

Ordinance No. 121281

Council Bill No. 114681

The City of Seattle Council Bill/Ordinance

An ordinance relating to land use and zoning, amending Seattle Municipal Code Section 23.50.027 to provide for a special exception to size-of-use limits for retail sales and service uses in the Duwamish Manufacturing/Industrial Center and correcting minor errors.

9/15/03 - Pass 3
9-15-03 Hold
9-22-03 Pass

CF No. _____

Date Introduced: <u>SEP 2 - 2003</u>	
Date 1st Referred: <u>SEP 2 - 2003</u>	To: (committee) <u>Land Use Committee</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>9-22-03</u>	Full Council Vote: <u>9-0</u>
Date Presented to Mayor: <u>9-23-03</u>	Date Approved: <u>10-1-03</u>
Date Returned to City Clerk: <u>10-1-03</u>	Date Published: _____ T.O. _____ F.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: _____

[Signature]

NICASTRO

Councilmember

Committee Action:

9/15/03 - Pass 3-0 (IN, RC, MP)

9-15-03 Hold to 9-22-03

9-22-03 Passed 9-0

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

Committee: _____

(Initial/Date)

Law Department

[Handwritten notes: Final with... Full Council... Noted...]

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 121281

AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code Section 23.50.027 to provide for a special exception to size-of-use limits for retail sales and service uses in the Duwamish Manufacturing/Industrial Center and correcting minor errors.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsections A and B of Section 23.50.027 of the Seattle Municipal Code, which was last amended by Ordinance 120155, are amended and a new subsection E is added as follows:

23.50.027 Maximum size of nonindustrial use.

A. Applicability.

1. Except as provided in subsections B, C, ~~((and))~~ D and E of this section below, the maximum size of use limits on gross floor area specified in Chart A or, for lots located in the Duwamish Manufacturing/Industrial Center, Chart B of this section shall apply to uses on a lot, ~~((total gross floor area occupied by uses limited under the respective charts of this section shall not exceed an area equal to the area of the lot in an IG1 zone, or two and one half (2.5) times the area of the lot in an IG2, IB or IC zone, or three (3) times the lot area in IC zones in the South Lake Union Planning Area, as identified in Exhibit 23.50A, with sixty five (65) foot or eighty five (85) foot height limits.))~~ The maximum size of use limits apply to both principal and accessory uses on a lot. The limits shall be applied separately to the ~~((two (2)))~~ categories of uses listed in ~~((Chart A))~~ the respective charts of this section. The total gross floor area occupied by uses limited under the respective charts of this section shall not exceed an area equal to the area of the lot in an IG1 zone, or two and one-half (2.5) times the area of the lot in an IG2, IB or IC



1 zone, or three (3) times the lot area in IC zones with sixty-five (65) foot or eighty-five (85) foot
2 height limits in the South Lake Union Planning Area, as identified in Exhibit 23.50A.

3 2. The maximum size of use limits shall not apply to the area identified in Exhibit
4 23.50.027 A, provided that no single retail establishment shall exceed fifty thousand (50,000)
5 square feet in size.
6

7 **CHART A**

8 **INDUSTRIAL ZONES**

9 Categories of Uses Subject to Size of Use Limits	IG1	IG2 and IB	IC
10 Retail sales and service or entertainment except spectator 11 sports facilities	30,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.
12 Office	50,000 sq. ft.	100,000 sq. ft.	N.M.S.L.

13
14 N.M.S.L. = No Maximum Size Limits
15

16 **CHART B**

17 **GENERAL INDUSTRIAL ZONES
WITHIN DUWAMISH M/I CENTER**

18 Categories of Uses Subject to Size of 19 Use Limits	IG1	IG2
20 Office uses	50,000 sq. ft.	100,000 sq. ft.
21 Retail sales and service (except for restaurants and 22 drinking establishments)	25,000 sq. ft.	50,000 sq. ft.
23 Restaurants	5,000 sq. ft.	5,000 sq. ft.
24 Drinking establishments	3,000 sq. ft.	3,000 sq. ft.
25 Meeting halls	N.M.S.L.	5((-)),000 sq. ft.

26 N.M.S.L. = No Maximum Size Limits
27
28



1 * The maximum size limit for brew pubs applies to that portion of the pub that is not used
2 for brewing purposes.

3 B. The following exceptions to the maximum size of use limits in Chart A are allowed
4 for a structure existing as of April 3, 1995; and the following exceptions to maximum size of use
5 limits in Chart B are allowed for a structure existing as of September 1, 1999 in the Duwamish
6 Manufacturing/Industrial Center:

7 1. A use legally established as of April 3, 1995 that already exceeds the
8 maximum size of use limits listed in Chart A may continue; and uses legally established as of
9 September 1, 1999 that then exceed the maximum size of use limits listed in Chart B may
10 continue.

11 2. Subject to the limitations in subsection E of this section, ((F))the gross floor
12 area of a use listed in Chart A and legally established as of April 3, 1995 may be converted to
13 another category of use listed in Chart A provided that the combined gross floor area devoted to
14 uses listed in Chart A does not exceed the total gross floor area of such uses legally established
15 as of April 3, 1995; and the gross floor area of a use listed in Chart B and legally established as
16 of September 1, 1999 may be converted to another category of use listed in Chart B provided that
17 the combined gross floor area devoted to uses listed in Chart B does not exceed the total gross
18 floor area of such uses legally established as of September 1, 1999.

19 3. If fifty (50) percent or more of the gross floor area of the structure has been
20 legally established as of April 3, 1995 with a use or uses listed in Chart A, those categories of
21 uses may exceed the size of use limits as follows:

22 a. Uses listed in Chart A may expand within and occupy the entire
23 structure.

24 b. The structure may be expanded by up to the following amounts and the
25 use or uses may be permitted to expand within and occupy the entire structure:
26
27
28

1 (1) IG1 Zone: Twenty (20) percent of the existing structure's gross
2 floor area or ten thousand (10,000) square feet, whichever is less;

3 (2) IG2, IB and IC Zones: Twenty (20) percent of the existing
4 structure's gross floor area or twenty thousand (20,000) square feet, whichever is less.

5 4. Subject to the limitations in subsection E of this section, ((F))if fifty (50)
6 percent or more of the gross floor area of the structure has been legally established as of
7 September 1, 1999 with a use or uses listed in Chart B, those categories of uses may exceed the
8 size of use limits as follows:

9 a. Uses listed in Chart B may expand within and occupy the entire
10 structure.

11 b. The structure may be expanded by up to the following amounts and the
12 use or uses may be permitted to expand within and occupy the entire structure, provided the
13 structure has not previously been expanded pursuant to subsection E of this section:

14 (1) IG1 Zone: Twenty (20) percent of the existing structure's gross
15 floor area or ten thousand (10,000) square feet, whichever is less;

16 (2) IG2 Zone: Twenty (20) percent of the existing structure's gross
17 floor area or twenty thousand (20,000) square feet, whichever is less.

18 * * *

19 E. Special Exception to Maximum Size Limits for Retail Sales and Service Use.

20 1. Subject to the procedures set forth in Chapter 23.76, Master Use Permits and
21 Council Land Use Decisions, a retail sales and service use within the Duwamish
22 Manufacturing/Industrial Center that satisfies the criteria in this subsection may obtain a special
23 exception to expand its gross floor area by a maximum of thirty (30) percent above the gross
24 floor area being used for retail sales and service use as of October 1, 2003. The expansion in
25 gross floor area may occur one time only, either by addition to the existing building or by
26
27
28

1 construction of a replacement building, in which case the gross floor area of the portion of the
2 replacement building to be used for retail sales and service use must not exceed the gross floor
3 area of the old building that was used for retail sales and service use as of October 1, 2003, plus
4 thirty (30) percent of that gross floor area.

5 2. To be eligible for this special exception an applicant must demonstrate to the
6 Director's satisfaction that:

7 a. The retail sales and service use was established on a lot on or before
8 January 1, 1985, the use has continued as an established retail sales and service use since that
9 date without interruption, and it exceeded the size of use limits in Chart B as of September 1,
10 1999;

11 b. At least fifty (50) percent of the gross sales of the retail sales and
12 service use are to businesses or business representatives; and

13 c. The use has not previously converted any use listed in Chart B to retail
14 sales and service pursuant to subsection B2 of this section or expanded the gross floor area of the
15 retail sales and service use pursuant to subsections B.4.a or B.4.b of this section.

16 3. The Director shall consider the following and may impose conditions to assure
17 that these criteria are met:

18 a. That well-defined boundaries, buffers, edge conditions or circulation
19 patterns will separate the use, if the gross floor area of the retail sales and service use is
20 expanded, from surrounding industrial activity;

21 b. That adverse impacts on nearby industrial uses are minimized; and

1 c. That the proposed expansion of the gross floor area of the retail sales
2 and service use will increase the capacity of the existing use to support other businesses by
3 providing goods and services that are used by such businesses as well as by individual consumers
4 in the Duwamish Manufacturing/Industrial Center.

5 4. To be eligible for expansion onto a contiguous lot that is not separated by a
6 street, alley or other right-of-way, the applicant also must demonstrate that:

7 a. The established use on the contiguous lot is a use that is permitted in
8 commercial as well as industrial zones, and that use has been established for at least ten (10)
9 years prior to the date of application; and

10 b. The most recent business establishment on the contiguous lot has
11 ceased operations or moved to another location for reasons unrelated to the proposed expansion
12 of the retail sales and service use that is applying for the special exception.

13 5. Any retail sales and service use that has expanded its gross floor area pursuant
14 to a special exception granted pursuant to this section may not thereafter convert any use listed in
15



1 Chart B to retail pursuant to subsection B2 of this section or expanded the gross floor area
2 of the retail sales and service use pursuant to subsections B.4.a or B.4.b of this section.

3 Section 2. The provisions of this ordinance are declared to be separate and severable.
4 The invalidity of any particular provision shall not affect the validity of any other provision.

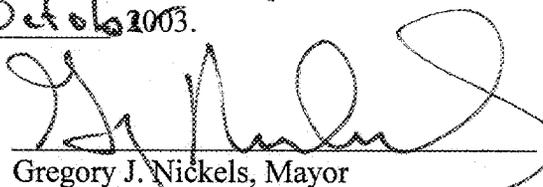
5 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after
6 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
7 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

8 Passed by the City Council the 22nd day of September, 2003, and signed by me in open
9 session in authentication of its passage this 22nd day of September, 2003.

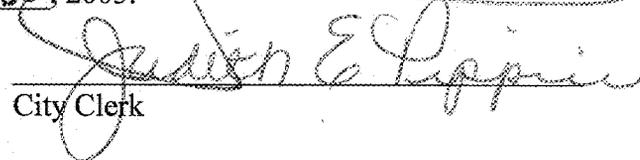
10
11 
12

13 President _____ of the City Council

14
15 Approved by me this 1 day of October, 2003.

16 
17
18 Gregory J. Nickels, Mayor

19 Filed by me this 1st day of October, 2003.

20 
21 City Clerk

22 (Seal)
23
24
25
26
27
28



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

August 26, 2003

Honorable Peter Steinbrueck
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Steinbrueck:

The attached ordinance provides a limited, one-time expansion allowance to retail sales and service uses located in the Duwamish Manufacturing/Industrial Center. The purpose of the legislation is to allow those retail uses that located in the industrial area before size of use limits were adopted to expand in order to enhance their ability to serve business customers. This will allow the Costco on 4th Avenue South to expand and modernize to better serve their Seattle customers.

Thank you for your consideration of this legislation. Should you have questions, please contact Kristian F. Kofoed at 233-7191.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a circular stamp.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
DCLU	Kristian Kofoed / 233-7191	Casey Doyle/ 684-8075

Legislation Title: AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code Section 23.50.027 to provide for a special exception to size-of-use limits for retail sales and service uses in the Duwamish Manufacturing/Industrial Center and correcting minor errors.

• **Summary of the Legislation:**

Provides a limited, one-time expansion allowance to retail sales and service uses located in the Duwamish Manufacturing/Industrial Center (Duwamish M/I Center) that meet certain criteria, with consideration of mitigating factors as conditions for expansion.

• **Background:**

DCLU is proposing to amend the Land Use Code to create a special exception to the maximum size limits for retail sales and service uses in the Duwamish M/I Center. This special exception would be a discretionary Type II decision, made by DCLU's Director and subject to appeal to the Hearing Examiner. The special exception would be available only to a retail sales and service use established on or before January 1, 1985 which exceeded size of use limits as of September 1, 1999, and when applicants can demonstrate that at least 50% of gross sales are to other businesses or to business representatives. If granted, the special exception would allow a business to enlarge the floor area used for retail sales and service by up to 30%, on the same lot or in limited circumstances a contiguous lot. Although there are existing exceptions to size of use limits, none address the situation where existing retail businesses, which help support and stabilize industrial areas by serving businesses, will be able to better serve other businesses by a limited, one-time expansion. The Director of DCLU would have the authority to condition the expansion in order to control any adverse impacts on industrial uses and to ensure that the capacity of the existing use to serve businesses is increased.

x **This legislation does not have any financial implications**



DIRECTOR'S REPORT AND RECOMMENDATION

EXCEPTIONS TO SIZE OF USE LIMIT FOR ESTABLISHED RETAIL BUSINESSES

AUGUST 07, 2003

Summary of Recommendations

DCLU is proposing to amend the Land Use Code to create a special exception to the maximum size limits for retail sales and service uses in the Duwamish Manufacturing/Industrial Center (Duwamish M/I Center.) This special exception would be a discretionary Type II decision, made by DCLU's Director and subject to appeal to the Hearing Examiner. The special exception would be available only to a retail sales and service use established on or before January 1, 1985 which exceeded size of use limits as of September 1, 1999, and which can demonstrate that at least 50% of their gross sales are to other businesses or to business representatives. If granted, the special exception would allow a business to enlarge the floor area used for retail sales and service by up to 30%, on the same lot or in limited circumstances a contiguous lot. The Director of DCLU would have the authority to condition the expansion in order to control any adverse impacts on industrial uses and to ensure that the capacity of the existing use to serve businesses is increased.

The proposed special exception would not be available to a business that already had expanded pursuant to one of the existing exceptions in SMC 23.50.027 B, and the existing exceptions would not be available to a business that expands pursuant to the proposed special exception. The amendment, if adopted, would have a minimal impact on Duwamish industrial land area, is consistent with City Comprehensive Plan goals for industrial areas, and is recommended by DCLU for adoption.

Background

In 1999, Ordinance 199370 adopted size of use limits for various uses in industrial zones, including retail sales and service uses. In 2000, Ordinance 119972 amended those limits in the Duwamish Manufacturing/Industrial Center (M/I Center), further restricting limits on retail sales and service uses and implementing other provisions of the neighborhood plan for the Greater Duwamish Manufacturing/Industrial Center. When these size limits were imposed, some retail sales and service uses were already located in industrial areas, including the Duwamish M/I Center.

At the time that size limits were adopted, several exceptions to the size limits were identified, including allowing continuation of uses legally established and exceeding the size limits when those limits were adopted. Another exception allows expansion of a use within an existing or expanded structure.

Attachment I to Fiscal Note re: 'industrial amendments'



The existing Code does not address the situation where existing retail sales and service uses that are directly supportive of businesses, including businesses in the Duwamish M/I Center, need to expand in order to enhance service to other businesses. DCLU is recommending a limited, one-time expansion allowance for this purpose. This allowance has been carefully crafted so that the expansion will have only minimal impacts on industrial areas, consistent with the City's goals for industrial areas.

Analysis

SMC 23.50.027A places limits on the maximum size of non-industrial uses in industrial zones. Subsections B, C, and D of SMC 23.50.027 state various exceptions to these size limits.

SMC 23.50.027A limits most retail sales and service uses in the Duwamish Manufacturing/Industrial Center to 25,000 square feet in the IG1 zone and 50,000 square feet in IG2. Pursuant to subsection B.1, uses that were legally established as of September 1, 1999, may continue. In addition, subsection B.2 allows the floor area of an office use that was established as of September 1, 1999 to be converted to a retail sales and service use and vice versa. Pursuant to subsection B.4, if 50% or more of the gross floor area of a structure was devoted to retail sales and service use as of September 1, 1999, then that use may expand to occupy the entire structure. In addition, in the IG1 zone a structure devoted to retail sales and service uses may be expanded by up to 10,000 square feet or 20%, whichever is less, and in the IG2 zone the structure may be expanded by up to 20,000 square feet or 20%, whichever is less.

The existing exceptions in SMC 23.50.027 are consistent with the goals and policies of the Comprehensive Plan that limit but do not prohibit retail sales and service uses in industrial zones. The proposed special exception would also be consistent with these goals and policies. It would allow the existing floor area of a retail sales and service use that exceeds size of use limits to be increased by up to 30%, but only if the retail use is a long-established businesses in the Duwamish Manufacturing/Industrial Center serving other businesses.

Unlike the aforementioned exceptions, which are allowed as a matter of right pursuant to a Type I, non-discretionary, non-appealable process, the proposed special exception will be a discretionary Type II decision, appealable to the Hearing Examiner. As part of the review process for this decision, the Director must consider various factors to ensure that any impact to the industrial area is minimized while the ability to serve businesses is enhanced.

Specifically, the proposed amendment requires the Director to:

“consider the following and... impose conditions to assure that these criteria are met:



- a. That well-defined boundaries, buffers, edge conditions or circulation patterns will separate the use, if the gross floor area of the retail sales and service use is expanded, from surrounding industrial activity;
- b. That adverse impacts on nearby industrial uses are minimized; and
- c. That the proposed expansion of the gross floor area of the retail sales and service use will increase the capacity of the existing use to support other businesses by providing goods and services that are used by such businesses as well as by individual consumers in the Duwamish Manufacturing/Industrial Center.”

The amendment also allows expansion of the retail sales and service gross floor area onto a contiguous lot in certain limited circumstances. This will be authorized only to the extent that the adverse impacts of an expansion on neighboring industrial uses can be mitigated.

The amendment's potential impact on industrial land area is minimal.

In addition to the criteria reviewed by the Director to mitigate potential impacts, the amendment restricts eligibility to businesses that meet the following criteria:

- “2. To be eligible for this special exception an applicant must demonstrate to the Director's satisfaction that:
 - a. The retail sales and service use was established on a lot on or before January 1, 1985, has continued its established retail sales and service use since that date without interruption, and exceeded the size of use limits in Chart B as of September 1, 1999;
 - b. At least fifty (50) percent of the gross sales of the retail sales and service use are to businesses or business representatives; and that
 - c. The use has not previously converted any use listed in Chart B to retail sales and service pursuant to subsection B2 of this section or expanded the gross floor area of the retail sales and service use pursuant to subsections B.4.a or B.4.b of this section.

Based on criteria 2(a) alone, preliminary analysis for the SEPA threshold decision issued for this non-project action indicated that only .37 percent of all the IG 1 and IG 2 zoned land in the Duwamish M/I Center would be potentially affected by adoption of the amendment. This figure could be even smaller, because the SEPA analysis only applied criteria 2(a) of the amendment, and did not apply all of the amendment's criteria. It is reasonable to expect that some businesses that may qualify under 2(a) would still not be able to meet the other criteria of 2(b) and 2(c), or, if they expanded, would not be able or willing to meet the specific criteria for expansion or the mitigation conditions imposed by the Director. In addition, the restrictive FAR limit on retail sales and service uses (1.0 FAR, instead of the 2.5 FAR applicable to non-size limited uses) is not changed by this amendment. This FAR limit would continue to reduce the possibility of any significant impact on industrial land area.



The amendment is consistent with City Comprehensive Plan provisions.

DCLU's SEPA review analyzed the consistency of the amendment with relevant portions of the City's Comprehensive Plan goals and policies for industrial areas. In general, the limited impact of the amendment on industrial land area and the provision that retail uses must serve other businesses in order to qualify for the amendment establishes consistency with the Comprehensive Plan goals and policies.

Goal LG 71 of the Comprehensive Plan's Land Use Element is to preserve industrial land for industrial uses and protect viable marine and rail-related industries from uses competing for scarce land resources. The amendment allows for minimal expansion, but as noted above, will have a very limited impact on industrial land area. Moreover, the proposal is limited to businesses that have already exceeded the maximum size of use limits as of September 1, 1999, so that the full scope of the impact is finite and can be reliably predicted to have little impact on the total land area within the Duwamish M/I Center. The restrictive eligibility criteria, the continuing density limit and the mitigations that can be imposed by the Director will ensure that industrial land is preserved for industrial uses, thus ensuring consistency with Goal LG 71.

Goal LG 73 provides for expansion of existing businesses and stabilization of existing industrial areas, promotion of opportunities for new businesses that are supportive of the goals for industrial areas and, as in LG 71, provision of some measure of protection to viable marine and rail related industries from uses competing for scarce land resources. The amendment is addressed to existing businesses. Moreover, because it specifically addresses retail businesses that serve other businesses, including Duwamish businesses, the amendment is consistent with the goal of stabilizing the existing industrial area. As noted with respect to LG 71, the amendment would apply only to a very limited number of existing businesses and sites.

Similarly to Goals LG 71 and LG 73, Goal LG 75 seeks to "restrict or prohibit uses that may negatively affect the availability of land for industrial activity, or that conflict with the character and function of industrial areas." Adoption of an amendment with significant restrictions on eligibility is consistent with this goal. Whether an eligible business expands on the same lot, or onto a contiguous lot, the use on the lot will not change the existing profile of land available for uses in the Duwamish M/I area. This is because expansion on the same lot will continue the same use, and expansion on a contiguous lot is only allowed if the use on that contiguous lot is a use that is allowed either in commercial zones or industrial zones and that has been established for at least 10 years. Thus, the current use profile of land available for uses permitted only in the industrial zones will remain the same if the amendment is adopted and eligible businesses are allowed to expand. To the extent that there are impacts on industrial uses because of expansion, the Director has discretion under the terms of the amendment to impose mitigation criteria on an expansion when it would adversely affect neighboring industrial uses.



The Director's discretion to mitigate adverse impacts helps establish consistency with Goal LG 76, which is to "prevent incompatible activities from locating in close proximity to each other, while accommodating a mix of compatible employment activities in areas of diversified uses." The Director of DCLU is authorized to impose conditions to ensure compatibility with neighboring industrial businesses. Allowing expansion of established retail uses in the Duwamish that serve other businesses is supportive of the goal to stabilize a mix of diverse but compatible employment activities.

Policy L 217 acknowledges that commercial uses, such as retail, are preferred uses in industrial areas to the extent that they reinforce the industrial character, and concomitantly limits specified non-industrial uses, including office and retail development, in order to preserve these areas for industrial development. By limiting the ability of retail uses to expand, and authorizing the imposition of mitigating conditions to minimize adverse impacts on nearby industrial uses, this amendment is consistent with Policy L 217. As noted above, the amendment does not change the historic profile of land use in the Duwamish industrial area.

Policy L 226 requires conditional use review of certain uses to ensure compatibility with the primary industrial function of the zone and also requires mitigation of any impacts on industrial activity, the immediate surroundings, and the environment in general. By creating a discretionary Type II decision similar to conditional use review that gives DCLU the authority to impose mitigation to ensure compatibility of that use with the primary industrial function of the zone, the proposed special exception is consistent with this policy.

Recommendation

The proposed legislation would create a Type II decision that would be available only to businesses that have been in place in the Duwamish Manufacturing/Industrial Center since at least January 1, 1985 and that can demonstrate that at least 50% of their gross sales are to other businesses or to business representatives. If granted, the special exception would allow a business to enlarge its retail sales and service floor area by up to 30%, but the Director of DCLU would have the authority to condition the expansion in order to control any adverse impacts.

Although there are existing exceptions to size of use limits, none address the situation where existing retail businesses, which help support and stabilize industrial areas will better serve other businesses by a limited, one-time expansion.

The proposed special exception is consistent with the City's goals and policies for the Duwamish Manufacturing/Industrial Center. It will allow businesses that were established long before the advent of these goals and policies to expand their retail sales and service floor area, thus enhancing their ability to serve their business customers' needs. In addition, the amendment includes restrictive criteria that will subject the

Kristian F. Kofoed
industrial amendments report 8-18
August 18, 2003

expansion to mitigation, addressing any adverse impacts on industrial areas. The amendment is consistent with the City's overall goals for industrial land areas, and DCLU recommends that it be approved.



1 Chart B to retail pursuant to subsection B2 of this section or expanded the gross floor area
2 of the retail sales and service use pursuant to subsections B.4.a or B.4.b of this section.

3 Section 2. The provisions of this ordinance are declared to be separate and severable.
4 The invalidity of any particular provision shall not affect the validity of any other provision.

5 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after
6 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
7 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

8 Passed by the City Council the 15th day of September 2003, and signed by me in open
9 session in authentication of its passage this 15th day of September, 2003.

10 _____
11
12
13 President _____ of the City Council

14 Approved by me this _____ day of _____, 2003.

15
16
17 _____
18 Gregory J. Nickels, Mayor

19 Filed by me this _____ day of _____, 2003.

20 _____
21 City Clerk

22 (Seal)



STATE OF WASHINGTON – KING COUNTY

--SS.

163939
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

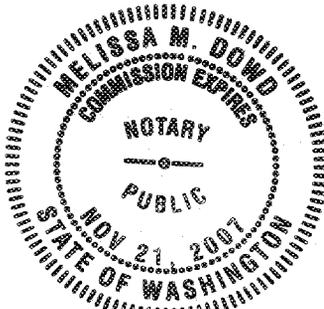
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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 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:121281 ORD IN FULL

was published on

10/9/2003



Affidavit of Publication

George R. [Signature]

Subscribed and sworn to before me on

10/9/2003

Melissa Dowd [Signature]

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 121281

AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code Section 23.50.027 to provide for a special exception to size-of-use limits for retail sales and service uses in the Duwamish Manufacturing Industrial Center and correcting minor errors.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1, Subsections A and B of Section 23.50.027 of the Seattle Municipal Code, which was last amended by Ordinance 120155, are amended and a new subsection E is added as follows:

23.50.027 Maximum size of nonindustrial use.

A. Applicability.

1. Except as provided in subsections B, C, ~~(and)~~ D and E of this section below, the maximum size of use limits on gross floor area specified in Chart A or, for lots located in the Duwamish Manufacturing Industrial Center, Chart B of this section shall apply to uses on a lot.

~~((Total gross floor area occupied by uses limited under the respective charts of this section shall not exceed an area equal to the area of the lot in an IG1 zone, or two and one-half (2.5) times the area of the lot in an IG2, IB or IC zone, or three (3) times the lot area in IC zones in the South Lake Union Planning Area, as identified in Exhibit 23.50A, with sixty-five (65) foot or eighty-five (85) foot height limits.))~~ The maximum size of use limits apply to both principal and accessory uses on a lot. The limits shall be applied separately to the ~~((uses))~~ categories of uses listed in ~~((Chart A))~~ the respective charts of this section. The total gross floor area occupied by uses limited under the respective charts of this section shall not exceed an area equal to the area of the lot in an IG1 zone, or two and one-half (2.5) times the area of the lot in an IG2, IB or IC zone, or three (3) times the lot area in IC zones with sixty-five (65) foot or eighty-five (85) foot height limits in the South Lake Union Planning Area, as identified in Exhibit 23.50A.

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

CHART A

Categories of Uses Subject to Size of Use Limits	INDUSTRIAL ZONES		
	IG1	IG2 and IB	IC
Retail sales and service or entertainment except spectator sports facilities	30,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.
Office	50,000 sq. ft.	100,000 sq. ft.	N.M.S.L.

N.M.S.L. = No Maximum Size Limits

CHART B

Categories of Uses Subject to Size of Use Limits	GENERAL INDUSTRIAL ZONES WITHIN DUWAMISH M/I CENTER	
	IG1	IG2
Office uses	50,000 sq. ft.	100,000 sq. ft.
Retail sales and service (except for restaurants and drinking establishments)	25,000 sq. ft.	50,000 sq. ft.
Restaurants	5,000 sq. ft.	5,000 sq. ft.
Drinking establishments	3,000 sq. ft.	3,000 sq. ft.
Meeting halls	N.M.S.L.	5((--))000 sq. ft.

N.M.S.L. = No Maximum Size Limits

* The maximum size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes.

B. The following exceptions to the maximum size of use limits in Chart A are allowed for a structure existing as of April 3, 1996, and the following exceptions to maximum size of use limits in Chart B are allowed for a structure existing as of September 1, 1999 in the Duwamish Manufacturing Industrial Center:

1. A use legally established as of April 3, 1996 that already exceeds the maximum size of use limits in Chart A, and uses legally established as of September 1, 1999