23.84.004, 23.84[illegible] 84.030, 23.86.010, 23.86.014, 23.86.016, 23.86.018, 23.90[illegible] 0.020 of the Land Use Code (Title 23) and Section 25.05.675 of the [illegible] SEPA Ordinance, adding a new Chapter 23.59 to the Land Use Code, and repealing Chapter 23.56 and 23.70 of the Land Use Code. NOW THEREFORE,

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 Elma Borbe at 684-8687.

Sincerely,

Norman B. Rice
Mayor

by Elma Borbe for
TOM TIERNEY
Director

h:\admin\legis\lawltrs\borbe4

Enclosures

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TIM[illegible]VD DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Lea Braga

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

C S. 20.28

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STATE OF WASHINGTON - KING COUNTY

75205
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 118414

was published on

12/18/96

The amount of the fee charged for the foregoing publication is the sum of $, which amount has been paid in full.

A Kendall

Subscribed and sworn to before me on

12/19/96

Notary Public for the State of Washington, residing in Seattle

Affidavit of Publication

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I for each dwelling unit.