

Ordinance No. 122823

*MEZA HOUSE*

Council Bill No. 116275

An Ordinance relating to land use and zoning, amending Sections 23.43.008, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.0017, 23.44.022, 23.44.040, 23.54.015, 23.84A.016, 23.84A.032, and 23.86.006 and repealing Section 23.44.042 of the Seattle Municipal Code to modify the land use and zoning standards relating to Single Family neighborhoods to limit the impact of new development on existing homes and the character of single family neighborhoods, and setting effective dates.

Related Legislation File:

Date Introduced and Referred: <u>7-28-08</u>	To: (committee): Planning, Land Use & Neighborhoods (PLUNC)
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>10-6-08</u>	Date Presented to Mayor: <u>10-2-08</u>
Date Signed by Mayor: <u>10-13-08</u>	Date Returned to City Clerk: <u>10-14-08</u>
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Date Veto Published:	

The City of Seattle - Legislative Department  
Council Bill/Ordinance sponsored by: *[Signature]*

Committee Action:

Date	Recommendation	Vote
<u>9-24-08</u>	<u>APPROVED</u>	<u>2-0 SC, DC</u>
	<u>AS AMENDED</u>	
	<u>(E)</u>	

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

Full Council Action:

Date	Decision	Vote
<u>10-6-08</u>	<u>Passed</u>	<u>9-0</u>

*Law Department*

ORDINANCE 122823

1  
2 AN ORDINANCE relating to land use and zoning, amending Sections 23.43.008, 23.44.010,  
3 23.44.012, 23.44.014, 23.44.016, 23.44.017, 23.44.022, 23.44.040, 23.54.015,  
4 23.84A.016, 23.84A.032, and 23.86.006 and repealing Section 23.44.042 of the Seattle  
5 Municipal Code to modify the land use and zoning standards relating to Single Family  
6 neighborhoods to limit the impact of new development on existing homes and the  
7 character of single family neighborhoods, and setting effective dates.

8 WHEREAS, this Ordinance will implement measures dealing with the bulk, design, and  
9 environmental impacts of single family and institutional structures to limit the impact of  
10 new development on existing homes and the character of single family neighborhoods;  
11 and

12 WHEREAS, making these amendments would be in keeping with the City of Seattle's  
13 Comprehensive Plan, first adopted on July 25, 1994, Ordinance 117221, which  
14 incorporates goals and policies toward a sustainable Seattle and sets a goal of  
15 safeguarding and maintaining attractive, livable and affordable neighborhoods; **NOW**  
16 **THEREFORE,**

17 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

18 Section 1. Subsection B of Section 23.43.008 of the Seattle Municipal Code, which  
19 Section was last established by Ordinance 117430, is amended as follows:

20 **23.43.008 Development standards for one dwelling unit per lot.**

21 \*\*\*

22 B. Height Limit and Roof Pitch. The basic height limit shall be twenty-five (25) feet. The  
23 ridge of pitched roofs with a minimum slope of (~~three~~) four to twelve (~~((3))~~ 4:12) may extend  
24 above the height limit to thirty (30) feet. All parts of the roof above twenty-five (25) feet shall be  
25 pitched.

26 \*\*\*

27 Section 2. Section 23.44.010 of the Seattle Municipal Code, which Section was last  
28 amended by Ordinance 122050, is amended as follows:

**23.44.010 Lot requirements.**



1           A. Minimum Lot Area. The minimum lot area shall be:

2

S.F. Zone	Minimum Lot Area Required
S.F. 9600	9,600 sq. ft.
S.F. 7200	7,200 sq. ft.
S.F. 5000	5,000 sq. ft.

3

4

5           Submerged lands shall not be counted in calculating the area of lots for the purpose of  
6 these minimum lot area requirements, or the exceptions to minimum lot area requirements  
7 provided in this section.

8           B. Exceptions to Minimum Lot Area. The following exceptions to minimum lot area are  
9 subject to the limits of subsection B5. A lot which does not satisfy the minimum lot area  
10 requirements of its zone may be developed or redeveloped as a separate building site according  
11 to the following:

12           1. In order to recognize separate building sites established in the public record  
13 under previous codes, to allow the consolidation of very small lots into larger lots, to adjust lot  
14 lines to permit more orderly development patterns, and to create additional buildable sites out of  
15 oversized lots which are compatible with surrounding lots, the following exceptions are  
16 permitted if the Director determines that:

17           a. The lot was established as a separate building site in the public records  
18 of the county or City prior to July 24, 1957, by deed, contract of sale, mortgage, property tax  
19 segregation, platting or building permit and has an area of at least seventy-five (75) percent of  
20 the minimum required lot area and at least eighty (80) percent of the mean lot area of the lots on  
21 the same block face and within the same zone in which the lot is located (Exhibit 23.44.010 A),  
22 or

23           b. The lot is or was created by subdivision, short subdivision or lot  
24 boundary adjustment, and is at least seventy-five (75) percent of the minimum required lot area  
25





1 and is at least eighty (80) percent of the mean lot area of the lots on the same block face within  
2 which the lot will be located and within the same zone (Exhibit 23.44.010 A); or

3           2. The lot area deficit is the result of a dedication or sale of a portion of the lot to  
4 the City or state for street or highway purposes and payment was received for only that portion  
5 of the lot, and the lot area remaining is at least fifty (50) percent of the minimum required; or

6           3. The lot would qualify as a legal building site under this section but for a  
7 reduction in lot area due to court-ordered adverse possession, and the amount by which the lot  
8 was so reduced was less than ten (10) percent of the former area of the lot, provided, that this  
9 exception shall not apply to lots reduced to less than fifty (50) percent of the minimum area  
10 required under subsection A of Section 23.44.010; or

11           4. The lot was established as a separate building site in the public records of the  
12 county or City prior to July 24, 1957, by deed, contract of sale, mortgage, property tax  
13 segregation, platting or building permit, and falls into one (1) of the following categories;  
14 provided that, lots on totally submerged lands shall not qualify for this exception:

15           a. The lot is not held in common ownership with any contiguous lot on or  
16 after the effective date of the ordinance from which this subsection derives,<sup>1</sup> or

17           b. The lot is or has been held in common ownership with a contiguous lot  
18 on or after the effective date of the ordinance from which this subsection derives and is or has  
19 been developed with a principal structure which is wholly within the lot boundaries; provided,  
20 that no portion of any contiguous lot is required to meet the least restrictive of lot area, lot  
21 coverage, setback or yard requirements which were in effect at the time of the original  
22 construction of the principal structure, at the time of its subsequent additions, or which are in  
23 effect at the time of redevelopment of the lot (Exhibit 23.44.010 B),<sub>2</sub> or

24           c. The lot is or has been held in common ownership with a contiguous lot  
25 on or after the effective date of the ordinance from which this subsection derives<sup>1</sup> and is not  
26 developed with all or part of a principal structure; provided, that no portion of the lot is required





1 to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in  
2 effect for a principal structure on the contiguous lot at the time of the construction of the  
3 principal structure, at the time of its subsequent additions, or which are in effect at the time of the  
4 development of the lot (Exhibit 23.44.010 B); and provided further, that if any portion of the lot  
5 to be developed has been used to meet the parking requirement in effect for a principal structure  
6 on a contiguous lot, such parking requirement can and shall be legally met on the contiguous lot.

7 For purposes of this subsection B4, removal of all or any part of a principal structure or  
8 destruction by fire or act of nature on or after the effective date of the ordinance from which this  
9 subsection derives<sup>1</sup> shall not qualify the lot for the minimum lot area exception (Exhibit  
10 23.44.010 C) except that minor features containing no interior floor area including but not  
11 limited to eaves and unenclosed decks extending onto an adjacent property do not serve to tie the  
12 properties together for purposes of this exception, and these features may be removed to allow  
13 separate development of the lots if they otherwise qualify; or

14 5. Development may occur on a substandard lot containing a riparian corridor, a  
15 shoreline habitat and shoreline habitat buffer, a wetland and wetland buffer, or a steep slope and  
16 steep slope buffer pursuant to the provisions of SMC Chapter 25.09, Regulations for  
17 Environmentally Critical Areas, if the following conditions apply:

18 a. The substandard lot is not held in common ownership with an adjacent  
19 lot or lots at any time after the effective date of SMC Chapter 25.09, Regulations for  
20 Environmentally Critical Areas, or

21 b. The substandard lot is held in common ownership with an adjacent lot  
22 or lots, or has been held in common ownership at any time after the effective date of SMC  
23 Chapter 25.09, Regulations for Environmentally Critical Areas<sup>2</sup>, ((2)) but proposed and future  
24 development will not intrude upon the environmentally critical area or buffer;



1                   6. Lots contained in a clustered housing planned development (Section  
2 23.44.024), a planned residential development (Section 23.44.034), or a clustered development  
3 in an environmentally critical area.

4                   C. Maximum Lot Coverage. The maximum lot coverage permitted for principal and  
5 accessory structures (~~((shall not exceed thirty five (35) percent of the lot area or one thousand  
6 seven hundred fifty (1,750) square feet, whichever is greater.))~~) is as follows:

<u>Lot Size</u>	<u>Maximum Lot Coverage</u>
<u>Less than 5,000 square feet (sq. ft.)</u>	<u>1,000 sq. ft. + 15% of lot area</u>
<u>5,000 sq. ft. or more</u>	<u>35% of lot area</u>

10                  D. Lot Coverage Exceptions.

11                   1. Lots Abutting Alleys (~~((and Corner Lots))~~). For purposes of computing the lot  
12 coverage only:

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

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

17                   ~~((e))~~b. The total lot area for any lot may not be increased by the provisions  
18 of this section by more than ~~((twenty five (25)))~~ ten percent (10%).

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

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

23                   b. Barrier-free Access. Ramps or other access for the disabled or elderly  
24 meeting Washington State Building Code, Chapter 11;

25                   c. Decks. Decks or parts of a deck which are thirty-six (36) ~~((eighteen  
26 (18)))~~ inches or less above the existing grade;



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

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

5 f. Eaves and Gutters. The first thirty-six (36) (~~eighteen (18)~~) inches of  
6 eaves and gutters projecting from principal and accessory structures, except that eaves associated  
7 with the roof of an arbor shall be included in lot coverage calculations;

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

10  
11 Section 3. Section 23.44.012 of the Seattle Municipal Code, which Section was last  
12 amended by Ordinance 122190, is amended as follows:

13 **23.44.012 Height limits.**

14 A. Maximum Height Established.

15 1. Except as permitted in Section(~~s 23.44.014 D3 and~~) 23.44.041 B, and except  
16 as provided in subsections A2 (~~and A3~~) below, the maximum permitted height for any structure  
17 not located in required yards shall not exceed (~~the greater of the following:~~

18 ~~a. T))~~thirty (30) feet(~~(;) )~~;

19 (~~b. The average height of the two (2) single family structures which the~~  
20 ~~subject structure abuts if one (1) or both of the abutting structures exceed thirty (30) feet.))~~

21 2. The maximum permitted height for any structure on lots thirty (30) feet or less  
22 in width shall not exceed (~~the greater of the following:~~

23 ~~a. T))~~twenty-five (25) feet(~~(;) )~~;

24 (~~b. The average height of the two (2) single family structures on abutting~~  
25 ~~lots, but not to exceed thirty (30) feet.~~





3. ~~Expansions, extensions or replacements to any structure on lots established pursuant to 23.24.046, Multiple single family dwelling units on a single family lot, on lots thirty (30) feet or less in width are subject to the following:~~

a. ~~The maximum permitted height shall not exceed twenty five (25) feet, and~~

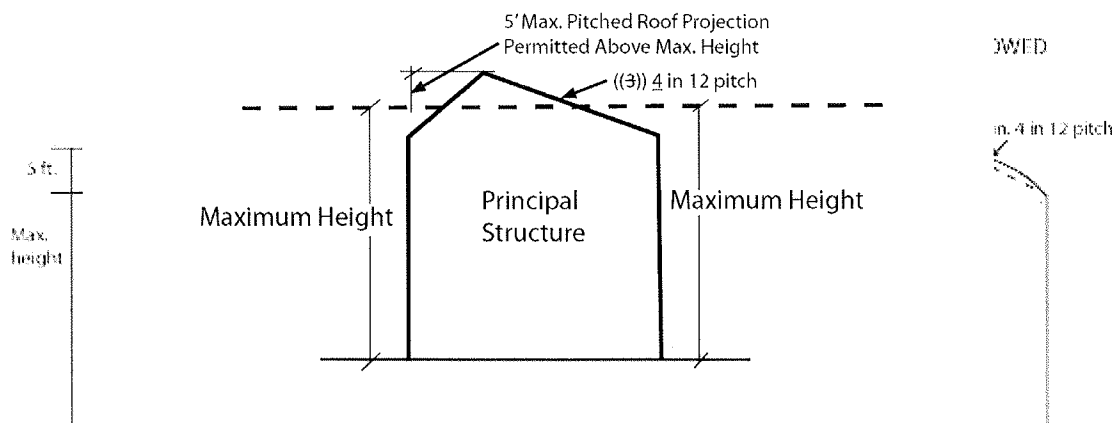
b. ~~The averaging provisions of subsection 2b, above, do not apply.~~

4.)~~3.~~ The method(~~s~~) of determining structure height(~~, height averages,~~) and lot width are detailed in Chapter 23.86, Measurements.

B. Special Features.

1. Pitched Roofs. The ridge of a pitched roof on a principal structure may extend up to five (5) feet above the maximum 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))~~ four to twelve ~~((3))~~ 4:12 (Exhibit 23.44.012 A). No portion of a shed roof, except on a dormer, shall be permitted to extend beyond the maximum height limit, as determined under subsection A above. Roof forms including but not limited to barreled and domed roofs may be allowed under this subsection where the Director determines that the roof form remains within the massing of a pitched roof form such as a gable or gambrel roof that would otherwise be allowed by this subsection (Exhibit 23.44.012 B).

Exhibit 23.44.012A  
Pitched Roof Provision on Flat Site





1                   1. Flagpoles. Except in the Airport Height Overlay District, Chapter 23.64,  
2 flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line  
3 than fifty (50) percent of their height above existing grade, or, if attached only to a roof, no  
4 closer than fifty (50) percent of their height above the roof portion where attached.

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

8                   3. Projections that accommodate windows and result in additional interior space,  
9 including dormers, clerestories, skylights, and greenhouses, may extend no higher than the ridge  
10 of a pitched roof permitted pursuant to subsection B, or four feet (4') above the applicable height  
11 limit pursuant to subsection A, whichever is higher, if all of the following conditions are satisfied  
12 (Exhibit 23.44.012D):

13                   a. the total area of these projections is limited to thirty percent (30%) of  
14 the area of each roof plane measured from the plan view perspective;

15                   b. On pitched roofs, projections are limited to ten feet (10') in width with a  
16 minimum separation of three feet (3') from other projections; and

17                   c. On flat roofs, projections are set back at least 4 feet from exterior walls.

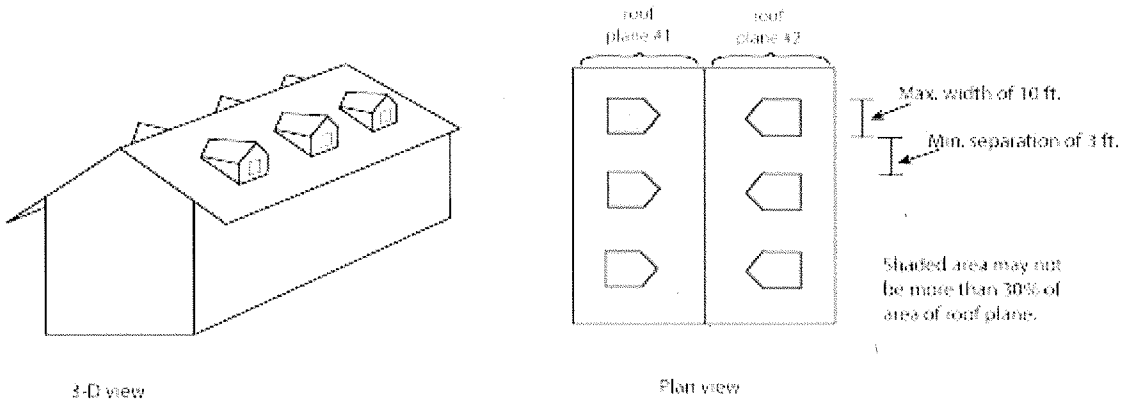




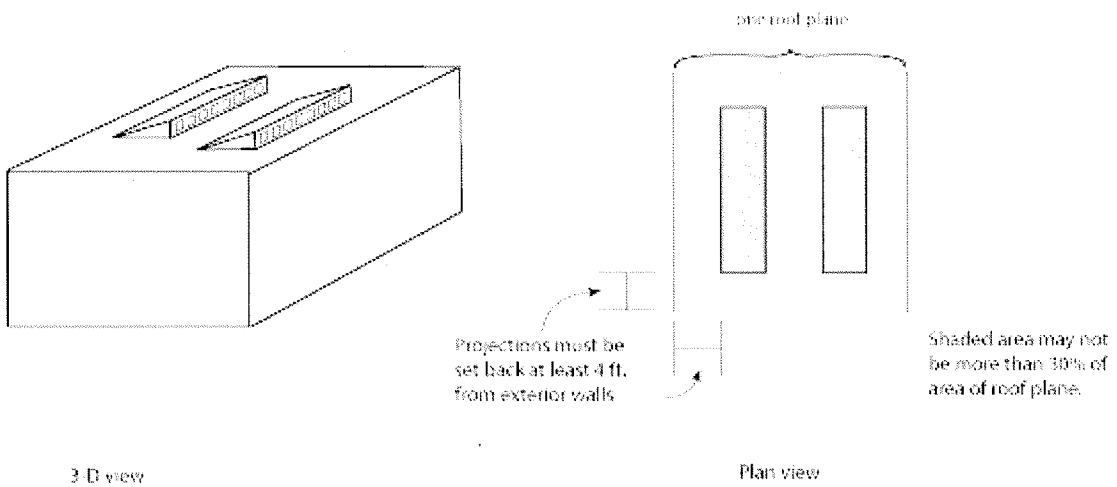
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### Exhibit 23.44.012D Roof Projections

#### Pitched Roof



#### Flat Roof





1           ((1))2. Certain Accessory Structures. Any accessory structure may be constructed  
2 in a side yard which abuts the rear or side yard of another lot, or in that portion of the rear yard  
3 of a reversed corner lot within five (5) feet of the key lot and not abutting the front yard of the  
4 key lot, upon recording with the King County Department of Records and Elections an  
5 agreement to this effect between the owners of record of the abutting properties. ~~((Any accessory  
6 structure which is a private g))~~ Garages may be located in that portion of a side yard which is  
7 either within thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of  
8 any rear lot line which is not an alley lot line, without providing an agreement as provided in  
9 Section 23.44.016.

10           ((2))3. A single-family structure may extend into one (1) side yard if an easement  
11 is provided along the side or rear lot line of the abutting lot, sufficient to leave a ten (10) foot  
12 separation between that structure and any principal or accessory structures on the abutting lot.  
13 Features and projections such as porches, eaves, and chimneys shall be permitted in the ten (10)  
14 foot separation area as if the property line were five (5) feet from the wall of the house on the  
15 dominant lot, provided that no portion of either principal structure including eaves shall cross the  
16 actual property line. The easement shall be recorded with the King County Department of  
17 Records and Elections. The easement shall provide access for normal maintenance activities to  
18 the principal structure on the lot with less than the required side yard.

19           ((3))4. Certain Additions. Certain additions may extend into a required yard when  
20 the existing single-family structure is already nonconforming with respect to that yard. The  
21 presently nonconforming portion must be at least sixty (60) percent of the total width of the  
22 respective facade of the structure prior to the addition. The line formed by the nonconforming  
23 wall of the structure shall be the limit to which any additions may be built, except as described  
24 below. They may extend up to the height limit and may include basement additions. New  
25 additions to the nonconforming wall or walls shall comply with the following requirements  
26 (Exhibit 23.44.014 A):





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

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

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

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

14 ~~((4))~~5. Uncovered Porches or Steps. Uncovered, unenclosed porches or steps may  
15 project into any required yard, provided that they are no higher than four (4) feet on average  
16 above existing grade, no closer than three (3) feet to any side lot line, no wider than six (6) feet  
17 and project no more than six (6) feet into required front or rear yards.

18 The height of porches and steps are to be calculated separately from each other.

19 ~~((5))~~6. Special Features of a Structure. Special features of a structure may extend  
20 into required yards subject to the following standards only, unless permitted elsewhere in this  
21 chapter:

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

25 b. Bay windows shall be limited to eight (8) feet in width and may project  
26 no more than two (2) feet into a required front, rear, and street side yard;



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

5 d. The combined area of features permitted in subsections D56b and c  
6 above may comprise no more than thirty (30) percent of the area of the facade.

7 ~~((6))~~ 7. ~~((Private Garages,))~~ Covered Unenclosed Decks, Roofs Over Patios and  
8 Other Accessory Structures in Rear Yards.

9 a. ~~((Any attached private garages or e))~~ Covered, unenclosed decks  
10 ~~((or))~~ and roofs over patios, if attached to a principal structure, ~~((are portions of principal~~  
11 ~~structures. They))~~ may extend into the required rear yard, but shall not be within twelve (12) feet  
12 of the centerline of any alley, nor within twelve (12) feet of any rear lot line which is not an alley  
13 lot line, nor closer than five (5) feet to any accessory structure. ~~((The height of private garages~~  
14 ~~shall meet the provisions of Section 23.44.016 D2 and the height of the roof over unenclosed~~  
15 ~~decks and patios may not exceed twelve (12) feet.))~~ The roof over ~~((these))~~ such decks ~~((;))~~ or  
16 patios ~~((and garages))~~ shall not be used as a deck. ~~((Any detached private garage meeting the~~  
17 ~~requirements of Section 23.44.016, Parking location and access, or detached permitted accessory~~  
18 ~~structure meeting the requirements of Section 23.44.040, General provisions, may be located in a~~  
19 ~~rear yard. If a private garage has its vehicular access facing the alley, the private garage shall not~~  
20 ~~be within twelve (12) feet of the centerline of the alley.~~

21 b. ~~Garages meeting the standards of Section 23.44.016 and other accessory~~  
22 ~~structures meeting the standards of Sections 23.44.040 or 23.44.041, shall be permitted in~~  
23 ~~required rear yards, subject to a maximum combined coverage of forty (40) percent of the~~  
24 ~~required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be~~  
25 ~~calculated from the centerline of the alley.~~



1           ~~7. Private Garages in Front Yards of Through Lots. On through lots less than one~~  
2 ~~hundred twenty five (125) feet in depth, either an accessory garage structure or a portion of the~~  
3 ~~principal structure containing a garage shall be permitted to locate in one (1) of the front yards.~~  
4 ~~Private garages, either as accessory structures or as a portion of the principal structure, shall be~~  
5 ~~limited as set forth in Section 23.44.016. The front yard in which the garage may be located shall~~  
6 ~~be determined by the Director based on the location of other accessory garages on the block. If~~  
7 ~~no pattern of garage location can be determined, the Director shall determine in which yard the~~  
8 ~~accessory garage shall be located based on the prevailing character and setback patterns of the~~  
9 ~~block.))~~

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

13           9. Barrier-free Access. Access facilities for the disabled and elderly meeting  
14 Washington State Building Code, Chapter 11 are permitted in any required yards.

15           10. Freestanding Structures and Bulkheads.

16           a. Fences, freestanding walls, signs and similar structures six (6) feet or  
17 less in height above existing or finished grade, whichever is lower, may be erected in any  
18 required yard. The six (6) foot height may be averaged along sloping grade for each six (6) foot  
19 long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.  
20 Architectural features may be added to the top of the fence or freestanding wall above the six (6)  
21 foot height when the following provisions are met: horizontal architectural feature(s), no more  
22 than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured  
23 vertically from the top of the fence, may be permitted when the overall height of all parts of the  
24 structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot  
25 height is not permitted. Structural supports for the horizontal architectural feature(s) may be  
26 spaced no closer than three (3) feet on center.





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

3                               (1) No part of the structure may exceed eight (8) feet; and

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

6                   c. Bulkheads and retaining walls used to raise grade may be placed in any  
7 required yard when limited to six (6) feet in height, measured above existing grade. A guardrail  
8 no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall  
9 existing as of the date of the ordinance codified in this section. If a fence is placed on top of a  
10 new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9  
11 1/2) feet.

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

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

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

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



1           13. Solar Collectors. Solar collectors may be located in required yards, subject to  
2 the provisions of Section 23.44.046.

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

8           15. Front and rear yards may be reduced by twenty-five (25) percent, but no more  
9 than five (5) feet, if the site contains a required environmentally critical area buffer or other area  
10 of the property which ~~((can not))~~ cannot be disturbed pursuant to subsection A of Section  
11 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

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

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

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

24           Section 5. Section 23.44.016 of the Seattle Municipal Code, which Section was last  
25 amended by Ordinance 121477, is amended as follows:

26 **23.44.016 Parking ~~((location and access))~~ and Garages.**



1           ~~((Parking shall be required as provided in Chapter 23.54 and in accordance with the~~  
2 ~~following:))~~

3           A. Parking Quantity. Off-street parking is required pursuant to Section 23.54.015.

4           ~~((A))~~B. Access to Parking.

5                   1. Vehicular access to parking from an improved street, alley or easement is  
6 required when parking is required pursuant to Section 23.54.015.

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

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

10                           b. Existing topography does not permit alley access; or

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

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

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

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

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

24           ~~((B))~~C. ((Parking on Lot of Principal Use))Location of Parking.

25                   ~~((1. Except as otherwise provided in this subsection, accessory parking shall be~~  
26 ~~located on the same lot as the principal use.))~~



1                    1. Parking shall be located on the same lot as the principal use, except as  
2 otherwise provided in this subsection.

3                    2. Parking on planting strips is prohibited.

4                    3. No more than three (3) vehicles may be parked outdoors on any lot.

5                    4. Parking accessory to a floating home may be located on another lot if within six  
6 hundred (600) feet of the lot on which the floating home is located.

7                    5. Parking accessory to a single-family structure existing on June 11, 1982 may be  
8 established on another lot if all the following conditions are met:

9                    a. There is no vehicular access to permissible parking areas on the lot.

10                   b. Any garage constructed is for no more than two (2) axle or two (2) up-  
11 to-four (4) wheeled vehicles.

12                   c. Any garage is located and screened or landscaped per Section 23.44.016  
13 ~~EG~~ if applicable, as required by the Director who shall consider development patterns of the  
14 block or nearby blocks.

15                   d. The lot providing the parking is within the same block or across the  
16 alley from the principal use lot.

17                   e. The accessory parking shall be tied to the lot of the principal use by a  
18 covenant or other document recorded with the King County Department of Records and  
19 Elections.

20                   ~~((6. Trailers, boats, recreational vehicles and similar equipment shall not be~~  
21 ~~parked in required front and side yards.~~

22                   ~~E))D. ((Location of)) Parking ((on Lot)) in Required Yards.~~

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

24                   a. ~~Within the principal structure; or~~

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



1                   2) 1. Parking shall not be located in the required front yard except as provided in  
2 subsections ((C3, C4, C5 and C6))D7, D9, D10, D11 and D12.

3                   2. Parking shall not be located in a required side yard abutting a street or the first  
4 ten (10) feet of a required rear yard abutting a street except as provided in subsections D7, D9,  
5 D10, D11 and D12.

6                   3. Garages shall not be located in a required side yard which abuts the rear or side  
7 yard of another lot, or in that portion of the rear yard of a reversed corner lot within five (5) feet  
8 of the key lot's side lot line and not abutting the front yard of the key lot unless an agreement  
9 between the owners of record of the abutting properties, authorizing the garage in that location,  
10 is executed and recorded, pursuant to Section 23.44.014 D2, provided, that no such agreement is  
11 required if the garage is located entirely in that portion of a side yard which is either within  
12 thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line  
13 which is not an alley lot line.

14                   4. Garages with vehicular access from an alley shall not be located within twelve  
15 (12) feet of the centerline of the alley except as provided in subsections D9, D10, D11 and D12.

16                   5. Attached garages shall not be within twelve (12) feet of the centerline of any  
17 alley, nor within twelve (12) feet of any rear lot line which is not an alley lot line, except as  
18 provided in subsections D9, D10, D11 and D12.

19                   6. On a reversed corner lot, no garage shall be located in that portion of the  
20 required rear yard which abuts the required front yard of the adjoining key lot unless the  
21 provisions of Section 23.44.016 D9b apply.

22                   7. Where access to required parking spaces passes through a required yard,  
23 automobiles, motorcycles and similar vehicles may be parked on the access located in a required  
24 yard.



1                   8. Trailers, boats, recreational vehicles and similar equipment shall not be parked  
2 in required front and side yards or the first ten (10) feet of a rear yard measured from the rear lot  
3 line.

4                   ~~((3))~~9. Lots With Uphill Yards Abutting Streets. ~~((Accessory p))~~Parking for one  
5 (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be established in a required yard  
6 abutting a street according to subsection ~~((C3))~~D9a or b below only if access to parking is  
7 permitted through that yard pursuant to subsection A of this section.

8                   a. Open Parking Space.

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

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

15                   iii. The parking space shall be no wider than ten (10) feet for one  
16 (1) parking space at the parking surface and no wider than twenty (20) feet for two (2) parking  
17 spaces when permitted as provided in subsection ~~((C6))~~D12.

18                   b. Terraced Garage.

19                   i. The height of a terraced garage shall be limited to no more than  
20 two (2) feet above existing or finished grade, whichever is lower, for the portions of the garage  
21 that are ten (10) feet or more from the street lot line. The ridge of a pitched roof on a terraced  
22 garage may extend up to three (3) feet above this two (2) foot height limit. All parts of the roof  
23 above the two (2) foot height limit shall be pitched at a rate or not less than ~~((three))~~four to  
24 twelve ~~((3))~~4:12). No portion of a shed roof shall be permitted to extend beyond the two (2) foot  
25 height limit of this provision. Portions of a terraced garage that are less than ten (10) feet from  
26 the street lot line shall comply with the height standards in Section 23.44.016 ~~((D))~~E2;



1                                   ii. The terraced garage structure width may not exceed fourteen  
2 (14) feet for one (1) two (2) axle or one (1) up-to-four (4) wheel vehicle, or twenty-four (24) feet  
3 when permitted to have two (2) two (2) axle or two (2) up-to-four (4) wheel vehicle as provided  
4 in subsection ~~((C6))~~D12;

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

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

10                               ~~((4))~~10. Lots With Downhill Yards Abutting Streets. ~~((Accessary-p))~~Parking,  
11 either open or enclosed, for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may  
12 be located in a required yard abutting a street when the following conditions are met:

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

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

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

20                               d. Parking in downhill rear yards shall be in accordance with ~~((Section~~  
21 ~~23.44.014 D6 and))~~ Section 23.44.016, subsections ~~((C1))~~D2, D5 and ~~D((34))6~~;

22                               e. Access to parking is permitted through the required yard abutting the  
23 street by subsection ~~((A))~~B of this section; and

24                               f. A driveway access bridge may be permitted in any required downhill  
25 yard where necessary for access to parking. The access bridge shall be no wider than twelve (12)  
26 feet for access to one (1) parking space or eighteen (18) feet for access to two (2) or more





1 parking spaces. The driveway access bridge may not be located closer than five (5) feet to an  
2 adjacent property line and shall not be included in lot coverage calculations.

3 ~~((S))~~11. Through Lots. On through lots less than one hundred twenty-five (125)  
4 feet in depth, ~~((accessory))~~parking for one (1) two (2) axle or one (1) up-to-four (4) wheeled  
5 vehicle may be located in one (1) of the required front yards.

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

10 ~~((G))~~12. Lots With Uphill Yards Abutting Streets or Downhill or Through Lot  
11 Front Yards Fronting on Streets That Prohibit Parking. ~~((Accessory p))~~Parking for two (2) two  
12 (2) axle or four (4) wheeled vehicles may be located in uphill yards abutting streets or downhill  
13 or through lot front yards as provided in subsection ~~((C3, C4 or C5))~~D9, D10 or D11 if, in  
14 consultation with Seattle Department of Transportation, it is found that uninterrupted parking for  
15 twenty-four (24) hours is prohibited on at least one (1) side of the street within two hundred  
16 (200) feet of the lot line over which access is proposed. The Director may authorize a curb cut  
17 wider than would be permitted under Section 23.54.030 if necessary for access.

18 ~~((D))~~E. Standards for ~~((Private))~~Garages when Permitted in Required Yards. ~~((Private~~  
19 ~~g))~~Garages that are either detached ~~((accessory))~~structures or portions of a principal structure for  
20 the primary purpose of enclosing a two (2) axle or four (4) wheeled vehicle may be permitted in  
21 required yards according to the following conditions:

22 1. Maximum Coverage and Size.

23 a. ~~((In accordance with Section 23.44.014 D6, private-g))~~Garages,  
24 together with any other accessory structures and other portions of the principal structure, are  
25 limited to a maximum combined coverage of forty (40) percent of the required rear yard. In the  
26  
27  
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1 case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of  
2 the alley.

3 b. ~~((In accordance with Section 23.44.040, private g))~~ Garages located in  
4 side or rear yards shall not exceed one thousand (1,000) square feet in area.

5 c. In front yards, the area of ~~((private))~~ garages shall be limited to three  
6 hundred (300) square feet with fourteen (14) foot maximum width where one (1) space is  
7 allowed, and six hundred (600) square feet with twenty-four (24) foot maximum width where  
8 two (2) spaces are allowed. Access driveway bridges permitted under Section 23.44.016  
9 ~~((C4))D10f~~ shall not be included in this calculation.

10 2. Height Limits.

11 a. ~~((Private g))~~ Garages shall be limited to twelve (12) feet in height as  
12 measured on the facade containing the entrance for the vehicle.

13 b. The ridge of a pitched roof on a ~~((private))~~ garage located in a required  
14 yard may extend up to three (3) feet above the twelve (12) foot height limit. All parts of the roof  
15 above the height limit shall be pitched at a rate of not less than ~~((three))~~ four to twelve ~~((3))~~ 4:12).  
16 No portion of a shed roof shall be permitted to extend beyond the twelve (12) foot height limit  
17 under this provision.

18 c. Open rails around balconies or decks located on the roofs of ~~((private~~  
19 ~~))~~ garages may exceed the twelve (12) foot height limit by a maximum of three (3) feet. The roof  
20 over a garage shall not be used as a balcony or deck in rear yards.

21 3. Separations.

22 a. ~~((Attached private garages are portions of principal structures. In~~  
23 ~~accordance with Section 23.44.014 D6, they may extend into the required rear yard, but shall not~~  
24 ~~be within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of any rear~~  
25 ~~lot line which is not an alley lot line nor closer than five (5) feet to any accessory structure.~~



1                               b. ~~If the facade of a private garage which contains the entrance for the~~  
2 ~~vehicle faces an alley, the garage shall not be within twelve (12) feet of the centerline of the~~  
3 ~~alley.~~

4                               e. ~~In accordance with Section 23.44.040D, a)~~Any private garage ((which  
5 ~~is an accessory structure-))located in a required yard shall be separated from its principal~~  
6 ~~structure by a minimum of five (5) feet.~~

7                               ((d. ~~In accordance with Section 23.44.040 F, on a reversed corner lot, no~~  
8 ~~private garage which is an accessory structure shall be located in that portion of the required rear~~  
9 ~~yard which abuts the required front yard of the adjoining key lot, nor shall the private garage be~~  
10 ~~located closer than five (5) feet from the key lot's side lot line unless the provisions of Section~~  
11 ~~23.44.014 D1 or 23.44.016 C3b apply.~~

12                              e. ~~In accordance with Section 23.44.014 D1, private garages which are~~  
13 ~~accessory structures may extend into a required side yard which is either within thirty five (35)~~  
14 ~~feet of the centerline of an alley or within twenty five (25) feet of any rear lot line which is not~~  
15 ~~an alley lot line. Private garages which are accessory structures may extend into a required side~~  
16 ~~yard which is more than thirty five (35) feet from the centerline of an alley abutting the lot, or~~  
17 ~~which is more than twenty five (25) feet from the rear lot line of a lot which does not abut an~~  
18 ~~alley, upon the recording with the King County Department of Records and Elections an~~  
19 ~~agreement to this effect between the owners of record of the abutting properties.))~~

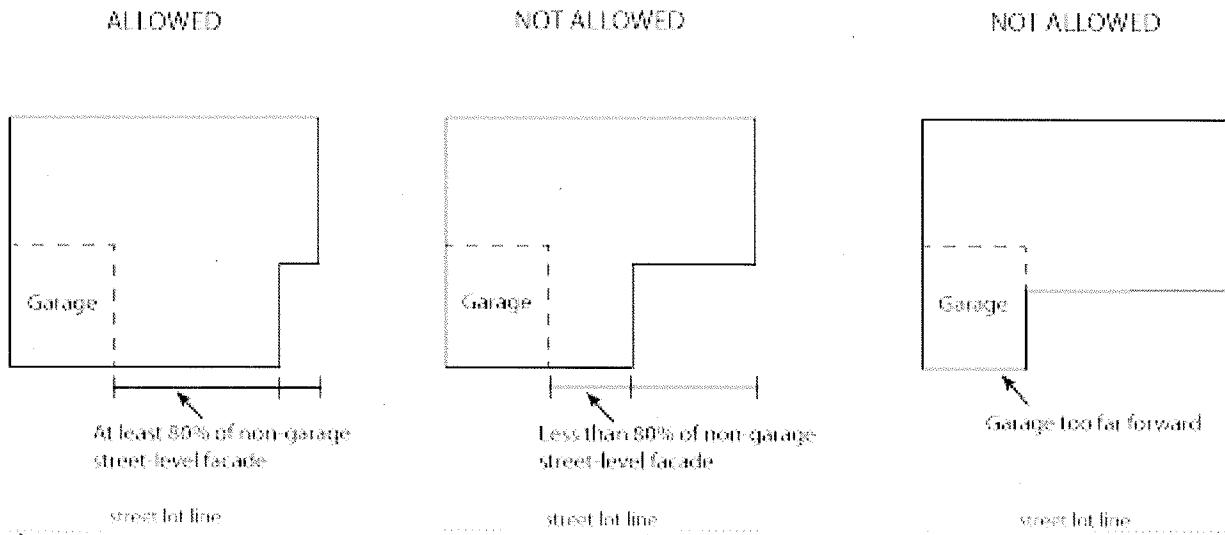
20                              F. Appearance of Garage Entrances.

21                              1. Garage Setback. No portion of a garage that is part of a principal structure may  
22 be closer to the street lot line than 80% of the remaining non-garage street-level façade (see  
23 Exhibit 23.44.016 A). If the entire street-level façade is garage, no portion of the garage may be  
24 closer to the street lot line than 80% of the façade of the story above the street-level façade.



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### Exhibit 23.44.016A Garage Setback



2. Garage Entrance Width. The total combined horizontal width of all garage entrances located on the front façade may be up to 50 percent of the horizontal width of the front façade or 10 feet, whichever is greater. On corner lots, a garage entrance shall be allowed on only one street-facing façade.

### 3. Exemptions.





1 the public school, the maximum permitted height shall be thirty-five (35) feet plus ten (10) feet  
2 for a pitched roof if all portions of the structure above thirty (30) feet are set back at least twenty  
3 (20) feet from all property lines. All parts of a gymnasium or auditorium roof above the height  
4 limit must be pitched at a rate of not less than (~~three~~)four to twelve (~~(3)~~4:12). No portion of a  
5 shed roof on a gymnasium or auditorium shall be permitted to extend above the thirty-five (35)  
6 foot height limit under this provision.

7           2. For new public school construction on existing public school sites, the  
8 maximum permitted height shall be thirty-five (35) feet plus fifteen (15) feet for a pitched roof.  
9 All parts of the roof above the height limit must be pitched at a rate of not less than (~~three~~)four  
10 to twelve (~~(3)~~4:12). No portion of a shed roof shall be permitted to extend beyond the thirty-  
11 five (35) foot height limit under this provision.

12           3. For additions to existing public schools on existing public school sites, the  
13 maximum height permitted shall be the height of the existing school or thirty-five (35) feet plus  
14 fifteen (15) feet for a pitched roof, whichever is greater. When the height limit is thirty-five (35)  
15 feet, the ridge of the pitched roof on a principal structure may extend up to fifteen (15) feet  
16 above the height limit, and all parts of the roof above the height limit must be pitched at a rate of  
17 not less than (~~three~~)four to twelve (~~(3)~~4:12). No portion of a shed roof shall be permitted to  
18 extend beyond the thirty-five (35) foot limit under this provision.

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



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

3                   6. Light Standards.

4                   a. Light standards for illumination of athletic fields on new and existing  
5 public school sites will be allowed to exceed the maximum permitted height, up to a maximum  
6 height of one hundred (100) feet, where determined by the Director to be necessary to ensure  
7 adequate illumination and where the Director determines that impacts from light and glare are  
8 minimized to the greatest extent practicable. The applicant must submit an engineer's report  
9 demonstrating that impacts from light and glare are minimized to the greatest extent practicable.  
10 When proposed light standards are reviewed as part of a project being reviewed pursuant to  
11 Chapter 25.05, Environmental Policies and Procedures, and requiring a SEPA determination, the  
12 applicant must demonstrate that the additional height contributes to a reduction in impacts from  
13 light and glare.

14                   b. When proposed light standards are not included in a proposal being  
15 reviewed pursuant to Chapter 25.05, the Director may permit the additional height as a special  
16 exception subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
17 Decisions.

18                   (1) When seeking a special exception for taller light standards, the  
19 applicant must submit an engineer's report demonstrating that the additional height contributes to  
20 a reduction in impacts from light and glare. When the proposal will result in extending the  
21 lighted area's duration of use, the applicant must address and mitigate potential impacts,  
22 including but not limited to, increased duration of noise, traffic, and parking demand. The  
23 applicant also must demonstrate it has conducted a public workshop for residents within one-  
24 eighth (1/8) of a mile of the affected school in order to solicit comments and suggestions on  
25 design as well as potential impacts.





1 (2) The Director may condition a special exception to address  
2 negative impacts from light and glare on surrounding areas, and conditions may also be imposed  
3 to address other impacts associated with increased field use due to the addition of lights,  
4 including, but not limited to, increased noise, traffic, and parking demand.

5 \*\*\*

6 Section 7. Subsection K of Section 23.44.022 of the Seattle Municipal Code, which  
7 Section was last amended by Ordinance 122311, is amended as follows:

8 **23.44.022 Institutions.**

9 \*\*\*

10 K. Bulk and Siting.

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

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

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

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





1 C. Accessory conditional uses are subject to the development standards for accessory  
2 uses permitted outright unless otherwise specified in this section.

3 ~~((D. Any accessory structure located in a required yard shall be separated from its  
4 principal structure by a minimum of five (5) feet.~~

5 ~~E. Except as provided for detached accessory dwelling units in Section 23.44.041B, any  
6 accessory structure located in a required yard shall not exceed twelve (12) feet in height nor one  
7 thousand (1,000) square feet in area.~~

8 ~~F. On a reversed corner lot, no accessory structure shall be located in that portion of the  
9 required rear yard which abuts the required front yard of the adjoining key lot, nor shall the  
10 accessory structure be located closer than five (5) feet from the key lot's side lot line unless the  
11 provisions of Section 23.44.014 D or 23.44.016 C3b, terraced garage, apply.))~~

12 Section 9. Section 23.44.042 of the Seattle Municipal Code, which Section was last  
13 amended by Ordinance 117263, is hereby repealed, as follows:

14 ~~((SMC 23.44.042 Parking and private garages.~~

15 ~~A. Private garages shall be permitted as accessory uses in single family zones and shall  
16 be subject to the development standards of Section 23.44.016 when located in a required yard or  
17 to the development standards for principal structures when not located in a required yard.~~

18 ~~B. Parking accessory to a single family structure existing on June 11, 1982 may be  
19 established on another lot if all the following conditions are met:~~

- 20 ~~1. There is no vehicular access to permissible parking areas on the lot;~~
- 21 ~~2. Any garage constructed is for no more than two (2) two (2) axled or two (2) up to four  
22 (4) wheeled vehicles;~~
- 23 ~~3. The garage is located and screened or landscaped as required by the Director, who  
24 shall consider development patterns of the block or nearby blocks;~~
- 25 ~~4. The garage lot is within the same block or across the alley from the principal use lot;~~
- 26 ~~5. The garage shall meet the standards of Section 23.44.016 E;~~





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Section 11. Section 23.84A.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 122311, is amended by adding the following new definitional subsection:

**23.84A.032 Definitions -- "R**

\*\*\*

“Roof plane” means a section of the roof system divided from another section by a physical separation, exterior wall, roof apex, or change in the direction of pitch. Change in the degree of roof pitch such as occur on a gambrel roof and projections such as dormers or skylights shall not serve to divide a section into multiple planes.

\*\*\*

Section 12. Section 23.86.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 122582, is amended as follows:

**23.86.006 Height limits.**

\*\*\*

C. Height Averaging for Single-family Zones. In a single family zone, ~~((the average elevation of the nearest single family structures on either side of a lot may be, at the applicant's option, used to establish the height limit of the principal structure on that lot, according to the following provisions-))~~when expanding an existing structure occupied by a nonconforming residential use per section 23.42.106, the following measurement shall be used to determine the average height of the closest principal structures on either side:

1. Each structure used for averaging shall be on the same block front as the lot for which a height limit is being established. The structures used shall be the nearest single family structure on each side of the lot, and shall be within one hundred feet (100') of the side lot lines of the lot.



1                   2. The height limit for the lot shall be established by averaging the elevations of  
2 the structures on either side in the following manner:

3                   a. If the nearest structure on either side has a roof with at least a  
4 ~~((three))~~four-in-twelve ~~((3))~~4:12 pitch, the elevation to be used for averaging shall be the  
5 highest point of that structure's roof minus five feet (5').

6                   b. If the nearest structure on either side has a flat roof, or a roof with a  
7 pitch of less than ~~((three))~~four-in-twelve ~~((3))~~4:12, the elevation of the highest point of the  
8 structure's roof shall be used for averaging.

9                   c. Rooftop features which are otherwise exempt from height limitations,  
10 Height Exceptions, Section 23.44.012 C, shall not be included in elevation calculations.

11                   d. The two (2) elevations obtained from steps 2a and/or 2b shall be  
12 averaged to derive the height limit for the lot. This height limit shall be the difference in  
13 elevation between the midpoint of a line parallel to the front lot line at the required front setback  
14 and the average elevation derived from 2a and/or 2b.

15                   e. The height measurement technique used for the lot shall then be the  
16 City's standard measurement technique, Section 23.86.006 A.

17                   3. When there is no single-family structure within one hundred feet (100') on a  
18 side of the lot, or when the nearest single family structure within one hundred feet (100') on a  
19 side of the lot is not on the same block front, the elevation used for averaging on that side shall  
20 be thirty feet (30') plus the elevation of the midpoint of the front lot line of the abutting vacant  
21 lot.

22                   4. When the lot is a corner lot, the height limit may be the highest elevation of the  
23 nearest structure on the same block front, provided that the structure is within one hundred feet  
24 (100') of the side lot line of the lot and that both front yards face the same street.

25                   5. In no case shall the height limit established according to these height averaging  
26 provisions be greater than forty feet (40').



1           6. Lots using height averaging to establish a height limit shall be eligible for the  
2 pitched roof provisions of Section 23.44.012 B.

3           D. Additional Height on Sloped Lots.

4           1. In certain zones, additional height shall be permitted on sloped lots at the rate  
5 of one foot (1') for each six percent (6%) of slope. For the purpose of this provision, the slope  
6 shall be measured from the exterior wall with the greatest average elevation at existing grade, to  
7 the exterior wall with the lowest average elevation at existing grade. The slope shall be the  
8 difference between the existing grade average elevations of the two (2) walls, expressed as a  
9 percentage of the horizontal distance between the two (2) walls.

10           2. This additional height shall be permitted on any wall of the structure, provided  
11 that on the uphill side(s) of the structure, the height of the wall(s) shall be no greater than the  
12 height limit of the zone (Exhibit 23.86.006 A2).

13           3. Structures on sloped lots shall also be eligible for the pitched roof provisions  
14 applicable in the zone.

15           E. Height Measurement Techniques in Downtown Zones.

16           1. Determine the major street property line, which shall be the lot's longest street  
17 property line. When the lot has two (2) or more street lot lines of equal length, the applicant shall  
18 choose the major street property line.

19           2. Determine the slope of the lot along the entire length of the major street  
20 property line.

21           3. The maximum height shall be measured as follows:

22           a. When the slope of the major street property line is less than or equal to  
23 seven and one-half percent (7-1/2%), the elevation of maximum height shall be determined by  
24 adding the maximum permitted height to the existing grade elevation at the midpoint of the  
25 major street property line. On a through lot, the elevation of maximum height shall apply only to  
26 the half of the lot nearest the major street property line. On the other half of a through lot, the



1 elevation of maximum height shall be determined by the above method using the street lot line  
2 opposite and parallel to the major street property line as depicted in Exhibit 23.86.006 B.

3                   b. When the slope of the major street property line exceeds seven and one-  
4 half percent (7-1/2%), the major street property line shall be divided into four (4) or fewer equal  
5 segments no longer than one hundred twenty feet (120') in length. The elevation of maximum  
6 height shall be determined by adding the maximum permitted height to the existing grade  
7 elevation at the midpoint of each segment. On a through lot, the elevation of maximum height  
8 shall apply only to the half of the lot nearest the major street property line. On the other half of a  
9 through lot, the elevation of maximum height shall be determined by the above method using the  
10 street lot line opposite and parallel to the major street property line, as depicted in Exhibit  
11 23.86.006 C.

12                   c. For lots with more than one (1) street frontage, where there is no street  
13 property line which is essentially parallel to the major street property line, when a measurement  
14 has been made for the portion of the block containing the major street property line, the next  
15 measurement shall be taken from the longest remaining street lot line.

16           F. Determining the Height of Existing Public School Structures. When the height of the  
17 existing public school structure must be measured for purposes of determining the permitted  
18 height or lot coverage of a public school structure, either one of the following options may be  
19 used:

20                   1. If all parts of the new roof are pitched at a rate of not less than ~~((three))~~four to  
21 twelve (~~((3))~~4:12), the ridge of the new roof may extend to the highest point of the existing roof.  
22 A shed roof does not qualify for this option.

23                   2. If all parts of the new roof are not pitched at a rate of not less than ~~((three))~~four  
24 to twelve (~~((3))~~4:12), then the elevation of the new construction may extend to the average height  
25 of the existing structure. The average height shall be determined by measuring the area of each  
26  
27  
28





1 portion of the building at each height and averaging those areas, as depicted in Exhibit 23.86.006

2 D.

3 \*\*\*

4 Section 13. The provisions of this ordinance are declared to be separate and severable.

5 The invalidity of any particular provision shall not affect the validity of any other provision.

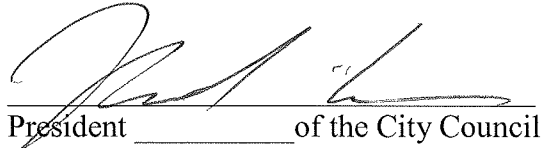
6 Section 14. Except as otherwise provided herein, this ordinance shall take effect and be  
7 in force thirty (30) days from and after its approval by the Mayor, but if not approved and  
8 returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by  
9 Municipal Code Section 1.04.020.

10

11 Passed by the City Council the 6<sup>th</sup> day of October, 2008, and signed by me in open  
12 session in authentication of its passage this 6<sup>th</sup> day of October, 2008.

13

14

  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

15

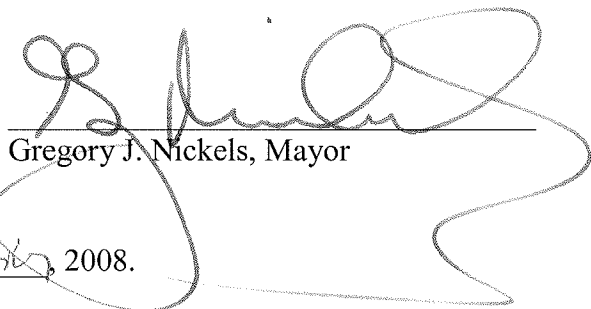
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Approved by me this 13<sup>th</sup> day of October, 2008.

17

18

19

  
\_\_\_\_\_  
Gregory J. Nickels, Mayor

20

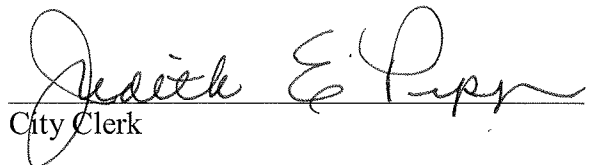
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Filed by me this 14<sup>th</sup> day of October, 2008.

22

23

24

  
\_\_\_\_\_  
City Clerk

25

(Seal)

26

27

28



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Legislative	Michael Jenkins, 615-1674	Not Applicable

**Legislation Title:**

AN ORDINANCE relating to land use and zoning, amending Sections 23.43.008, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.017, 23.44.022, 23.44.040, 23.54.015, 23.84A.016, 23.84A.032, and 23.86.006 and repealing Section 23.44.042 of the Seattle Municipal Code to modify the land use and zoning standards relating to Single Family neighborhoods to limit the impact of new development on existing homes and the character of single family neighborhoods, and setting effective dates.

• **Summary of the Legislation:**

The proposed amendments are intended to address the potential bulk, design, and environmental impacts of structures in single family zones. The proposed amendments would address: the size of homes, garage size and location, limits on the amount of paved area, the eligibility of historic lots for development, and house design.

• **Background:**

In 2007, Councilmember Richard Conlin proposed amendments to the Single Family Chapter of the Land Use Code (Seattle Municipal Code Chapter 23.44) to address the size of new homes being built in single family zones. The amendments were proposed in response to increasing neighborhood concerns that the development of large homes was negatively affecting the character of existing neighborhoods. Concerns were also raised about the replacement of smaller homes with larger, more expensive homes exacerbating the lack of affordable housing in Seattle and undermining environmental goals for greenhouse gas and waste reduction. The amendments also addressed the perceived effects of excessive shading of adjacent structures, view blockage, and the loss of trees and open space when large new single family homes were permitted.

DPD staff analyzed the proposed amendments and have submitted a revised proposal that more broadly addresses the compatibility of new homes with neighborhood character, while providing flexibility in development standards such as lot coverage and height limits, to accommodate reasonable single family home construction meeting the needs of current and future residents.

• *Please check one of the following:*

**This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

**This legislation has financial implications.** *(Please complete all relevant sections that follow.)*



The proposed Single Family amendments are projected to increase the staff time necessary to review permit applications for single family homes by as much as 41 minutes, depending on the characteristics of the lot and the proposed structure. Table 1 depicts the number of projects that are likely to be affected by each proposed provision. The proposed legislation would result in an estimated overall increase of less than 5% in the total review time for single family homes, which would require an additional .23 FTE. The estimated increase in staff time is based on the following average annual permit volume recorded from August 2005 to March 2008:

- 500 applications per year for projects resulting in new units; and
- 640 applications per year for additions and alterations resulting in new square footage.

The increased review time estimate does not include the time necessary for staff to familiarize themselves with the new regulations, which is considered as basic department overhead cost.

**TABLE 1: Estimated Annual Increase in Staff Review Time**

	Relevant Applications per year	Additional Minutes	New Hours per year	FTE Equiv.
New "tiered" lot coverage requirement	684	3	34	0.02
Paved Surface Limit	800	20	267	0.17
New Garage Standards	500	5	42	0.03
Allowing dormers	125	10	21	0.01
Rear Garage lot coverage bonus	25	3	1	0.00
<b>TOTAL</b>			<b>365</b>	<b>0.23</b>

Costs related to the projected increase in staff review time would be funded through related permit fees. Zoning review for single family homes is done as part of the building permit review, and is supported by a fee based on project value. While no fee increase is proposed at this time, in the future fees may need to be raised to cover the additional staff time required for review.

Another proposal that is not included in the current amendment package is the addition of a floor area ratio (FAR) standard in single family zones. DPD estimates that implementation of an FAR standard would result in an additional 0.36 FTE of annual staff review time as shown in Table 2.

**TABLE 2: Estimated Annual Increase in Staff Review Time if an FAR standard is adopted**

	Relevant Applications per year	New Minutes per review	New Hours per year	FTE Equiv.
FAR calculation	1140	30	570	0.36

**Appropriations:** No appropriations are expected as a result of the proposed legislation.



**Anticipated Revenue/Reimbursement: Resulting From This Legislation:**

No revenue or reimbursements are expected as a result of the proposed legislation. However, as noted above, fees may need to be raised in the future to cover the additional staff time required for review.

**Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact:**

No regular positions are affected by this legislation.

- **Do positions sunset in the future?** Not applicable.
- **What is the financial cost of not implementing the legislation?**  
There is no financial cost if implementation does not move forward.
- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** Not applicable.
- **Is the legislation subject to public hearing requirements:**  
A public hearing before the Planning, Land Use and Neighborhoods Committee is required and has not yet been scheduled.

# Summary of Proposed Amendments to Single Family Zoning

## July 1, 2008

### Introduction

The proposed amendments are intended to address the bulk, design, and environmental impacts of structures in single family zones. Proposed amendments would address: the size of homes, garage size and location, permitted hardscape surface area, eligibility of historic lots for development, and house design.

### Background

In 2007, Councilmember Richard Conlin proposed amendments to the Single Family Chapter of the Land Use Code (23.44) to address the bulk of new homes being developed in single family zones. These amendments respond to increasing neighborhood concerns that the development of large homes is negatively impacting the character of existing neighborhoods.

In February 2007, Councilmember Conlin requested an assessment of a proposal to amend single family zoning to address the perceived effects of excessive shading of adjacent structures, view blockage, and the loss of trees and open space when large new single family homes were permitted. Concerns were also raised that the replacement of smaller homes with larger, more expensive homes also exacerbates the lack of affordable housing in the city and runs counter to environmental goals for greenhouse gas and waste reduction.

DPD's analysis resulted in a revised proposal that more broadly addresses the compatibility of new homes with neighborhood character, while providing flexibility in development standards, such as lot coverage and height limits, to accommodate reasonable single family home construction meeting the needs of current and future residents.

### Proposal

Existing development standards for permitted height and lot coverage in single family zones are key controls on the bulk and scale of new development. Existing development standards are summarized below:

Existing Height Limits. The height limit in single family zones is generally 30 feet, and 25 feet on lots 30 feet or less in width. An additional 5 feet is allowed for roofs with a minimum pitch of 3:12 (rise:run). Height may also be increased on sloped lots where the height of a structure on the downhill side may be increased an additional foot for each 6 degrees of slope, and on lots where the average height of adjacent houses is already greater than zoning currently permits.



Existing Lot Coverage Limit. Allowable lot coverage is 35% of the lot area or 1,750 square feet (sq. ft.), whichever is greater. In addition, lot coverage may be increased on corner lots and lots with alleys by 1/2 the width of the abutting street or alley, up to a maximum increase of 25% above the base lot coverage standard.

Proposed amendments are intended to help ensure that the permitted size of a new home is reasonable and in proportion to a lot, as follows:

Lot Coverage:

- Maximum lot coverage would be reduced on lots less than 5,000 sq. ft. from 1,750 sq. ft. to 1,000 sq. ft. plus 15% of lot area. This would help ensure that development on smaller lots is more proportional to the lot while accommodating a reasonable development footprint.
- Corner lot coverage allowances are proposed to be eliminated and the amendments would also reduce the alley lot coverage allowance to 10%, in order to limit overly large homes on corner and alley lots.

Height:

- The pitched roof allowance is proposed to be modified to increase the minimum allowed pitch from 3:12 to 4:12 (rise: run) to maintain character with existing development. (This change is also proposed to apply to all structures in Residential Small Lot (RSL) zones and to institutional uses that are permitted in single family).
- Additional height permitted for sloped lots would be limited to a maximum of five feet on the downhill side so that resulting houses are not out of scale relative to neighboring houses. This modification would make the provision consistent with the sloped lot allowance currently found in multifamily zones.
- Dormers constructed above the maximum permitted height but below the peak of a pitched roof would be allowed. Dormers provide architectural interest by breaking up roof features while allowing more usable upper floors.
- The provision accommodating taller structures as a product of averaging the height of adjacent existing single-family structures is proposed for elimination. 30 feet is a reasonable height limit, regardless of surroundings.

In addition to the height and lot coverage standards mentioned above, the proposal also would:

Hardscape:

- Limit hardscape surface areas to 65% of lot area. This standard would help to allow more room for trees and vegetation, reduce stormwater impacts from runoff, and reduce the visual impacts of new homes.

Parking:

- Waive parking requirements for single family residential uses on parcels less than 3,000 square feet in size, or 30 feet in width where access to parking is permitted through a required yard abutting a street. Parking requirements on small lots can



result in irregular housing configurations where the garage may occupy the entire first floor and may also prevent on-street parking where separation of curb cuts is not sufficient to allow parking between them.

Garages:

- Prohibit garage walls from being closer to the street lot line than 80% of the street-level façade that is not a garage. This is intended to reduce the visual impact of garages and is consistent with the general character of existing housing.
- Limit the width of garage doors on a street-facing façade to 50% of the structure width or 10 feet, whichever is greater. This is intended to reduce the visual impact of garages and is consistent with the general character of existing housing.
- Allow limited increase in lot coverage of 200 sq ft (the equivalent of one parking space) for one-story rear garages on lots with parking access through the front yard. Rear garages reduce the impact of garages on the streetscape.

Historic Lot Exception:

- Change existing historic lot provision to specify that minor additions with no interior space such as eaves and unenclosed decks not prevent development of adjacent historic lots where it would otherwise be allowed. Under current rules, vacant lots existing prior to 1957 that were historically established as a separate building site may still be developed even where they no longer meet current minimum lot size requirements. The proposed modification would clarify the intent of the historic lot exception by ensuring that subsequent minor additions that straddle the lot boundary do not cause this development potential to be forfeited. This amendment is in keeping with neighborhood character as it reinforces the historic development pattern of existing neighborhoods.



**ORDINANCE \_\_\_\_\_**

1  
2 AN ORDINANCE relating to land use and zoning, amending Sections 23.43.008, 23.44.010,  
3 23.44.012, 23.44.014, 23.44.016, 23.44.017, 23.44.022, 23.44.040, 23.54.015,  
4 23.84A.016, 23.84A.032, and 23.86.006 and repealing Section 23.44.042 of the Seattle  
5 Municipal Code to modify the land use and zoning standards relating to Single Family  
6 neighborhoods to limit the impact of new development on existing homes and the  
7 character of single family neighborhoods, and setting effective dates.

8 WHEREAS, this Ordinance will implement measures dealing with the bulk, design, and  
9 environmental impacts of single family and institutional structures to limit the impact of  
10 new development on existing homes and the character of single family neighborhoods;  
11 and

12 WHEREAS, making these amendments would be in keeping with the City of Seattle's  
13 Comprehensive Plan, first adopted on July 25, 1994, Ordinance 117221, which  
14 incorporates goals and policies toward a sustainable Seattle and sets a goal of  
15 safeguarding and maintaining attractive, livable and affordable neighborhoods; and

16 WHEREAS, implementation of the limitation on hardscape surfaces should be delayed until  
17 January 1, 2009 to allow the Department of Planning and Development to establish  
18 permitting and inspection procedures concurrent with implementation of updates to the  
19 Stormwater, Grading and Drainage Control Code that are anticipated to be adopted in the  
20 4<sup>th</sup> quarter of 2008; NOW THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

21 Section 1. Subsection B of Section 23.43.008 of the Seattle Municipal Code, which  
22 Section was last established by Ordinance 117430, is amended as follows:

**23.43.008 Development standards for one dwelling unit per lot.**

\*\*\*

23 B. Height Limit and Roof Pitch. The basic height limit shall be twenty-five (25) feet. The  
24 ridge of pitched roofs with a minimum slope of ~~((three))~~ four to twelve ~~((3))~~ 4:12 may extend  
25 above the height limit to thirty (30) feet. All parts of the roof above twenty-five (25) feet shall be  
26 pitched.

\*\*\*





1 Section 2. Section 23.44.010 of the Seattle Municipal Code, which Section was last  
2 amended by Ordinance 122050, is amended as follows:

3 **23.44.010 Lot requirements.**

4 A. Minimum Lot Area. The minimum lot area shall be:

S.F. Zone	Minimum Lot Area Required
S.F. 9600	9,600 sq. ft.
S.F. 7200	7,200 sq. ft.
S.F. 5000	5,000 sq. ft.

5  
6  
7  
8 Submerged lands shall not be counted in calculating the area of lots for the purpose of  
9 these minimum lot area requirements, or the exceptions to minimum lot area requirements  
10 provided in this section.

11 B. Exceptions to Minimum Lot Area. The following exceptions to minimum lot area are  
12 subject to the limits of subsection B5. A lot which does not satisfy the minimum lot area  
13 requirements of its zone may be developed or redeveloped as a separate building site according  
14 to the following:

15 1. In order to recognize separate building sites established in the public record  
16 under previous codes, to allow the consolidation of very small lots into larger lots, to adjust lot  
17 lines to permit more orderly development patterns, and to create additional buildable sites out of  
18 oversized lots which are compatible with surrounding lots, the following exceptions are  
19 permitted if the Director determines that:

20 a. The lot was established as a separate building site in the public records  
21 of the county or City prior to July 24, 1957, by deed, contract of sale, mortgage, property tax  
22 segregation, platting or building permit and has an area of at least seventy-five (75) percent of  
23 the minimum required lot area and at least eighty (80) percent of the mean lot area of the lots on  
24 the same block face and within the same zone in which the lot is located (Exhibit 23.44.010 A),  
25 or



1                   b. The lot is or was created by subdivision, short subdivision or lot  
2 boundary adjustment, and is at least seventy-five (75) percent of the minimum required lot area  
3 and is at least eighty (80) percent of the mean lot area of the lots on the same block face within  
4 which the lot will be located and within the same zone (Exhibit 23.44.010 A); or

5                   2. The lot area deficit is the result of a dedication or sale of a portion of the lot to  
6 the City or state for street or highway purposes and payment was received for only that portion  
7 of the lot, and the lot area remaining is at least fifty (50) percent of the minimum required; or

8                   3. The lot would qualify as a legal building site under this section but for a  
9 reduction in lot area due to court-ordered adverse possession, and the amount by which the lot  
10 was so reduced was less than ten (10) percent of the former area of the lot, provided, that this  
11 exception shall not apply to lots reduced to less than fifty (50) percent of the minimum area  
12 required under subsection A of Section 23.44.010; or

13                   4. The lot was established as a separate building site in the public records of the  
14 county or City prior to July 24, 1957, by deed, contract of sale, mortgage, property tax  
15 segregation, platting or building permit, and falls into one (1) of the following categories;  
16 provided that, lots on totally submerged lands shall not qualify for this exception:

17                   a. The lot is not held in common ownership with any contiguous lot on or  
18 after the effective date of the ordinance from which this subsection derives,<sup>1</sup> or

19                   b. The lot is or has been held in common ownership with a contiguous lot  
20 on or after the effective date of the ordinance from which this subsection derives and is or has  
21 been developed with a principal structure which is wholly within the lot boundaries; provided,  
22 that no portion of any contiguous lot is required to meet the least restrictive of lot area, lot  
23 coverage, setback or yard requirements which were in effect at the time of the original  
24 construction of the principal structure, at the time of its subsequent additions, or which are in  
25 effect at the time of redevelopment of the lot (Exhibit 23.44.010 B)<sub>2</sub> or



1 c. The lot is or has been held in common ownership with a contiguous lot  
2 on or after the effective date of the ordinance from which this subsection derives<sup>1</sup> and is not  
3 developed with all or part of a principal structure; provided, that no portion of the lot is required  
4 to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in  
5 effect for a principal structure on the contiguous lot at the time of the construction of the  
6 principal structure, at the time of its subsequent additions, or which are in effect at the time of the  
7 development of the lot (Exhibit 23.44.010 B); and provided further, that if any portion of the lot  
8 to be developed has been used to meet the parking requirement in effect for a principal structure  
9 on a contiguous lot, such parking requirement can and shall be legally met on the contiguous lot.

10 For purposes of this subsection B4, removal of all or any part of a principal structure or  
11 destruction by fire or act of nature on or after the effective date of the ordinance from which this  
12 subsection derives<sup>1</sup> shall not qualify the lot for the minimum lot area exception (Exhibit  
13 23.44.010 C) except that minor features containing no interior floor area including but not  
14 limited to eaves and unenclosed decks extending onto an adjacent property do not serve to tie the  
15 properties together for purposes of this exception, and these features may be removed to allow  
16 separate development of the lots if they otherwise qualify; or

17 5. Development may occur on a substandard lot containing a riparian corridor, a  
18 shoreline habitat and shoreline habitat buffer, a wetland and wetland buffer, or a steep slope and  
19 steep slope buffer pursuant to the provisions of SMC Chapter 25.09, Regulations for  
20 Environmentally Critical Areas, if the following conditions apply:

21 a. The substandard lot is not held in common ownership with an adjacent  
22 lot or lots at any time after the effective date of SMC Chapter 25.09, Regulations for  
23 Environmentally Critical Areas, or

24 b. The substandard lot is held in common ownership with an adjacent lot  
25 or lots, or has been held in common ownership at any time after the effective date of SMC  
26  
27  
28

Chapter 25.09, Regulations for Environmentally Critical Areas<sup>2</sup>, ((2)) but proposed and future development will not intrude upon the environmentally critical area or buffer;

6. Lots contained in a clustered housing planned development (Section 23.44.024), a planned residential development (Section 23.44.034), or a clustered development in an environmentally critical area.

C. Maximum Lot Coverage. The maximum lot coverage permitted for principal and accessory structures ((shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.)) is as follows:

<u>Lot Size</u>	<u>Maximum Lot Coverage</u>
<u>Less than 5,000 square feet (sq. ft.)</u>	<u>1,000 sq. ft. + 15% of lot area</u>
<u>5,000 sq. ft. or more</u>	<u>35% of lot area</u>

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.

((e))b. The total lot area for any lot may not be increased by the provisions of this section by more than ((twenty-five (25))) ten percent (10%).

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

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

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

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

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

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

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

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

12 3. Rear Garages on Lots with Front Yard Parking Access. The maximum lot  
13 coverage may be increased by two hundred (200) square feet when all parking is located in a rear  
14 garage and the following conditions are met:

15 a. The lot is not a corner lot or a through lot; and

16 b. The lot does not abut an improved or unimproved alley or existing  
17 topography does not permit alley access; and

18 c. Access to parking is through the front yard abutting a street; and

19 d. The garage meets the height requirements of 23.44.016 E2 even if it is  
20 not located in a required yard; and

21 e. The rear yard coverage limits of section 23.44.016 E1 are met, and

22 f. The garage is either:

23 i. detached from the principal structure and is located no closer to  
24 the street lot line than the rear of the principal structure; or

25 ii. attached to the principal structure and is located in the rear of  
26 principal structure such that the garage door is not clearly visible from the street.

1 Section 3. Effective January 1, 2009, Section 23.44.010 of the Seattle Municipal Code,  
2 last amended by 122050, is amended as follows:

3 \*\*\*

4 E. Hardscape Surface. The maximum hardscape surface permitted shall not exceed sixty  
5 five percent (65%) of the lot area.

6 Section 4. Section 23.44.012 of the Seattle Municipal Code, which Section was last  
7 amended by Ordinance 122190, is amended as follows:

8 **23.44.012 Height limits.**

9 A. Maximum Height Established

10 1. Except as permitted in Section ~~((s- 23.44.014 D3 and))~~ 23.44.041 B, and except  
11 as provided in subsections A2 ~~((and A3))~~ below, the maximum permitted height for any structure  
12 not located in required yards shall not exceed ~~((the greater of the following:~~

13 a. ~~T))~~ thirty (30) feet ~~((;)).~~

14 ~~((b. The average height of the two (2) single family structures which the~~  
15 ~~subject structure abuts if one (1) or both of the abutting structures exceed thirty (30) feet.))~~

16 2. The maximum permitted height for any structure on lots thirty (30) feet or less  
17 in width shall not exceed ~~((the greater of the following:~~

18 a. ~~F))~~ twenty-five (25) feet ~~((;)).~~

19 ~~((b. The average height of the two (2) single family structures on abutting~~  
20 ~~lots, but not to exceed thirty (30) feet.~~

21 3. ~~Expansions, extensions or replacements to any structure on lots established~~  
22 ~~pursuant to 23.24.046, Multiple single family dwelling units on a single family lot, on lots thirty~~  
23 ~~(30) feet or less in width are subject to the following:~~

24 a. The maximum permitted height shall not exceed twenty five (25) feet,

25 and

26 b. The averaging provisions of subsection 2b, above, do not apply.

1 ~~4.)~~3. The method(s) of determining structure height((, height averages,)) and lot  
2 width are detailed in Chapter 23.86, Measurements.

3 B. Special Features.

4 1. Pitched Roofs. The ridge of a pitched roof on a principal structure may extend  
5 up to five (5) feet above the maximum height limit, as determined under subsection A above. All  
6 parts of the roof above the height limit must be pitched at a rate of not less than ~~((three))~~four to  
7 twelve ~~((3))~~4:12 (Exhibit 23.44.012 A). No portion of a shed roof, except on a dormer, shall be  
8 permitted to extend beyond the maximum height limit, as determined under subsection A above.  
9 Roof forms including but not limited to barreled and domed roofs may be allowed under this  
10 subsection where the Director determines that the roof form remains within the massing of a  
11 pitched roof form such as a gable or gambrel roof that would otherwise be allowed by this  
12 subsection (Exhibit 23.44.012 B).

Exhibit 23.44.012A  
Pitched Roof Provision on Flat Site

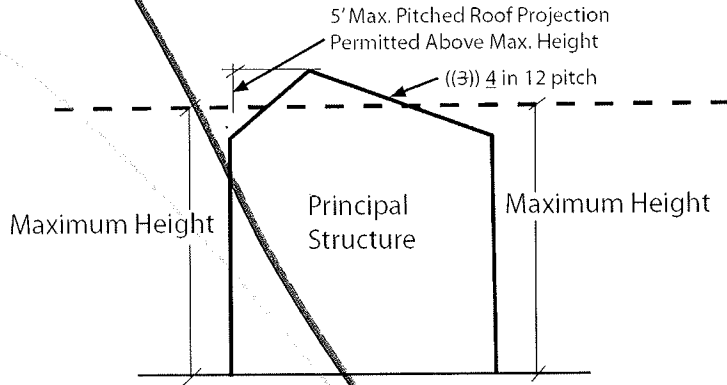
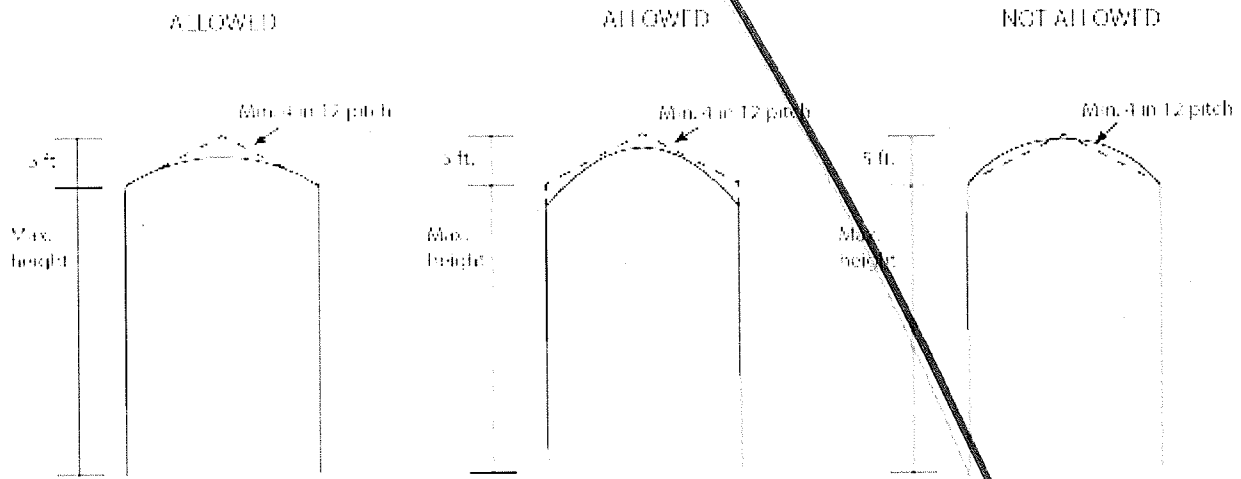


Exhibit 23.44.012B  
Barrel or Domed Roofs

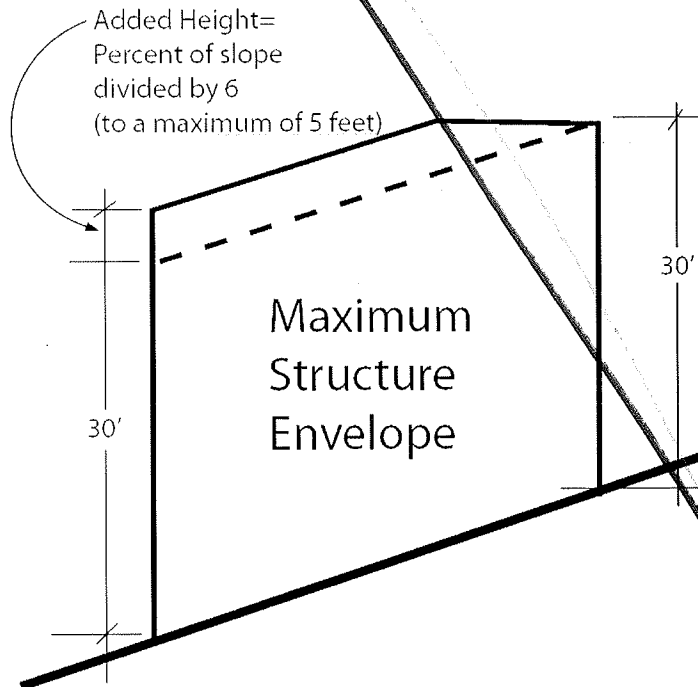


2. Sloped Lots. Except for structures containing a detached accessory dwelling unit, additional height shall be permitted for sloped lots, at the rate of one (1) foot for each six



1 (6) percent of slope, to a maximum of five (5) feet. The additional height shall be permitted on  
2 the downhill side of the structure only, as described in the measurements portion of this Land  
3 Use Code (Exhibit 23.44.012 ((B))C). When the downhill portion of a sloped lot fronts on the  
4 street where the required front yard exemption in Section 23.44.014 A is claimed, the permitted  
5 height of the wall along the lowest elevation of the site shall be reduced one (1) foot for each  
6 foot of exemption claimed. In no case shall the height of the wall be required to be less than the  
7 maximum height limit, as determined under subsection A above.

8  
9  
10 Exhibit 23.44.012((B))C  
Height Limits on Sloped Sites



24 C. Height Limit Exemptions.

25 1. Flagpoles. Except in the Airport Height Overlay District, Chapter 23.64,  
26 flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line

1 than fifty (50) percent of their height above existing grade, or, if attached only to a roof, no  
2 closer than fifty (50) percent of their height above the roof portion where attached.

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

6 3. Projections that accommodate windows and result in additional interior space,  
7 including dormers, clerestories, skylights, and greenhouses, may extend no higher than the ridge  
8 of a pitched roof permitted pursuant to subsection B, or four feet (4') above the applicable height  
9 limit pursuant to subsection A, whichever is higher, if all of the following conditions are satisfied  
10 (Exhibit 23.44.012D):

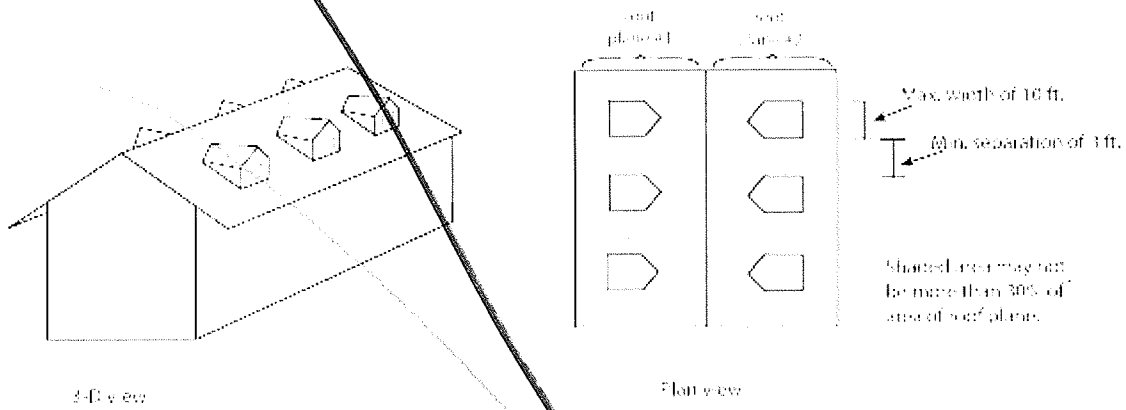
11 a. the total area of these projections is limited to thirty percent (30%) of  
12 the area of each roof plane measured from the plan view perspective;

13 b. On pitched roofs, projections are limited to ten feet (10') in width with a  
14 minimum separation of three feet (3') from other projections; and

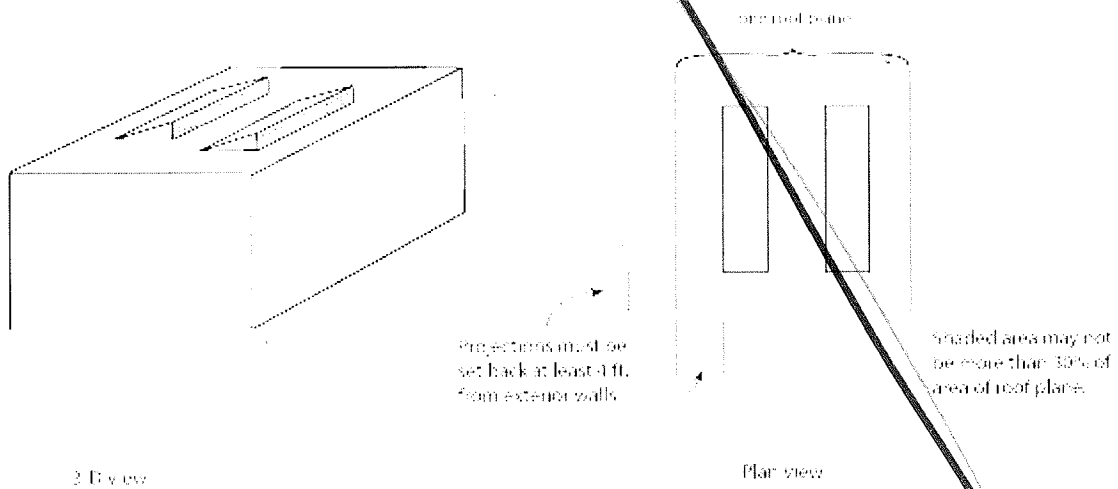
15 c. On flat roofs, projections are set back at least 4 feet from exterior walls.

### Exhibit 23.44.012D Roof Projections

#### Pitched Roof



#### Flat Roof





1           ~~((4))~~2. Certain Accessory Structures. Any accessory structure may be constructed  
2 in a side yard which abuts the rear or side yard of another lot, or in that portion of the rear yard  
3 of a reversed corner lot within five (5) feet of the key lot and not abutting the front yard of the  
4 key lot, upon recording with the King County Department of Records and Elections an  
5 agreement to this effect between the owners of record of the abutting properties. ~~((Any accessory  
6 structure which is a private g))~~Garages may be located in that portion of a side yard which is  
7 either within thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of  
8 any rear lot line which is not an alley lot line, without providing an agreement as provided in  
9 Section 23.44.016.

10           ~~((2))~~3. A single-family structure may extend into one (1) side yard if an easement  
11 is provided along the side or rear lot line of the abutting lot, sufficient to leave a ten (10) foot  
12 separation between that structure and any principal or accessory structures on the abutting lot.  
13 Features and projections such as porches, eaves, and chimneys shall be permitted in the ten (10)  
14 foot separation area as if the property line were five (5) feet from the wall of the house on the  
15 dominant lot, provided that no portion of either principal structure including eaves shall cross the  
16 actual property line. The easement shall be recorded with the King County Department of  
17 Records and Elections. The easement shall provide access for normal maintenance activities to  
18 the principal structure on the lot with less than the required side yard.

19           ~~((3))~~4. Certain Additions. Certain additions may extend into a required yard when  
20 the existing single-family structure is already nonconforming with respect to that yard. The  
21 presently nonconforming portion must be at least sixty (60) percent of the total width of the  
22 respective facade of the structure prior to the addition. The line formed by the nonconforming  
23 wall of the structure shall be the limit to which any additions may be built, except as described  
24 below. They may extend up to the height limit and may include basement additions. New  
25 additions to the nonconforming wall or walls shall comply with the following requirements  
26 (Exhibit 23.44.014 A):

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

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

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

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

14 ~~((4))~~5. Uncovered Porches or Steps. Uncovered, unenclosed porches or steps may  
15 project into any required yard, provided that they are no higher than four (4) feet on average  
16 above existing grade, no closer than three (3) feet to any side lot line, no wider than six (6) feet  
17 and project no more than six (6) feet into required front or rear yards.

18 The height of porches and steps are to be calculated separately from each other.

19 ~~((5))~~6. Special Features of a Structure. Special features of a structure may extend  
20 into required yards subject to the following standards only, unless permitted elsewhere in this  
21 chapter:

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

25 b. Bay windows shall be limited to eight (8) feet in width and may project  
26 no more than two (2) feet into a required front, rear, and street side yard;

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

5 d. The combined area of features permitted in subsections D56b and c  
6 above may comprise no more than thirty (30) percent of the area of the facade.

7 ~~((6))7. ((Private Garages,))Covered Unenclosed Decks, Roofs Over Patios and  
8 Other Accessory Structures in Rear Yards.~~

9 a. ~~((Any attached private garages or e))Covered, unenclosed decks  
10 ~~((or))and roofs over patios, if attached to a principal structure, ((are portions of principal  
11 structures. They))may extend into the required rear yard, but shall not be within twelve (12) feet  
12 of the centerline of any alley, nor within twelve (12) feet of any rear lot line which is not an alley  
13 lot line, nor closer than five (5) feet to any accessory structure. ~~((The height of private garages  
14 shall meet the provisions of Section 23.44.016 D2 and the height of the roof over unenclosed  
15 decks and patios may not exceed twelve (12) feet.))The roof over ~~((these))such decks((;)) or  
16 patios~~((and garages))~~ shall not be used as a deck. ~~((Any detached private garage meeting the  
17 requirements of Section 23.44.016, Parking location and access, or detached permitted accessory  
18 structure meeting the requirements of Section 23.44.040, General provisions, may be located in a  
19 rear yard. If a private garage has its vehicular access facing the alley, the private garage shall not  
20 be within twelve (12) feet of the centerline of the alley.~~~~~~~~~~

21 b. ~~Garages meeting the standards of Section 23.44.016 and other accessory  
22 structures meeting the standards of Sections 23.44.040 or 23.44.041, shall be permitted in  
23 required rear yards, subject to a maximum combined coverage of forty (40) percent of the  
24 required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be  
25 calculated from the centerline of the alley.~~

1 ~~7. Private Garages in Front Yards of Through Lots. On through lots less than one~~  
2 ~~hundred twenty five (125) feet in depth, either an accessory garage structure or a portion of the~~  
3 ~~principal structure containing a garage shall be permitted to locate in one (1) of the front yards.~~  
4 ~~Private garages, either as accessory structures or as a portion of the principal structure, shall be~~  
5 ~~limited as set forth in Section 23.44.016. The front yard in which the garage may be located shall~~  
6 ~~be determined by the Director based on the location of other accessory garages on the block. If~~  
7 ~~no pattern of garage location can be determined, the Director shall determine in which yard the~~  
8 ~~accessory garage shall be located based on the prevailing character and setback patterns of the~~  
9 ~~block.))~~

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

13 9. Barrier-free Access. Access facilities for the disabled and elderly meeting  
14 Washington State Building Code, Chapter 11 are permitted in any required yards.

15 10. Freestanding Structures and Bulkheads.

16 a. Fences, freestanding walls, signs and similar structures six (6) feet or  
17 less in height above existing or finished grade, whichever is lower, may be erected in any  
18 required yard. The six (6) foot height may be averaged along sloping grade for each six (6) foot  
19 long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.  
20 Architectural features may be added to the top of the fence or freestanding wall above the six (6)  
21 foot height when the following provisions are met: horizontal architectural feature(s), no more  
22 than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured  
23 vertically from the top of the fence, may be permitted when the overall height of all parts of the  
24 structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot  
25 height is not permitted. Structural supports for the horizontal architectural feature(s) may be  
26 spaced no closer than three (3) feet on center.



1                   b. The Director may allow variation from the development standards listed  
2 in subsection D.10a above, according to the following:

- 3                               (1) No part of the structure may exceed eight (8) feet; and  
4                               (2) Any portion of the structure above six (6) feet shall be  
5 predominately open, such that there is free circulation of light and air.

6                   c. Bulkheads and retaining walls used to raise grade may be placed in any  
7 required yard when limited to six (6) feet in height, measured above existing grade. A guardrail  
8 no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall  
9 existing as of the date of the ordinance codified in this section. If a fence is placed on top of a  
10 new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9  
11 1/2) feet.

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

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

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

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

1           13. Solar Collectors. Solar collectors may be located in required yards, subject to  
2 the provisions of Section 23.44.046.

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

8           15. Front and rear yards may be reduced by twenty-five (25) percent, but no more  
9 than five (5) feet, if the site contains a required environmentally critical area buffer or other area  
10 of the property which ~~((can not))~~ cannot be disturbed pursuant to subsection A of Section  
11 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

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

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

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

24           Section 6. Section 23.44.016 of the Seattle Municipal Code, which Section was last  
25 amended by Ordinance 121477, is amended as follows:

26 **23.44.016 Parking ~~((location and access))~~ and Garages.**

1       ~~((Parking shall be required as provided in Chapter 23.54 and in accordance with the~~  
2 ~~following:))~~

3       A. Parking Quantity. Off-street parking is required pursuant to Section 23.54.015.

4       ~~((A))~~B. Access to Parking.

5             1. Vehicular access to parking from an improved street, alley or easement is  
6 required when parking is required pursuant to Section 23.54.015.

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

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

10                    b. Existing topography does not permit alley access; or

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

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

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

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

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

24       ~~((B))~~C. ((Parking on Lot of Principal Use))Location of Parking.

25             ~~((1. Except as otherwise provided in this subsection, accessory parking shall be~~  
26 ~~located on the same lot as the principal use.))~~

1 1. Parking shall be located on the same lot as the principal use, except as  
2 otherwise provided in this subsection.

3 2. Parking on planting strips is prohibited.

4 3. No more than three (3) vehicles may be parked outdoors on any lot.

5 4. Parking accessory to a floating home may be located on another lot if within six  
6 hundred (600) feet of the lot on which the floating home is located.

7 5. Parking accessory to a single-family structure existing on June 11, 1982 may be  
8 established on another lot if all the following conditions are met:

9 a. There is no vehicular access to permissible parking areas on the lot.

10 b. Any garage constructed is for no more than two (2) axle or two (2) up-  
11 to-four (4) wheeled vehicles.

12 c. Any garage is located and screened or landscaped per Section 23.44.016  
13 EG if applicable, as required by the Director who shall consider development patterns of the  
14 block or nearby blocks.

15 d. The lot providing the parking is within the same block or across the  
16 alley from the principal use lot.

17 e. The accessory parking shall be tied to the lot of the principal use by a  
18 covenant or other document recorded with the King County Department of Records and  
19 Elections.

20 ~~((6. Trailers, boats, recreational vehicles and similar equipment shall not be~~  
21 ~~parked in required front and side yards.~~

22 ~~C))D. ((Location of)) Parking ((on Lot)) in Required Yards.~~

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

24 a. Within the principal structure; or

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

1                    ~~2)1. Parking shall not be located in the required front yard except as provided in~~  
2 subsections ~~((C3, C4, C5 and C6))~~D7, D9, D10, D11 and D12.

3                    ~~2. Parking shall not be located in a required side yard abutting a street or the first~~  
4 ~~ten (10) feet of a required rear yard abutting a street except as provided in subsections D7, D9,~~  
5 ~~D10, D11 and D12.~~

6                    ~~3. Garages shall not be located in a required side yard which abuts the rear or side~~  
7 ~~yard of another lot, or in that portion of the rear yard of a reversed corner lot within five (5) feet~~  
8 ~~of the key lot's side lot line and not abutting the front yard of the key lot unless an agreement~~  
9 ~~between the owners of record of the abutting properties, authorizing the garage in that location,~~  
10 ~~is executed and recorded, pursuant to Section 23.44.014 D2, provided, that no such agreement is~~  
11 ~~required if the garage is located entirely in that portion of a side yard which is either within~~  
12 ~~thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line~~  
13 ~~which is not an alley lot line.~~

14                    ~~4. Garages with vehicular access from an alley shall not be located within twelve~~  
15 ~~(12) feet of the centerline of the alley except as provided in subsections D9, D10, D11 and D12.~~

16                    ~~5. Attached garages shall not be within twelve (12) feet of the centerline of any~~  
17 ~~alley, nor within twelve (12) feet of any rear lot line which is not an alley lot line, except as~~  
18 ~~provided in subsections D9, D10, D11 and D12.~~

19                    ~~6. On a reversed corner lot, no garage shall be located in that portion of the~~  
20 ~~required rear yard which abuts the required front yard of the adjoining key lot unless the~~  
21 ~~provisions of Section 23.44.016 D9b apply.~~

22                    ~~7. Where access to required parking spaces passes through a required yard,~~  
23 ~~automobiles, motorcycles and similar vehicles may be parked on the access located in a required~~  
24 ~~yard.~~

1                    8. Trailers, boats, recreational vehicles and similar equipment shall not be parked  
2 in required front and side yards or the first ten (10) feet of a rear yard measured from the rear lot  
3 line.

4                    ~~((3))~~9. Lots With Uphill Yards Abutting Streets. ~~((Accessary-p))~~Parking for one  
5 (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be established in a required yard  
6 abutting a street according to subsection ~~((E3))~~D9a or b below only if access to parking is  
7 permitted through that yard pursuant to subsection A of this section.

8                    a. Open Parking Space.

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

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

15                    iii. The parking space shall be no wider than ten (10) feet for one  
16 (1) parking space at the parking surface and no wider than twenty (20) feet for two (2) parking  
17 spaces when permitted as provided in subsection ~~((E6))~~D12.

18                    b. Terraced Garage.

19                    i. The height of a terraced garage shall be limited to no more than  
20 two (2) feet above existing or finished grade, whichever is lower, for the portions of the garage  
21 that are ten (10) feet or more from the street lot line. The ridge of a pitched roof on a terraced  
22 garage may extend up to three (3) feet above this two (2) foot height limit. All parts of the roof  
23 above the two (2) foot height limit shall be pitched at a rate or not less than ~~((three))~~four to  
24 twelve ~~((3))~~4:12). No portion of a shed roof shall be permitted to extend beyond the two (2) foot  
25 height limit of this provision. Portions of a terraced garage that are less than ten (10) feet from  
26 the street lot line shall comply with the height standards in Section 23.44.016 ~~((D))~~E2;

1                                   ii. The terraced garage structure width may not exceed fourteen  
2 (14) feet for one (1) two (2) axle or one (1) up-to-four (4) wheel vehicle, or twenty-four (24) feet  
3 when permitted to have two (2) two (2) axle or two (2) up-to-four (4) wheel vehicle as provided  
4 in subsection ~~((E6))~~D12;

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

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

10                               ~~((4))~~10. Lots With Downhill Yards Abutting Streets. ~~((Accessory p))~~Parking,  
11 either open or enclosed, for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may  
12 be located in a required yard abutting a street when the following conditions are met:

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

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

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

20                               d. Parking in downhill rear yards shall be in accordance with ~~((Section~~  
21 ~~23.44.014 D6 and))~~ Section 23.44.016, subsections ~~((E1))~~D2, D3 and ~~D((3d))~~6;

22                               e. Access to parking is permitted through the required yard abutting the  
23 street by subsection ~~((A))~~B of this section; and

24                               f. A driveway access bridge may be permitted in any required downhill  
25 yard where necessary for access to parking. The access bridge shall be no wider than twelve (12)  
26 feet for access to one (1) parking space or eighteen (18) feet for access to two (2) or more

1 parking spaces. The driveway access bridge may not be located closer than five (5) feet to an  
2 adjacent property line and shall not be included in lot coverage calculations.

3 ~~((5))~~11. Through Lots. On through lots less than one hundred twenty-five (125)  
4 feet in depth, ~~((accessory))~~ parking for one (1) two (2) axle or one (1) up-to-four (4) wheeled  
5 vehicle may be located in one (1) of the required front yards.

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

10 ~~((6))~~12. Lots With Uphill Yards Abutting Streets or Downhill or Through Lot  
11 Front Yards Fronting on Streets That Prohibit Parking. ~~((Accessory p))~~ Parking for two (2) two  
12 (2) axle or four (4) wheeled vehicles may be located in uphill yards abutting streets or downhill  
13 or through lot front yards as provided in subsection ~~((C3, C4 or C5))~~ D9, D10 or D11 if, in  
14 consultation with Seattle Department of Transportation, it is found that uninterrupted parking for  
15 twenty-four (24) hours is prohibited on at least one (1) side of the street within two hundred  
16 (200) feet of the lot line over which access is proposed. The Director may authorize a curb cut  
17 wider than would be permitted under Section 23.54.030 if necessary for access.

18 ~~((D))~~E. Standards for ~~((Private))~~ Garages when Permitted in Required Yards. ~~((Private~~  
19 ~~g))~~ Garages that are either detached ~~((accessory))~~ structures or portions of a principal structure for  
20 the primary purpose of enclosing a two (2) axle or four (4) wheeled vehicle may be permitted in  
21 required yards according to the following conditions:

22 1. Maximum Coverage and Size.

23 a. ~~((In accordance with Section 23.44.014 D6, private g))~~ Garages,  
24 together with any other accessory structures and other portions of the principal structure, are  
25 limited to a maximum combined coverage of forty (40) percent of the required rear yard. In the  
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1 case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of  
2 the alley.

3 b. ~~((In accordance with Section 23.44.040, private-g))~~ Garages located in  
4 side or rear yards shall not exceed one thousand (1,000) square feet in area.

5 c. In front yards, the area of ~~((private))~~ garages shall be limited to three  
6 hundred (300) square feet with fourteen (14) foot maximum width where one (1) space is  
7 allowed, and six hundred (600) square feet with twenty-four (24) foot maximum width where  
8 two (2) spaces are allowed. Access driveway bridges permitted under Section 23.44.016  
9 ~~((C4))~~ D10 shall not be included in this calculation.

## 10 2. Height Limits.

11 a. ~~((Private-g))~~ Garages shall be limited to twelve (12) feet in height as  
12 measured on the facade containing the entrance for the vehicle.

13 b. The ridge of a pitched roof on a ~~((private))~~ garage located in a required  
14 yard may extend up to three (3) feet above the twelve (12) foot height limit. All parts of the roof  
15 above the height limit shall be pitched at a rate of not less than ~~((three))~~ four to twelve ~~((3))~~ 4:12.  
16 No portion of a shed roof shall be permitted to extend beyond the twelve (12) foot height limit  
17 under this provision.

18 c. Open rails around balconies or decks located on the roofs of ~~((private~~  
19 ~~))~~ garages may exceed the twelve (12) foot height limit by a maximum of three (3) feet. The roof  
20 over a garage shall not be used as a balcony or deck in rear yards.

## 21 3. Separations.

22 a. ~~((Attached private garages are portions of principal structures. In~~  
23 ~~accordance with Section 23.44.014 D6, they may extend into the required rear yard, but shall not~~  
24 ~~be within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of any rear~~  
25 ~~lot line which is not an alley lot line nor closer than five (5) feet to any accessory structure.~~

1                   b. ~~If the facade of a private garage which contains the entrance for the~~  
2 ~~vehicle faces an alley, the garage shall not be within twelve (12) feet of the centerline of the~~  
3 ~~alley.~~

4                   ~~c. In accordance with Section 23.44.040D, a) Any private garage ((which~~  
5 ~~is an accessory structure.)) located in a required yard shall be separated from its principal~~  
6 ~~structure by a minimum of five (5) feet.~~

7                   ~~((d. In accordance with Section 23.44.040 F, on a reversed corner lot, no~~  
8 ~~private garage which is an accessory structure shall be located in that portion of the required rear~~  
9 ~~yard which abuts the required front yard of the adjoining key lot, nor shall the private garage be~~  
10 ~~located closer than five (5) feet from the key lot's side lot line unless the provisions of Section~~  
11 ~~23.44.014 D1 or 23.44.016 C3b apply.~~

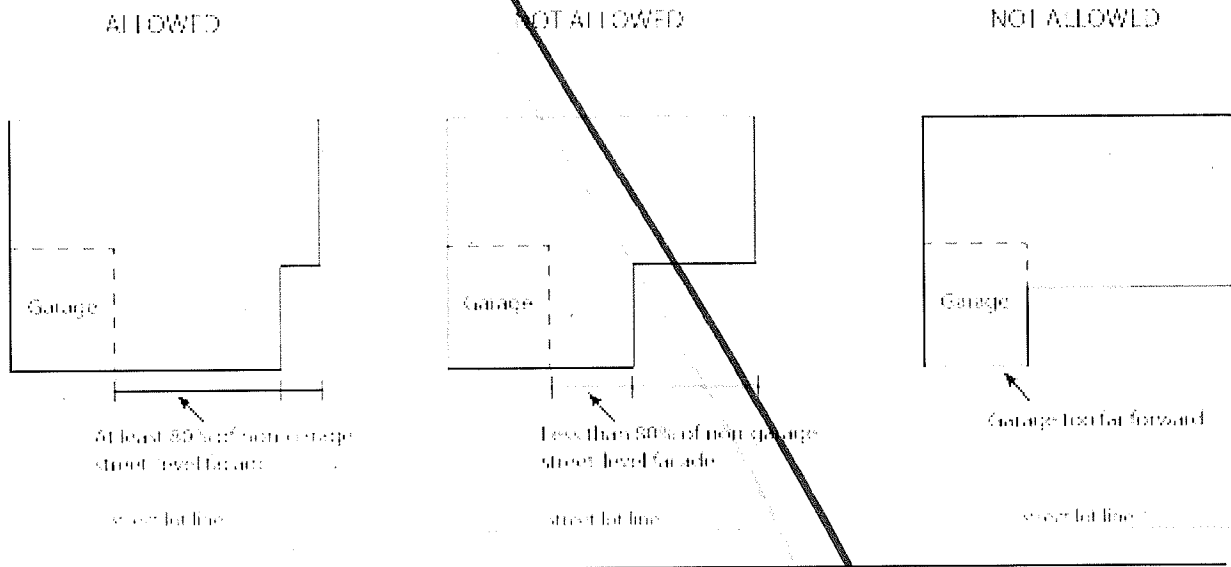
12                   ~~e. In accordance with Section 23.44.014 D1, private garages which are~~  
13 ~~accessory structures may extend into a required side yard which is either within thirty five (35)~~  
14 ~~feet of the centerline of an alley or within twenty five (25) feet of any rear lot line which is not~~  
15 ~~an alley lot line. Private garages which are accessory structures may extend into a required side~~  
16 ~~yard which is more than thirty five (35) feet from the centerline of an alley abutting the lot, or~~  
17 ~~which is more than twenty five (25) feet from the rear lot line of a lot which does not abut an~~  
18 ~~alley, upon the recording with the King County Department of Records and Elections an~~  
19 ~~agreement to this effect between the owners of record of the abutting properties.))~~

20                   F. Appearance of Garage Entrances.

21                   1. Garage Setback. No portion of a garage that is part of a principal structure may  
22 be closer to the street lot line than 80% of the remaining non-garage street-level facade (see  
23 Exhibit 23.44.016 A). If the entire street-level facade is garage, no portion of the garage may be  
24 closer to the street lot line than 80% of the facade of the story above the street-level facade.

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### Exhibit 23.44.016A Garage Setback



2. Garage Entrance Width. The total combined horizontal width of all garage entrances located on the front façade may be up to 50 percent of the horizontal width of the front façade or 10 feet, whichever is greater. On corner lots, a garage entrance shall be allowed on only one street-facing façade.

#### 3. Exemptions.

1                    a. Garages allowed under 23.44.016 D9, D10, D11 and D12 are not  
2 subject to the standards of this subsection F.

3                    b. The Director may modify the standards of this subsection F where  
4 irregular lot shape, topography, or structure configuration makes compliance with this subsection  
5 F unreasonable and when the modification will still achieve the objective of minimizing the  
6 visual impact of garage doors and walls from the street and adjacent properties.

7                    ((E))G. Screening.

8                    1. Parking accessory to floating homes when located on a separate lot from the  
9 floating homes shall be screened from direct street view by a fence or wall between five (5) and  
10 six (6) feet in height. When the fence or wall runs along the street front, there shall be a  
11 landscaped strip on the street side of the fence or wall. This strip may be between one (1) and  
12 five (5) feet deep, as measured from the property line, but the average distance from the property  
13 line to the fence shall be three (3) feet. Such screening shall be located outside any required sight  
14 triangle.

15                    2. The height of the visual barrier created by the screen required by  
16 ((subdivision)) subsection 1 of this subsection shall be measured from street level. If the  
17 elevation of the lot line is different from the finished elevation of the parking surface, the  
18 difference in elevation may be measured as a portion of the required height of the screen, so long  
19 as the screen itself is a minimum of three (3) feet in height (see Exhibit 23.44.016 B).

20                    Section 7. Subsection B of Section 23.44.017 of the Seattle Municipal Code, which  
21 Section was last amended by Ordinance 121429, is amended as follows:

22 **23.44.017 Development standards for public schools.**

23                    \*\*\*

24                    B. Height.

25                    1. For new public school construction on new public school sites, the maximum  
26 permitted height shall be thirty (30) feet. For gymnasiums and auditoriums that are accessory to

1 the public school, the maximum permitted height shall be thirty-five (35) feet plus ten (10) feet  
2 for a pitched roof if all portions of the structure above thirty (30) feet are set back at least twenty  
3 (20) feet from all property lines. All parts of a gymnasium or auditorium roof above the height  
4 limit must be pitched at a rate of not less than ~~((three))~~four to twelve ~~((3))~~4:12. No portion of a  
5 shed roof on a gymnasium or auditorium shall be permitted to extend above the thirty-five (35)  
6 foot height limit under this provision.

7           2. For new public school construction on existing public school sites, the  
8 maximum permitted height shall be thirty-five (35) feet plus fifteen (15) feet for a pitched roof.  
9 All parts of the roof above the height limit must be pitched at a rate of not less than ~~((three))~~four  
10 to twelve ~~((3))~~4:12. No portion of a shed roof shall be permitted to extend beyond the thirty-  
11 five (35) foot height limit under this provision.

12           3. For additions to existing public schools on existing public school sites, the  
13 maximum height permitted shall be the height of the existing school or thirty-five (35) feet plus  
14 fifteen (15) feet for a pitched roof, whichever is greater. When the height limit is thirty-five (35)  
15 feet, the ridge of the pitched roof on a principal structure may extend up to fifteen (15) feet  
16 above the height limit, and all parts of the roof above the height limit must be pitched at a rate of  
17 not less than ~~((three))~~four to twelve ~~((3))~~4:12. No portion of a shed roof shall be permitted to  
18 extend beyond the thirty-five (35) foot limit under this provision.

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

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

3           6. Light Standards.

4           a. Light standards for illumination of athletic fields on new and existing  
5 public school sites will be allowed to exceed the maximum permitted height, up to a maximum  
6 height of one hundred (100) feet, where determined by the Director to be necessary to ensure  
7 adequate illumination and where the Director determines that impacts from light and glare are  
8 minimized to the greatest extent practicable. The applicant must submit an engineer's report  
9 demonstrating that impacts from light and glare are minimized to the greatest extent practicable.  
10 When proposed light standards are reviewed as part of a project being reviewed pursuant to  
11 Chapter 25.05, Environmental Policies and Procedures, and requiring a SEPA determination, the  
12 applicant must demonstrate that the additional height contributes to a reduction in impacts from  
13 light and glare.

14           b. When proposed light standards are not included in a proposal being  
15 reviewed pursuant to Chapter 25.05, the Director may permit the additional height as a special  
16 exception subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
17 Decisions.

18           (1) When seeking a special exception for taller light standards, the  
19 applicant must submit an engineer's report demonstrating that the additional height contributes to  
20 a reduction in impacts from light and glare. When the proposal will result in extending the  
21 lighted area's duration of use, the applicant must address and mitigate potential impacts,  
22 including but not limited to, increased duration of noise, traffic, and parking demand. The  
23 applicant also must demonstrate it has conducted a public workshop for residents within one-  
24 eighth (1/8) of a mile of the affected school in order to solicit comments and suggestions on  
25 design as well as potential impacts.

1 (2) The Director may condition a special exception to address  
2 negative impacts from light and glare on surrounding areas, and conditions may also be imposed  
3 to address other impacts associated with increased field use due to the addition of lights,  
4 including, but not limited to, increased noise, traffic, and parking demand.

5 \*\*\*

6 Section 8. Subsection K of Section 23.44.022 of the Seattle Municipal Code, which  
7 Section was last amended by Ordinance 122311, is amended as follows:

8 **23.44.022 Institutions.**

9 \*\*\*

10 K. Bulk and Siting.

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

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

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

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

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

4 4. Height Limit.

5 a. Religious symbols for religious institutions may extend an additional  
6 twenty-five (25) feet above the height limit.

7 b. For gymnasiums and auditoriums that are accessory to an institution the  
8 maximum height shall be thirty-five (35) feet if portions of the structure above thirty-five (35)  
9 feet are set back at least twenty (20) feet from all property lines. Pitched roofs on a gymnasium  
10 or auditorium which have a slope of not less than ~~((three))~~four to twelve ~~((3))~~4:12 may extend  
11 ten (10) feet above the thirty-five (35) foot height limit. No portion of a shed roof on a  
12 gymnasium or an auditorium shall be permitted to extend beyond the thirty-five (35) foot height  
13 limit under this provision.

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

19 \*\*\*

20 Section 9. Section 23.44.040 of the Seattle Municipal Code, which Section was last  
21 amended by Ordinance 122190, is amended as follows:

22 **23.44.040 General provisions.**

23 A. Accessory uses customarily incidental to principal uses permitted outright are  
24 permitted outright as provided below.

25 B. All accessory uses and structures must be located on the same lot as the principal use  
26 or structure unless ~~((specifically modified in this subchapter))~~ otherwise specifically provided.



1 C. Accessory conditional uses are subject to the development standards for accessory  
2 uses permitted outright unless otherwise specified in this section.

3 ~~((D. Any accessory structure located in a required yard shall be separated from its  
4 principal structure by a minimum of five (5) feet.~~

5 ~~E. Except as provided for detached accessory dwelling units in Section 23.44.041B, any  
6 accessory structure located in a required yard shall not exceed twelve (12) feet in height nor one  
7 thousand (1,000) square feet in area.~~

8 ~~F. On a reversed corner lot, no accessory structure shall be located in that portion of the  
9 required rear yard which abuts the required front yard of the adjoining key lot, nor shall the  
10 accessory structure be located closer than five (5) feet from the key lot's side lot line unless the  
11 provisions of Section 23.44.014 D or 23.44.016 C3b, terraced garage, apply:))~~

12 Section 10. Section 23.44.042 of the Seattle Municipal Code, which Section was last  
13 amended by Ordinance 117263, is hereby repealed.

14 Section 11. Subsection B of Section 23.54.015 of the Seattle Municipal Code, which  
15 Section was last amended by Ordinance 122411, is amended as follows:

16 **23.54.015 Required Parking.**

17 \*\*\*

18 B. Exceptions to Required Parking.

19 1. Parking in downtown zones is regulated by Section 23.49.019 and not by this  
20 section;

21 2. No parking for motor vehicles is required for uses in commercial zones in  
22 urban centers and in the Station Area Overlay District, except that parking for fleet vehicles is  
23 required;

24 3. Parking for major institution uses is regulated by Section 23.54.016 and not by  
25 this Section;

1 4. Parking for motor vehicles for uses located in the Northgate Overlay District is  
2 regulated by Section 23.71.016 and not by this Section; ((and))

3 5. No parking is required for business establishments permitted in multifamily  
4 zones((-)); and

5 6. No parking is required for single-family residential uses in single-family zones  
6 on parcels less than three thousand (3,000) square feet in size or thirty (30) feet in width where  
7 access to parking is permitted through a required yard abutting a street according to the standards  
8 of section 23.44.016.B.2.

9 \*\*\*

10 Section 12. Effective January 1, 2009, Section 23.84A.016 of the Seattle Municipal  
11 Code, which Section was last amended by Ordinance 122311, is amended by adding the  
12 following new definitional subsection:

13 **23.84A.016 Definitions -- "H"**

14 \*\*\*

15 "Hardscape surfaces" means any structure or other hard surface where vegetation cannot  
16 grow including but not limited to structures; driveways or other areas used for vehicular access;  
17 paved or gravel walkways; and recreational facilities such as decks, patios, sport courts,  
18 fountains, swimming pools, or hot tubs.

19 \*\*\*

20 Section 13. Section 23.84A.032 of the Seattle Municipal Code, which Section was last  
21 amended by Ordinance 122311, is amended by adding the following new definitional subsection:

22 **23.84A.032 Definitions -- "R"**

23 \*\*\*

24 "Roof plane" means a section of the roof system divided from another section by a physical  
25 separation, exterior wall, roof apex, or change in the direction of pitch. Change in the degree of  
26

1 roof pitch such as occur on a gambrel roof and projections such as dormers or skylights shall not  
2 serve to divide a section into multiple planes.

3 \*\*\*

4 Section 14. Section 23.86.006 of the Seattle Municipal Code, which Section was last  
5 amended by Ordinance 122582, is amended as follows:

6 **23.86.006 Height limits.**

7 \*\*\*

8 C. Height Averaging for Single-family Zones. In a single family zone, ~~((the average~~  
9 ~~elevation of the nearest single family structures on either side of a lot may be, at the applicant's~~  
10 ~~option, used to establish the height limit of the principal structure on that lot, according to the~~  
11 ~~following provisions-))~~ when expanding an existing structure occupied by a nonconforming  
12 residential use per section 23.42.106, the following measurement shall be used to determine the  
13 average height of the closest principal structures on either side:

14 1. Each structure used for averaging shall be on the same block front as the lot for  
15 which a height limit is being established. The structures used shall be the nearest single family  
16 structure on each side of the lot, and shall be within one hundred feet (100') of the side lot lines  
17 of the lot.

18 2. The height limit for the lot shall be established by averaging the elevations of  
19 the structures on either side in the following manner:

20 a. If the nearest structure on either side has a roof with at least a  
21 ~~((three))~~ four-in-twelve ~~((3))~~ 4:12 pitch, the elevation to be used for averaging shall be the  
22 highest point of that structure's roof minus five feet (5').

23 b. If the nearest structure on either side has a flat roof, or a roof with a  
24 pitch of less than ~~((three))~~ four-in-twelve ~~((3))~~ 4:12, the elevation of the highest point of the  
25 structure's roof shall be used for averaging.

1 c. Rooftop features which are otherwise exempt from height limitations,  
2 Height Exceptions, Section 23.44.012 C, shall not be included in elevation calculations.

3 d. The two (2) elevations obtained from steps 2a and/or 2b shall be  
4 averaged to derive the height limit for the lot. This height limit shall be the difference in  
5 elevation between the midpoint of a line parallel to the front lot line at the required front setback  
6 and the average elevation derived from 2a and/or 2b.

7 e. The height measurement technique used for the lot shall then be the  
8 City's standard measurement technique, Section 23.86.006 A.

9 3. When there is no single-family structure within one hundred feet (100') on a  
10 side of the lot, or when the nearest single family structure within one hundred feet (100') on a  
11 side of the lot is not on the same block front, the elevation used for averaging on that side shall  
12 be thirty feet (30') plus the elevation of the midpoint of the front lot line of the abutting vacant  
13 lot.

14 4. When the lot is a corner lot, the height limit may be the highest elevation of the  
15 nearest structure on the same block front, provided that the structure is within one hundred feet  
16 (100') of the side lot line of the lot and that both front yards face the same street.

17 5. In no case shall the height limit established according to these height averaging  
18 provisions be greater than forty feet (40').

19 6. Lots using height averaging to establish a height limit shall be eligible for the  
20 pitched roof provisions of Section 23.44.012 B.

#### 21 D. Additional Height on Sloped Lots.

22 1. In certain zones, additional height shall be permitted on sloped lots at the rate  
23 of one foot (1') for each six percent (6%) of slope. For the purpose of this provision, the slope  
24 shall be measured from the exterior wall with the greatest average elevation at existing grade, to  
25 the exterior wall with the lowest average elevation at existing grade. The slope shall be the  
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1 difference between the existing grade average elevations of the two (2) walls, expressed as a  
2 percentage of the horizontal distance between the two (2) walls.

3           2. This additional height shall be permitted on any wall of the structure, provided  
4 that on the uphill side(s) of the structure, the height of the wall(s) shall be no greater than the  
5 height limit of the zone (Exhibit 23.86.006 A2).

6           3. Structures on sloped lots shall also be eligible for the pitched roof provisions  
7 applicable in the zones.

8           E. Height Measurement Techniques in Downtown Zones.

9           1. Determine the major street property line, which shall be the lot's longest street  
10 property line. When the lot has two (2) or more street lot lines of equal length, the applicant shall  
11 choose the major street property line.

12           2. Determine the slope of the lot along the entire length of the major street  
13 property line.

14           3. The maximum height shall be measured as follows:

15           a. When the slope of the major street property line is less than or equal to  
16 seven and one-half percent (7-1/2%), the elevation of maximum height shall be determined by  
17 adding the maximum permitted height to the existing grade elevation at the midpoint of the  
18 major street property line. On a through lot, the elevation of maximum height shall apply only to  
19 the half of the lot nearest the major street property line. On the other half of a through lot, the  
20 elevation of maximum height shall be determined by the above method using the street lot line  
21 opposite and parallel to the major street property line as depicted in Exhibit 23.86.006 B.

22           b. When the slope of the major street property line exceeds seven and one-  
23 half percent (7-1/2%), the major street property line shall be divided into four (4) or fewer equal  
24 segments no longer than one hundred twenty feet (120') in length. The elevation of maximum  
25 height shall be determined by adding the maximum permitted height to the existing grade  
26 elevation at the midpoint of each segment. On a through lot, the elevation of maximum height

1 shall apply only to the half of the lot nearest the major street property line. On the other half of a  
2 through lot, the elevation of maximum height shall be determined by the above method using the  
3 street lot line opposite and parallel to the major street property line, as depicted in Exhibit  
4 23.86.006 C.

5 c. For lots with more than one (1) street frontage, where there is no street  
6 property line which is essentially parallel to the major street property line, when a measurement  
7 has been made for the portion of the block containing the major street property line, the next  
8 measurement shall be taken from the longest remaining street lot line.

9 F. Determining the Height of Existing Public School Structures. When the height of the  
10 existing public school structure must be measured for purposes of determining the permitted  
11 height or lot coverage of a public school structure, either one of the following options may be  
12 used:

13 1. If all parts of the new roof are pitched at a rate of not less than ~~((three))~~four  
14 twelve ~~((3))~~4:12), the ridge of the new roof may extend to the highest point of the existing roof.  
15 A shed roof does not qualify for this option.

16 2. If all parts of the new roof are not pitched at a rate of not less than ~~((three))~~four  
17 to twelve ~~((3))~~4:12), then the elevation of the new construction may extend to the average height  
18 of the existing structure. The average height shall be determined by measuring the area of each  
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1 portion of the building at each height and averaging those areas, as depicted in Exhibit 23.86.006

2 D.

3 \*\*\*

4 Section 15. The provisions of this ordinance are declared to be separate and severable.  
5 The invalidity of any particular provision shall not affect the validity of any other provision.

6 Section 16. Except as otherwise provided herein, this ordinance shall take effect and be  
7 in force thirty (30) days from and after its approval by the Mayor, but if not approved and  
8 returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by  
9 Municipal Code Section 1.04.020.

10  
11 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2008, and signed by me in open  
12 session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2008.

13  
14 \_\_\_\_\_  
15 President \_\_\_\_\_ of the City Council

16 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2008.

17  
18 \_\_\_\_\_  
19 Gregory J. Nickels, Mayor

20  
21 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2008.

22  
23 \_\_\_\_\_  
24 City Clerk

25 (Seal)

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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230302  
CITY OF SEATTLE, CLERKS OFFICE

No.

**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.

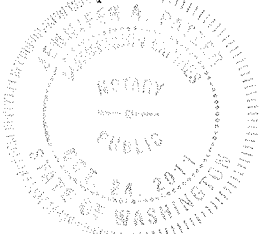
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122823 ORDINANCE


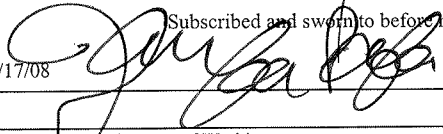
was published on

10/17/08

The amount of the fee charged for the foregoing publication is the sum of \$ 452.00, which amount has been paid in full.



Affidavit of Publication

  
\_\_\_\_\_  
Subscribed and sworn to before me on  
10/17/08   
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle



**ORDINANCE 122823**

AN ORDINANCE relating to land use and zoning, amending Sections 23.43.008, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.017, 23.44.022, 23.44.040, 23.54.015, 23.84A.016, 23.84A.032, and 23.86.006 and zoning Section 23.44.042 of the Seattle Municipal Code to modify the land use and zoning standards relating to Single Family neighborhoods to limit the impact of new development on existing homes and the character of single family neighborhoods, and setting effective dates.

WHEREAS, this Ordinance will implement measures dealing with the bulk, design, and environmental impacts of single family and institutional structures to limit the impact of new development on existing homes and the character of single family neighborhoods; and

WHEREAS, making these amendments would be in keeping with the City of Seattle's Comprehensive Plan, first adopted on July 25, 1994, Ordinance 117221, which incorporates goals and policies toward a sustainable Seattle and sets a goal of safeguarding and maintaining attractive, livable and affordable neighborhoods, **NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Subsection B of Section 23.43.008 of the Seattle Municipal Code, which Section was last established by Ordinance 117430, is amended as follows:

**23.43.008 Development standards for one dwelling unit per lot.**

B. Pitched Limit and Roof Pitch. The basic height limit shall be twenty-five (25) feet. The ridge of pitched roofs with a minimum slope of (three) four to twelve ((3/4) 4:12) may extend above the height limit to thirty (30) feet. All parts of the roof above twenty-five (25) feet shall be pitched.

Section 2. Section 23.44.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 122050, is amended as follows:

**23.44.010 Lot requirements.**

A. Minimum Lot Area. The minimum lot area shall be:	
S.F. Zone	Minimum Lot Area Required
S.F. 9600	9,600 sq. ft.
S.F. 7200	7,200 sq. ft.
S.F. 5000	5,000 sq. ft.

Submerged lands shall not be counted in calculating the area of lots for the purpose of these minimum lot area requirements, or the exceptions to minimum lot area requirements provided in this section.

B. Exceptions to Minimum Lot Area. The following exceptions to minimum lot area requirements for its zone may be developed or redeveloped as a separate building site according to the following:

1. In order to recognize separate building sites established in the public record under previous codes, to allow the consolidation of very small lots into larger lots, to adjust lot lines to permit more orderly development patterns, and to create additional buildable sites out of oversized lots which are compatible with surrounding lots, the following exceptions are provided if the Director determines that:

a. The lot was established as a separate building site in the public records of the county or City prior to July 24, 1957, by deed, contract of sale, mortgage, property tax segregation, platting or building permit, and falls into one (1) of the following categories; provided that, lots on totally submerged lands shall not qualify for this exception:

a. The lot is not held in common ownership with any contiguous lot on or after the effective date of the ordinance from which this subsection derives, or

b. The lot is or has been held in common ownership with a contiguous lot on or after the effective date of the ordinance from which this subsection derives; and is or has been developed with a principal structure, which is wholly within the lot boundaries, provided, that no portion of any contiguous lot is required to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in effect at the time of the original construction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of redevelopment of the lot (Exhibit 23.44.010 B), or

c. The lot is or has been held in common ownership with a contiguous lot on or after the effective date of the ordinance from which this subsection derives; and is not developed with all or part of a principal structure; provided, that no portion of the lot is required to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in effect for a principal structure on the contiguous lot at the time of the construction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of the development of the lot (Exhibit 23.44.010 B); and provided further, that if any portion of the lot to be developed has been used to meet the parking requirement in effect for a principal structure on a contiguous lot, such parking requirement can and shall be legally met on the contiguous lot.

For purposes of this subsection B4, removal of all or any part of a principal structure or destruction by fire or act of nature on or after the effective date of the ordinance from which this subsection derives<sup>1</sup> shall not qualify the lot for the minimum lot area exception (Exhibit 23.44.010 C), except that minor features containing no interior floor area including but not limited to eaves and unenclosed decks extending onto an adjacent property do not serve to the properties together for purposes of this exception, and these features may be removed to allow separate development of the lots if they otherwise qualify, or

5. Development may occur on a subsstandard lot containing a riparian corridor, a shoreline habitat and shoreline habitat buffer, a wetland and wetland buffer, or a steep slope and slope buffer pursuant to the provisions of SMC Chapter 23.09. Regulations for Environmentally Critical Areas, if the following conditions apply:

a. The subsstandard lot is not held in common ownership with an adjacent lot or lots at any time after the effective date of SMC Chapter 23.09. Regulations for Environmentally Critical Areas; or

b. The subsstandard lot is held in common ownership with an adjacent lot

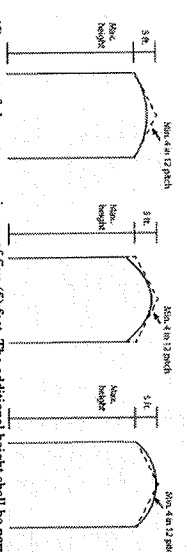
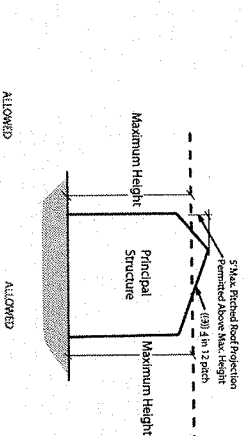
<sup>1</sup> The averaging provisions of subsection 2b, above, do not apply to 4b)3. The method(s) of determining structure height (height averages) and with are detailed in Chapter 23.86, Measurement.

**B. Special Features.**

1. Pitched Roofs. The ridge of a pitched roof on a principal structure may extend up to five (5) feet above the maximum height limit, as determined under subsection A above, parts of the roof above the height limit may be pitched at a rate of not less than (three) four to twelve ((3/4) 4:12) (Exhibit 23.44.012 A). No portion of a shed roof, except on a dormer, shall be permitted to extend beyond the maximum height limit, as determined under subsection A above. Roof forms including but not limited to barrel and domed roofs that are allowed under this subsection where the Director determines that the roof form remains within the meaning of a pitched roof form such as a saddle or gambrel roof that would otherwise be allowed by this subsection (Exhibit 23.44.012 B).

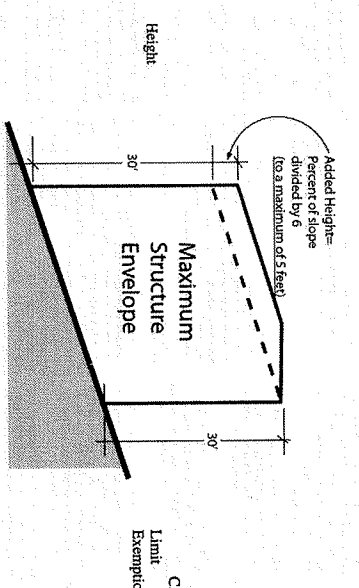
2. Sloped Lots. Except for structures containing a detached accessory dwelling unit, additional height shall be permitted for sloped lots, at the rate of one (1) foot for each

Exhibit 23.44.012A  
Pitched Roof Provision on Flat Site



6) percent of slope, to a maximum of five (5) feet. The additional height shall be permitted the downhill side of the structure only, as described in the measurements portion of this Land Use Code (Exhibit 23.44.012 (B))C). When the downhill portion of a sloped lot fronts on the street where the required front yard exemption in Section 23.44.014 A is claimed, the permit height of the wall along the lowest elevation of the site shall be reduced one (1) foot for each foot of exemption claimed. In no case shall the height of the wall be required to be less than maximum height limit, as determined under subsection A above.

Exhibit 23.44.012(B)C  
Height Limits on Sloped Sites



1. Flagpoles. Except in the Airport Height Overlay District, Chapter 23.64, flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot 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 rafts(5) and planters(6) (heights not determined) extend no higher than the ridge of a pitched roof or four (4) feet above a flat roof. Chimney extend four (4) feet above the ridge of a pitched roof or above a flat roof.

3. Projections that accommodate windows and result in additional interior space including dormers, clerestories, skylights, and greenhouses, may extend no higher than the ridge of a pitched roof permitted pursuant to subsection B, or four feet (4') above the applicable limit pursuant to subsection A, whichever is higher, if all of the following conditions are satisfied (Exhibit 23.44.012D):

a. The total area of these projections is limited to thirty percent (30%) the area of each roof plane measured from the plan view perspective.

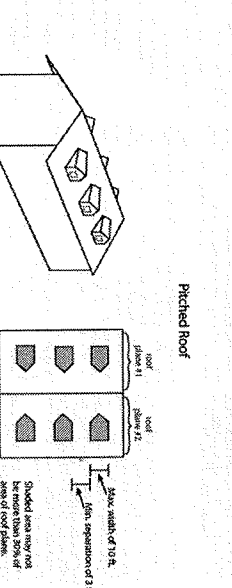


Exhibit 23.44.012D  
Roof Projections

oversized lots which are compatible with surrounding lots, the following exceptions are permitted if the Director determines that:

- a. The lot was established as a separate building site in the public records of the county or City prior to July 24, 1957, by deed, contract of sale, mortgage, property tax segregation, plating or building permit and has an area of at least seventy-five (75) percent of the minimum required lot area and at least eighty (80) percent of the mean lot area of the lots on the same block face and within the same zone in which the lot is located (Exhibit 23.44.010 A), or
- b. The lot is or was created by subdivision, short subdivision or lot boundary adjustment, and is at least seventy-five (75) percent of the minimum required lot area and is at least eighty (80) percent of the mean lot area of the lots on the same block face within which the lot is located and within the same zone (Exhibit 23.44.010 A), or
2. The lot area deficit is the result of a dedication or sale of a portion of the lot to the City or state for street or highway purposes and payment was received for only that portion of the lot, and the lot area remaining is at least fifty (50) percent of the minimum required;
3. The lot would qualify as a legal building site under this section but for a reduction in lot area due to court-ordered adverse possession, and the amount by which the lot was so reduced was less than ten (10) percent of the former area of the lot, provided, that this exception shall not apply to lots reduced to less than fifty (50) percent of the minimum area required under subsection A of Section 23.44.010; or
4. The lot was established as a separate building site in the public records of the county or City prior to July 24, 1957, by deed, contract of sale, mortgage, property tax segregation, plating or building permit, and falls into one (1) of the following categories; provided that, lots on totally submerged lands shall not qualify for this exception:
  - a. The lot is not held in common ownership with any contiguous lot on or after the effective date of the ordinance from which this subsection derives; or
  - b. The lot is or has been held in common ownership with this contiguous lot on or after the effective date of the ordinance from which this subsection derives and is not developed with all or part of a principal structure, provided, that no portion of the lot is required to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in effect for a principal structure on the contiguous lot at the time of the construction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of the development of the lot (Exhibit 23.44.010 B), and provided further, that if any portion of the lot is developed has been used to meet the parking requirement in effect for a principal structure on a contiguous lot, such parking requirement can and shall be legally met on the contiguous lot.

For purposes of this subsection B4, removal of all or any part of a principal structure or destruction by fire or act of nature on or after the effective date of the ordinance from which this subsection derives shall not qualify the lot for the minimum lot area exception (Exhibit 23.44.010 C) except that minor features containing an interior floor area including but not limited to eaves and unenclosed decks extending onto an adjacent property do not serve to the properties together for purposes of this exception, and these features may be removed to allow separate development of the lots if they otherwise qualify; or

5. Development may occur on a substandard lot containing a pedestrian corridor, a shoreline habitat and shoreline habitat buffer, a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the provisions of SMC Chapter 23.09, Regulations for Environmentally Critical Areas, if the following conditions apply:
  - a. The substandard lot is not held in common ownership with an adjacent lot or lots at any time after the effective date of SMC Chapter 23.09, Regulations for Environmentally Critical Areas; or
  - b. The substandard lot is held in common ownership with an adjacent lot or lots, or has been held in common ownership at any time after the effective date of SMC Chapter 23.09, Regulations for Environmentally Critical Areas; (E) but proposed and future development will not intrude upon the environmentally critical area or buffer;
  6. Lots contained in a clustered housing Planned development (Section 23.44.024), a planned residential development (Section 23.44.034), or a clustered development in an environmentally critical area.

**C. Maximum Lot Coverage.** The maximum lot coverage permitted for principal and accessory structures (shall not exceed thirty-(35) percent of the lot area, or one thousand seven hundred fifty-(1750)-square feet, whichever is greater) is as follows:

Lot Size	Maximum Lot Coverage
Less than 3,000 square feet (sq. ft.)	1,000 sq. ft. + 15% of lot area
3,000 sq. ft. or more	35% of lot area

**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 measured 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.
  - (e) The total lot area for any lot may not be increased by the provisions by more than (twenty-five (25)) ten percent (10%).
2. Special Structures and Portions of Structures. The following structures and portions of structures shall not be counted in lot coverage calculations:
  - a. Access Bridges; Uncovered, unenclosed pedestrian bridges of any height necessary for access and five (5) feet or less in width;
  - b. Barrier-free Access Ramps or other access for the disabled or elderly meeting Washington State Building Code, Chapter 11;
  - c. Decks, Decks or parts of a deck which are thirty-six (36) (eighteen (18)) inches or less above the existing grade;
  - d. Freestanding Structures and Bulkheads; Fences, arbors and freestanding walls except 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 thirty-six (36) (eighteen (18)) inches 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 23.44.014;
  - h. Solar collectors meeting the provisions of Section 23.44.046 and swimming pools meeting the provisions of Section 23.44.044.

**Section 3. Section 23.44.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 122190, is amended as follows:**

**23.44.012 Height Limits.**

A. Maximum Height Establishment.

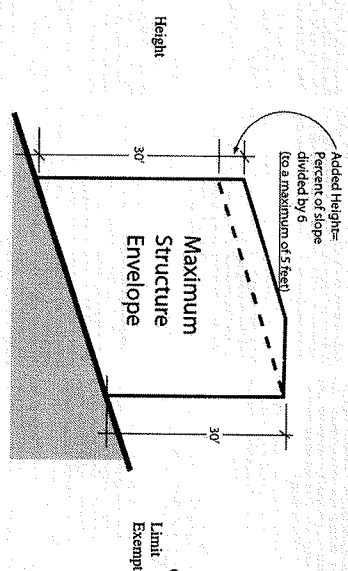
1. Except as permitted in Section ((=23.44.014B) and) 23.44.041 B, and except as provided in subsections A2 (and A4) below, the maximum permitted height for any structure not located in required yards shall not exceed (the greater of the following:
  - a.-(1) thirty (30) feet; (ii)
  - (b) The average height of the two (2) single-family structures on the subject structure abuts five (4) or both of the abutting structures exceed thirty-(30) feet; (c) The maximum permitted height for any structure on lots thirty (30) feet or less in width shall not exceed (the greater of the following:
    - a.-(1) twenty-five (25) feet; (2)
    - (b) The average height of the two (2) single-family structures on abutting lots, but not to exceed thirty-(30) feet.

2. The maximum permitted height for any structure on lots thirty (30) feet or less in width shall not exceed (the greater of the following:
 

- a.-(1) twenty-five (25) feet; (2)
- (b) The average height of the two (2) single-family structures on abutting lots, but not to exceed thirty-(30) feet.

23.44.046 Multiple single-family dwelling units on a single-family lot, on lots thirty (30) feet or less in width are subject to the following:

-(1) The maximum permitted height shall not exceed twenty-five (25) feet.



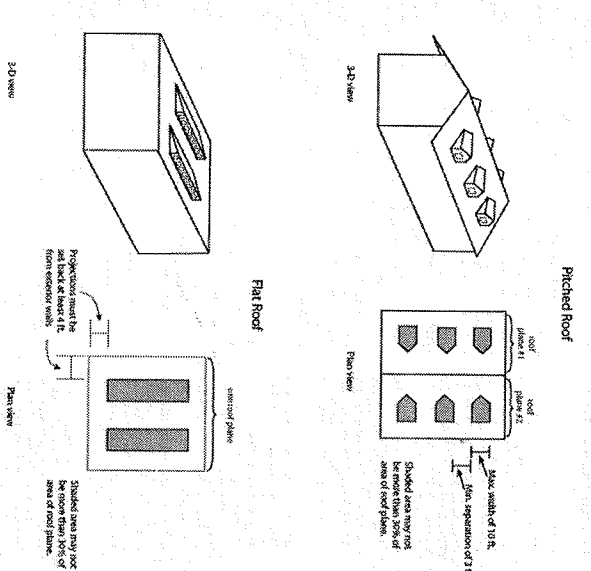
1. Flagpoles. Except in the Airport Height Overlay District, Chapter 23.64, flagpoles are exempt from height limits provided that they are no closer to any adjoining lot than fifty (50) percent of their height above existing grade, or, if attached only to a roof, no closer than thirty (30) percent of their height above the roof portion where attached.

2. Other Features. Open rais(s) and planters (screens and elevators) extend no higher than the ridge of a pitched roof or four (4) feet above a flat roof. Chimneys extend four (4) feet above the ridge of a pitched roof or above a flat roof.

3. Projections that accommodate windows and result in additional interior space including dormers, clerestories, skylights, and greenhouses, may extend no higher than the 2' of pitched roof permitted pursuant to subsection B, or four feet (4') above the applicable limit pursuant to subsection A, whichever is higher, if all of the following conditions are satisfied (Exhibit 23.44.012D):

- a. The total area of these projections is limited to thirty percent (30%) the area of each roof plane measured from the plan view perspective;
- b. On pitched roofs, projections are limited to ten feet (10') in width minimum separation of three feet (3') from other projections; and
- c. On flat roofs, projections are set back at least 4 feet from exterior.

Exhibit 23.44.012D  
Roof Projections



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

(4) For nonresidential 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 penhouses; and
- b. Mechanical equipment.

(5) For height limits and exceptions for communication utilities and access communication devices, see Section 23.57.010

**Section 4. Section 23.44.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 122190, is amended as follows:**

**23.44.014 Yards.**

**C. Side Yards.** The side yard shall be five (5) feet except as follows: (1)

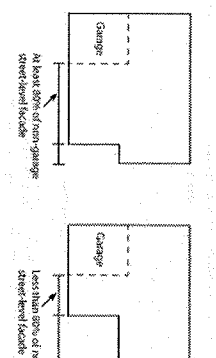
1. In the case of a reversed corner lot, the key lot of which is in a single-family zone, the width of the side yard on the street side of the reversed corner lot shall be not less than:
  2. When the side yard of a lot borders on an alley, a single-family structure may be located in the required side yard, provided that no portion of the structure may cross the street line.
- D. Exceptions from Standard Yard Requirements. No structure shall be placed in a required yard except pursuant to the following subsections:
  1. Garages. Garages may be located in required yards subject to the standards 23.44.016.
    - (H) Certain Accessory Structures. Any accessory structure may be constructed in a side yard which abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner lot within five (5) feet of the key lot and not abutting the front yard of the key 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 reverse corner lot shall be within five (5) feet of the centerline of an alley or within twenty-five (25) feet of the rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.
    - (I) A single-family structure may extend into one (1) side yard if an easement is provided along the side or rear lot line of the abutting lot, sufficient to leave a ten (10) foot separation between that structure and any principal or accessory structures on the abutting lot.





ALLOWED

NOT ALLOWED



2. Garage Entrance Width. The total countenance located on the front facade may be up to 50 percent or 10 feet, whichever is greater. On corner lots, a only one street-facing facade.

3. Exemptions.

a. Garages allowed under 23.44.016

subject to the standards of this subsection F.

b. The Director may modify the size, irregular lot shape, topography, or structure configuration (unreasonable and when the modification will still achieve visual impact of garage doors and walls from the street as (F)(3). Screening.

1. Parking accessory to floating homes with floating homes shall be screened from direct street view within six (6) feet in height. When the fence or wall runs along the landscaped strip on the street side of the fence or wall, the five (5) feet deep, as measured from the property line, but not the fence, shall be three (3) feet. Such screening shall be a triangle.

2. The height of the visual barrier created (seebbs) subsection 1 of this subsection shall be the difference in elevation may be measured as a portion of it in Section 6. Subsection B of Section 23.44.017, is amended 23.44.017 Development standards for public schools.

B. Height.

1. For new public school construction on a maximum permitted height shall be thirty (30) feet. For gymnasiums, the public school, the maximum permitted height shall be for a pitched roof if all portions of the structure above the 20-foot roof from all property lines. All parts of a gymnasium height must be pitched at a rate of not less than (three) (3) feet per foot on a gymnasium or auditorium shall be permitted foot height limit under this provision.

2. For new public school construction on a maximum permitted height shall be thirty-five (35) feet. All parts of the roof above the height limit must be pitched to twelve ((3)½)12. No portion of a shed roof shall be p five (35) foot height limit under this provision.

3. For additions to existing public schools maximum height permitted shall be the height of the existing fifteen (15) feet for a pitched roof, whatever is greater. Where the ridge of the pitched roof on a principal structure above the height limit, and all parts of the roof above the roof, not less than (three) (3) feet (3)½)12. No portion extended beyond the thirty-five (35) foot height limit under this provision.

4. Development standard departure may be procedures and criteria set forth in Chapter 23.79. For construction public school sites to the extent not otherwise provided which may be granted as development standard departure fifteen (15) feet for a pitched roof for elementary schools for a pitched roof for secondary schools. The standards for All height maximums may be waived by the Director when demolition of residential structures.

5. The provisions of subsection B of Section 6 and sloped lot and the exemptions of subsection C of Section 6. Light Standards.

a. Light standards for illumination public school sites will be allowed to exceed the maximum height of one hundred (100) feet, where determined by the adequate illumination and where the Director determines minimized to the greatest extent practicable. The applicant demonstrating that impacts from light and glare are minor. When proposed light standards are reviewed as part of a project Chapter 25.05 Environmental Policies and Procedures, an applicant must demonstrate that the additional height can light and glare.

b. When proposed light standards are reviewed pursuant to Chapter 25.05, the Director may, per the provisions subject to Chapter 23.76, Procedures for Master Decisions.

(1) When seeking a special applicant must submit an engineer's report demonstrating a reduction in impacts from light and glare. When the proposed lighted areas duration of use, the applicant must address including but not limited to, increased duration of noise, traffic, applicant also must demonstrate it has conducted a public light (1/8) of a mile of the affected school in order to solicit design as well as potential impacts.

(2) The Director may configure negative impacts from light and glare on surrounding areas, including, but not limited to, increased noise, traffic, and other impacts. Section 7. Subsection K of Section 23.44.022 of the Ordinance was last amended by Ordinance 126311, is amended 23.44.022 Institutions.

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C. Bulk and Spacing.

1. Lot Area. If the proposed site is more than one may require the following and similar development standards

a. For lots with unusual configurations principal structures be located so that changes in potential the block or blocks within which the institution is located

b. For lots with large street frontages the proposed institution reflect design and architectural features residentially zoned block faces in order to provide continuity the proposed structures with residential structures and uses

2. Yards. Yards of institutions shall be, as required Section 23.44.008, provided that no structure other than for similar structures shall be closer than ten (10) feet to the street yards less than ten (10) feet but not less than five (5) feet. The yard will not significantly increase impacts, including but not the scale, to adjacent lots zoned residential and there will be no 3. Institutions Located on Lots in More Than one (10) feet above the thirty-five (35) foot height limit. No gymnasium or an auditorium shall be permitted to extend to the yard under this provision.

4. Height Limit.

a. Religious symbols for religious in twenty-five (25) feet above the height limit.

b. For gymnasiums and auditoriums maximum height shall be thirty-five (35) feet if portions of feet are set back at least twenty (20) feet from all property or auditorium which have a slope of not less than (three) (3) feet above the thirty-five (35) foot height limit. No gymnasium or an auditorium shall be permitted to extend to the yard under this provision.

established on another lot if all the following conditions are met:

a. There is no vehicular access to permissible parking areas on the lot.

b. Any garage constructed is for no more than two (2) axle or two (2) up-to-four (4) wheeled vehicles.

c. Any garage is located and screened or landscaped per Section 23.44.016 BQ if applicable as required by the Director who shall consider development patterns of the block or nearby blocks.

d. The lot providing the parking is within the same block or across the alley from the principal use lot.

e. The accessory parking shall be tied to the lot of the principal use by a covenant or other document recorded with the King County Department of Records and Elections.

f. Trailers, boats, recreational vehicles and similar equipment shall not be parked on required front and side yards.

g. Within the principal structure, or

h. Within the principal structure, or

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(4) wheeled vehicles;

3. The garage is located and screened or it shall consider development patterns of the lot.

4. The garage lot is within the same block.

5. The garage shall meet the standard of the following provisions:

6. The necessary parking shall be tied to the other document recorded with the King County document.

c. Parking necessary to a floating home must be located on the lot on which the floating home is located.

Section 10. Subsection B of Section 23.54.015 was last amended by Ordinance 122411, which amended Section 23.54.015(B).

Section 10. Subsection B of Section 23.54.015 was last amended by Ordinance 122411, which amended Section 23.54.015(B).

**B. Exceptions to Required Parking.**

1. Parking in downtown zones is regulated by the following sections:

2. No parking for motor vehicles is required in urban centers and in the Station Area Overlay District.

3. Parking for major institution uses is regulated by the following sections:

4. Parking for motor vehicles for uses regulated by Section 23.71.016 and not by this Section is regulated by the following sections:

5. No parking is required for business zones in the following sections:  
a. No parking is required for single-family lots with less than three thousand (3,000) square feet of access to parking is permitted through a required yard access to parking is permitted through a required yard of section 23.44.016 B.2.

\*\*\*

Section 11. Section 23.84A.032 of the Seattle Municipal Code, as amended by Ordinance 122311, is amended by adding the following definitions: "R

\*\*\*

"Roof plane" means a section of the roof system division, exterior wall, roof apex, or change in the roof pitch such as occur on a gambrel roof and project to divide a section into multiple planes.

\*\*\*

Section 12. Section 23.86.006 of the Seattle Municipal Code, as amended by Ordinance 122582, is amended as follows:

\*\*\*

C. Height Averaging for Single-Family Zones. The purpose of this section is to allow for the elevation of the nearest single-family structures on either side of the lot to be averaged with the elevation of the structures on either side of the lot. The average height of the nearest principal structures on either side of the lot shall be the average height of the nearest principal structures on either side of the lot.

1. Each structure used for averaging shall have a height limit established. The structures on each side of the lot, and shall be within one of the following sections:

2. The height limit for the lot shall be established by averaging the height limits of the structures on either side in the following manner:

a. If the nearest structure on either side of the lot is in a zone with a height limit of three (3) to four (4) feet, the average height shall be the average height of the highest point of that structure's roof minus five feet (5').

b. If the nearest structure on either side of the lot is in a zone with a height limit of four (4) to five (5) feet, the average height shall be the average height of the highest point of that structure's roof minus five feet (5').

c. Rooftop features which are other than rooftop parking shall be averaged with the average height of the structure's roof.

d. The two (2) elevations obtained from the averaging shall be averaged with the average height of the structure's roof to derive the height limit for the lot. This height limit shall be the average height of the structure's roof and the average elevation derived from 2a and/or 2b.

Section 12. Section 23.86.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 122582, is amended as follows:  
**23.86.006 Height limits.**

\*\*\*

C. Height Averaging for Single-family Zones. In a single family zone, ~~(the average elevation of the nearest single-family structures on either side of a lot may be determined by the applicant's petition used to establish the height limit of the principal structure on that lot, according to the following provisions))~~ when expanding an existing structure occupied by a nonconforming residential use per section 23.42.106, the following measurement shall be used to determine the average height of the closest principal structures on either side:

1. Each structure used for averaging shall be on the same block from as the lot for which a height limit is being established. The structures used shall be the nearest single-family structure on each side of the lot, and shall be within one hundred feet (100') of the side lot lines of the lot.

2. The height limit for the lot shall be established by averaging the elevations of the structures on either side in the following manner:

a. If the nearest structure on either side has a roof with at least a ~~(three))~~four-in-twelve ((3))4:12 pitch, the elevation to be used for averaging shall be the highest point of that structure's roof minus five feet (5').

b. If the nearest structure on either side has a flat roof, or a roof with a pitch of less than ~~(three))~~four-in-twelve ((3))4:12, the elevation of the highest point of the structure's roof shall be used for averaging.

c. Rooftop features which are otherwise exempt from height limitations, Height Exceptions, Section 23.44.012 C, shall not be included in elevation calculations.

d. The two (2) elevations obtained from steps 2a and/or 2b shall be averaged to derive the height limit for the lot. This height limit shall be the difference in elevation between the midpoint of a line parallel to the front lot line at the required front setback and the average elevation derived from 2a and/or 2b.

e. The height measurement technique used for the lot shall then be the City's standard measurement technique, Section 23.86.006 A.

3. When there is no single-family structure within one hundred feet (100') on a side of the lot, or when the nearest single-family structure within one hundred feet (100') on a side of the lot is not on the same block from, the elevation used for averaging on that side shall be thirty feet (30') plus the elevation of the midpoint of the front lot line of the abutting vacant lot.

4. When the lot is a corner lot, the height limit may be the highest elevation of the nearest structure on the same block from, provided that the structure is within one hundred feet (100') of the side lot line of the lot and that both front yards face the same street.

5. In no case shall the height limit established according to these height averaging provisions be greater than forty feet (40').

6. Lots using height averaging to establish a height limit shall be eligible for the pitched roof provisions of Section 23.44.012 B.

D. Additional Height on Sloped Lots.

1. In certain zones, additional height shall be permitted on sloped lots at the rate of one foot (1') for each six percent (6%) of slope. For the purpose of this provision, the slope shall be measured from the exterior wall with the greatest average elevation at existing grade, to the exterior wall with the lowest average elevation at existing grade. The slope shall be the difference between the existing grade average elevations of the two (2) walls, expressed as a percentage of the horizontal distance between the two (2) walls.

2. This additional height shall be permitted on any wall of the structure, provided that on the uphill side(s) of the structure, the height of the wall(s) shall be no greater than the height limit of the zone (Exhibit 23.86.006 A2).

3. Structures on sloped lots shall also be eligible for the pitched roof provisions applicable in the zone.

E. Height Measurement Techniques in Downtown Zones.

1. Determine the major street property line, which shall be the lot's longest street property line. When the lot has two (2) or more street lot lines of equal length, the applicant shall choose the major street property line.

2. Determine the slope of the lot along the entire length of the major street property line.

3. The maximum height shall be measured as follows:

a. When the slope of the major street property line is less than or equal to seven and one-half percent (7-1/2%), the elevation of maximum height shall be determined by adding the maximum permitted height to the existing grade elevation at the midpoint of the major street property line. On a through lot, the elevation of maximum height shall apply only to the half of the lot nearest the major street property line. On the other half of a through lot, the elevation of maximum height shall be determined by the above method using the elevation of maximum height shall be determined by the above method using the street lot line opposite and parallel to the major street property line, as depicted in Exhibit 23.86.006 C.

b. For lots with more than one (1) street frontage, where there is no street property line which is essentially parallel to the major street property line, when a measurement has been made for the portion of the block containing the major street property line, the next measurement shall be taken from the longest remaining street lot line.

F. Determining the Height of Existing Public School Structures. When the height of the existing public school structure must be measured for purposes of determining the permitted height or lot coverage of a public school structure, either one of the following options may be used:

1. If all parts of the new roof are pitched at a rate of not less than ~~(three))~~four to twelve ((3))4:12, the ridge of the new roof may extend to the highest point of the existing roof. A shed roof does not qualify for this option.

2. If all parts of the new roof are not pitched at a rate of not less than ~~(three))~~four to twelve ((3))4:12, then the elevation of the new construction may extend to the average height of the existing structure. The average height shall be determined by measuring the area of each portion of the building at each height and averaging those areas, as depicted in Exhibit 23.86.006 D.

\*\*\*

Section 13. 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 14. Except as otherwise provided herein, 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 6th day of October, 2008, and signed by me in open session in authentication of its passage this 6th day of October, 2008.

RICHARD CONLIN,

President of the City Council.

Approved by me this 13th day of October, 2008.

GREGORY J. NICKELIS,

Mayor.

Filed by me this 14th day of October, 2008.

(Seal) JUDITH E. PIPPIN

City Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk.



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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230159  
CITY OF SEATTLE, CLERKS OFFICE

No.

**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.

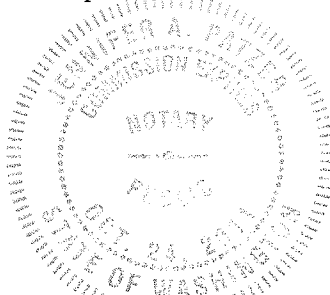
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122821 ORDINANCE

was published on

10/14/08

The amount of the fee charged for the foregoing publication is the sum of \$ 632.25, which amount has been paid in full.



Affidavit of Publication

*[Signature]*  
\_\_\_\_\_  
Subscribed and sworn to before me on  
10/14/08 *[Signature]*  
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

I. "General service properties or parcels" means properties or parcels with no existing single family or duplex dwelling unit, including vacant properties, condominium complexes, townhouses, apartment buildings, and institutional, commercial or industrial properties.

J. "Highly infiltrative pervious surface" means vegetated surface of specific types such as forests or non-forested land that is in the natural progression back to a forested state.

K. "Houseboats and piers" means property or parcels that rest on or over natural bodies of water.

L. "Impervious surface" or "impervious ground cover" means those hard areas which prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions pre-existent to development, or which cause water to run off the surface in greater quantities or at an increased rate of flow than that present under natural conditions pre-existent to development, including, but not limited to, such surfaces as rooftops, asphalt or concrete paving, driveways, parking lots, walkways, patio areas, storage areas, hardpan, compacted surfaces, or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

M. "Large residential property or parcel" means any single family residential property whose total area is 10,000 square feet or greater.

N. "Open space properties or parcels" means any General Service or Large Residential properties, parcels, or portions thereof classified for current use taxation under King County Code (K.C.C.) chapter 20.36 and chapter 84.34 RCW. This definition includes lands which have been classified as open space, agricultural or timber lands under criteria contained in K.C.C. chapter 20.36 and chapter 84.34 RCW.

O. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner(s), boundaries, and area as defined by the King County Assessor and recorded in the King County Assessor Real Property File or in the King County Assessor maps.

P. "Percent of impervious surface" means the quotient of the total amount of estimated impervious surface located on the parcel divided by the parcel's total billable area. For purposes of rate category determination, the resulting amount shall be rounded to the nearest whole percent.

Q. "Property owner of record" shall be the person or persons recorded by the King County Assessor to be the owner(s) of property and to whom property tax statements are directed.

R. "Rate category" means the classification of properties into groups based on their common characteristics (such as percentage of impervious surface), for purposes of establishing drainage service charges.

S. "Residence" means a building or structure or portion thereof, designed to be used as a place of abode for human beings and not used for any other purpose. The term "residence" includes the term "residential," "residential unit," and "dwelling unit" as referring to the type of or intended use of a building or structure.

T. "Single-family residential property or parcel" means any property or parcel which contains one (1) or two (2) residential dwelling units, excluding townhouses which are considered general service properties or parcels.

U. "Small residential property or parcel" means any single family residential property whose total area is less than 10,000 square feet.

V. "Stormwater facility credit" means a percentage credit, up to the allowable maximum, in accordance with Section 33.040 of this Chapter, which reduces the drainage service charge for a particular parcel because one or more approved stormwater management facilities are installed and maintained on the parcel that relieve some of the burden on the City's stormwater system.

W. "Stormwater performance goals" mean the standards for

- 1) water quality as shown by total suspended solids;
- 2) total volume;
- 3) two-year peak volume and duration; and
- 4) twenty-five-year peak volume as appropriate for the drainage discharge point as more particularly described in the Stormwater, Grading and Drainage Code (Seattle Municipal Code 22.802).

X. "Stormwater system" means the entire system of flood protection and stormwater drainage and surface water runoff facilities owned or leased by the City or over which the City has right of use for the movement and control of storm drainage and surface water runoff, including both naturally occurring and man-made facilities.

Y. "Submerged" means that portion of a parcel that extends beyond the shoreline, as delineated by the City's Geographic Information System (GIS).

Z. "Utility" means Seattle Public Utilities.

Section 2. Section 21.33.030 of the Seattle Municipal Code is amended as follows:

**SMC 21.33.030 Drainage service charges and drainage rates -- Schedule -- Exemptions.**

A. A drainage service charge is imposed on every parcel within the City, and the owner(s) thereof, except for the following exempted property(ies):

1. Houseboats and piers;
2. That portion of a parcel that is submerged. If the parcel is entirely submerged, the entire parcel is exempt. If a portion of the parcel is submerged, only the submerged part will be exempt and the remainder of the parcel shall be billed as all other properties;
3. City streets;
4. State of Washington highways, so long as the State of Washington shall agree to maintain, construct and improve all drainage facilities associated with State highways as required by the Utility in conformance with all Utility standards for maintenance, construction and improvement hereafter established by the Utility and so far as such maintenance, construction and improvements shall be achieved at no cost to the Utility or to the City; and
5. All other streets, so long as such streets provide drainage services in the same manner as City streets and the owner(s) shall agree to maintain, construct and improve all drainage facilities associated with such streets as required by the Utility in conformance with all Utility standards for maintenance, construction and improvement hereafter established by the Utility and so far as such maintenance, construction and improvements shall be achieved at no cost to the Utility or to the City.

B. The drainage service charge shall be based upon a parcel's estimated contribution to City-wide surface and storm water runoff. A parcel's run-off is estimated based on its size and surface characteristics, including the amount and type of impervious and pervious surface it contains.

C. Drainage service charges shall be determined as follows:

1. Small single-family residential properties shall be assigned to one of four (4) flat rate categories based on a billable area. Within each category, properties will be charged a uniform annual drainage rate per parcel which is calculated based on an estimated average contribution of surface and storm water runoff for the category. The applicable drainage rate shall equal the drainage service charge.
2. General service and large residential properties shall be assigned to a rate category based on the estimated percent of impervious surface contained within the parcel. Subsequently, properties assigned to the "undeveloped," "light," and "moderate" rate categories that also contain sufficient quantities of highly infiltrative pervious surface cover to meet Utility-defined performance requirements shall be assigned to a "low impact" rate category. A separate drainage rate shall apply to each general service and large residential rate category. The drainage service charge shall be calculated by multiplying the drainage rate, as determined by the parcel's rate category assignment, by the parcel's billable area (rounded to the nearest whole number of a square foot and divided by one thousand). For condominiums, the drainage service charge shall be determined for the entire parcel and then divided evenly among the owners. Present use code, site visits, planimetric maps based on aerial photography, and other information shall be used to estimate the percentage of impervious area.

D. Drainage rates used in the calculation of drainage service charges shall be the sum of the treatment rate and the system rate, as follows:

## City of Seattle

### ORDINANCE 122821

AN ORDINANCE relating to drainage services of Seattle Public Utilities (SPU); updating definitions; providing a rate discount for open space properties; and amending Chapters 21.33 and 21.76 of the Seattle Municipal Code.

WHEREAS, drainage rates were last increased on January 1, 2008, as authorized by Ordinance 122517;

WHEREAS, open space properties provide a benefit to the City's surface and storm water management system by retaining property in an undeveloped state; and

WHEREAS, the City wishes to encourage the retention of property as open space by providing a drainage rate discount for those properties; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 21.33.010 of the Seattle Municipal Code is amended as follows:

#### SMC 21.33.010 Definitions.

For purposes of this chapter, the words or phrases below shall have the following meanings:

A. "Approved stormwater management facility" means a drainage control facility or improvement installed and properly maintained on any parcel in the City subject to a drainage service charge that reduces or controls flow or improves water quality, or both, of stormwater flowing from all or part of the impervious surfaces on the parcel to the City's stormwater system, and which meets the technical design requirements for the drainage discharge point applicable to the parcel as more particularly described in the Stormwater, Grading and Drainage Code (Seattle Municipal Code 22.802) and SPU Director's Rules 03-00 and 04-00, as may be amended from time to time.

B. "Billable area" means the total parcel area less any portion of the parcel which is exempt from drainage service charges pursuant to Subsection 21.33.030 A of the Seattle Municipal Code.

C. "Billing year" means the calendar year that bills are sent. The first billing year shall be from January 1, 1989 through December 31, 1989.

D. "City" means The City of Seattle.

E. "Condominiums" or "townhouses" means properties which contain more than two (2) residential dwelling units which are individually owned and are billed separately for property taxes.

F. "Drainage discharge point" means the end or receiving point of the City's stormwater system that a parcel's stormwater flows to, which may include a combined or sanitary sewer treatment facility, a largebody of surface water, or a major creek basin, which dictates the type of stormwater performance goals and management facilities that may be required or accepted to manage the flow or quality, or both, of stormwater from that parcel.

G. "Drainage service charge" means the fee for surface and stormwater management services imposed by the City upon all parcels of real property, except exempted properties, located within the boundaries of the City. The drainage service charge shall be calculated in accordance with Section 33.030 of this Chapter.

H. "Drainage rate" means the dollar charge assigned to each rate category which shall be used in the calculation of the drainage service charge.

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1. Treatment rate: The "treatment rate" shall be the rate required to pay the drainage share of "treatment cost" which is the cost of wastewater treatment, interception and disposal service, and any associated costs necessary to meet Drainage and Wastewater Fund policies. The treatment rate shall be the amount obtained when (a) the projected drainage treatment cost for each rate category is divided by (b) the projected number of billing units in each rate category and the result is multiplied by one hundred sixteen and three-tenths percent (116.3%) to cover the costs of taxes and low income rate assistance. The projected treatment cost shall be the treatment cost anticipated for the upcoming calendar year, which may include an adjustment to reflect the difference, whether positive or negative, between the drainage share of expected total treatment cost for the current year and the total drainage service charge revenues attributable to the treatment rate expected for the current year. The treatment rate is designed to pass through cost changes driven by King County and may be adjusted by ordinance at any time in response to such charges.

2. System rate: The "system rate" shall be the rate required to fund the expense associated with operating, maintaining, and constructing the City's surface and stormwater management system, including any share of combined sanitary and stormwater system expense assigned to drainage.

3. The rate categories and the corresponding annual drainage rates are as follows:

**(Effective Jan. 1, 2007)**

Single-family Residential -- \$142.00 per parcel

General Service Properties:

Open Space (0 -- 2% impervious) -- 187.31 per acre

(0 -- 15% impervious) -- 325.49 per acre

(16 -- 35% impervious) -- 539.49 per acre

(36 -- 65% impervious) -- 978.87 per acre

(66 -- 85% impervious) -- 1,275.27 per acre

(86 -- 100% impervious) -- 1584.92 per acre

**Effective January 1, 2008:**

Rate Category -- Treatment Rate --  
System Rate -- Total Drainage Rate --  
Billing Unit

**Small Residential**

Under 3000 sq. ft. -- \$2.00 -- \$89.38 --  
\$92.38 -- per parcel

3000 -- 4999 sq. ft. -- \$2.90 --  
\$129.75 -- \$132.65 -- per parcel

5000 -- 6999 sq. ft. -- \$3.92 -- \$175.35 --  
\$179.27 -- per parcel

7000 -- 9999 sq. ft. -- \$4.96 -- \$208.04 --  
\$213.00 -- per parcel

**General Service/Large Residential**

Undeveloped (0 -- 15% impervious)

Low Impact -- \$0.20 -- \$8.89 -- \$9.09 --  
per 1000 sq. ft.

Regular -- \$0.32 -- \$10.89 -- \$11.21 -- per  
1000 sq. ft.

Light (16 -- 35% impervious)

Low Impact -- \$0.37 -- \$16.62 -- \$16.99 --  
per 1000 sq. ft.

Regular -- \$0.49 -- \$18.09 -- \$18.58 -- per  
1000 sq. ft.

Moderate (36 -- 65% impervious)

Low Impact -- \$0.58 -- \$26.05 -- \$26.63 --  
per 1000 sq. ft.

Regular -- \$0.71 -- \$32.12 -- \$32.83 -- per  
1000 sq. ft.

Heavy (66 -- 85% impervious) -- \$0.92 --  
\$41.60 -- \$42.52 -- per 1000 sq. ft.

Very Heavy (86 -- 100% impervious) --  
\$1.09 -- \$49.44 -- \$50.53 -- per 1000 sq. ft.

**Effective January 1, 2009:**

Rate Category -- Treatment Rate --  
System Rate -- Total Drainage Rate -- Billing  
Unit

**Small Residential**

Under 3000 sq. ft. -- \$3.98 -- \$98.42 --  
\$102.40 -- per parcel

3000 -- 4999 sq. ft. -- \$5.78 -- \$143.06 --  
\$148.84 -- per parcel

5000 -- 6999 sq. ft. -- \$7.81 -- \$193.39 --  
\$201.20 -- per parcel

7000 -- 9999 sq. ft. -- \$9.91 -- \$245.25 --  
\$255.16 -- per parcel

**General Service/Large Residential**

Undeveloped (0 -- 15% impervious)

Low Impact -- \$0.39 -- \$9.75 -- \$10.14 --  
per 1000 sq. ft.

Regular -- \$0.65 -- \$16.12 -- \$16.77 -- per  
1000 sq. ft.

Light (16 -- 35% impervious)

Low Impact -- \$0.73 -- \$18.16 -- \$18.89 --  
per 1000 sq. ft.

Regular -- \$0.97 -- \$24.11 -- \$25.08 -- per  
1000 sq. ft.

Moderate (36 -- 65% impervious)

Low Impact -- \$1.14 -- \$28.41 -- \$29.55 --  
per 1000 sq. ft.

Regular -- \$1.41 -- \$35.02 -- \$36.43 -- per  
1000 sq. ft.

Heavy (66 -- 85% impervious) -- \$1.82 --  
\$45.28 -- \$47.10 -- per 1000 sq. ft.

Very Heavy (86 -- 100% impervious) --  
\$2.16 -- \$53.78 -- \$55.94 -- per 1000 sq. ft.

4. SPU shall provide a 10% reduction in drainage rates for properties containing new or remodeled commercial buildings that, after July 27, 2003, install and utilize rainwater harvesting systems that meet the performance requirement that the systems are sized to use or infiltrate the amount of rain that falls on the roofs of such buildings during a one year, 24-hour storm event. A system that involves indoor uses of rainwater must be permitted by Seattle-King County Department of Health to qualify for the rate reduction. A system that relies solely on the capture and indoor use of rainwater shall qualify for the drainage rate reduction only if the system is sized to meet the performance requirement stated above. Qualifying for the drainage rate reduction does not relieve the property owner from the obligation to comply with applicable stormwater and drainage code requirements for the buildings and site.

5. Effective on the effective date of this ordinance, open space properties or parcels shall be charged only for the area of impervious surface and at the rate under which the parcel is classified using the total parcel acreage.

E. Each bill shall be rounded to the nearest cent. The minimum annual drainage service charge shall be Five Dollars (\$5) per parcel.

Section 3. 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 29th day of September, 2008, and signed by me in open session in authentication of its passage this 29th day of September, 2008.

Richard Conlin

President of the City Council

Approved by me this 8th day of October, 2008.

Gregory J. Nickels, Mayor

Filed by me this 8th day of October, 2008.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN,  
City Clerk

Date of publication in the Seattle Daily  
Journal of Commerce, October 14, 2008.

10/14(230159)