

Ordinance No. 120609

Council Bill No. 113942

The City of Seattle  
Council Bill/Ordinance

AN ORDINANCE relating to land use and zoning, amending Sections 23.24.050, 23.34.007, 23.34.008, 23.42.106, 23.44.012, 23.45.009, 23.47.004, 23.47.012, 23.47.014, 23.47.016, 23.47.042, 23.50.026, 23.54.015, 23.55.020, 23.61.008, and 23.76.036 of Title 23, Land Use Code, of the Seattle Municipal Code, to clarify regulations, correct minor omissions, and ensure clarity and consistency among regulatory provisions governing development..

*2001/5/21*

10-30-01 Pass 2

CF No. \_\_\_\_\_

Date Introduced:	<u>OCT 28 2001</u>	
Date 1st Referred:	<u>OCT 28 2001</u>	To: (committee) <u>Landlord/Tenant &amp; Land Use Committee</u>
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	<u>11-5-01</u>	Full Council Vote: <u>8-0</u>
Date Presented to Mayor:	<u>11-6-01</u>	Date Approved: <u>11/13/01</u>
Date Returned to City Clerk:	<u>11/13/01</u>	Date Published: <u>20 pp.</u>
		T.O. <input checked="" type="checkbox"/> P.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

This file is complete and ready

*Law Department*

Law Dept. Review

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

NICASTRO

Council Member

## Committee Action:

10-30-01 Pass 2-0 (UN,JP)

This file is complete and ready for presentation to Full Council.

Committee: \_\_\_\_\_

(initial/date)

*Law Department*

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ORDINANCE 120609

AN ORDINANCE relating to land use and zoning, amending Sections 23.24.050, 23.34.007, 23.34.008, 23.42.106, 23.44.012, 23.45.009, 23.47.004, 23.47.012, 23.47.014, 23.47.016, 23.47.042, 23.50.026, 23.54.015, 23.55.020, 23.61.008, and 23.76.036 of Title 23, Land Use Code, of the Seattle Municipal Code, to clarify regulations, correct minor omissions, and ensure clarity and consistency among regulatory provisions governing development..

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new subsection C is added to Section 23.24.050 of the Seattle Municipal Code, which Section was adopted by Ordinance 110570, as follows:

23.24.050 Director's decision.

\* \* \*

C. A short plat shall be governed by the terms of approval of the Director's decision, and any lots created thereunder shall be deemed to meet lot requirements imposed by this Land Use Code for a period of no less than five (5) years unless the City Council finds that a change in circumstances has occurred.

Section 2. Subsection A is amended and a new subsection G is added to Section 23.34.007 of the Seattle Municipal Code, which Section was last amended by Ordinance 118408, as follows:

Section 23.34.007 Rezone evaluation.

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

\* \* \*





1           B.     In addition to the standards in subsection A, a structure in a Single Family  
2 zone occupied by a nonconforming residential use may be allowed to expand subject to the  
3 following:

4               1.     The number of dwelling units shall not be increased, except as may be  
5 allowed pursuant to Section 23.40.040 or Section 23.44.015.

6               2.     For a nonconforming residential use that is not a multifamily use,  
7 except as may be allowed pursuant to Section 23.40.040 or Section 23.44.015, the number of  
8 residents may not be increased beyond the maximum number that was allowed by the  
9 standards of the zone at the time of approval; if originally permitted by conditional use, the  
10 number shall not be allowed to increase above the number permitted by the conditional use  
11 approval.

12               3.     ~~((On lots less than ten thousand (10,000) square feet, a))~~ An expansion  
13 of no more than five hundred (500) square feet of gross floor area, meeting the development  
14 standards for single family construction and not exceeding the average height of the closest  
15 principal structures on either side, is allowed.

16               4.     ~~((On lots less than ten thousand (10,000) square feet, a))~~ An expansion  
17 greater than five hundred (500) square feet of gross floor area and/or exceeding the average  
18 height of the closest principal structures on either side may be approved by DCLU through a  
19 special exception, Type II Master Use Permit, if the proposed expansion meets the  
20 development standards for single family construction and is compatible with surrounding  
21 development in terms of:

- 22                   a.     Architectural character,  
23                   b.     Existing streetscape and pattern of yards, and  
24                   c.     Scale and proportion of principal structures.

25               5.     If an addition proposed under subsections B3 or B4 above would  
26 require additional parking under the requirements of Section 23.54.015 for multifamily  
27 structures, that additional parking must be provided.

28                               \* \* \*

29  
30  
31           D.     A nonconforming nonresidential use shall not be expanded or extended,  
32 except as follows:

33               1.     A structure occupied by a nonconforming nonresidential use may be  
34 maintained, repaired, renovated or structurally altered but shall not be expanded or extended  
35 except as otherwise required by law, as necessary to improve access for the elderly or  
36 disabled or as specifically permitted elsewhere in this Code.

37               2.     In the Seattle Cascade Mixed zone, general manufacturing uses  
38 exceeding twenty-five thousand (25,000) square feet of gross floor area and heavy  
39 manufacturing uses may be expanded or extended by an amount of gross floor area not to  
40 exceed twenty (20) percent of the existing gross floor area of the use, provided that this  
41 exception may be applied only once to any individual business establishment.  
42  
43

Section 5. Subsection C of Section 23.44.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

**23.44.012 Height limits.**

\* \* \*

C. Height Limit Exemptions.

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

2. Other Features. Open rails, planters, skylights, and clerestories may extend no higher than the ridge of a pitched roof or four (4) feet above a flat roof. Chimneys may extend four (4) feet above the ridge of a pitched roof or above a flat roof.

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

4. For non-residential principal uses, the following rooftop features may extend up to ten (10) feet above the maximum height limit, as long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area, or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

- a. Stair and elevator penthouses; and
- b. Mechanical equipment.

Section 6. Subsection D of Section 23.45.009 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

**23.45.009 Structure height -- Lowrise zones.**

D. Rooftop Features.

1. Radio and television receive-only antennas, except for dish antennas, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are no closer than fifty (50) percent of their height above existing grade or, if attached only to the roof, no closer than fifty (50) percent of their height above the roof portion where attached, to any adjoining lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend no higher than the ridge of a pitched roof permitted under subsection C above or four (4) feet above the maximum height limit set in subsection((s)) A

1 ((~~and C~~)) of this section. For cottage housing developments, these rooftop features may  
2 extend four (4) feet above the eighteen (18) foot height limit.

3 3. For cottage housing developments, chimneys may exceed the height  
4 limit by four (4) feet or may extend four (4) feet above the ridge of a pitched roof.

5 4. Except in cottage housing developments, the following rooftop  
6 features may extend ten (10) feet above the maximum height limit established in subsection  
7 A so long as the combined total coverage of all features does not exceed fifteen (15) percent  
8 of the roof area or twenty (20) percent of the roof area if the total includes screened  
9 mechanical equipment:

- 10 a. Stair and elevator penthouses;  
11 b. Mechanical equipment;  
12 c. Play equipment and open-mesh fencing which encloses it, so  
13 long as the fencing is at least five (5) feet from the roof edge;  
14 d. Chimneys.

15 5. For height exceptions for solar collectors, see Section 23.45.146,  
16 Solar collectors.

17 6. In order to protect solar access for property to the north, the applicant  
18 shall either locate the rooftop features listed in this subsection D6 at least ten (10) feet from  
19 the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed  
20 location of such rooftop features would shade property to the north on January 21st at noon  
21 no more than would a structure built to maximum permitted bulk:

- 22 a. Solar collectors;  
23 b. Planters;  
24 c. Clerestories;  
25 d. Greenhouses;  
26 e. Dish antennas, permitted on rooftops by special exception  
27 according to the provisions of Chapter 23.57;  
28 f. Nonfirewall parapets;  
29 g. Play equipment.

30 \* \* \*

31  
32  
33  
34 **Section 7.** The Commercial Use Chart of Section 23.47.004 of the Seattle Municipal  
35 Code, which Section was last amended by Ordinance 120374, is amended as follows:

36 \* \* \*



**COMMERCIAL USE: CHART A**  
**For Section 23.47.004**

		ZONES				
		NC1	NC2	NC3	C1	C2
I.	COMMERCIAL USE					
A.	Retail Sales and Services.					
1	Personal and Household Retail Sales and Services					
	Multi-purpose convenience stores	P	P	P	P	P
	General retail sales and service	P	P	P	P	P
	Major durables sales, service and rental	P	P	P	P	P
	Specialty food stores	P	P	P	P	P
2	Medical Services	P/CU <sup>1</sup>	P/CU <sup>1</sup>	P/CU <sup>1</sup>	P/CU <sup>1</sup>	P/CU <sup>1</sup>
3	Animal Services <sup>2</sup>					
	Animal health services	P	P	P	P	P
	Kennels	X	X	X	X	P
	Animal shelters	X	X	X	X	X
	Pet grooming services	P	P	P	P	P
4	Automotive Retail Sales and Services					
	Gas Stations	P	P	P	P	P
	Sales and rental of motorized vehicles	X	P	P	P	P
	Vehicle repair, minor	P	P	P	P	P
	Vehicle repair, major	X	P	P	P	P
	Car wash	X	P	P	P	P
	Towing services	X	X	X	P	P
	Automotive parts or accessory sales	P	P	P	P	P
5	Marine Retail Sales and Services					
	Sales and rental of large boats	X	P	P	P	P
	Vessel repair, minor	P	P	P	P	P
	Vessel repair, major	X	X	X	S	S
	Marine service station	P	P	P	P	P
	Dry storage of boats	X	P	P	P	P
	Recreational marinas	S	S	S	S	S
	Commercial moorage	S	S	S	S	S
	Sale of boat parts or accessories	P	P	P	P	P
6	Eating and Drinking Establishments					
	Restaurants without cocktail lounges	P	P	P	P	P
	Restaurants with cocktail lounges	X	P	P	P	P
	Fast-food restaurant (750 sq. ft. and under)	X	P	P	P	P
	Fast-food restaurant(over 750 sq. ft.)	P	P	P	P	P
	Tavern	CU	CU	CU	CU	CU





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	Brewpub	CU	CU	P	P	P
7	Lodging					
	Hotel	X	X	P	P	P
	Motel	X	X	P	P	P
	Bed and breakfast	P3	P3	P	P	P
8	Mortuary Services	X	P	P	P	P
9	Existing Cemeteries <sup>14</sup>	P	P	P	P	P
B.	Principal Use Parking	X	P	P	P	P
C.	Non-Household Sales and Service					
1	Business support services	P	P	P	P	P
2	Business incubator	P	P	P	P	P
3	Sales, service and rental of office equipment	X	P	P	P	P
4	Sales, service and rental of commercial equipment and construction materials	X	X	P	P	P
5	Sale of heating fuel	X	X	P	P	P
6	Heavy commercial services	X	X	X	P	P
	Construction services	X	X	X	P	P
	Commercial laundries	X	X	X	P	P
D.	Offices					
1	Customer service office	P	P	P	P	P
2	Administrative office	P	P	P	P	P
E.	Entertainment					
1	Places of Public Assembly					
	Performing arts theater	X	P	P	P	P
	Spectator sports facility	X	P	P	P	P
	Lecture and meeting halls	X	P	P	P	P
	Motion picture theater	X	P	P	P	P
	Adult motion picture theater	X	P	P	P	P
	Adult panorams	X	X	X	X	X
2	Participant Sports and Recreation					
	Indoor	P	P	P	P	P
	Outdoor	X	X	X <sup>4</sup>	P	P
F.	Wholesale Showroom	X	X	P	P	P
G.	Mini-Warehouse	X	X	P	P	P
H.	Warehouse	X	X	P	P	P
I.	Outdoor Storage	X	X	X <sup>5</sup>	P	P
J.	Transportation Facilities					
1	Personal transportation services	X	X	P	P	P
2	Passenger terminals	X	X	P	P	P
3	Cargo terminals	X	X	X	S	P
4	Transit vehicle base	X	X	X	CCU <sup>6</sup>	CU <sup>6</sup>
5	Helistops	X	X	CCU <sup>7</sup>	CCU <sup>7</sup>	CU <sup>7</sup>
6	Heliports	X	X	X	X	X
7	Airport, land-based	X	X	X	X	X
8	Airport, water-based	X	X	X	X	S
9	Railroad switchyard	X	X	X	X	X



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10 Railroad switchyard with mechanized hump	X	X	X	X	X
K. Food Processing and Craft Work					
1 Food processing for human consumption	P	P	P	P	P
2 Custom and craft work	P	P	P	P	P
L. Research and Development Laboratories	P	P	P	P	P
II. SALVAGE AND RECYCLING					
A. Recycling Collection Station	P	P	P	P	P
B. Recycling Center	X	X	X	P	P
C. Salvage Yard	X	X	X	X	X
III. UTILITIES					
A. Utility Service Uses	P	P	P	P	P
B. Major Communication Utility <sup>8</sup>	X	X	X	CCU	CCU
C. Minor Communication Utility <sup>8</sup>	P	P	P	P	P
D. Solid Waste Transfer Station	X	X	X	X	X
E. Power Plants	X	X	X	X	X
F. Sewage Treatment Plants	X	X	X	X	X
G. Solid Waste Incineration Facility	X	X	X	X	X
H. Solid Waste Landfill	X	X	X	X	X
IV. MANUFACTURING					
A. Light Manufacturing	X	P	P	P	P
B. General Manufacturing	X	X	X	P	P
C. Heavy Manufacturing	X	X	X	X	X
V. HIGH-IMPACT USES	X	X	X	X	X
VI. INSTITUTIONS					
A. Institute for Advanced Study	P	P	P	P	P
B. Private Club	P	P	P	P	P
C. Child Care Center	P	P	P	P	P
D. Museum	P	P	P	P	P
E. School, Elementary or Secondary	P	P	P	P	P
F. College	P	P	P	P	P
G. Community Center	P	P	P	P	P
H. Community Club	P	P	P	P	P
I. Vocational or Fine Arts School	P	P	P	P	P
J. Hospital	P	P	P	P	P
K. Religious Facility	P	P	P	P	P
L. University	P	P	P	P	P
M. Major Institutions within a Major Institution Overlay District subject to Chapter 23.69	P	P	P	P	P
VII. PUBLIC FACILITIES					
A. Jails	X	X	X	X	X
B. Work-Release Center <sup>9</sup>	CCU	CCU	CCU	CCU	CCU
VIII. PARK AND POOL/RIDE LOT					
A. Park and Pool Lots	P <sup>10</sup>	P	P	P	P
B. Park and Ride Lots	X	X	CU	CU	CU
IX. RESIDENTIAL <sup>11</sup>					



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A. Single-Family Dwelling Units	P/CU <sup>12</sup>	P/CU <sup>12</sup>	P/CU <sup>12</sup>	P/CU <sup>12</sup>	CU <sup>12</sup>
B. Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
C. Congregate Residences	P/CU	P/CU	P/CU	P/CU	CU
D. Floating Homes	S	S	S	S	S
E. Mobile Home Park	X	X	X	P	CU
F. Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
G. Caretaker's Quarters	P	P	P	P	P
H. Adult Family Homes	P/CU	P/CU	P/CU	P/CU	P
I. Home Occupations	P <sup>13</sup>	P <sup>13</sup>	P <sup>13</sup>	P <sup>13</sup>	P <sup>13</sup>
J. Nursing Homes	P	P	P	P	P
k. Assisted Living Facilities	P/CU	P/CU	P/CU	P/CU	P/CU
X. OPEN SPACE					
A. Parks	P	P	P	P	P
B. Playgrounds	P	P	P	P	P
XI. AGRICULTURAL USES					
A. Animal Husbandry	X <sup>13</sup>	X <sup>13</sup>	X <sup>13</sup>	X <sup>13</sup>	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

P Permitted

X Prohibited

CU Administrative Conditional Use

CCU Council Conditional Use

S Permitted only in the Shoreline District,  
when permitted by the Seattle Shoreline Master Program

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

<sup>2</sup> The keeping of animals for the other than business purposes shall be regulated by Section 23.47.026

<sup>3</sup> In existing structures only.

<sup>4</sup> Outdoor participant sports and recreation uses are permitted at Seattle Center.

<sup>5</sup> Outdoor storage is permitted at the Seattle Center, subject to the provisions of Section 23.47.011

<sup>6</sup> New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.

<sup>7</sup> Permitted only as an accessory use according to Section 23.47.006.

<sup>8</sup> See Chapter 23.57 for regulation of communication utilities.

<sup>9</sup> Subject to disposition criteria in Section 23.47.006.

<sup>10</sup> Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot.

<sup>11</sup> Residential uses in mixed-use developments satisfying Section 23.47.008 and assisted living facilities are permitted outright in NC1, NC2, NC3, and C1 zones. Residential use in a ((S))single-purpose residential structure((s, other than nursing homes, are)) generally may be permitted in NC1, NC2, ((NC2/R,)) NC3, ((NC3/R,)) and C1 zones as an administrative conditional use ((according to the provisions of Section 23.47.023, except where the height limit is eighty-five (85) feet or higher)) pursuant to Section 23.47.006. Residential use in single-purpose residential structures is permitted outright in limited areas and circumstances, and is prohibited in certain areas, as described in Section 23.47.004E. "Single-purpose residential structure" may include a structure with both residential and



- non-residential uses, but does not include an assisted living facility or any structure that is part of a mixed-use development meeting the standards in Section 23.47.008. All residential uses, other than nursing homes, in the C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed-use structure or single-purpose residential use, except in pedestrian-designated Zones (See Section 23.47.040).
- <sup>12</sup> An accessory dwelling unit added to a single-family residence shall be allowed outright and shall not be require a separate conditional uses permit. The unit shall be considered accessory to the single-family residence, shall meet the standards listed for accessory dwelling units in Section 23.44.025 and shall not be considered a separate dwelling unit for all developments standard purposes in commercial zones.
- <sup>13</sup> Permitted only as an accessory use.
- <sup>14</sup> Subject to criteria in Section 23.47.004.

**Section 8.** Subsection G of Section 23.47.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 120267, is amended as follows:

**23.47.012 Structure height and floor area ratio.**

**H. Rooftop Features.**

1. Radio and television receiving antennas, excluding dish antennas; ham radio towers; smokestacks; chimneys; flagpoles; and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend no higher than the ridge of a pitched roof as permitted by Section 23.47.012F or up to four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. Solar Collectors.

a. In zones with height limits of thirty (30) or forty (40) feet, solar collectors may extend up to four (4) feet above the maximum height limit, with unlimited rooftop coverage.

b. In zones with height limits of sixty-five (65) feet or more, solar collectors may extend up to seven (7) feet above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection does not exceed twenty (20) percent of the roof area or twenty-five (25) percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

Exhibit 23.47.012 A Height Limits on Sloped Sites

Exhibit 23.47.012 B Pitched Roof Height Exception

a. Solar collectors;



- b. Stair and elevator penthouses;
- c. Mechanical equipment;
- d. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen (15) feet from the roof edge; and
- e. Dish antennas, according to the provisions of Chapter 23.57.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

- a. Solar collectors;
- b. Planters;
- c. Clerestories;
- d. Greenhouses;
- e. Dish antennas, according to the provisions of Chapter 23.57;
- f. Nonfirewall parapets;
- g. Play equipment.

6. Structures existing prior to May 10, 1986 may add new or replace existing mechanical equipment up to fifteen (15) feet above the roof elevation of the structure and shall comply with the noise standards of Section 23.47.018.

**Section 9.** Subsection F of Section 23.47.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 118794, is amended as follows:

**23.47.014 Setback requirements.**

\* \* \*

**F. Setback Requirements for Specific Uses or Structures.**

1. Farm animals and structures housing them shall be located at least fifty (50) feet from any residentially zoned lot.

2. Beehives shall not be located within twenty-five (25) feet of any property line except when located eight (8) feet or more above the grade immediately adjacent to the subject lot or when situated less than eight (8) feet above the adjacent existing grade and behind a solid fence or hedge six (6) feet high, parallel to any property line within twenty-five (25) feet of a hive and extending at least twenty-five (25) feet beyond the hive in both directions.

3. Parking occupying the street-level frontage of a structure shall be set back at least five (5) feet from all street lot lines and ((from all residentially zoned lots, and)) along all property lines abutting residentially zoned lots for any portion of a structure which contains parking that is not screened from the residential zone by the exterior wall of the





1 structure. This setback shall be landscaped and the parking screened according to the  
2 requirements of Section 23.47.016, Screening and landscaping standards.

3 4. Where access to a loading berth is from the alley, and truck loading is  
4 parallel to the alley, a setback of twelve (12) feet shall be required for the loading berth,  
5 measured from the centerline of the alley (Exhibit 23.47.014 E). This setback shall be  
6 maintained up to a height of sixteen (16) feet.  
7

8 \* \* \*  
9

10  
11 **Section 10.** Subsections D and E of Section 23.47.016 of the Seattle Municipal  
12 Code, which Section was last amended by Ordinance 119239, is amended as follows:  
13

14 **23.47.016 Screening and landscaping standards – Commercial zones.**  
15

16 \* \* \*  
17

18 **D. Screening and Landscaping Requirements for Specific Uses.**

19 **1. Surface Parking Areas.**

20 a. When a surface parking area abuts a lot in a residential zone,  
21 six (6) foot high screening along the abutting lot line(s) shall be required. A five (5) foot  
22 deep landscaped area shall be required inside the screening (Exhibit 23.47.016 A).  
23

24 b. When a surface parking area is across an alley from a lot in a  
25 residential zone, six (6) foot high screening along the alley shall be required. A five (5) foot  
26 deep landscaped area shall be required inside the screening. The Director may reduce or  
27 waive the screening and landscaping requirement for part or all of the lot abutting the alley,  
28 or may waive only the landscaping requirement, when required parking can only be  
29 provided at the rear lot line and the alley is necessary to provide aisle space. In making the  
30 determination to waive or reduce the landscaping and screening requirements, the Director  
31 shall consider the following criteria:

32 (1) Whether the lot width and depth permit a workable  
33 plan for the building and parking which would preserve the screening and landscaping; and

34 (2) Whether the character of use across the alley, such as  
35 multifamily parking structures, makes the screening and landscaping less necessary; and

36 (3) Whether the property is located in a pedestrian-  
37 designated zone and therefore access to parking from the street is not feasible or is  
38 undesirable; and

39 (4) Whether a topographic break between the alley and the  
40 residential zone makes screening less necessary.

41 c. Surface parking areas for nineteen (19) or fewer cars shall be  
42 screened by three (3) foot high screening along the street lot line.

43 d. Surface parking areas for more than nineteen (19) cars shall  
provide three (3) foot high view-obscuring landscaping along street lot lines, and

landscaping according to subsection A4 of this section. The Director may reduce or waive this requirement for reasons of safety, to assure adequate maneuvering room for service vehicles, or to prevent the number of parking spaces from being reduced to less than the required amount.

2. Parking Within or Under Structures.

a. When parking occupies any portion of the street-level frontage of a structure between a height of five (5) feet and eight (8) feet above sidewalk grade, the portion of the structure containing the parking shall be required to have a five (5) foot deep landscaped area along street lot lines. In addition, the parking shall be screened by:

- (1) The facade of the structure; or
- (2) Six (6) foot high screening between the structure and the landscaped area (Exhibit 23.47.016 B).

b. A five (5) foot setback shall be required along all property lines abutting ~~((a residential zone))~~ residentially zoned lots for any portion of a structure which contains parking ~~((at ground level))~~ that is not screened ~~((from))~~ from the residential zone by the ~~((façade))~~ exterior wall of the structure. At ground level, ((F))the setback shall be landscaped according to Section 23.47.016C3 and six (6) foot high screening along the abutting property line(s) shall be provided. Above ground level, parking that is required to provide a five (5) foot setback shall have an opaque screen at least three and one-half (3 ½) feet high.

c. When access is through a street-facing facade, the facade shall contain one (1) garage door, not to exceed the maximum width allowed for the curbcut.

d. The perimeter of each floor of parking which is eight (8) feet or more above sidewalk grade shall have an opaque screen at least three and one-half (3 1/2) feet high.

3. Drive-in Business.

a. Drive-in businesses, including gas stations, abutting or across an alley from a residentially zoned lot, shall provide six (6) foot high screening along the abutting or alley lot lines. A five (5) foot deep landscaped area inside the screening shall be required when the drive-in portion of the business or its queuing lanes abut a lot in a residential zone.

b. Drive-in businesses other than gas stations in which the drive-in portion of the business or its queuing lanes is across the street from a residentially zoned lot shall provide three (3) foot high screening for the drive-in portion.

c. Gas stations shall provide three (3) foot high screening along street lot lines in all NC1, NC2 and NC3 zones. In C1 and C2 zones, three (3) foot high screening shall only be required when a gas station is across the street from a residentially zoned lot.

4. Outdoor Sales and Outdoor Display of Rental Equipment.

a. When an outdoor sales area or outdoor display of rental equipment area is abutting or across an alley from a residentially zoned lot, six (6) foot high screening shall be provided along the abutting or alley lot lines.



b. When an outdoor sales area or outdoor display of rental equipment is across the street from a residentially zoned lot, three (3) foot high screening along the street lot line shall be provided.

5. Outdoor Storage.

a. C1 Zones. Outdoor storage shall be screened by a structure's facade or by six (6) foot high screening between the storage area and all property lines. A five (5) foot deep landscaped area shall be provided between all street lot lines and the six (6) foot high screening (Exhibit 23.47.016 C).

b. C2 Zones.

(1) When an outdoor storage area is across the street from a residentially zoned lot it shall be screened from the street by the facade of a structure, or by six (6) foot high screening along the street lot lines.

(2) When a lot containing outdoor storage abuts a residentially zoned lot, the outdoor storage area shall set back fifty (50) feet from abutting residentially zoned lot lines and be screened by a structure's facade or by six (6) foot high screening between the outdoor storage and all abutting property lines (Exhibit 23.47.016 D).

c. Outdoor Dry Storage of Boats. Screening shall be required for the out-door dry storage of boats in the Shoreline District according to the provisions for outdoor storage in C1 zones, subsection D5a, unless the dry storage of boats is located in a C2 zone, in which case screening shall be required according to the provisions for outdoor storage in C2 zones, subsection D5b.

6. Mobile Home Parks. Mobile home parks shall be screened by six (6) foot high screening along all nonstreet lot lines. A five (5) foot deep landscaped area shall be provided along all street lot lines of a mobile home park. A five (5) foot planting strip with street trees may be provided instead of the five (5) foot deep landscaped area.

7. Lots Within the Shoreline District. On lots within the Shoreline District where view corridors are required, the height of screening may be reduced and the location and type of required landscaping may be modified so that view corridors are not obstructed.

8. When one (1) of the specific uses listed in this subsection is proposed for expansion, the applicable landscaping requirement shall be met. The Director may reduce or waive the landscaping requirements where physically infeasible due to the location of existing structures or required parking.

E. Blank Facades.

1. One (1) of the following shall be required along each street frontage with blank facades greater than thirty (30) feet in width in all NC1, NC2, NC2/R, NC3, and NC3/R zones or in C1 and C2 zones when across a street from a residentially zoned lot:

a. Ivy or similar vegetation shall be planted in front of or on the street-facing side of the blank facade; or

b. A five (5) foot setback shall be provided in front of the blank facade, and the setback shall be planted with trees and shrubs according to rules promulgated by the Director; or



1 c. Artwork on the blank facade which has been approved by the  
2 Seattle Art Commission.

3 2. Blank facade requirements shall apply to the area of the facade  
4 between two (2) feet and eight (8) feet above the sidewalk.

5 3. Any portion of a facade which is not transparent shall be considered  
6 to be a blank facade. Clear or lightly tinted glass in windows, doors and display windows  
7 shall be considered transparent. Transparent areas shall allow views into the structure or into  
8 display windows from the outside.

9 4. Portions of a facade of a structure which are separated by transparent  
10 areas of at least four (4) feet in width and between two (2) feet and eight (8) feet above the  
11 sidewalk shall be considered separate facade segments for the purposes of this subsection.  
12

13 \* \* \*

14  
15  
16 **Section 11.** Subsection D of Section 23.47.042 of the Seattle Municipal Code,  
17 which Section was last amended by Ordinance 120117, is amended as follows:  
18

19 **23.47.042 Uses in pedestrian-designated zones.**  
20

21 \* \* \*

22  
23 **D. Street-level Uses Required.**

24 1. Street-level uses shall be required along the principal pedestrian street  
25 front, except as provided in subsection D4, and shall be limited to the following retail sales  
26 and service and office uses if permitted in the underlying commercial zone:

- 27 a. Personal and household retail sales and service uses;  
28 b. Eating and drinking establishments;  
29 c. Customer service offices;  
30 d. Entertainment uses;  
31 e. Pet grooming services;  
32 f. Public library.

33 2. A minimum of eighty (80) percent of each street frontage to which  
34 street-level use requirements apply shall be occupied by uses listed in subsection D1. The  
35 remaining twenty (20) percent of the street frontage may contain other permitted uses and/or  
36 pedestrian entrances (Exhibit 23.47.042 A).

37 3. Required street-level uses shall be set back no more than ten (10) feet  
38 from the street property line and shall occupy at least the first ten (10) feet above sidewalk  
39 grade.

40 4. Street-level use requirements shall not apply to public school  
41 development along principal pedestrian streets.  
42  
43

**Section 12.** Subsection C of Section 23.50.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 119972, is amended as follows:

**23.50.026 Industrial commercial, structure height.**

\* \* \*

C. Within the area shown on Exhibit 23.50.026 A, areas zoned IC/45 shall be subject to the following height regulations (See Exhibit 23.50.026 A):

1. A forty-five (45) foot structure height is permitted only when a structure contains at least one (1) story at least fifteen (15) feet in height.

2. Except as provided in subsection 3c below, ((S))structures with no story at least fifteen (15) feet in height shall be limited to a maximum height of forty (40) feet.

3. A sixty-five (65) foot structure height is permitted for all structures as a special exception provided that:

a. Provision is made for view corridors(s) looking from Elliott Avenue towards Puget Sound;

(1) The location of the view corridor(s) shall be determined by the Director upon consideration of such factors as existing view corridors, the location of street rights-of-way, and the configuration of the lot,

(2) The view corridor(s) shall have a width not less than thirty-five (35) percent of the width of the lot,

(3) The minimum width of each required view corridor shall be thirty (30) feet measured at Elliott Avenue West,

(4) Measurement, modification or waiver of the view corridor(s) shall be according to the Seattle Shoreline Master Program measurement regulations, Chapter 23.60. Where a waiver under these provisions is granted, the sixty- five (65) foot structure height shall still be permitted,

(5) Parking for motor vehicles shall not be located in the view corridor unless the area of the lot where the parking would be located is four (4) or more feet below the level of Elliott Avenue West;

b. Development shall be located so as to maximize opportunities for views of Puget Sound for residents and the general public; and

c. The structure contains at least two (2) stories at least fifteen (15) feet in height; with the exception that no story in an accessory parking structure is required to be at least fifteen (15) feet in height.

**Section 13.** Subsection I of Section 23.54.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 120004, is amended as follows:

**23.54.015 Required parking.**





\* \* \*

I. Bicycle Parking.

1. In L2, L3, L4, MR and HR zones, and the SCM zone, for apartments and terraced housing, spaces for bicycles shall be provided in a safe and convenient location, according to the following chart:

Number of Bicycle Number of Units	Spaces Required
5 - 10	1
11 - 20	2
More than 20	1 for every 10 units

2. Bicycle parking spaces shall be provided by all institutions in multifamily zones. The number of required bicycle parking spaces shall be five (5) percent of the number of required vehicle spaces. All bicycle spaces should be sheltered from the weather, visible from the institution, and conveniently located.

3. Bicycle parking facilities, either off-street or in the street right-of-way, shall be provided in NC1, NC2, NC3, C1 zones, and the SCM zone for any new use which requires twenty (20) or more automobile parking spaces according to Chart A. Automobile service stations, and other drive-in businesses except fast-food restaurants, shall be exempted from this requirement. All bicycle parking facilities in the street right-of-way shall conform to Seattle Transportation standards.

a. The number of required bicycle parking spaces shall be ten (10) percent of the number of required off-street auto parking spaces.

b. When any covered automobile parking is provided, all bicycle parking shall be covered.

4. Bicycle parking facilities accessory to nonresidential uses shall be located on the lot or within eight hundred (800) feet of the lot. Bicycle parking accessory to residential uses shall be located on-site. Bicycle parking facilities shared by more than one (1) use are encouraged. When located off-street, bicycle and automobile parking areas shall be separated by a barrier or painted lines.

**Section 14.** Subsection D of Section 23.55.020 of the Seattle Municipal Code, which Section was adopted by Ordinance 112830, is amended as follows:





- 1 J. Sale of heating fuel;  
2 K. Sale and rental of motorized vehicles, except within an enclosed structure;  
3 L. Sales, service and rental of commercial equipment and construction  
4 materials;  
5 ((L.))M. Salvage and recycling;  
6 ((M.))N. Towing services;  
7 ((N.))O. Vehicle repair (major or minor);  
8 ((O.))P. Wholesale showroom;  
9 ((P.))Q. Mini-warehouse; and  
10 ((Q.))R. Warehouse.  
11  
12

13 **Section 16.** Subsection B of Section 23.76.036 of the Seattle Municipal Code, which  
14 Section was last amended by Ordinance 119096, is amended as follows:  
15

16 **23.76.036 Council decisions required.**  
17

18 \* \* \*  
19

- 20 B. Council action shall be required for the following Type V land use decisions:  
21 1. City-initiated amendments to the Official Land Use Map to  
22 implement new land use policies;  
23 2. Amendments to the text of SMC Title 23, Land Use Code;  
24 3. Concept approval for the location or expansion of City facilities  
25 requiring Council land use approval by SMC Title 23, Land Use Code;  
26 4. Major Institution designations and revocations of Major Institution  
27 designations;

5. Waive or modify development standards for City facilities; ((and))  
6. Planned action ordinances; and  
7. Corrections of errors on the Official Land Use Map due to  
cartographic and clerical mistakes.

**Section 17.** 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 18.** This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 5<sup>th</sup> day of November, 2001, and signed by me in open session in authentication of its passage this 5<sup>th</sup> day of November, 2001.

Margaret C. Papp  
President of the City Council

Approved by me this 13<sup>th</sup> day of NOVEMBER, 2001.

Paul Schell  
Paul Schell, Mayor

Filed by me this 13<sup>th</sup> day of November, 2001.

Jessie E. Papp  
City Clerk

(SEAL)

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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138444  
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

**Affidavit of Publication**

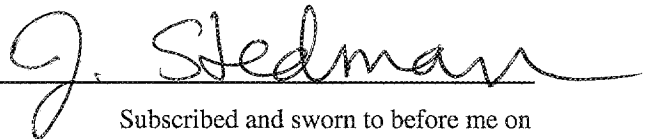
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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 12<sup>th</sup> 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:120609 ORD. IN FULL

was published on

11/28/01



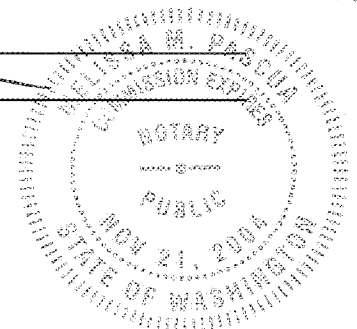
Subscribed and sworn to before me on

11/28/01



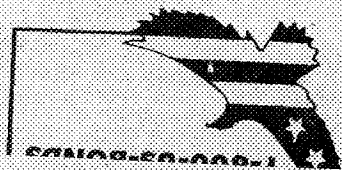
Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication





# State of Washington, King County



## City of Seattle

### ORDINANCE 120608

AN ORDINANCE relating to land use and zoning, amending Sections 23.24.050, 23.34.007, 23.34.008, 23.42.106, 23.44.012, 23.45.009, 23.47.004, 23.47.012, 23.47.014, 23.47.016, 23.47.042, 23.50.026, 23.64.015, 23.65.020, 23.61.008, and 23.76.036 of Title 23, Land Use Code, of the Seattle Municipal Code, to clarify regulations, correct minor omissions, and ensure clarity and consistency among regulatory provisions governing development.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. A new subsection C is added to Section 23.24.050 of the Seattle Municipal Code, which Section was adopted by Ordinance 110570, as follows:

#### 23.24.050 DIRECTOR'S DECISION.

C. A short plat shall be governed by the terms of approval of the Director's decision, and any lots created thereunder shall be deemed to meet lot requirements imposed by this Land Use Code for a period of no less than five (5) years unless the City Council finds that a change in circumstances has occurred.

SECTION 2. Subsection A is amended and a new subsection G is added to Section 23.34.007 of the Seattle Municipal Code, which Section was last amended by Ordinance 118408, as follows:

#### SECTION 23.34.007, REZONE EVALUATION.

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

G. Mapping errors due to cartographic or clerical mistakes may be corrected through the process required for Type V Council land use decisions in Chapter 23.76 and do not require the evaluation contemplated by the provisions of this Chapter.

SECTION 3. Subsection A of Section 23.34.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 118408, is amended as follows:

#### 23.34.008 GENERAL REZONE CRITERIA.

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

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

2. (For each urban center or urban village, the zoned capacity for the center or village shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.)

rounding development in terms of:

- Architectural character,
- Existing streetscape and pattern of yard, and
- Scale and proportion of principal structures.

5. If an addition proposed under subsections B3 or B4 above would require additional parking under the requirements of Section 23.54.015 for multifamily structures, that additional parking must be provided.

D. A nonconforming nonresidential use shall not be expanded or extended, except as follows:

1. A structure occupied by a nonconforming nonresidential use may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended except as otherwise required by law, as necessary to improve access for the elderly or disabled or as specifically permitted elsewhere in this Code.

2. In the Seattle Cascade Mixed zone, general manufacturing uses exceeding twenty-five thousand (25,000) square feet of gross floor area and heavy manufacturing uses may be expanded or extended by an amount of gross floor area not to exceed twenty (20) percent of the existing gross floor area of the use, provided that this exception may be applied only once to any individual business establishment.

SECTION 5. Subsection C of Section 23.44.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

#### 23.44.012 HEIGHT LIMITS.

##### C. Height Limit Exceptions.

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

2. Other Features. Open rails, planters, skylights, and clerestories may extend no higher than the ridge of a pitched roof or four (4) feet above a flat roof. Chimneys may extend four (4) feet above the ridge of a pitched roof or above a flat roof.

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

4. For non-residential principal uses, the following rooftop features may extend up to ten (10) feet above the maximum height limit, as long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area, or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

- Stair and elevator penthouses; and
- Mechanical equipment.

Motel			
Bed and breakfast	X		X
8 Mortuary Services	P3		P3
9 Existing Cemeteries	X		P
B. Principal Use Parking	P		P
C. Non-Household Sales and Service	X		P
1 Business support services			
2 Business incubator	P		P
3 Sales, service and rental of office equipment	P		P
4 Sales, service and rental of commercial equipment and construction materials	X		X
5 Sale of heating fuel	X		X
6 Heavy commercial services	X		X
Construction services	X		X
Commercial laundries	X		X
D. Offices			
1 Customer service office			
2 Administrative office	P		P
E. Entertainment	P		P
1 Places of Public Assembly			
Performing arts theater	X		P
Spectator sports facility	X		P
Lecture and meeting halls	X		P
Motion picture theater	X		P
Adult motion picture theater	X		P
Adult panoramas	X		X
2 Participant Sports and Recreation			
Indoor	P		P
Outdoor	X		X
F. Wholesale Showroom	X		X
G. Mini-Warehouse	X		X
H. Warehouse	X		X
I. Outdoor Storage	X		X
J. Transportation Facilities	X		X
1 Personal transportation services	X		X
2 Passenger terminals	X		X
3 Cargo terminals	X		X
4 Transit vehicle base	X		X
5 Heliports	X		X
6 Heliports	X		X
7 Airport, land-based	X		X
8 Airport, water-based	X		X
9 Railroad switchyard	X		X
10 Railroad switchyard with mechanized hump	X		X
K. Food Processing and Craft Work			
1 Food processing for human consumption	P		P
2 Custom and craft work	P		P
L. Research and Development Laboratories	P		P
II. SALVAGE AND RECYCLING			
A. Recycling Collection Station	P		P
B. Recycling Center	X		X
C. Salvage Yard	X		X
III. UTILITIES			
A. Utility Service Uses	P		P
B. Major Communication Utility	X		X
C. Minor Communication Utility	P		P
D. Solid Waste Transfer Station	X		X
E. Power Plants	X		X
F. Sewage Treatment Plants	X		X
G. Solid Waste Incineration Facility	X		X
H. Solid Waste Landfill	X		X
IV. MANUFACTURING			
A. Light Manufacturing	X		P
B. General Manufacturing	X		X
C. Heavy Manufacturing	X		X
V. HIGH-IMPACT USES			
VI. INSTITUTIONS			
A. Institute for Advanced Study	P		P
B. Private Club	P		P
C. Child Care Center	P		P
D. Museum	P		P
E. School, Elementary or Secondary	P		P
F. College	P		P
G. Community Center	P		P
H. Community Club	P		P
I. Vocational or Fine Arts School	P		P
J. Hospital	P		P
K. Religious Facility	P		P
L. University	P		P
M. Major Institutions within a 1/2 mile	P		P