

Ordinance No. 123209

Council Bill No. 116749 Vol 1 of 2 Council Bill/Ordinance sponsored by: _____

AN ORDINANCE related to land use and zoning,
amending Seattle Municipal Code (SMC) Title 23
Sections 23.02.020, 23.34.024, 23.34.028, 23.42.042,
23.42.124, 23.42.130, 23.44.006, 23.44.017, 23.44.022,
23.44.036, 23.44.041, 23.45.002, 23.45.004, 23.45.005,
23.45.006, 23.45.009, 23.45.014, 23.45.050, 23.45.052,
23.45.056, 23.45.059, 23.45.060, 23.45.068, 23.45.082,
23.45.090, 23.45.106, 23.45.108, 23.45.110, 23.45.116,
23.45.144, 23.45.148, 23.45.152, 23.47A.004,
23.47A.006, 23.54.015, 23.54.020, 23.54.030,
23.57.011, 23.58A.004, 23.58A.013, 23.58A.014, etc.
(Multi-family Code Amendments)

Related Legislation File: _____

Date Introduced and Referred: <u>11-3-09</u>	To: (committee): <u>Planning, Land Use & Neighborhoods</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>12-14-09</u>	Date Presented to Mayor: <u>12-15-09</u>
Date Signed by Mayor: <u>12-21-09</u>	Date Returned to City Clerk: <u>12-22-09</u>
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text ☒	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Committee Action:

Date	Recommendation	Vote
<u>12-09-09</u>	<u>Adopt AS Amended</u>	<u>SC, TB, TR, JG</u>
	<u>(S)</u>	

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

Full Council Action:

Date	Decision	Vote
<u>12-14-09</u>	<u>Passed 9-0</u>	

Ordinance No. 123209

Council Bill No. 116749 vol 2 of 2

AN ORDINANCE related to land use and zoning, amending Seattle Municipal Code (SMC) Title 23 Sections 23.02.020, 23.34.024, 23.34.028, 23.42.042, 23.42.124, 23.42.130, 23.44.006, 23.44.017, 23.44.022, 23.44.036, 23.44.041, 23.45.002, 23.45.004, 23.45.005, 23.45.006, 23.45.009, 23.45.014, 23.45.050, 23.45.052, 23.45.056, 23.45.059, 23.45.060, 23.45.068, 23.45.082, etc.

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Spang, Lianne

Committee Action:

Date	Recommendation	Vote
12.09.09	APPROVE AS ARMED	4-0 SC, TB, TR, LG

Related Legislation File:

Date Introduced and Referred: 11.30.09	To: (committee):
Date Re-referred:	To: (committee): Planning, Land Use & Ne.
Date Re-referred:	To: (committee):
Date of Final Action:	Date Presented to Mayor:
12.14.09 Date Signed by Mayor:	12.15.09 Date Returned to City Clerk:
12.21.09	12.22.09
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text _____	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

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

Full Council Action:

[illegible]

ORDINANCE 123 209

AN ORDINANCE related to land use and zoning, amending Seattle Municipal Code (SMC)

Title 23 Sections 23.02.020, 23.34.024, 23.34.028, 23.42.042, 23.42.124, 23.42.130, 23.44.006, 23.44.017, 23.44.022, 23.44.036, 23.44.041, 23.45.002, 23.45.004, 23.45.005, 23.45.006, 23.45.009, 23.45.014, 23.45.050, 23.45.052, 23.45.056, 23.45.059, 23.45.060, 23.45.068, 23.45.082, 23.45.090, 23.45.106, 23.45.108, 23.45.110, 23.45.116, 23.45.144, 23.45.148, 23.45.152, 23.47A.004, 23.47A.006, 23.54.015, 23.54.020, 23.54.030, 23.57.011, 23.58A.004, 23.58A.013, 23.58A.014, 23.69.022, 23.84A.006, 23.84A.025, 23.84A.032, 23.86.019, 23.90.018, 23.90.020, 23.91.002, and 25.05.675 in Title 25; consolidating the regulations for public facilities and public schools in new chapters of the Code, 23.51A and 23.51B; adding new sections 23.45.502, 23.45.504, 23.45.506, 23.45.508, 23.45.510, 23.45.516, 23.45.522, 23.45.524, 23.45.526, 23.58A.016 and 23.58A.018; and repealing Sections 23.45.007, 23.45.047, 23.45.048, 23.45.054, 23.45.057, 23.45.058, 23.45.064, 23.45.066, 23.45.068, 23.45.070, 23.45.072, 23.45.073, 23.45.074, 23.45.075, 23.45.076, 23.45.080, 23.45.088, 23.45.092, 23.45.094, 23.45.096, 23.45.098, 23.45.100, 23.45.102, 23.45.112, 23.45.122, 23.45.124, 23.45.126, 23.45.128, 23.45.140, 23.45.142, 23.45.146, 23.45.150, 23.45.154, 23.45.160, 23.45.162, 23.45.164, and 23.45.166, and all the exhibits in these sections; in order to support multifamily housing, implement Comprehensive Plan and Neighborhood Plan policies, to adopt an affordable housing incentive program, to add provisions for open space and landmarks incentives, and to promote the general health, safety and welfare.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.02.020 of the Seattle Municipal Code, which section was last amended by Ordinance 117570, is amended as follows:

23.02.020 General purpose and general provisions

A. The purpose of this Land Use Code is to protect and promote public health, safety and general welfare through a set of regulations and procedures for the use of land which are consistent with and implement the City's Comprehensive Plan. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. The Land Use Code classifies land within the City into various land use zones and overlay districts ~~((which))~~ in order to regulate ~~((the))~~ uses and ~~((bulk of buildings and))~~

structures. The provisions are designed to provide adequate light, air, access, and open space; conserve the natural environment and historic resources; maintain a compatible scale within an area; minimize traffic congestion and enhance the streetscape and pedestrian environment. They seek to achieve an efficient use of the land without major disruption of the natural environment and to direct development to ~~((sites))~~ lots with adequate services and amenities.

B. Other regulations apply, such as but not limited to building and construction codes (SMC Title 22) and provisions for environmental review, critical areas, noise control, tree protection, and historic preservation (SMC Title 25).

C. All structures or uses shall be built or established on a lot or lots.

D. A grant of a waiver, modification, departure, exception or variance from one specific development standard does not relieve the applicant from compliance with any other standard.

Section 2. Subsection B of Section 23.34.024 of the Seattle Municipal Code, which section was last amended by Ordinance 118794, is amended as follows:

23.34.024 Midrise (MR) zone, function and locational criteria.

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection ~~((B2 of this section))~~

23.34.024.B.2, properties that may be considered for a Midrise designation are limited to the following:

- a. Properties already zoned Midrise;
- b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or

1 c. Properties within an urban center(~~(, the village core of a hub urban~~
2 ~~village, or a residential))~~ or urban village, where a neighborhood plan adopted or amended by the
3 City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone
4 designation.

5 2. Environmentally Critical Areas. Except as stated in this subsection
6 23.34.024.B.2, p((P))roperties designated as environmentally critical may not be rezoned to a
7 Midrise designation, and may remain Midrise only in areas predominantly developed to the
8 intensity of the Midrise zone. The preceding sentence does not apply if the environmentally
9 critical area either 1) was created by human activity, or 2) is a designated peat settlement,
10 liquefaction, seismic or volcanic hazard, or flood prone area, or abandoned landfill.

11 3. Other Criteria. The Midrise zone designation is most appropriate in areas
12 generally characterized by the following:
13

14 ((a. Either:

15 (1) ~~Areas that are developed predominantly to the intensity~~
16 ~~permitted by the Midrise zone, or~~

17 (2) ~~Areas that are within an urban center, the village core of a hub~~
18 ~~urban village, or a residential urban village, where a neighborhood plan adopted or amended by~~
19 ~~the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone~~
20 ~~designation;))~~

21 a.((b)). Properties that are adjacent to business and commercial areas with
22 comparable height and bulk;
23
24
25
26
27
28



1 ((e))b. Properties in areas that are served by major arterials and where
2 transit service is good to excellent and street capacity could absorb the traffic generated by
3 midrise development;

4 ((d))c. Properties in areas that are in close proximity to major employment
5 centers;

6 ((e))d. Properties in areas that are in close proximity to open space and
7 recreational facilities;

8 ((f))e. Properties in areas along arterials where topographic changes either
9 provide an edge or permit a transition in scale with surroundings;

10 ((g))f. Properties in flat areas where the prevailing structure height is
11 greater than ((~~thirty-seven (37)~~)) 37 feet or where due to a mix of heights, there is no established
12 height pattern;

13 ((h))g. Properties in areas with moderate slopes and views oblique or
14 parallel to the slope where the height and bulk of existing structures have already limited or
15 blocked views from within the multifamily area and upland areas;

16 ((i))h. Properties in areas with steep slopes and views perpendicular to the
17 slope where upland developments are of sufficient distance or height to retain their views over
18 the area designated for the ((~~sixty (60) foot height limit~~)) Midrise zone;

19 ((j))i. Properties in areas where topographic conditions allow the bulk of
20 the structure to be obscured. Generally, these are steep slopes, ((~~sixteen (16)~~)) 16 percent or
21 more, with views perpendicular to the slope.



Section 3. Subsection B of Section 23.34.028 of the Seattle Municipal Code, which section was last amended by Ordinance 118794, is amended as follows:

23.34.028 Highrise (HR) zone, function and locational criteria.

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection ((B2 of this section))

23.34.028B.2, properties that may be considered for a Highrise designation are limited to the following:

a. Properties already zoned Highrise;

b. Properties in areas already developed predominantly to the intensity permitted by the Highrise zone; or

c. Properties within an urban center(~~((, the village core of a hub urban village, or a residential))~~) or urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Highrise zone designation.

2. Environmentally Critical Areas. Except as stated in this subsection

23.34.028.B.2, ((P))properties designated as environmentally critical may not be rezoned to a Highrise designation, and may remain Highrise only in areas predominantly developed to the intensity of the Highrise zone. The preceding sentence does not apply if the environmentally critical area either 1) was created by human activity, or 2) is a designated peat settlement, liquefaction, seismic or volcanic hazard, or flood prone area, or abandoned landfill.



3. Other Criteria. The Highrise zone designation is most appropriate in areas generally characterized by the following:

~~((a. Either:~~

~~(1) Areas that are developed predominantly to the intensity permitted by the Highrise zone, or~~

~~(2) Areas that are within an urban center or the village core of a hub urban village, or a residential urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Highrise zone designation;))~~

~~((b))a. Properties in areas that are served by arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by highrise development;~~

~~((c))b. Properties in areas that are adjacent to a concentration of residential services or a major employment center;~~

~~((d))c. Properties in areas that have excellent pedestrian or transit access to downtown;~~

~~((e))d. Properties in areas that have close proximity to open space, parks and recreational facilities;~~

~~((f))e. Properties in areas where no uniform scale of structures establishes the character and where highrise development would create a point and help define the character;~~

~~((g))f. Properties in flat areas on the tops of hills or in lowland areas away from hills, where views would not be blocked by highrise structures;~~



1 ((h))g. Properties in sloping areas with views oblique or parallel to the
2 slope where the height and bulk of existing buildings have already limited or blocked views from
3 within the multifamily area and upland areas where the hillform has already been obscured by
4 development.

5 Section 4. Section 23.42.042 of the Seattle Municipal Code, which section was last
6 amended by Ordinance 122311, is amended as follows:

7 **23.42.042 Conditional uses((:))**

8
9 A. Administrative conditional uses and uses requiring Council approval as provided in
10 the respective zones of Subtitle III, Part 2, of this Land Use Code, and applicable provisions of
11 SMC Chapter 25.09, Regulations for Environmentally Critical Areas, may be authorized
12 according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and
13 Council Land Use Decisions.

14
15 B. In authorizing a conditional use, the Director or City Council may impose conditions
16 to mitigate adverse impacts on the public interest and other properties in the zone or vicinity.

17 C. The Director may deny or recommend denial of a conditional use if the Director
18 determines that adverse impacts cannot be mitigated satisfactorily, or that the proposed use is
19 materially detrimental to the public welfare or injurious to property in the zone or vicinity in
20 which the property is located.

21
22 ((B))D. A use that was legally established but that is now permitted only as a conditional
23 use is not a nonconforming use and ((shall)) will be regulated as if a conditional use approval
24 had earlier been granted.
25
26
27
28



1 E. Any authorized conditional use that has been discontinued may not be re-established
2 or recommenced except pursuant to a new conditional use permit. The following will constitute
3 conclusive evidence that the conditional use has been discontinued:

4 1. A permit to change the use of the lot has been issued and the new use has been
5 established; or

6 2. The lot has not been used for the purpose authorized by the conditional use for
7 more than 24 consecutive months. Lots that are vacant, or that are used only for storage of
8 materials or equipment, will not be considered as being used for the purpose authorized by the
9 conditional use. The expiration or revocation of business or other licenses necessary for the
10 conditional use will suffice as evidence that the lot is not being used as authorized by the
11 conditional use. A conditional use in a multifamily structure or a multi-tenant commercial
12 structure will not be considered discontinued unless all portions of the structure are either vacant
13 or committed to another use.

14 Section 5. Section 23.42.124 of the Seattle Municipal Code, which section was last
15 amended by Ordinance 122311, is amended as follows:

16 **23.42.124 Light and glare standards nonconformity((:))**

17 When nonconforming exterior lighting is replaced, new lighting shall conform to the
18 requirements of the light and glare standards of the respective zone. See subsection H of Section
19 23.44.008 for single-family zones; Sections ~~((23.45.017 for lowrise zones; Section 23.45.059 for~~
20 ~~midrise zones; Section 23.45.075 for highrise zones;))~~ 23.45.017 and 23.45.534 for multifamily
21 zones; Section 23.46.020 for residential-commercial zones; Section 23.47A.022 for C zones or
22 zones;



NC zones; Section 23.48.030 for Seattle Mixed zones; Section 23.49.025 for downtown zones;
and Section 23.50.046 for industrial buffer and industrial commercial zones.

Section 6. Subsection B of Section 23.42.130 of the Seattle Municipal Code, which
section was last amended by Ordinance 122311, is amended as follows:

23.42.130 Nonconforming solar collectors.

The installation of solar collectors that do not conform to development standards or that
increase an existing nonconformity may be permitted as follows:

* * *

B. In multifamily zones, pursuant to (~~subsection D of Section 23.45.146~~) Section
23.45.582;

* * *

Section 7. Subsection E of Section 23.44.006 of the Seattle Municipal Code, which
section was last amended by Ordinance 123046, is amended as follows:

23.44.006 Principal uses permitted outright

The following principal uses are permitted outright in single-family zones:

* * *

E. Public Schools Meeting Development Standards. In all single-family zones, new
public schools or additions to existing public schools, and accessory uses including child care
centers, subject to the special development standards and departures from standards contained in
(~~Section 23.44.017~~) Chapter 23.51B, except that departures from development standards may
be permitted or required pursuant to procedures and criteria established in Chapter 23.79,
Development Standard Departure for Public Schools;



* * *

Section 8. Section 23.44.017 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended and recodified in a new Chapter 23.51B as follows:

((23.44.017 Development standards for public schools.)) Chapter 23.51B Public schools in residential zones

23.51B.002 Public schools in residential zones

Public schools in all single family and multifamily zones are ~~((shall be))~~ subject to the following development standards unless otherwise indicated:

A. ~~((Maximum Lot Coverage.))~~ New public schools or additions to existing public schools and accessory uses including child care centers that meet the applicable development standards of this Chapter 23.51B are permitted outright.

B. Departures from development standards may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Establishment of Development Standard Departure for Public Schools.

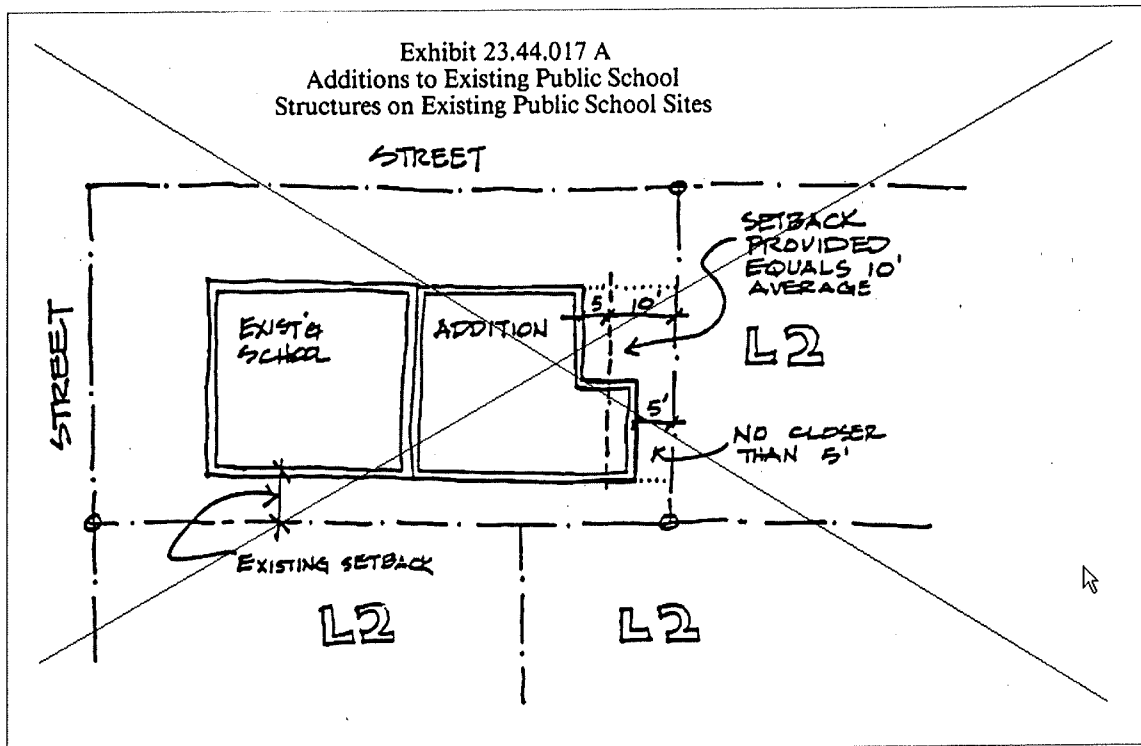
C. Lot Coverage in Single Family Zones

1. For new public school construction on new public school sites the maximum lot coverage permitted for all structures is ~~((shall not exceed forty-five (45)))~~ 45 percent of the lot area for one ~~((1))~~ story structures or ~~((thirty-five (35)))~~ 35 percent of the lot area if any structure or portion of a structure has more than one ~~((1))~~ story.

2. For new public school construction and additions to existing public school structures on existing public school sites, the maximum lot coverage permitted ~~((shall not exceed))~~ is the greater of the following:



- a. The lot coverage permitted in subsection ((A4)) 23.51B.002.C.1; or
- b. The lot coverage of the former school structures on the site, provided that the height of the new structure or portion of structure is no greater than that of the former structures ((as regulated in)) when measured according to Section 23.86.006.F, and at least ((fifty (50))) 50 percent of the footprint of the new principal structure is constructed on a portion of the lot formerly occupied by the footprint of the former principal structure ((See Exhibit 23.44.017A)).



3. ((Development standard d)) Departures from lot coverage limits may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. Up to ((fifty-five (55))) 55 percent lot coverage may be allowed for single-story structures, and up to ((forty-five (45))) 45 percent lot coverage for structures of more than one ((4)) story. Lot coverage

restrictions may be waived by the Director as a Type I decision when waiver would contribute to reduced demolition of residential structures.

4. The exceptions to lot coverage set forth in subsection 23.44.010.D ~~((of Section 23.44.010 shall))~~ apply.

~~((B.))~~ D. Height

1. Single Family and Lowrise Zones

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

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

~~((3.))~~ c. For additions to existing public schools on existing public school sites, the maximum height permitted ~~((shall be))~~ is the height of the existing school or ~~((thirty-~~



1 ~~five (35))~~ 35 feet plus (~~(fifteen (15))~~) 15 feet for a pitched roof, whichever is greater. When the
2 height limit is (~~(thirty-five (35))~~) 35 feet, the ridge of the pitched roof on a principal structure
3 may extend up to (~~(fifteen (15))~~) 15 feet above the height limit, and all parts of the roof above the
4 height limit must be pitched at a rate of not less than (~~(three to twelve (3:12))~~) 4:12. No portion
5 of a shed roof (~~(shall be)~~) is permitted to extend beyond the (~~(thirty-five (35))~~) 35 foot limit
6 under this provision.

7
8 2. Midrise and Highrise Zones. The maximum permitted height for any public
9 school located in a MR or HR zone is the base height permitted in that zone for multifamily
10 structures.

11 (~~(4.)~~) 3. ((Development standard)) In Lowrise zones, departures from height limits
12 may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For
13 construction of new structures on new and existing public school sites to the extent not otherwise
14 permitted outright, the maximum height that may be granted as a development standard
15 departure ((shall be)) is ((thirty-five (35)) 35 feet plus ((fifteen (15)) 15 feet for a ((pitched))
16 roof pitched at a rate of not less than 4:12 for elementary schools and ((sixty (60)) 60 feet plus
17 ((fifteen (15)) 15 feet for a ((pitched)) roof pitched at a rate of not less than 4:12 for secondary
18 schools. ((The standards for roof pitch at paragraph 3 shall apply.)) No departures may be
19 granted for a portion of a shed roof to extend beyond 35 feet in height under this provision.

20
21
22 4. ((All h)) Height maximums in all residential zones may be waived by the
23 Director as a Type I decision when the waiver would contribute to reduced demolition of
24 residential structures.



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

6. Light Standards

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

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

((c))1) When seeking a special exception for taller light standards, the applicant must submit an engineer's report demonstrating that the additional height contributes to a reduction in impacts from light and glare. When the proposal will result in extending the lighted area's duration of use, the applicant must address and mitigate potential impacts, including but not limited to, increased duration of noise, traffic, and parking demand.



The applicant also (~~((must demonstrate it has conducted))~~) shall conduct a public workshop for residents within (~~((one-eighth (1/8)))~~) 1/8 of a mile of the affected school in order to solicit comments and suggestions on design as well as potential impacts.

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

((c)) E. Setbacks

1. General Requirements

a. No setbacks are required for new public school construction or for additions to existing public school structures for that portion of the site across a street or an alley or abutting a lot in a nonresidential zone. If any portion of the site is across a street or an alley from or abuts a lot in a residential zone, setbacks are required for areas facing or abutting residential zones, as provided in subsections (~~((23.44.017.C.2 through 23.44.017.C.5 below))~~) E.2 through E.5 of this Section 23.51B.002. Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones (~~((shall be))~~) are based upon the residential zone classification of the RC lot.

b. The minimum setback requirement may be averaged along the structure façade with absolute minimums for areas abutting lots in residential zones as provided in subsections (~~((23.44.017.C.2.b, C.3.b and C.4.b))~~) E.2.b, E.3.b and E.4.b of this Section 23.51B.002.



c. Trash disposals, operable windows in a gymnasium, main entrances, play equipment, kitchen ventilators or other similar items shall be located at least 30 feet from any single-family zoned lot and 20 feet from any multi-family zoned lot.

d. The exceptions of subsections 23.44.014.D₁5, D₁6, D₁7, D₁8, D₁9, D₁10, D₁11 and D₁12 apply.

2. New Public School Construction on New Public School Sites.

a. New public school construction on new public school sites across a street or alley from lots in residential zones shall provide minimum setbacks according to the height of the school and the designation of the facing residential zone, as ~~((follows))~~ shown in Table A for 23.51B.002:

Table A for 23.51B.002: Minimum Setbacks for a New Public School Site Located ~~((When))~~ Across a Street or Alley from a residential zone

I Height ⁽⁽⁴⁾⁾	Minimum Setbacks ((Zone from which)) Across a Street or Alley from the Following Zones:			
	SF/LDT/L1	L2/L3/L4	MR	HR
	Average			
((Up to)) 20' or less	15'	10'	5'	0'
((21')) Greater than 20' up to 35'	15'	10'	5'	0
((36')) Greater than 35' up to 50'	20'	15'	5'	0'
((51')) Greater than 50' ((or more))	35'	20'	10'	0'
((1. Height of façade or portion of façade and height of pitched roof to ridge from existing grade.))				



b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the I height of the school and the designation of the abutting residential zone, as ~~((follows))~~ shown in Table B for 23.51B.002:

Table B for 23.51B.002: Minimum Setbacks for a New Public School Site ~~((by))~~ Abutting a residential Zone

I Height ⁽⁴⁾	Minimum Setbacks Abutting the Following Zones:			
	SF/ LDT/L1	L2/L3/L4	MR	HR
	Average (minimum)			
((Up to)) 20' or less	((21')) 20' (10')	15'(10')	10'(5')	0'
((21')) Greater than 20' up to 35'	((20')) 25' (10')	15'(10')	10'(5')	0
((36')) Greater than 35' up to 50'	25'(10')	20'(10')	10'(5')	0'
((51')) Greater than 50' ((or more))	30'(15')	25'(10')	15'(5')	0'
((1. Height of façade or portion of façade and height of pitched roof to ridge from existing grade.))				

3. New Public School Construction on Existing Public School Sites.

a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the I height of the school and the designation of the facing residential zone as ~~((follows))~~ as shown in Table C for 23.51B.002, whichever is less:



Table C for 23.51B.002: Minimum Setbacks for New Construction on an Existing Public School Site Located ((When)) Across a Street or Alley from a residential zone

	Minimum Setbacks ((Zone from which)) <u>When Across a Street or Alley from the Following Zones:</u>			
Façade Height⁽⁽⁴⁾⁾	SF/ LDT/L1	L2/L3/L4	MR	HR
	Average			
((Up to)) 20' or less	10'	5'	5'	0'
((21')) Greater than 20' up to 35'	10'	5'	5'	0'
((36')) Greater than 35' up to 50'	15'	10'	5'	0'
((51')) Greater than 50' ((or more))	20'	15'	10'	0'
((1. Height of façade or portion of façade and height of pitched roof to ridge from existing grade.))				

b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the height of the school and the designation of the abutting residential zone, as ~~((follows))~~ shown in Table D for 23.51B.002, whichever is less:



Table D for 23.51B.002: Minimum Setbacks for New Construction on an Existing Public School Site Abutting a residential Zone

Façade Height ⁽⁽⁴⁾⁾	Minimum Setbacks Abutting the Following Zones:			
	SF/ LDT/L1	L2/L3/L4	MR	HR
Average (minimum)				
((Up to)) 20' or less	15'(10')	10'(5')	10'(5')	0'(0')
((21')) Greater than 20' up to 35'	20'(10')	15'(10')	10'(5')	0'(0')
((36')) Greater than 35' up to 50'	25'(10')	20'(10')	10'(5')	0'(0')
((51')) Greater than 50' ((or more))	30'(15')	25'(10')	15'(5')	0'(0')
((1. Height of façade or portion of façade and height of pitched roof to ridge from existing grade.))				

4. Additions to Existing Public School Structures on Existing Public School Sites.

a. Additions to existing public school structures on existing public school

sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the I height of the school and the designation of the facing residential zone as ((follows)) shown in Table E for 23.51B.002, whichever is less:



Table E for 23.51B.002: Minimum Setbacks for Additions on an Existing Public School Site Located((When)) Across a Street or Alley

Façade Height ⁽⁽⁴⁾⁾	Minimum Setbacks ((Zone from which)) <u>When Located</u> Across a Street or Alley from:			
	SF/ LDT/L1	L2/L3/L4	MR	HR
	Average			
((Up to)) 20' or less	5'	5'	5'	0'
((21')) Greater than 20' up to 35'	10'	5'	5'	0'
((36')) Greater than 35' up to 50'	15'	10'	5'	0'
((51')) Greater than 50' ((or more))	20'	15'	10'	0'
((1. Height of façade or portion of façade and height of pitched roof to ridge from existing grade.))				

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the height of the school and the designation of the abutting residential zone as ((follows)) shown in Table F for 23.51B.002, whichever is less:



Table F for 23.51B.002: Minimum Setbacks for Additions on an Existing Public School Site ~~((by))~~ Abutting a residential Zone

Façade Height ⁽⁽⁴⁾⁾	Minimum Setbacks by Abutting Zone:			
	SF/ <u>LDT/L1</u>	L2/L3/L4	MR	HR
Average (minimum)				
((Up to)) 20' or less	10'(5')	10'(5')	10'(5')	0'(0')
((21')) Greater than 20' up to 35'	15'(5')	10'(5')	10'(5')	0'(0')
((36')) Greater than 35' up to 50'	20'(10')	20'(10')	10'(5')	0'(0')
((51')) Greater than 50' ((or more))	25'(10')	25'(10')	15'(5')	0'(0')
((1. Height of façade or portion of façade and height of pitched roof to ridge from existing grade.))				

5. ~~((Development standard d))~~ Departures from setback requirements may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

a. The minimum average setback may be reduced to ~~((ten (10)))~~ 10 feet and the minimum setback to ~~((five (5)))~~ 5 feet for structures or portions of structures across a street or alley from lots in residential zones.

b. The minimum average setback may be reduced to ~~((fifteen (15)))~~ 15 feet and the minimum setback to ~~((five (5)))~~ 5 feet for structures or portions of structures abutting lots in residential zones.

c. The limits in subsections ~~((C))~~ E.5.a and ~~((C))~~ E.5.b of this Section 23.51B.002 may be waived by the Director as a Type I decision when a waiver would contribute to reduced demolition of residential structures.

~~((D-))~~ F. Structure Width.



1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure ~~((shall be))~~ ~~is ((sixty-six (66)))~~ 66 feet unless either the modulation option in subsection ~~((D4a))~~ F.1.a below or the landscape option in subsection ~~((D4b))~~ 23.51B.002.F.1.b below is met.

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

~~((f))~~1) The minimum depth of modulation ~~((shall be))~~ ~~is ((four (4)))~~ 4 feet.

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

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

~~((f))~~1) One ~~((4))~~ tree and three ~~((3))~~ shrubs are required for each ~~((three hundred (300)))~~ 300 square feet of required yard. ~~((When new trees are planted, at least half must be deciduous.))~~

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



of its canopy spread.)) one-tree-to-one-tree or one-shrub-to-one-shrub basis. In order to qualify, a tree must be 6 inches or greater in diameter, measured 4.5 feet above the ground.

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

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

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

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

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

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

3. ~~((Development standard d))~~ Departures from the modulation and landscaping standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to permit other techniques to reduce the appearance of bulk. Techniques to reduce the appearance of bulk may be waived by the Director as a Type I decision when the waiver would contribute to reduced demolition of residential structures.

~~((E.))~~ G. Parking Quantity. Parking shall be required as provided in Chapter 23.54.



1 ((F-)) H. Parking Location. Parking may be located:

2 1. Within the principal structure; or

3 2. On any portion of the lot except the front setback, provided that ~~((when))~~ the
4 parking is separated from streets and from abutting lots in residential zones by ~~((a five (5) foot~~
5 ~~deep area which))~~ an area with a minimum depth of 5 feet that is landscaped with trees and
6 ground cover determined by the Director, as a Type I decision, as adequate to soften the view of
7 the parking from adjacent properties. In the case of a through lot, parking may also be located in
8 one ~~((+))~~ front setback when landscaped as described in this subsection;

9 3. ~~((Development standard d))~~ Departures may be granted or required pursuant to
10 the procedures set forth in Chapter 23.79 to permit parking location anywhere on the lot and to
11 reduce required landscaping. Landscaping may be waived in whole or in part if the topography
12 of the site or other circumstances result in the purposes of landscaping being served, as, for
13 example, when a steep slope shields parking from the view of abutting properties. This test may
14 be waived by the Director, as a Type I decision, when waiver would contribute to reduced
15 demolition of residential structures.

16 ((G-)) I. Bus and Truck Loading and Unloading.

17 1. Unless subsection ~~((G-4))~~ I.4 of this section 23.51B.002 applies, an off-street
18 bus loading and unloading area of a size reasonable to meet the needs of the school shall be
19 provided and may be located in any required yard. The bus loading and unloading area may be
20 permitted in landscaped areas provided under subsection ~~((D4b))~~ 23.51B.002.F.1.b if the
21 Director determines that landscaping around the loading and unloading area softens the impacts
22 of its appearance on abutting properties.



1 2. One ~~((1))~~ off-street truck loading berth that is 13 feet wide and 40 feet long
2 ~~((meeting the requirements of subsection H of Section 23.54.030 shall be))~~ is required for new
3 public school construction.

4 3. ~~((Development standard d))~~Departures from the requirements and standards for
5 bus and truck loading and unloading areas and berths may be granted or required pursuant to the
6 procedures and criteria set forth in Chapter 23.79 only when departure would contribute to
7 reduced demolition of residential structures.
8

9 4. When a public school is remodeled or rebuilt at the same site, an existing on-
10 street bus loading area is allowed if the following conditions are met:

- 11 a. The school site is not proposed to be expanded;
12 b. The student capacity of the school is not being expanded by more than
13 ~~((twenty five (25)))~~ 25 percent; and
14 c. The location of the current on-street bus loading remains the same.
15

16 ~~((H.))~~ I. Noise, Odor, Light and Glare. The development standards for small institutions
17 set forth in ~~((subsections A1, B and C of Section 23.45.100 shall))~~ Section 23.45.570 apply.

18 ~~((Development standard d))~~Departures from these standards may be granted or required pursuant
19 to the procedures and criteria set forth in Chapter 23.79 only when departure would contribute to
20 reduced demolition of residential structures.
21

22 Section 9. Section 23.44.022 of the Seattle Municipal Code, which section was last
23 amended by Ordinance 123046, is amended as follows:

24 **23.44.022 Institutions**

25 * * *



C. Public schools shall be permitted as regulated in Section ~~((23.44.017))~~ 23.51B.002.

* **

Section 10. Section 23.44.036 of the Seattle Municipal Code, which section was last amended by Ordinance 121477, is amended and recodified as a new Chapter 23.51A as follows:

~~((23.44.036 Public facilities.))~~ **Chapter 23.51A Public facilities in residential zones**

23.51A.002 Public facilities in single family zones

A. Except as provided in subsections B, D and E ~~((below))~~ of this Section 23.51A.002, uses in public facilities that are most similar to uses permitted outright or permitted as an administrative conditional use under ~~((this chapter shall also be))~~ Chapter 23.44 are also permitted outright or as an administrative conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar use. The City Council may waive or modify applicable development standards or administrative conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

B. Permitted Uses in Public Facilities Requiring City Council Approval. The following uses in public facilities in single-family zones may be permitted by the City Council, according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions:

1. Police precinct station;
2. Fire station;
3. Public boat moorage;



4. Utility services use; and

5. Other similar use.

The proponent of any such use shall demonstrate the existence of a public necessity for the public facility use in a single-family zone. The public facility use shall be developed according to the development standards for institutions (Section 23.44.022), unless the City Council makes a determination to waive or modify applicable development standards according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as ~~((type))~~ Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections 23.51A.002.A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the proposed expansion ~~((that is proposed))~~ would not meet development standards or would exceed either ~~((seven hundred fifty (750)))~~ 750 square feet or ~~((ten (10)))~~ 10 percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections 23.51A.002.A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I



1 Master Use Permit when the development standards of the zone in which the public facility is
2 located are met.

3 D. Sewage Treatment Plants. The expansion or reconfiguration (which term shall include
4 reconstruction, redevelopment, relocation on the site, or intensification of treatment capacity) of
5 existing sewage treatment plants in single-family zones may be permitted if there is no feasible
6 alternative location in a zone where the use is permitted and the conditions imposed under
7 subsections 23.51A.002.D.3 and D4 are met.
8

9 1. Applicable Procedures. The decision on an application for the expansion or
10 reconfiguration of a sewage treatment plant (~~((shall be))~~) is a Type IV Council land use decision.
11 If an application for an early determination of feasibility is required to be filed pursuant to
12 subsection D2 of this section 23.51A.002, the early determination of feasibility will also be a
13 Council land use decision subject to Sections 23.76.038 through 23.76.056.
14

15 2. Need for Feasible Alternative Determination. The proponent shall demonstrate
16 that there is no feasible alternative location in a zone where establishment of the use is permitted.

17 a. The Council's decision as to the feasibility of alternative location(s)
18 shall be based upon a full consideration of the environmental, social and economic impacts on
19 the community, and the intent to preserve and to protect the physical character of single-family
20 areas, and to protect single-family areas from intrusions of non-single-family uses.
21

22 b. The determination of feasibility may be the subject of a separate
23 application for a Council land use decision prior to submission of an application for a project-
24 specific approval if the Director determines that the expansion or reconfiguration proposal is
25
26
27
28



complex, involves the phasing of programmatic and project-specific decisions or affects more than one site in a single-family zone.

c. Application for an early determination of feasibility shall include:

((f))1) The scope and intent of the proposed project in the single-family zone and appropriate alternative(s) in zones where establishment of the use is permitted, identified by the applicant or the Director;

((f))2) The necessary environmental documentation as determined by the Director, including an assessment of the impacts of the proposed project and of the permitted-zone alternative(s), according to the state and local SEPA guidelines;

((f))3) Information on the overall sewage treatment system ~~((which))~~ that outlines the interrelationship of facilities in single-family zones and in zones where establishment of the use is permitted;

((f))4) Schematic plans outlining dimensions, elevations, locations on site and similar specifications for the proposed project and for the alternative(s).

d. If a proposal or any portion of a proposal is also subject to a feasible or reasonable alternative location determination under Section 23.60.066 ~~((of Title 23))~~, the Plan Shoreline Permit application and the early determination application will be considered in one determination process.

3. Conditions for Approval of Proposal.

a. The project ~~((shall be))~~ is located so that adverse impacts on residential areas ~~((shall be))~~ are minimized;



b. The expansion of a facility (~~shall~~) does not result in a concentration of institutions or facilities that would create or appreciably aggravate impacts that are incompatible with single-family residences.

c. A facility management and transportation plan (~~shall be~~) is required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and shall at a minimum include discussion of sludge transportation, noise control, and hours of operation. Increased traffic and parking expected to occur with use of the facility shall not create a serious safety problem or a blighting influence on the neighborhood;

d. Measures to minimize potential odor emission and airborne pollutants including methane shall meet standards of and be consistent with best available technology as determined in consultation with the Puget Sound Clean Air Agency (PSCAA), and shall be incorporated into the design and operation of the facility;

e. Methods of storing and transporting chlorine and other hazardous and potentially hazardous chemicals shall be determined in consultation with the Seattle Fire Department and incorporated into the design and operation of the facility;

f. Vehicular access suitable for trucks is available or provided from the plant to a designated arterial improved to City standards;

g. The bulk of facilities shall be compatible with the surrounding community. Public facilities that do not meet bulk requirements may be located in single-family residential areas if there is a public necessity for their location there;



h. Landscaping and screening, separation from less intensive zones, noise, light and glare controls and other measures to ensure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.

i. No r(R)esidential structures, including those modified for nonresidential use, ~~((shall not be))~~ are demolished for facility expansion unless a need has been demonstrated for the services of the institution or facility in the surrounding community.

4. Substantial Conformance. If the application for a project-specific proposal is submitted after an early determination that location of the sewage treatment plant is not feasible in a zone where establishment of the use is permitted, the proposed project must be in substantial conformance with the feasibility determination.

Substantial conformance shall include, but not be limited to, a determination that:

a. There is no net substantial increase in the environmental impacts of the project-specific proposal as compared to the impacts of the proposal as approved in the feasibility determination.

b. Conditions included in the feasibility determination are met.

E. Prohibited Uses. The following public facilities are prohibited in single-family zones:

1. Jails;
2. Metro operating bases;
3. Park and ride lots;
4. Establishment of new sewage treatment plants;
5. Solid waste transfer stations;



1 6. Animal control shelters;

2 7. Post Office distribution centers; and

3 8. Work-release centers.

4 F. Essential Public Facilities. Permitted essential public facilities shall also be reviewed
5 according to the provisions of Chapter 23.80, Essential Public Facilities.

6 Section 11. Subsection A of Section 23.44.041 of the Seattle Municipal Code, which
7 section was last amended by Ordinance 123141, is amended as follows:
8

9 A. Accessory dwelling units, general provisions. The Director may authorize an
10 accessory dwelling unit, and that dwelling unit may be used as a residence, only under the
11 following conditions:

12 1. A lot with or proposed for a single-family dwelling may have no more than
13 one accessory dwelling unit.

14 2. The owner(s) of the lot shall comply with the owner occupancy requirements
15 of subsection C of Section 23.44.041.
16

17 3. Any number of related persons may occupy each unit in a single-family
18 dwelling unit with an accessory dwelling unit; provided that, if unrelated persons occupy either
19 unit, the total number of persons occupying both units may not altogether exceed eight.
20
21
22
23
24
25
26
27
28



4. All accessory dwelling units are required to meet the development standards in Table A, unless modified in subsection B of Section 23.44.041:

Table A for 23.44.041 Development Standards for All Accessory Dwelling Units	
a. Maximum Gross Floor Area	Attached accessory dwelling units are limited to 1,000 sq. ft., including garage and storage area. ¹ Detached accessory dwelling units are limited to 800 sq. ft., including garage and storage area but excluding areas below grade, measured as set forth in Section 23.86.007.
b. Entrances	Only one entrance to the structure may be located on each street-facing facade of the dwelling unit. ²
Footnotes: ¹ The gross floor area of an attached accessory dwelling unit may exceed 1,000 sq. ft. only if the portion of the structure in which the accessory dwelling unit is located was in existence as of June 1, 1999, and if the entire accessory dwelling unit is located on one level. ² More than one entrance may be allowed if: a) two entrances on the street-facing facade existed on January 1, 1993; or b) the Director determines that topography, screening or another design solution is effective in de-emphasizing the presence of a second entrance.	

5. Except on lots located within areas that are defined as either an urban center or urban village in the City's Comprehensive Plan, one off-street parking space is required for the accessory dwelling unit and may be provided as tandem parking with the parking space provided for the principal dwelling unit. An existing required parking space may not be eliminated to accommodate an accessory dwelling unit unless it is replaced elsewhere on the lot. Except for lots located in either the University District Parking Overlay Area (~~(((Exhibit for Chart A, Section 23.54.015;))~~ Map A for 23.54.015) or the Alki Area Parking Overlay (~~(((Exhibit for Chart A, Section 23.54.015;))~~ Map B for 23.54.015), the Director may waive the off-street parking space requirement for an accessory dwelling unit if:



a. The topography or location of existing principal or accessory structures on the lot makes provision of an off-street parking space physically infeasible; or

b. The lot is located in a restricted parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than 75 percent for on-street parking within 400 feet of all property lines of the site.

* * *

Section 12. Section 23.45.106 of the Seattle Municipal Code, which section was last amended by Ordinance 118672, is amended and recodified as follows:

((23.45.106 Public facilities.)) 23.51A.004 Public facilities in multifamily zones

~~((A. Except as provided in subsections B, E, F and G below, uses in public facilities that are most similar to uses permitted outright or permitted as an administrative conditional use under this Chapter shall also be permitted outright or as an administrative conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar use. The City Council may waiver or modify applicable development standards or administrative conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial Decisions and City facilities considered as Type V legislative decisions.~~

B. Other Permitted Uses in Public Facilities Requiring City Council Approval. The following uses in public facilities shall be permitted outright in all multifamily zones, when the development standards for institutions (Sections 23.45.092 through 23.45.102) are met:

1. Police precinct stations;

2. Fire stations;



3. Public boat moorages;

4. Utility services uses; and

5. Other similar uses.

If the proposed public facility use does not meet the development standards for institutions, the City Council may waive or modify applicable development standards according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. In all multifamily zones, uses in public facilities not meeting development standards may be permitted by the Council if the following criteria are satisfied:

1. the project provides unique services which are not provided to the community by the private sector, such as police and fire stations; and

2. The proposed location is required to meet specific public service delivery needs; and

3. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and

4. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

D. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs



1 ~~when the expansion that is proposed would not meet development standards or exceed either~~
2 ~~seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater,~~
3 ~~including gross floor area and areas devoted to active outdoor uses other than parking.~~

4 ~~2. Minor Expansion. When an expansion falls below the major expansion~~
5 ~~threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public~~
6 ~~facilities allowed in subsections A and B above according to the provisions of Chapter 23.76,~~
7 ~~Proceedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use~~
8 ~~Permit when the development standards of the zone in which the public facility is located are~~
9 ~~met.~~

10
11 ~~E. The following public facilities shall be prohibited in all multifamily zones:~~

- 12 ~~1. Jails;~~
13
14 ~~2. Work release centers;~~
15
16 ~~3. METRO operating bases;~~
17
18 ~~4. Park and Ride lots;~~
19
20 ~~5. Sewage treatment plants;~~
21
22 ~~6. Solid waste transfer stations;~~
23
24 ~~7. Animal control shelters; and~~
25
26 ~~8. Post office distribution centers.~~

27 ~~F. Specific Development Standards for Public Facilities.~~

28 ~~1. Sale and consumption of beer during daylight hours on public park premises~~
~~shall be permitted in a building or within fifty (50) feet of the building on an adjoining terrace;~~



provided, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred feet (100') of any lot in a residential zone.

2. Sale and consumption of alcoholic beverages under a Class H liquor license on municipal golf course premises during the established hours of operation of the golf course shall be permitted in a building or within fifty feet (50') of the building on an adjoining terrace, provided, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred feet (100') of any lot in a residential zone.

G. Convention Center. The location or expansion of a public convention center may be permitted in the Highrise Zone through a Type IV Council land use decision. The following shall be considered in evaluating and approving, conditioning or denying public convention center proposals:

1. In making its decision, the Council shall determine whether the facility serves the public interest. This determination shall be based on an evaluation of the public benefits and the adverse impacts of the facility. The Council shall approve the facility only if it finds that public benefits outweigh the adverse impacts of the facility which cannot otherwise be mitigated.

2. In evaluating the public benefits and adverse impacts of a proposed convention center, the Council shall consider, but is not limited to, the following factors:

a. Economic impacts including, but not limited to, the net fiscal impacts on The State of Washington and City of Seattle, increased employment opportunities, demand for new development and increased tourism in the City and state;

b. Public amenities incorporated in the project including, but not limited to, open spaces accessible to the public and improved pedestrian circulation systems;

1 c. ~~The relationship of the project to its surroundings with respect to height,~~
2 ~~bulk, scale, massing, landscaping, aesthetics, view enhancement or blockage, shadows and glare;~~

3 d. ~~Impacts of the facility on traffic, parking, street systems, transit and~~
4 ~~pedestrian circulation;~~

5 e. ~~Impacts of the facility on existing residential development in the~~
6 ~~vicinity of the project, including but not limited to direct and indirect housing loss;~~

7 f. ~~Impacts of the facility on local governmental services and operations,~~
8 ~~including, but not limited to police and fire protection, and water, sewer and electric utilities;~~

9 g. ~~Impacts of the facility relative to noise and air quality;~~

10 h. ~~Cumulative impacts of the project on governmental services and~~
11 ~~facilities, natural systems, or the surrounding area, considering the project's impacts in aggregate~~
12 ~~with the impacts of prior development and the impacts of future development which may be~~
13 ~~induced by the project;~~

14 i. ~~Additional information as the Council deems necessary to fully evaluate~~
15 ~~the proposal.~~

16 3. ~~If the Council approves a convention center, it may attach conditions to its~~
17 ~~approval as necessary to protect the public interest or to mitigate adverse impacts. Conditions~~
18 ~~required by the Council may include, but are not limited to, landscaping, screening or other~~
19 ~~design amenities; parking facilities adequate to accommodate potential parking demands; a~~
20 ~~traffic management plan; measures to mitigate housing loss; and measures to reduce energy~~
21 ~~consumption.~~



1 ~~H. Essential Public Facilities. Permitted essential public facilities shall also be reviewed~~
2 ~~according to the provisions of Chapter 23.80, Essential Public Facilities.))~~

3 A. Public facilities in multifamily zones are regulated by Section 23.45.504 in addition
4 to the provisions in this Section 23.51A.004.

5 B. Unless specifically prohibited in Section 23.45.504, new public facilities not
6 specifically listed in Table A for 23.45.504, or that are listed in Table A for 23.45.504 but do not
7 meet the development standards for institutions in Section 23.45.570, may be permitted by the
8 City Council according to the provisions of Chapter 23.76, with public projects considered as
9 Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.
10 In making the decision, the Council may waive or grant departures from development standards
11 for public facilities, if the following criteria are satisfied:

12 1. The location of the public facility addresses specific and unique public service
13 needs, and any waiver or departure from development standards is necessitated by those public
14 service delivery needs; and

15 2. The impact of the public facility on surrounding properties has been addressed
16 in the design, siting, landscaping and screening of the facility.

17 C. Expansion of Uses in Public Facilities

18 1. Major Expansion. Major expansion of public facilities allowed pursuant to
19 Section 23.45.504 may be approved by the City Council, with public projects considered as Type
20 IV quasi-judicial decisions and City facilities considered as a Type V land use decisions, subject
21 to the criteria of subsections B.1 and B.2 of this Section 23.51A.004. A major expansion of a
22 public facility occurs when an expansion would not meet development standards or, except for
23



1 expansion of the Washington State Convention and Trade Center, the area of the expansion
2 would exceed either 750 square feet or 10 percent of the existing area of the use, whichever is
3 greater. A major expansion of the Washington State Convention and Trade Center is one that is
4 12,000 square feet or more in size. For the purposes of this subsection 23.51A.004.C.1, "area of
5 the use" includes gross floor area and outdoor area devoted actively to that use, excluding
6 parking.

7
8 2. Minor Expansion. An expansion of a public facility that is not a major
9 expansion is a minor expansion. Minor expansions to uses in public facilities allowed pursuant to
10 Section 23.45.504 are permitted according to the provisions of Chapter 23.76 for a Type I Master
11 Use Permit.

12 E. Essential public facilities will be reviewed according to the provisions of Chapter
13 23.80, Essential Public Facilities.

14
15 F. Uses in existing or former public schools:

16 1. Child care centers, preschools, public or private schools, educational and
17 vocational training for the disabled, adult evening education classes, nonprofit libraries,
18 community centers, community programs for the elderly and similar uses are permitted in
19 existing or former public schools.

20
21 2. Other non-school uses are permitted in existing or former public schools
22 pursuant to procedures established in Chapter 23.78, Establishment of Criteria for Joint Use or
23 Reuse of Schools.



Section 13. The Chapter name and subchapter headings and parts for Chapter 23.45 of the Seattle Municipal Code, which were established by Ordinance 110381, are amended as follows:

Chapter 23.45 (~~(RESIDENTIAL, MULT-FAMILY)~~) Multifamily

~~((Subchapter I Principal Uses Permitted Outright))~~

Part 1 (~~((Generally))~~) General Standards

Part 2 Standards for Residential Uses in Lowrise Zones

Part 3 (~~((Reserved)))~~ Use Provisions and General Provisions

~~((Part 4 (Reserved)))~~

Part ~~((5))~~ 4 Standards for Residential Uses in Midrise and Highrise Zones

~~Part 6 Highrise~~

Part ~~((7))~~ 5 Standards for Other Principal Uses Permitted Outright and Accessory

Uses in all multifamily zones

~~Subchapter II~~

~~Administrative Conditional Uses~~

~~Subchapter III~~

~~Accessory Uses))~~

Section 14. Section 23.45.002 of the Seattle Municipal Code, which section was last amended by Ordinance 120928, is amended as follows:

23.45.002 Scope of provisions

~~((A. This chapter details those authorized uses and their development standards which are or may be permitted in the seven (7) multifamily residential zones:~~



1 ~~Lowrise Duplex/Triplex (LDT),~~

2 ~~Lowrise 1 (L1),~~

3 ~~Lowrise 2 (L2),~~

4 ~~Lowrise 3 (L3),~~

5 ~~Lowrise 4 (L4),~~

6 ~~Midrise (MR), Midrise/85 (MR/85), and~~

7 ~~Highrise (HR).~~

8
9 ~~B. Communication utilities and accessory communication devices except as exempted in~~
10 ~~Section 23.57.002 are subject to the regulations in this chapter and additional regulations in~~
11 ~~Chapter 23.57.~~

12 ~~C. In addition to the provisions of this chapter, certain multifamily areas may be~~
13 ~~regulated by Overlay Districts, Chapter 23.59.))~~

14
15 The zones regulated by this Chapter 23.45 are found in Section 23.45.502.

16 Section 15. A new Section 23.45.502 of the Seattle Municipal Code is added as follows:

17 **23.45.502 Scope of provisions**

18 This Chapter 23.45 describes the authorized uses and development standards for the
19 following zones:

20 Lowrise Duplex/Triplex (LDT);

21 Lowrise 1 (L1);

22 Lowrise 2 (L2);

23 Lowrise 3 (L3);

24 Lowrise 4 (L4)



Midrise (MR) (references to Midrise zones include the Midrise/85 (MR/85) zone unless otherwise noted); and

Highrise (HR).

Section 16. Section 23.45.004 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.45.004 Principal uses permitted outright.

~~((A. The following principal uses are permitted outright in all multifamily zones:~~

- ~~1. Single family dwelling units;~~
- ~~2. Multifamily structures;~~
- ~~3. Congregate residences;~~
- ~~4. Adult family homes;~~
- ~~5. Nursing homes;~~
- ~~6. Assisted living facilities;~~
- ~~7. Institutions meeting all development standards;~~
- ~~8. Major Institution and Major Institution uses within Major Institution Overlay Districts subject to Chapter 23.69;~~
- ~~9. Public facilities meeting all development standards; and~~
- ~~10. Parks and open space including customary buildings and activities.~~

~~B. In Midrise and Highrise zones certain ground floor business and commercial uses are permitted outright according to the provisions of Section 23.45.110.~~

~~C. Uses in existing or former public schools:~~



1 ~~1. Child care centers, public or private schools, educational and vocational~~
2 ~~training for the disabled, adult evening education classes, nonprofit libraries, community centers,~~
3 ~~community programs for the elderly and similar uses are permitted in existing or former public~~
4 ~~schools.~~

5 ~~2. Other non-school uses may be permitted in existing or former public schools~~
6 ~~pursuant to procedures established in Chapter 23.78, Establishment of Criteria for Joint Use or~~
7 ~~Reuse of Schools.~~

9 ~~D. Medical service uses, meeting the development standards for institutions, are~~
10 ~~permitted outright on property conveyed by a deed from the City that, at the time of conveyance,~~
11 ~~restricted the property's use to a health care or health-related facility.))~~

12 All uses are permitted outright, prohibited or permitted as a conditional use according
13 Section 23.45.504.

14
15 Section 17. A new Section 23.45.504 of the Seattle Municipal Code is added as follows:

16 **23.45.504 Permitted and Prohibited Uses**

17 A. All uses are permitted outright, prohibited or permitted as a conditional use according
18 to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A are
19 prohibited, unless otherwise indicated in this ((e))Chapter 23.45 or Chapters 23.51A or 23.51B.
20

21 B. All permitted uses are allowed as a principal use or as an accessory use, unless
22 otherwise indicated in this Chapter 23.45.
23
24
25
26
27
28



Table A for Section 23.45.504: Permitted and Prohibited Uses

Uses	Permitted and Prohibited Uses by Zone	
	LDT, L1, L2, L3 and L4	MR and HR
A. Residential use	P	P
B. Institutions	P/CU ¹	P/CU ¹
C. Public Facilities		
C.1. Uses in public facilities that are similar to uses permitted outright in this Section 23.45.504	P ²	P ²
C.2. Police precinct stations; fire stations; public boat moorages; utility service uses; and other similar public facilities that meet the development standards for institutions in 23.45.570	P	P
C.3. Police precinct stations; fire stations; public boat moorages; utility service uses; and other similar public facilities not meeting the development standards for institutions in 23.45.570	Type IV or Type V decision ³	Type IV or Type V decision ³
C.4. New public facilities not listed in subsections C.1 and C.2 of this Table A for Section 23.45.504, and major expansions of such public facilities	Type IV or Type V decision ³	Type IV or Type V decision ³
D. Park and pool and park and ride lots	X/CU ⁴	X/CU ⁴
E. Parks and playgrounds including customary uses	P	P
F. Ground floor commercial uses ⁵	RC	P
G. Medical Service Uses other than permitted ground floor commercial uses	P/X ⁶	P/CU/X ⁶
H. Uses not otherwise permitted in landmark structures	CU	CU
I. Cemeteries	P/X ⁷	P/X ⁷
J. All other uses	X	X
1. Institutions meeting development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter shall apply to Major Institution uses as provided in Chapter 23.69. 2. These public facilities are subject to the same use regulations and development standards that govern the similar use. 3. These public facilities may be permitted pursuant to Section 23.51A.004. 4. Prohibited in Station Area Overlay Districts; otherwise, permitted as an administrative conditional use pursuant to Section 23.45.506. 5. Subject to subsection 23.45.504.E. 6. Subject to subsection 23.45.504.G and 23.45.506.F. 7. Subject to subsection 23.45.504.F. P = Permitted outright CU = Permitted as an Administrative Conditional Use RC = Permitted in areas zoned Residential Commercial (RC) zones, and subject to the provisions of the RC zone, Chapter 23.46.		



C. Accessory uses. The following accessory uses are permitted in all multifamily zones, subject to the standards in Section 23.45.545:

1. Private garages and carports;
2. Private, permanent swimming pools, hot tubs and other similar uses;
3. Solar collectors, including solar greenhouses;
4. Open wet moorage accessory to residential structures;
5. Uses accessory to parks and playgrounds, pursuant to Section 23.45.578;
6. Bed and breakfasts in a dwelling unit that is at least 5 years old; and
7. Recycling collection stations.

D. Heat recovery incinerators may be permitted as accessory administrative conditional uses, pursuant to Section 23.45.506.

E. Ground floor commercial use.

1. The following uses are permitted as ground-floor commercial uses in Midrise and Highrise zones pursuant to Section 23.45.532:

- a. Business support services;
- b. Food processing and craft work;
- c. General sales and services;
- d. Medical services;
- e. Offices;
- f. Restaurants; and
- g. Live work with one of the uses permitted in this subsection

23.45.504.E as the permitted commercial use.



2. In MR zones, ground-floor commercial uses are permitted only on a lot that is within 800 feet of a neighborhood commercial zone.

F. Existing cemeteries are permitted to continue in use. New cemeteries are prohibited and existing cemeteries are prohibited from expanding. For purposes of this section, a change in a cemetery boundary is not considered an expansion in size and is permitted provided that:

1. the change does not increase the net land area occupied by the cemetery;
2. the land being added to the cemetery is contiguous to the existing cemetery and is not separated from the existing cemetery by a public street or alley whether or not improved; and
3. the use of the land being added to the cemetery will not result in the loss of housing.

G. Except as provided in subsections 23.45.504.G.1 and G.2 below, medical service uses other than permitted ground floor commercial uses are prohibited.

1. Medical service uses in HR zones may be permitted as administrative conditional uses pursuant to subsection 23.45.506.F.

2. Medical service uses meeting the development standards for institutions are permitted outright on property conveyed by a deed from the City that, at the time of conveyance, restricted the property's use to a health care or health-related facility.

Section 18. Section 23.45.005 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended to read as follows:

23.45.005 Development standards for single-family structures((:))



1 A. In Lowrise zones, ~~((E))~~except for cottage housing developments permitted in Lowrise
2 Duplex/Triplex and Lowrise 1 zones according to subsection 23.45.005.D, single-family
3 structures ~~((shall be))~~ are subject to the development standards for ground-related ~~((housing))~~
4 dwelling units, except as provided in subsections 23.45.005.C and D below, and except that open
5 space shall be provided according to the provisions for single-family structures in each zone, in
6 Section 23.45.016~~((of this chapter))~~.

7
8 B. In MR and HR zones, single-family structures shall meet the development standards
9 of the zone.

10 ~~((B))~~C. In all multifamily zones, ~~((C))~~certain additions may extend into a required
11 setback when an existing single-family structure is already nonconforming with respect to that
12 setback, ~~((where))~~ if the presently nonconforming section is at least ~~((sixty (60)))~~ 60 percent of
13 the total width of the respective facade of the structure prior to the addition. The line formed by
14 the nonconforming wall of the structure shall be the limit to which any additions may be built,
15 which may extend up to the height limit and may include basement additions ~~(Exhibit 23.45.005~~
16 A) ~~(Exhibit A for 23.45.005)~~. New additions to a nonconforming wall or walls shall comply with
17 the following requirements:

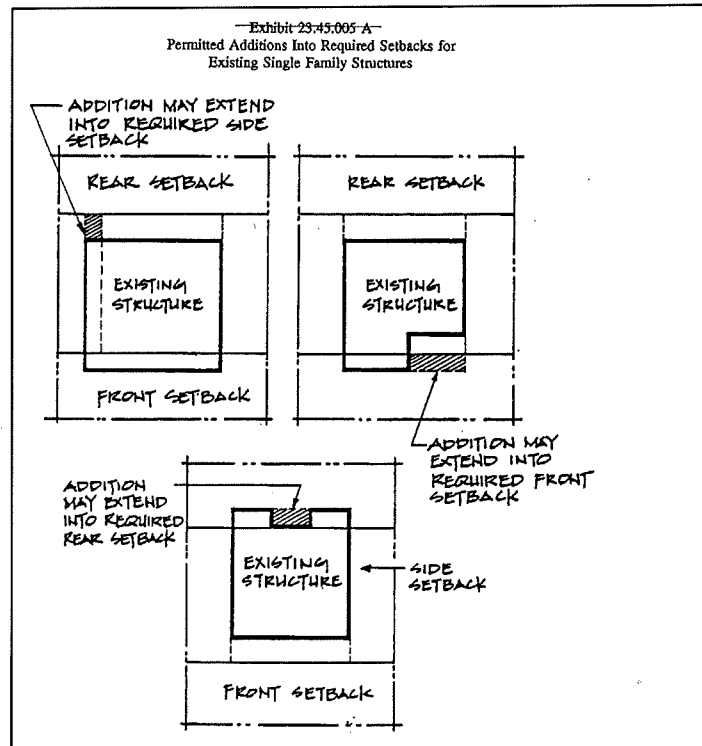
18
19 1. When it is a side wall, it is at least ~~((three (3)))~~ 3 feet from the side ~~((property))~~ lot
20 line;

21
22 2. When it is a rear wall, it is at least ~~((ten (10)))~~ 10 feet from the rear ~~((property))~~ lot
23 line or centerline of an alley abutting the rear ~~((property))~~ lot line;

24
25 3. When it is a front wall, it is at least ~~((ten (10)))~~ 10 feet from the front ~~((property))~~ lot
26 line.



Exhibit A for 23.45.005



((C))D. Cottage housing developments ((shall be)) are permitted outright in Lowrise Duplex/Triplex and Lowrise 1 zones when conforming to the requirements contained in Sections 23.45.006 through 23.45.018 and the following:

1. Cottage housing developments shall contain a minimum of ((four-(4))) 4 cottages arranged on at least ((two-(2))) 2 sides of a common open space, with a maximum of ((twelve (12))) 12 cottages per development; and

2. The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or ((nine hundred seventy five (975))) 975 square feet, whichever is less. Enclosed

space in a cottage located either above the main level and more than ~~((twelve (12)))~~ 12 feet above finished grade, or below the main level, shall be limited to no more than ~~((fifty (50)))~~ 50 percent of the enclosed space of the main level, or ~~((three hundred seventy five (375)))~~ 375 square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces.

~~((D))~~E. An accessory dwelling unit in or on the lot of an established single-family dwelling shall be considered an accessory use to the single-family dwelling, shall meet the standards listed for accessory dwelling units in Section 23.44.041 and shall not be considered a separate dwelling unit for any development standard purposes in multifamily zones.

Section 19. Section 23.45.006 of the Seattle Municipal Code, which section was last amended by Ordinance 120293, is amended as follows:

23.45.006 General development standards for structures in multifamily zones.

~~((A. Included within Sections 23.45.006 through 23.45.166 are the development standards for structures in each multifamily zone. These standards shall also apply to uses accessory to multifamily structures unless specifically modified by development standards for those accessory uses.~~

~~B. All structures or uses shall be built or established on a lot or lots. More than one (1) principal structure or use on a lot shall be permitted.~~

~~C. The development standards of each zone shall be applied in that zone, and may not be used in any other zone, unless otherwise specified.~~

~~D. An exception from one (1) specific standard does not relieve the applicant from compliance with any other standard.~~



1 ~~E. Methods for measurements are provided in Chapter 23.86. Requirements for streets,~~
2 ~~alleys and easements are provided in Chapter 23.53. Standards for parking access and design are~~
3 ~~provided in Chapter 23.54. Standards for permitted signs are provided in Chapter 23.55.~~

4 ~~F. In Lowrise 1 zones all multifamily structures shall be ground related units, except that~~
5 ~~apartments are permitted on a lot whose platted width as of the effective date of the ordinance~~
6 ~~codified in this section¹ is less than forty (40) feet, or in a structure existing as of January 26,~~
7 ~~1990 where density limits of the zone would not be exceeded and new floor area would not be~~
8 ~~added. The requirements of this subsection shall not be eligible for a variance according to the~~
9 ~~provisions of Section 23.40.020.~~

11 ~~G. A structure occupied by a permitted use other than single family or multifamily~~
12 ~~residential use may be partially or wholly converted to single family or multifamily residential~~
13 ~~use even if the structure does not conform to the development standards for residential uses in~~
14 ~~the multifamily zones. One (1) unit may be added without a parking space according to~~
15 ~~provisions of Section 23.54.020. If the only use of the structure will be residential and if two (2)~~
16 ~~or more units are being created and there is no feasible way to provide the required parking, then~~
17 ~~the Director may authorize reduction or waiver of parking as a special exception according to the~~
18 ~~standards of Section 23.54.020 E. Expansions of nonconforming converted structures and~~
19 ~~conversions of structures occupied by nonconforming uses shall be regulated by Sections~~
20 ~~23.42.108 and 23.42.110.~~

23 ~~H. When a subdivision is proposed for townhouses, cottage housing, clustered housing,~~
24 ~~or single family residences in Lowrise zones, the subdivision shall be subject to the provisions of~~
25 ~~Section 23.24.045, Unit lot subdivisions.~~

I. ~~When construction of townhouses, cottage housing, clustered housing, or single-family residences in Lowrise zones is proposed on a series of adjoining legally platted lots where each dwelling unit is contained within the existing boundaries of each existing lot, these lots may be sold as separate legal sites without unit subdivision approval but subject to the provisions of Section 23.24.045, Unit lot subdivisions.~~

J. ~~Except as provided in subsections H and I above, multifamily zoned lots that have no street frontage shall be subject to the following for purposes of structure width, depth, modulation and setbacks:~~

1. ~~For lots that have only one (1) alley lot line, the alley lot line shall be treated as a front lot line.~~

2. ~~For lots that have more than one (1) alley lot line, only one (1) alley lot line shall be treated as a front lot line.~~

3. ~~For lots that have no alley lot lines, the applicant may choose the front lot line provided that the selected front lot line length is at least fifty (50) percent of the width of the lot.~~

K. ~~Solid Waste and Recyclable Materials Storage Space.~~

1. ~~Storage space for solid waste and recyclable materials containers shall be provided for all new and expanded multifamily structures as indicated in the table below. For the purposes of this subsection, "expanded multifamily structure" means expansion of multifamily structures with ten (10) or more existing units by two (2) or more units.~~

Multifamily Structure Size	Minimum Area for Storage Space	Container Type
7-15 units	75 square feet	Rear-loading containers
16-25 units	100 square feet	Rear-loading containers
26-50 units	150 square feet	Front-loading containers
51-100 units	200 square feet	Front-loading containers



Multifamily Structure Size	Minimum Area for Storage Space	Container Type
More than 100 units	200 square feet plus 2 square feet for each additional unit	Front-loading containers

2. The design of the storage space shall meet the following requirements:

- a. The storage space shall have no minimum dimension (width and depth) less than six (6) feet;
- b. The floor of the storage space shall be level and hard surfaced (garbage or recycling compactors require a concrete surface); and
- c. If located outdoors, the storage space shall be screened from public view and designed to minimize any light and glare impacts.

3. The location of the storage space shall meet the following requirements:

- a. The storage space shall be located within the private property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street facing facade of the structure and the street;
- b. The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure;
- c. The storage space shall not block or impede any fire exits, public rights-of ways or any pedestrian or vehicular access; and
- d. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

4. Access to the storage space for occupants and service providers shall meet the following requirements:



a. ~~For rear loading containers (usually two (2) cubic yards or smaller):~~

~~(1) Any proposed ramps to the storage space shall be of six (6) percent slope or less, and~~

~~(2) Any proposed gates or access routes shall be a minimum of six (6) feet wide; and~~

b. ~~For front loading containers (usually larger than two (2) cubic yards):~~

~~(1) Direct access shall be provided from the alley or street to the containers;~~

~~(2) Any proposed gates or access routes shall be a minimum of ten (10) feet wide, and~~

~~(3) When accessed directly by a collection vehicle into a structure, a twenty one (21) foot overhead clearance shall be provided.~~

~~5. The solid waste and recyclable materials storage space specifications required in subsections K1, 2, 3, and 4 of this section, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.~~

~~6. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to modify the requirements of subsections K1, 2, 3, and 4 of this section under the following circumstances:~~

~~a. When the applicant can demonstrate difficulty in meeting any of the requirements of subsections K1, 2, 3, and 4; or~~



~~b. When the applicant proposes to expand a multifamily building, and the requirements of subsections K1, 2, 3, and 4 conflict with opportunities to increase residential densities; and~~

~~c. When the applicant proposes alternative, workable measures that meet the intent of this section.))~~

General provisions for structures in multifamily zones are found in Section 23.45.508.

Section 20. A new Section 23.45.508 of the Seattle Municipal Code is added as follows:

23.45.508 General provisions

A. A structure occupied by a permitted use other than a residential use may be partially or wholly converted to a residential use even if the structure does not conform to the development standards for residential uses in multifamily zones.

B. Off street parking shall be provided ((as)) if required in Section 23.54.015, except that one residential unit may be added to a residential structure without a parking space pursuant to subsection 23.54.020.A.

C. Expansions of nonconforming converted structures and conversions of structures occupied by nonconforming uses are regulated by Sections 23.42.108 and 23.42.110.

D. Methods for measurements are provided in Chapter 23.86. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking and access and design are provided in Chapter 23.54. Standards for signs are provided in Chapter 23.55.

E. Development standards

1. For purposes of structure width, depth, and setbacks, multifamily zoned lots that have no street frontage are subject to the following:



a. For lots that have only one alley lot line, the alley lot line may be treated as a front lot line.

b. For lots that have more than one alley lot line, only one alley lot line may be treated as a front lot line.

c. For lots that have no alley lot lines, the applicant may choose the front lot line provided that the selected front lot line length is at least 50 percent of the width of the lot.

2. Proposed uses in all multifamily zones are subject to the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

3. All use provisions and development standards applicable to MR zones, except maximum height, also apply in the MR/85 zone.

F. Solid Waste and Recyclable Materials Storage Space.

1. Storage space for solid waste and recyclable materials containers shall be provided for all new and expanded multifamily structures as indicated in Table A for 23.45.508. For the purposes of this subsection, "expanded multifamily structure" means expansion of multifamily structures with ten or more existing units by two or more units.

Table A for 23.45.508: Storage space for Solid Waste and Recyclable Materials Containers

Multifamily Structure Size	Minimum Area for Storage Space	Container Type
7-15 units	75 square feet	Rear-loading containers
16-25 units	100 square feet	Rear-loading containers
26-50 units	150 square feet	Front-loading containers
51-100 units	200 square feet	Front-loading containers
More than 100 units	200 square feet plus 2 square feet for each additional unit	Front-loading containers



2. The design of the storage space shall meet the following requirements:

- a. The storage space shall have no minimum dimension (width and depth) less than 6 feet;
- b. The floor of the storage space shall be level and hard-surfaced (garbage or recycling compactors require a concrete surface); and
- c. If located outdoors, the storage space shall be screened from public view and designed to minimize any light and glare impacts.

3. The location of the storage space shall meet the following requirements:

- a. The storage space shall be located (~~((within the private property boundaries))~~) on the lot of the structure it serves and, if located outdoors, it shall not be located between a street facing I of the structure and the street;
- b. The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure;
- c. The storage space shall not block or impede any fire exits, public rights-of-ways or any pedestrian or vehicular access; and
- d. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

4. Access to the storage space for occupants and service providers shall meet the following requirements:

- a. For rear-loading containers (usually 2 cubic yards or smaller):
 - 1) Any proposed ramps to the storage space shall be of 6 percent slope or less, and



2) Any proposed gates or access routes shall be a minimum of 6 feet wide; and

b. For front-loading containers (usually larger than 2 cubic yards):

1) Direct access shall be provided from the alley or street to the containers,

2) Any proposed gates or access routes shall be a minimum of 10 feet wide, and

3) When accessed directly by a collection vehicle into a structure, a 21 foot overhead clearance shall be provided.

5. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to modify the requirements of subsections 23.45.508.F.1 through F.4 under the following circumstances:

a. When the applicant can demonstrate difficulty in meeting any of the requirements of subsections 23.45.508.F.1 through F.4; or

b. When the applicant proposes to expand a multifamily building, and the requirements of subsections 23.45.508.F.1 through F.4 conflict with opportunities to increase residential densities; and

c. When the applicant proposes alternative, workable measures that meet the intent of this Section 23.45.508.

6. The solid waste and recyclable materials storage space specifications required in subsections 23.45.508.F.1 through F.4, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.



1 Section 21. Section 23.45.007 of the Seattle Municipal Code, relating to transportation
2 concurrency, which section was enacted by Ordinance 117383, and as shown in Attachment A, is
3 repealed.

4 Section 22. Subsection D of Section 23.45.009 of the Seattle Municipal Code, which
5 section was last amended by Ordinance 120928, is amended as follows:

6 * * *

7
8 D. Rooftop Features.

9 1. Flagpoles and religious symbols for religious institutions are exempt from
10 height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided
11 they are no closer than ~~((fifty (50)))~~ 50 percent of their height above existing grade or, if attached
12 only to the roof, no closer than ~~((fifty (50)))~~ 50 percent of their height above the roof portion
13 where attached, to any adjoining lot line.

14
15 2. Open railings, planters, skylights, clerestories, greenhouses, parapets and
16 firewalls may extend no higher than the ridge of a pitched roof permitted under subsection C
17 above or ~~((four (4)))~~ 4 feet above the maximum height limit set in subsection 23.45.009.A ~~((of~~
18 ~~this section))~~. For cottage housing developments, these rooftop features may extend ~~((four (4)))~~ 4
19 feet above the ~~((eighteen (18)))~~ 18 foot height limit.

20
21 3. For cottage housing developments, chimneys may exceed the height limit by
22 ~~((four (4)))~~ 4 feet or may extend ~~((four (4)))~~ 4 feet above the ridge of a pitched roof.

23 4. Except in cottage housing developments, the following rooftop features may
24 extend ~~((ten (10)))~~ 10 feet above the maximum height limit established in subsection
25 23.45.009.A so long as the combined total coverage of all features does not exceed ~~((fifteen~~
26



1 (~~15~~)) 15 percent of the roof area or (~~twenty (20)~~)) 20 percent of the roof area if the total

2 includes screened mechanical equipment:

- 3 a. Stair and elevator penthouses;
- 4 b. Mechanical equipment;
- 5 c. Play equipment and open-mesh fencing which encloses it, so long as
- 6 the fencing is at least (~~five (5)~~)) 5 feet from the roof edge;

- 7 d. Chimneys;
- 8 e. Minor communication utilities and accessory communication devices,
- 9 except that height is regulated according to the provisions of Section 23.57.011.

10 5. For height exceptions for solar collectors, see Section 23.45.~~((146))~~545.D,

11 Solar collectors on roofs.

12 6. In order to protect solar access for property to the north, the applicant shall

13 either locate the rooftop features listed in this subsection 23.45.009.D.6 at least (~~ten (10)~~)) 10

14 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the

15 proposed location of such rooftop features would shade property to the north on January 21st at

16 noon no more than would a structure built to maximum permitted bulk:

- 17 a. Solar collectors;
- 18 b. Planters;
- 19 c. Clerestories;
- 20 d. Greenhouses;
- 21 e. Minor communication utilities and accessory communication devices,
- 22 permitted according to the provisions of Chapter 23.57.011;



f. Nonfirewall parapets;

g. Play equipment.

7. For height limits and exceptions for communication utilities and devices,
Section 23.57.011.

* * *

Section 23. Subsection G of Section 23.45.014 of the Seattle Municipal Code, which
section was last amended by Ordinance 122050, is amended to read as follows:

* * *

G. Structures in Required Setbacks.

1. Detached garages, carports, or other accessory structures are permitted in the
required rear setback, provided that any accessory structure located between a principal structure
and the side lot line shall provide the setback required for the principal structure. (See Exhibit
23.45.014 A) All such accessory structures, including garages, shall be no greater than ~~((twelve
(12)))~~ 12 feet in height. The height of garages shall be measured on the facade containing the
entrance for the vehicles, with open rails permitted above ~~((twelve (12)))~~ 12 feet.

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

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

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



1 a. Fences, freestanding walls, signs and other similar structures (~~((six-(6)))~~) 6 feet or less
2 in height above existing or finished grade whichever is lower, are permitted in required front,
3 side, or rear setbacks. The (~~((six-(6)))~~) 6 foot height may be averaged above sloping grade for each
4 (~~((six-(6)))~~) 6 foot long segment of the fence, but in no case may any portion of the fence exceed
5 (~~((eight-(8)))~~) 8 feet. Architectural features may be added to the top of the fence or freestanding
6 wall above the (~~((six-(6)))~~) 6 foot height when the following provisions are met: horizontal
7 architectural feature(s), no more than (~~((ten-(10)))~~) 10 inches high and separated by a minimum of
8 (~~((six-(6)))~~) 6 inches of open area, measured vertically from the top of the fence, may be permitted
9 when the overall height of all parts of the structure, including post caps, are no more than (~~((eight~~
10 (~~((8)))~~) 8 feet high; averaging the (~~((eight-(8)))~~) 8 foot height is not permitted. Structural supports for
11 the horizontal architectural feature(s) may be spaced no closer than (~~((three-(3)))~~) 3 feet on center.
12

13 b. The Director may allow variation from the development standards listed in subsection
14 G4a above, according to the following:
15

- 16 i. No part of the structure may exceed (~~((eight-(8)))~~) 8 feet;
17 ii. Any portion of the structure above (~~((six-(6)))~~) 6 feet shall be predominately open, such
18 that there is free circulation of light and air.
19

20 c. Bulkheads and retaining walls used to raise grade may be placed in any required yard
21 when limited to (~~((six-(6)))~~) 6 feet in height, measured above existing grade. A guardrail no higher
22 than (~~((forty-two-(42)))~~) 42 inches may be placed on top of a bulkhead or retaining wall existing as
23 of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead
24 or retaining wall, the maximum combined height is limited to (~~((nine-and-one-half-(9 1/2)))~~) 9.5 feet.
25
26
27
28



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

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

6. Underground structures are permitted in all setbacks.

7. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.~~((146))~~545.C~~((, Solar collectors))~~.

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

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

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



* * *

Section 24. Section 23.45.116 of the Seattle Municipal Code, which section was last amended by Ordinance 113262, is amended and recodified as follows:

~~((23.45.116 Administrative conditional uses — General provisions.))~~ **23.45.506**

Administrative conditional uses

~~((A. Only those uses identified in this subchapter as conditional uses may be authorized as conditional uses in multifamily zones. The master use permit process shall be used to authorize these uses.~~

~~B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Subchapter I.~~

~~C. The Director may approve, condition or deny a conditional use. The Director's decision shall be based on a determination whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.~~

~~D. In authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.~~

~~E. The Director shall issue written findings of fact and conclusions to support the Director's decision.~~

~~F. Any authorized conditional use which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:~~

1 1. ~~A permit to change the use of the property has been issued and the new use has~~
2 ~~been established; or~~

3 2. ~~The property has not been devoted to the authorized conditional use for more~~
4 ~~than twenty-four (24) consecutive months.~~

5 Property which is vacant, except for dead storage of materials or equipment of the
6 conditional use, shall not be considered as being devoted to the authorized conditional use. The
7 expiration of licenses necessary for the conditional use shall be evidence that the property is not
8 being devoted to the conditional use. A conditional use in a multifamily structure or a multi-
9 tenant commercial structure shall not be considered as discontinued unless all units are either
10 vacant or devoted to another use.))

11
12 A. Uses permitted as administrative conditional uses in Table A for 23.45.504, may be
13 permitted by the Director when the provisions of Section 23.42.042 and this Section 23.45.506
14 are met.

15
16 B. Unless otherwise specified in this Chapter 23.45, conditional uses shall meet the
17 development standards for uses permitted outright.

18 C. Institutions other than public schools not meeting the development standards of
19 23.45.570, Institutions, and Major Institution uses as provided in Chapter 23.69, may be
20 permitted subject to the following:

21 1. Bulk and Siting. In order to accommodate the special needs of the proposed
22 institution, and to better site the facility with respect to its surroundings, the Director may modify
23 the applicable development standards for modulation, landscaping, provision of open space, and
24 structure width, depth and setbacks. In determining whether to allow such modifications, the
25



1 Director shall balance the needs of the institution against the compatibility of the proposed
2 institution with the residential scale and character of the surrounding area.

3 2. Dispersion Criteria. An institution that does not meet the dispersion criteria of
4 Section 23.45.570 may be permitted by the Director upon determination that it would not
5 substantially worsen parking shortages, traffic safety hazards, and noise in the surrounding
6 residential area.

7
8 3. Noise. The Director may condition the permit in order to mitigate potential
9 noise problems. Measures the Director may require for this purpose include, but are not limited
10 to the following: landscaping, sound barriers, fences, berms, adjustments to yards or the location
11 of refuse storage areas, location of parking areas and access, structural design modifications, and
12 regulating hours of use.

13
14 4. Transportation Plan. A transportation plan is required for proposed new
15 institutions and for those institutions proposing to expand larger than 4,000 square feet of floor
16 area and/or required to provide 20 or more new parking spaces. The Director may condition a
17 permit to mitigate potential traffic and parking impacts pursuant to a Transportation Management
18 Plan or Program as described in directors rules governing such plans or programs. The Director
19 will determine the level of detail to be disclosed in the transportation plan based on the probable
20 impacts and/or scale of the proposed institution.

21
22 D. A use not otherwise permitted in the zone within a structure designated as a Seattle
23 landmark that is subject to controls and incentives imposed by a designating ordinance, when the
24 owner of the landmark has executed and recorded an agreement acceptable in form and content
25



1 to the Landmarks Preservation Board providing for the restoration and maintenance of the
2 historically significant features of the structure, may be permitted subject to the following:

3 1. The use is compatible with the existing design and/or construction of the
4 structure without significant alteration; and

5 2. Uses permitted by the zone are impractical because of structure design and/or
6 that no permitted use can provide adequate financial support necessary to sustain the structure in
7 reasonably good physical condition.

8
9 E. Park and ride or park and pool lots may be permitted subject to the following:

10 1. A park and ride or park and pool lot may be permitted only on parking lots
11 existing at least 5 years prior to the establishment of the park and ride or park and pool lot that
12 have direct vehicular access to an arterial street improved to City standards.

13
14 2. If the proposed park and ride or park and pool lot is located on a lot containing
15 accessory parking for other uses, there must be no substantial conflict in the principal operating
16 hours of the park and ride or park and pool lot and other uses on the lot.

17 3. The Director may require landscaping and screening in addition to that required
18 for surface parking areas, noise mitigation, vehicular access control, signage restrictions, and
19 other measures to provide comfort and safety for pedestrians and bicyclists and to help ensure
20 the compatibility of the park and ride or park and pool lot with the surrounding area.

21
22 F . In addition to medical service uses permitted as ground floor commercial uses
23 pursuant to subsection 23.45.504.E, medical service uses occupying over 4,000 square feet may
24 be permitted in Highrise zones as administrative conditional uses on lots that are at least 25,000
25 square feet in size, have not been in residential use since January 1, 1989, and are located on a
26



block that abuts a Neighborhood Commercial zone on at least two entire sides of the block
(defined for the purpose of this subsection 23.45.506.F as areas bounded by street lot lines).

1. In order to approve a medical service use, the Director must determine that the
medical service use is an expansion of an existing medical service business establishment in the
immediate vicinity that is not a major institution.

2. Design review is required.

3. The development standards in Sections 23.45.510, 23.45.514, 23.45.516,
23.45.518, 23.45.520, and 23.45.536 do not apply to the portion of the structure occupied by
medical service uses, except as specified in this subsection 23.45.506.F. Portions of the structure
occupied by medical service uses shall meet the following development standards:

a. The maximum height for the portions of structures containing medical
office uses is 108 feet, except that the provisions for green roofs in subsection 23.45.514.E and
rooftop features in subsection 23.45.514.F apply.

b. The average of the gross floor area of stories in medical service use
above 45 feet in height shall not exceed 60 percent of the area of the lot.

4. Setbacks

a. Setbacks shall be required as shown on Table A for 23.45.506.



Table A for 23.45.506: Setback Requirements for Medical Office Uses

<u>Elevation of Facade or Portion of Facade from Existing Grade</u>	<u>Setback on Street Frontages</u>	<u>Setback on Alley Frontages</u>	<u>Setback on shared lot lines</u>
<u>45' or less</u>	<u>7' average, 5' minimum</u>	<u>0'</u>	<u>7' average, 5' minimum</u>
<u>More than 45' up to 108'</u>	<u>10' average, 7' minimum</u>	<u>10'</u>	<u>15' average, 10' minimum</u>

b. If the ground floor of a street facade is in use as a child care center, community center, or commercial use permitted on the ground floor by Section 23.45.504, no setback is required for the portion of the street facade that is 45' in height or less.

c. If a lot abutting the lot is developed to the side lot line, portions of the proposed development that are 45 feet in height or less may be joined to the abutting structure.

d. Projections into required setbacks are permitted as provided for in subsection 23.45.518.F, and structures in required setbacks are permitted as provided for in subsections 23.45.518.G.

5. A minimum of 25 percent of the lot area shall be provided as landscaped open space at ground level. Except as provided in this subsection 23.45.506.F.5, no horizontal dimension for required open space shall be less than 10 feet, nor shall any required open space area be less than 225 square feet. The following additional areas may be included in the calculation of required ground level open space:

a. Area in the public right-of-way of a neighborhood green street designated in Section 23.45.516 abutting the lot that is improved according to a plan approved by the Director, in consultation with the Director of the Department of Transportation; except that the Director may waive the requirement that the neighborhood green street abut the lot and allow



1 the improvements to be made to a neighborhood green street located in the general vicinity of the
2 project, if such an improvement is determined to be beneficial to the occupants of the project;
3 and

4 b. Landscaped area in the public right-of-way that abuts the required
5 open space on the lot, when the landscaping contributes to achievement of the Green Factor
6 score required in subsection 23.45.506.F.6. below.

7
8 6. The landscaping and screening requirements of Section 23.45.524 apply,
9 except that the required Green Factor score is 0.3 or greater, pursuant to Section 23.86.019.

10 7. Parking shall be required as provided in Chapter 23.54.

11 8. The Director shall determine the location of access to parking. In order to
12 promote pedestrian safety and comfort, the access via an alley is preferred. Where street access is
13 deemed appropriate, due to safety hazards, topography, or other special conditions of the lot, the
14 number of curb cuts and the width of curb cuts, driveways, and garage openings shall be
15 minimized.

16
17 9. No surface area parking shall be provided, and no parking shall be located at
18 or above grade, unless it is separated from all street lot lines by another use.

19
20 10. The preferred access to loading berths shall be from an alley if the lot abuts
21 an alley. Loading berths shall be located so that access to any residential parking is not blocked.

22 11. The Director shall determine the location of passenger load zones, based on
23 safety considerations, minimizing conflicts with automobile and pedestrian traffic, reducing
24 impacts on any nearby residential uses, and the efficient operation of the medical service use.

25 12. Identifying signs shall be permitted according to Chapter 23.55, Signs.
26



1 13. For mixed use structures containing both medical service uses and residential
2 uses, the portion of the structure in residential use shall meet the requirements of the HR zone,
3 except as modified by the following:

4 a. The maximum width and floor size limits in Section 23.45.520 apply
5 to any portion of the structure in residential use above 45 feet in height.

6 b. Residential amenity areas shall be provided according to the
7 provisions of Section 23.45.522. Open space required at ground level pursuant to subsection
8 23.45.506.F.5 may be included as residential amenity area if it meets the applicable development
9 standards of subsection 23.45.522.B.

10 c. No landscaped open space is required in addition to the open space
11 required in subsection 23.45.506.F.5.

12 G. Heat recovery incinerators located on the same lot as the principal use may be
13 permitted by the Director as accessory conditional uses, subject to the following conditions:

14 1. The incinerator may be located no closer than 100 feet to any lot line unless
15 completely enclosed within a building.

16 2. If not within a building, the incinerator shall be enclosed by a view-obscuring
17 fence of sufficient strength and design to resist entrance by children.

18 3. Adequate control measures for insects, rodents and odors shall be continuously
19 maintained.

20 Section 25. Section 23.45.047 of the Seattle Municipal Code, which section was enacted
21 by Ordinance 116795, and Section 23.45.048 of the Seattle Municipal Code, which section was
22



last amended by Ordinance 118414, , relating to height limits in Midrise/85 and structures in Midrise zones up to 37 feet in height, and as shown in Attachment A, are repealed.

Section 26. A new Section 23.45.510 of the Seattle Municipal Code is added as follows:

23.45.510 Floor area ratio (FAR) in Midrise and Highrise Zones

A. Floor area ratio (FAR) limits apply to all structures and lots in Midrise and Highrise zones as shown in Table A for 23.45.510.

1. All gross floor area not exempt under subsection 23.45.510.B counts toward the maximum gross floor area allowed under the FAR limits.

2. The applicable FAR limit applies to all structures on the lot, subject to subsection 23.45.510.A.3.

3. When a lot is in more than one zone, the FAR limit for the entire lot is the sum of the limits that would apply to the portion of the lot located in each zone, but the floor area on the portion of the lot with the lower FAR limit may not exceed the amount that would be permitted if it were a separate lot.

Table A for 23.45.510: Floor Area Ratios

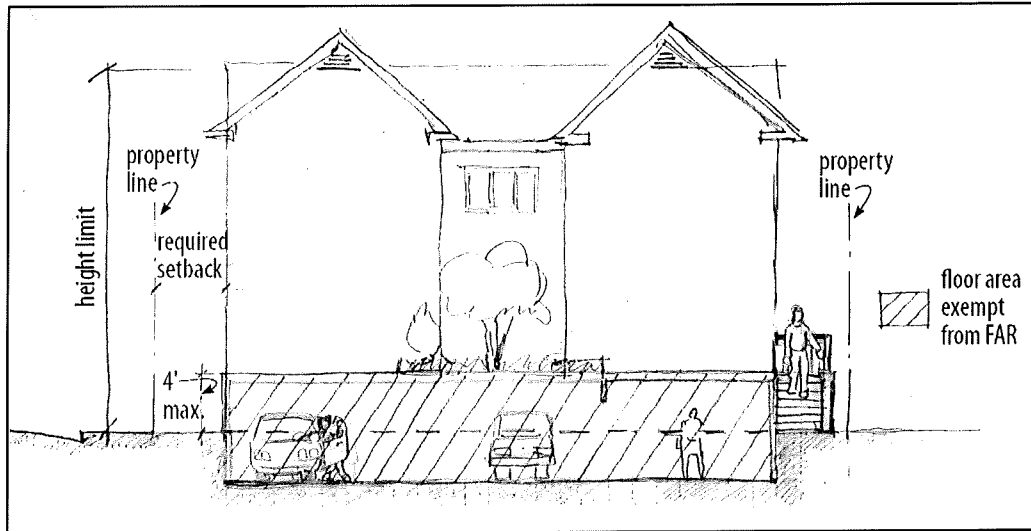
	MR	HR
Base FAR	3.2	8.0 on lots 15,000 square feet or less in size; 7.0 on lots larger than 15,000 square feet
Maximum FAR, allowed pursuant to Chapter 23.58A and Section 23.45.516	4.25	13 for structures 240' or less in height; 14 for structures over 240'

B. The following floor area is exempt from FAR limits:

1. All stories or portions of a story that extend no more than 4 feet above existing or finished grade whichever is lower. See Exhibit A for 23.45.510.



Exhibit A for 23.45.510: Area Exempt from FAR



2. The floor area contained in a designated Seattle landmark subject to controls and incentives imposed by a designating ordinance, when the owner of the landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board, providing for the restoration and maintenance of the historically significant features of the structure, except that this exemption does not apply to a lot from which a transfer of development potential has been made under Chapter 23.58A, and does not apply for purposes of determining TDP available for transfer under Chapter 23.58A.

3. Enclosed common residential amenity space in Highrise zones.

4. As an allowance for mechanical equipment, in any structure more than 85 feet in height, 3.5 percent of the gross floor area that is not exempt under subsections B.1 through B.3 of this Section 23.45.510.

1 5. In HR zones, ground floor commercial uses meeting the requirements of
2 Section 23.45.532, if the street level of the structure containing the exempt space has a minimum
3 floor to floor height of 13 feet and a minimum depth of 15 feet.

4 C. If TDP is transferred from a lot pursuant to Section 23.58A.018, the amount of non-
5 exempt floor area that may be permitted is the applicable base FAR, plus any net amount of TDP
6 previously transferred to the lot, minus the sum of the existing non-exempt floor area on the lot
7 and the amount of TDP transferred.
8

9 Section 27. Section 23.45.050 of the Seattle Municipal Code, which section was last
10 amended by Ordinance 120928, is amended and recodified as follows:

11 ~~((23.45.050 Midrise Structure height.))~~ **23.45.514 Structure height in Midrise and**
12 **Highrise zones**
13

14 A. ~~((Generally. The maximum height shall be sixty (60) feet.))~~ Base and maximum
15 structure heights permitted in Midrise and Highrise zones are as shown in Table A for 23.45.514.
16 subject to the additions and exemptions allowed as set forth in this Section 23.45.514. The
17 maximum height for accessory structures is 12 feet.
18
19
20
21
22
23
24
25
26
27
28



Table A for 23.45.514: Structure Height

	<u>MR</u>	<u>MR/85</u>	<u>HR</u>
<u>Base height limit</u>	<u>60'</u>	<u>85'</u>	<u>160'</u>
<u>Maximum height limit if extra residential floor area is gained under Chapter 23.58A and Section 23.45.516</u>	<u>75'</u>	<u>85'</u>	<u>240' or 300'</u>

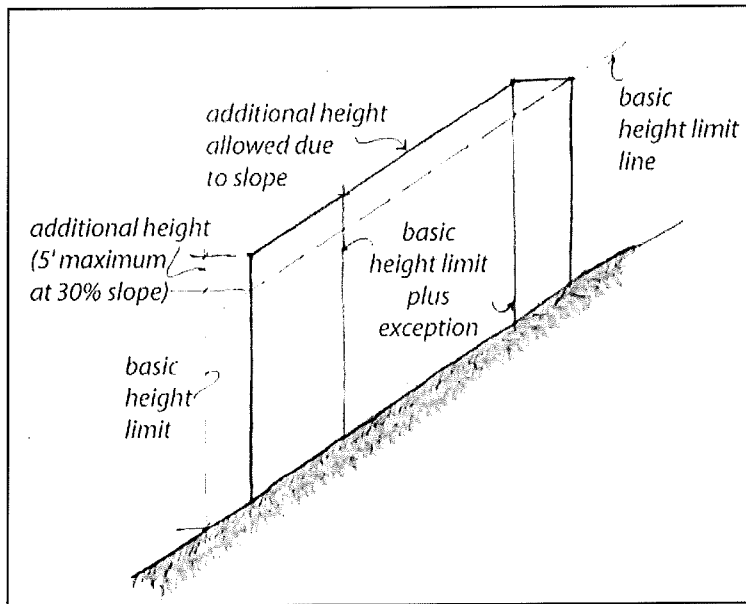
B. In MR zones, the base height limit may be increased by 5 feet if the number of stories in the structure that are more than 4 feet above existing or finished grade, whichever is lower, does not exceed six, and one or more of the following conditions is met:

1. The FAR exemption provided in Section 23.45.510.B.1 is used;
2. The structure has floor to ceiling heights of more than nine feet; or
3. The site is split between a MR zone and an NC zone that allows a structure height of 65 feet or more.

~~((B))~~C. Sloped Lots. In zones with height limits that are less than 85 feet, additional height is permitted for ((On)) sloped lots, ((additional height shall be permitted along the lower elevation of the structure footprint,)) at the rate of ((one (1))) 1 foot for each ((six (6))) 6 percent of slope, to a maximum additional height of ((five (5))) 5 feet. The additional height is permitted on the down-slope side of the structure only, as described in Section 23.86.006.D. See ((Exhibit 23.45.050 A))) Exhibit A for 23.45.514.



Exhibit A for 23.45.514: Sloped Lot Height Allowance



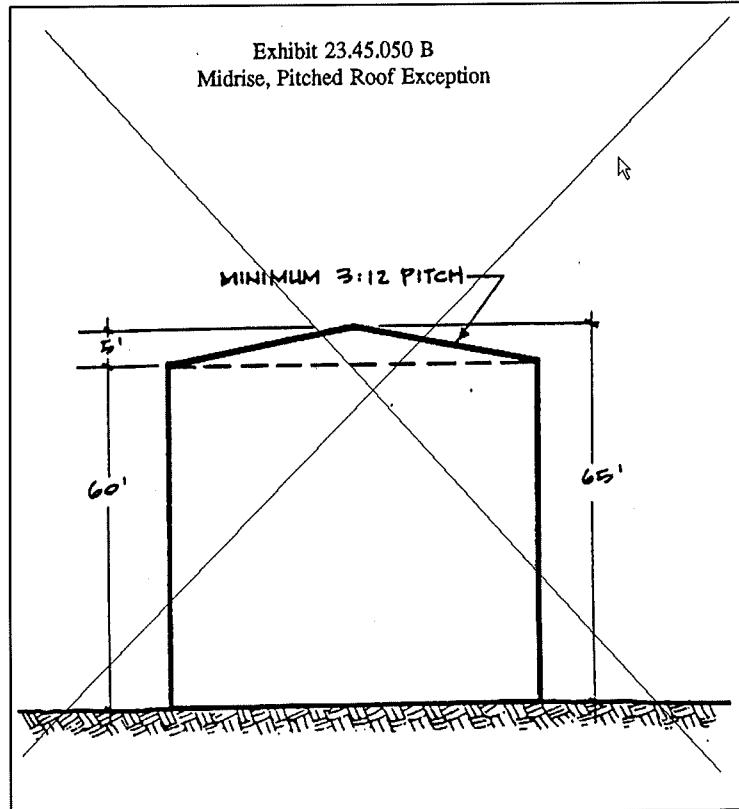
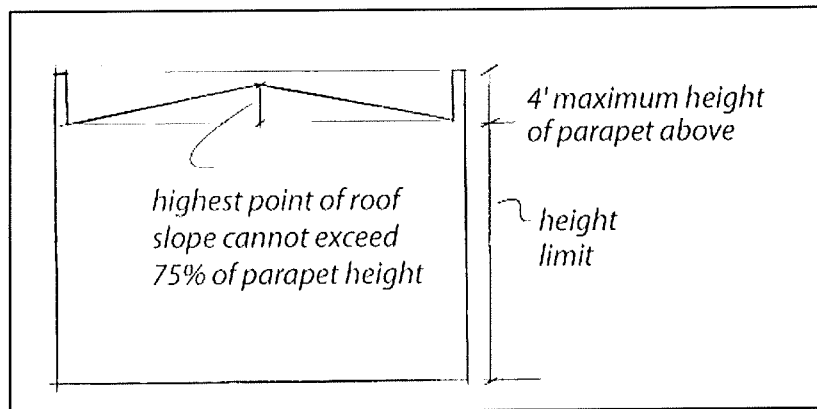
D. In MR zones, the base height limit may be increased by 5 feet if the number of stories in the structure that are more than 4 feet above existing or finished grade, whichever is lower, does not exceed six, and one or more of the following conditions is met:

1. The FAR exemption provided in Section 23.45.510.B.1 is used;
2. The structure has floor to ceiling heights of more than nine feet; or
3. The site is split between a MR zone and an NC zone that allows a structure height of 65 feet or more.

E. Roofs enclosed by a parapet. To promote adequate drainage, portions of a roof that are completely surrounded by a parapet may exceed the height limit to allow for a slope, provided that the highest point of the slope does not exceed the height limit by more than 75 percent of the height of the parapet. See Exhibit B for 23.45.514. ((Pitched Roofs. The ridge of pitched roofs on principal structures may extend up to sixty-five (65) feet. All parts of the roof

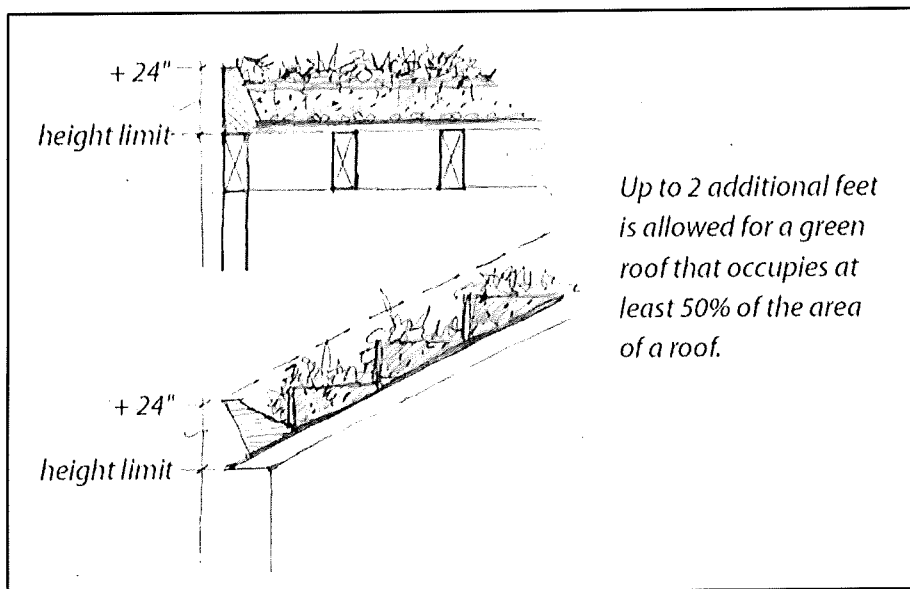
above sixty (60) feet must be pitched at a rate of not less than three to twelve (3:12) (Exhibit
23.45.050B). No portion of a shed roof shall be permitted to extend beyond the sixty (60) foot
height limit under this provision.))

Exhibit B for 23.45.514: Height Allowance for Sloped Roofs Concealed by a Parapet



F. Green roofs. For any structure with a green roof meeting the provisions of Section 23.45.524 and having a minimum rooftop coverage of 50 percent, up to 24 inches of additional height above the height limit is allowed to accommodate structural requirements, roofing membranes, and soil. See Exhibit C for 23.45.514.

Exhibit C for 23.45.514: Green Roof Height Allowance



((D))G. Rooftop Features.

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

2. Railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend ~~((four (4)))~~ 4 feet above the maximum height limit set in subsections A and B of this Section 23.45.514.

3. The following rooftop features may extend ~~((ten (10)))~~ 15 feet above the ~~((maximum))~~ applicable height limit set in subsections 23.45.514.A, ~~((and))~~ B, and C ~~((of this section))~~, so long as the combined total coverage of all features does not exceed ~~((fifteen (15)))~~ 20 percent of the roof area or ~~((twenty (20)))~~ 25 percent of the roof area if the total includes screened mechanical equipment:

- a. ~~((Stair and elevator penthouses;~~
- b.)) Mechanical equipment;
- ~~((e))~~b. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least ~~((five (5)))~~ 5 feet from the roof edge;
- ~~((d))~~c. Chimneys;
- ~~((e))~~d. Sun and wind screens;
- ~~((f))~~e. Penthouse pavilions for the common use of residents;
- ~~((g))~~f. Greenhouses which meet minimum energy standards administered by the Director;
- g. Wind-driven power generators; and
- h. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

4. Stair and elevator penthouses may extend above the applicable height limit up to 16 feet. When additional height is needed to accommodate energy-efficient elevators in zones



1 with height limits of 160 feet or greater, elevator penthouses may extend the minimum amount
2 necessary to accommodate energy-efficient elevators, up to 25 feet above the applicable height
3 limit. Energy-efficient elevators shall be defined by Director's Rule. When additional height is
4 allowed for an energy-efficient elevator, stair penthouses may be granted the same additional
5 height if they are co-located with the elevator penthouse.

6 ((4))5. For height exceptions for solar collectors, see Section
7 23.45.((146))545.D((- Solar collectors)).
8

9 ((5))6. In order to protect solar access for property to the north, the applicant
10 shall either locate the rooftop features listed in this subsection 23.45.514.F at least ~~((ten(10)))~~ 10
11 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the
12 proposed location of such rooftop features would shade property to the north on January 21st at
13 noon no more than would a structure built to maximum permitted bulk:
14

- 15 a. Solar collectors;
16 b. Planters;
17 c. Clerestories;
18 d. Greenhouses;
19 e. Minor communication utilities and accessory communication devices,
20 permitted according to the provisions of Section 23.57.011;
21 f. Nonfirewall parapets;
22 g. Play equipment;
23 h. Sun and wind screens;
24 i. Penthouse pavilions for the common use of residents.
25
26
27
28



1 ((6))7. For height limits and exceptions for communication utilities and devices,
2 see Section 23.57.011.

3 8. Additional height in HR zones. A structure may exceed the applicable height
4 limit in the HR zone as follows:

5 a. If the applicable height is 240 feet, the height of the structure may be increased
6 by 30 feet if the area bounded by the facades of the portion of the structure above 240 feet is no
7 greater than 6,500 square feet, or if the area bounded by the facades at an elevation that is
8 halfway between 240 feet and the height of the structure is no greater than 50 percent of the area
9 bounded by the facades at a height of 240 feet.

10 b. If the applicable height limit is 300 feet, the height of a structure may be
11 increased (1) by 30 feet if the area bounded by the facades of the portion of the structure above
12 300 feet is no greater than 6,500 square feet, or (2) by 45 feet if the area bounded by the facades
13 at an elevation that is halfway between 300 feet and the height of the structure is no greater than
14 50 percent of the area bounded by the facades at a height of 300 feet.

15 c. In all cases the area bounded by the facades extending above the height limit
16 may be occupied only by those uses or features otherwise permitted in this Section 23.45.514 as
17 an exception above the height limit, although any limits on the height or coverage of those uses
18 or features totally screened by the facades extending above the applicable height limit shall not
19 apply. Height exceptions permitted for screening and rooftop features under 23.45.514.F shall
20 not be permitted above the height gained by a structure under this provision.
21
22
23
24
25
26
27
28



Section 28. Section 23.45.064 and Section 23.45.066 of the Seattle Municipal Code, relating to HR zone general provisions and HR zone height, which sections were last amended by Ordinances 110570 and 120928, respectively, and as shown in Attachment A, are repealed.

Section 29. Section 23.45.052, which section was last amended by Ordinance 113041, is amended and recodified.

~~((23.45.052 Midrise Structure width and depth.))~~ **23.45.528 Structure width and depth limits for lots in Midrise zones greater than 9,000 square feet in size**

~~((A. Maximum Width.~~

~~1. The maximum width of a structure on a lot when the front facade is not modulated according to the standards of Section 23.45.054 C shall be forty (40) feet.~~

~~2. When the front facade is modulated according to the standards of Section 23.45.054C, the maximum width of each structure on a lot shall be one hundred fifty (150) feet.~~

~~B. Maximum Depth.~~

~~1. The maximum depth of a structure shall be:~~

~~a. Ground related housing: sixty five (65) percent of the depth of the lot;~~

~~b. Terraced housing on slopes of twenty five (25) percent or more: no maximum depth limit;~~

~~c. Apartments: sixty five (65) percent of lot depth.~~

~~2. Exceptions to Maximum Depth Requirements. Structure depth is permitted to exceed sixty five (65) percent of lot depth (Exhibit 23.45.052 A), subject to the following conditions:~~



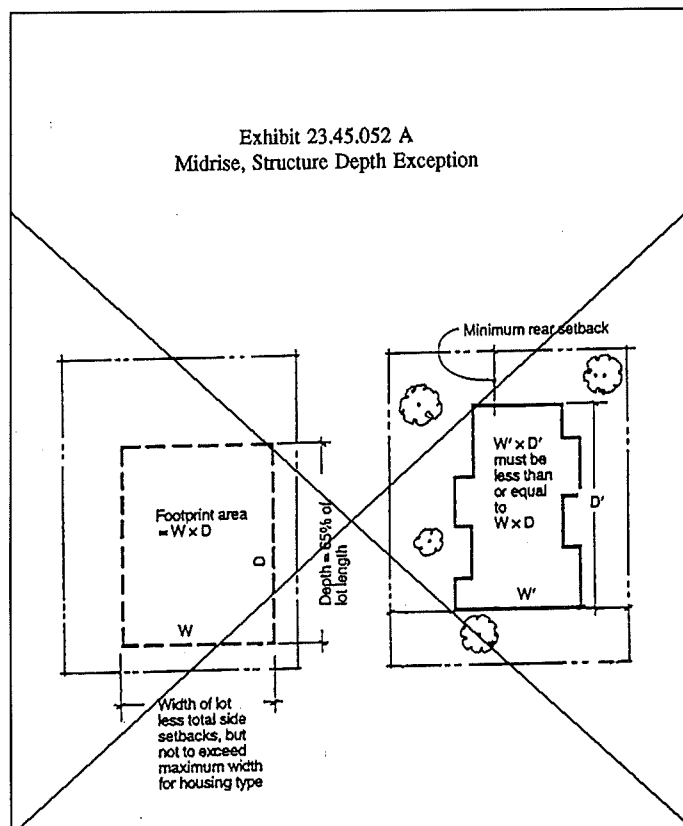
a. ~~The total lot coverage shall not be greater than that which would have been possible by meeting standard development requirements for maximum width, depth and setbacks.~~

b. ~~When the lot area is larger than seven thousand (7,000) square feet, the required amount of usable open space shall be increased to thirty (30) percent of lot area. Not more than one-third ($1/3$) of the required open space may be provided above ground in the form of decks and balconies.~~

c. ~~Structure depth shall in no case exceed one hundred fifty (150) feet.~~

d. ~~Structures with depth greater than sixty-five (65) percent of lot depth shall be modulated along the side setbacks, according to the standards of Section 23.45.054 C.)~~

~~((Exhibit 23.45.052A Midrise, Structure Depth Exception))~~



The width and depth limits of this Section 23.45.528 apply to lots in MR zones that are greater than 9,000 square feet in lot area.

A. The width of structures may not exceed the applicable limits shown in Table A for 23.45.528.

Table A for 23.45.528: Width Limits

	<u>MR</u>
<u>Maximum width</u>	<u>150'</u>

B. Structure Depth

1. The depth of structures may not exceed the limits shown in Table B for 23.45.528, except as provided in subsection 23.45.528.B.2.

Table B for 23.45.528: Depth Limits

	<u>MR</u>
<u>Maximum depth</u>	<u>75 percent of the depth of the lot</u>

2. Exceptions to structure depth limit. To allow for front setback averaging and courtyards as provided in subsection 23.45.518.A, structure depth may exceed the limit shown in Table B for 23.45.528 if the total lot coverage resulting from the increased structure depth does not exceed the lot coverage that would have otherwise been allowed without use of the courtyard or front setback averaging provisions.

C. Accessory structures are counted in structure width and depth if they are less than 3 feet from the principal structure at any point.



1 Section 30. Sections 23.45.054, 23.45.068, and 23.45.070 of the Seattle Municipal Code,
2 relating to MR and HR zone modulation standards and HR width and depth standards, which
3 sections were last amended by Ordinances 117263, 110570 and 111390, respectively, and as
4 shown in Attachment A, are repealed.

5 Section 31. A new Section 23.45.516 of the Seattle Municipal Code is added as follows:

6 **23.45.516 Additional height and extra residential floor area in Midrise and Highrise zones**
7

8 A. General. Definitions in Section 23.58A.004 apply in this Section 23.45.516 unless
9 otherwise specified. According to the provisions of this Section 23.45.516, Section 23.45.526,
10 and Chapter 23.58A:

11 1. In MR, MR/85, and HR zones, extra residential floor area may be permitted up to the
12 maximum limits allowed by Section 23.45.510; and

13 2. In MR and HR zones, additional height, above the base height limit, is permitted for
14 structures that qualify for extra residential floor area, up to the maximum limits allowed by
15 Sections 23.45.514.

16 B. Eligible lots. The following lots are eligible for extra residential floor area and,
17 except in MR/85 zones, additional height:
18

19 1. Lots in MR or MR/85 zones in urban villages, urban centers and the Station
20 Area Overlay District; and
21

22 2. Lots in HR zones.

23 C. Highrise Zones.

24 1. Extra Residential Floor Area. In HR zones extra residential floor area may be
25 gained in accordance with Chapter 23.58A subject to the conditions and limits in this Section
26



23.45.516. Up to all extra residential floor area may be gained through the affordable housing incentive program provisions in Section 23.58A.014. Up to 40 percent of extra residential floor area may be gained by one or any combination of:

- a. transfer of development potential;
- b. providing neighborhood open space or a payment in lieu thereof; and/or
- c. providing a neighborhood green street setback if allowed pursuant to

subsection 23.45.516.F, all in accordance with this Section 23.45.516 and Chapter 23.58A.

2. Structure Height.

a. Structures 240 feet or less in height. The applicable height limit in an HR zone under subsection 23.45.514.A is 240 feet if the applicant satisfies the conditions for extra floor area but not all of the conditions in subsection C.2.b of this Section 23.45.516 are met.

b. Structures over 240 feet. The applicable height limit in an HR zone under subsection 23.45.514.A is 300 feet if the applicant satisfies the conditions for extra floor area and the following additional conditions are met:

1) For any structure above a height of 85 feet, the average residential gross floor area per story above a height of 45 feet does not exceed 9,500 square feet; and

2) No parking is located at or above grade, unless it is separated from all street lot lines by another use; and

3) At least 25 percent of the lot area at grade is one or more landscaped areas, each with a minimum horizontal dimension of 10 feet, or at least 20 percent of



the lot area at grade is landscaped, common residential amenity area meeting the standards of 23.45.522.

D. Transfer of Development Potential (TDP) from Landmark Structures and Open Space.

1. Sending lots. TDP may be transferred under the provisions of Section 23.58A.018, as modified by this Section 23.45.516, only from landmark TDP sites and open space TDP sites. In order to be eligible as a landmark TDP site or open space TDP site, a lot must be located in the First Hill Urban Center Village and must be zoned MR or HR. Sending lots are subject to the limits and conditions in this Chapter 23.45 and Chapter 23.58A. The amount of TDP that may be transferred from a lot is limited to the amount by which the base FAR under Section 23.45.510 exceeds floor area on the lot that is not exempt under that Section.

2. Receiving lots. Any lot located in an HR zone within the First Hill Urban Center Village is eligible for extra residential floor area according to the provisions of this Section 23.45.516 to receive TDP from an eligible sending lot, subject to the limits and conditions in this Chapter 23.45 and Chapter 23.58A.

E. Combined lot development. When authorized by the Director pursuant to this Section 23.45.516, lots located on the same block in an HR zone may be combined, whether contiguous or not, solely for the purpose of allowing some or all of the capacity for chargeable floor area on one or more such lots under this chapter to be used on one or more other lots, according to the provisions of this subsection 23.45.516.E.

1. Up to all of the capacity on one lot, referred to in this subsection 23.45.516.E as the "base lot," for chargeable floor area in addition to the base FAR, pursuant to Section



23.45.510 (referred to in this subsection E as “bonus capacity”), may be used on one or more other lots, subject to compliance with all conditions to obtaining extra residential floor area, pursuant to Chapter 23.58A, as modified in this Section 23.45.516. For purposes of applying any conditions related to amenities or features provided on site under this Section 23.45.516, only the lot or lots on which such bonus capacity is used are considered to be the lot or site using a bonus. Criteria for use of extra residential floor area that apply to the structure or structures shall be applied only to the structure(s) on the lots using the transferred bonus capacity. For purposes of the condition to height above 240 feet in subsection C.2.b.3) of this Section 23.45.516, all lots in a combined lot development are considered as one lot.

2. Only if all of the bonus capacity on all lots in a combined lot development is used on fewer than all of those lots, there may be transferred from a base lot where no bonus capacity is used, to one or more other lots in the combined lot development, up to all of the unused base FAR on the base lot, without regard to limits on the transfer of TDP or on use of TDP in Chapter 23.58A or subsection 23.45.516.D. Such transfer shall be treated as a transfer of TDP for purposes of determining remaining development capacity on the base lot and TDP available to transfer under Chapter 23.58A, but shall be treated as additional base FAR on the other lots, and, to the extent that, together with other base floor area, it does not exceed the amount of chargeable floor area below the base height limit on the lot where it is used, it shall not be treated as extra residential floor area. If less than all of the bonus capacity of the base lot is used on such other lots, and if the base lot qualifies as a sending lot for TDP, the unused base FAR may be transferred as TDP to the extent permitted by Chapter 23.58A and this section, but in each case only to satisfy in part the conditions to extra floor area, not as additional base FAR.



1 3. To the extent permitted by the Director, the maximum chargeable floor area for
2 any one or more lots in the combined lot development may be increased up to the combined
3 maximum chargeable floor area under Section 23.45.510 computed for all lots participating in
4 the combined lot development, provided that the maximum chargeable floor area on one or more
5 other lots in the combined lot development is correspondingly reduced. To the extent permitted
6 by the Director, and subject to subsection 23.45.516.E.2 above, the base floor area for any one or
7 more lots in the combined lot development may be increased up to the combined base chargeable
8 floor area under Section 23.45.510 computed for all lots participating in the combined lot
9 development, provided that the base floor area on one or more other lots in the combined lot
10 development is correspondingly reduced.
11

12 4. The Director shall allow a combined lot development only to the extent that the
13 Director determines, in a Type I land use decision, that permitting more chargeable floor area
14 than would otherwise be allowed on a lot or lots and the corresponding reduction on another lot
15 or lots will result in a significant public benefit through one of more of the following:
16

17 a. preservation of a landmark structure located on the block or on an
18 adjacent block either through the inclusion of the lot with the landmark structure as a base lot in
19 the combined lot development or through the transfer of TDP from the lot with the landmark
20 structure to a lot in the combined lot development;
21

22 b. inclusion on the same block of a structure in which low-income
23 housing is provided to satisfy all or part of the conditions to extra residential floor area; and/or
24

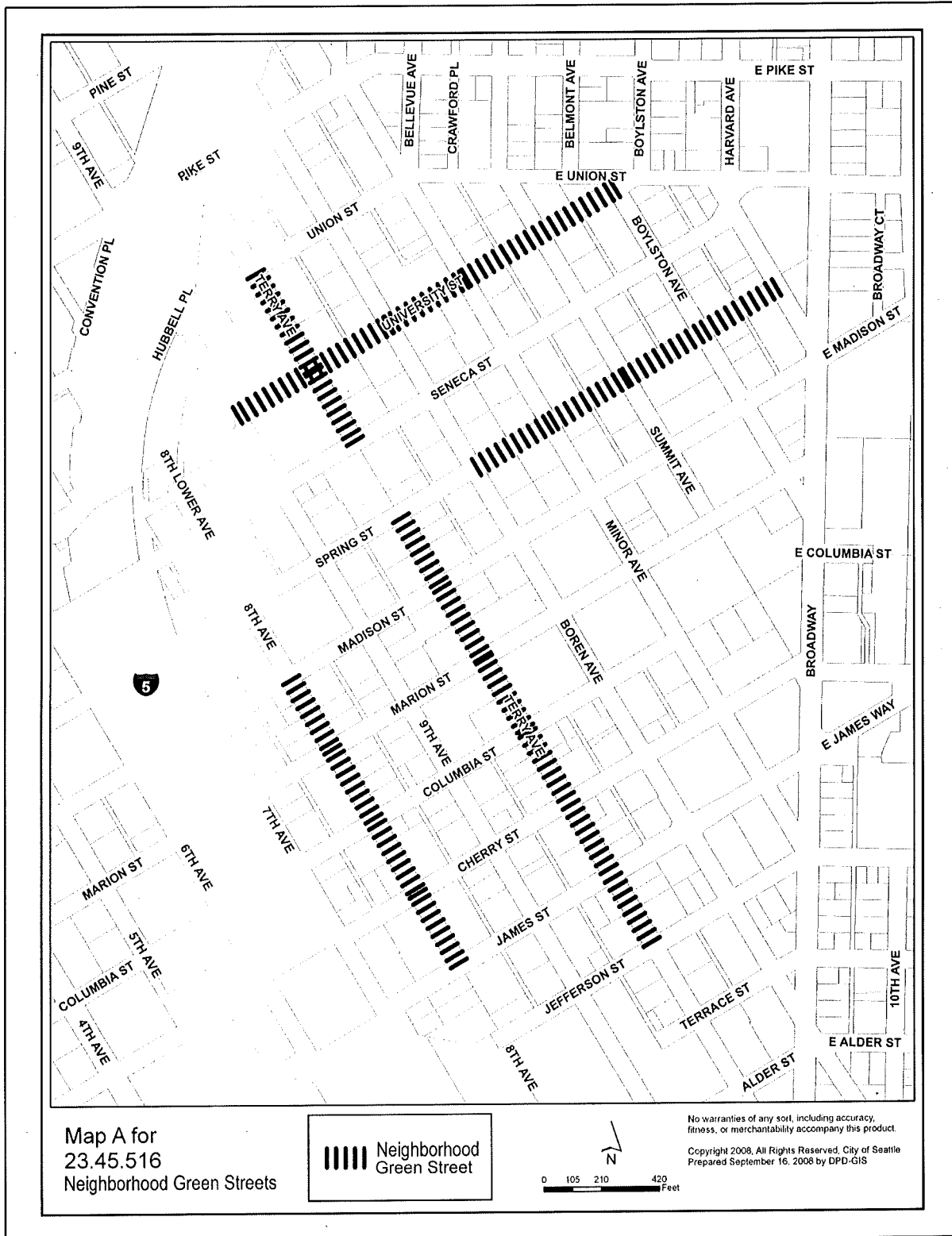
25 c. provision of open space on the same block to satisfy in part the
26 conditions to extra residential floor area.
27
28

1 5. The fee owners of each of the combined lots shall execute an appropriate
2 agreement or instrument, which shall include the legal descriptions of each lot and shall be
3 recorded in the King County real property records. In the agreement or instrument, the owners
4 shall acknowledge the extent to which development capacity on each base lot is reduced by the
5 use of such capacity on another lot or lots, at least for so long as the chargeable floor area for
6 which such capacity is used remains on such other lot or lots. The agreement or instrument shall
7 also provide that its covenants and conditions shall run with the land and shall be specifically
8 enforceable by the parties and by the City of Seattle.
9

10 6. Nothing in this subsection 23.45.516.E shall allow the development on any lot
11 in a combined lot development to exceed or deviate from height limits or other development
12 standards.
13

14 F. Neighborhood Green Street Setback. Floor area may be gained for a neighborhood
15 green street setback according to the provisions of Chapter 23.58A by development on lots
16 abutting one of the streets or street segments within the First Hill Urban Village shown on Map
17 A for 23.45.516.
18
19
20
21
22
23
24
25
26
27
28





1 G. Neighborhood open space. In HR zones, subject to the limits in this Section
2 23.45.516 and Chapter 23.58A, extra residential floor area may be gained through a voluntary
3 agreement to provide neighborhood open space or a payment in lieu of neighborhood open
4 space, according to the provisions of Section 23.58A.016.

5 Section 32. Section 23.45.056, relating to setbacks in Midrise zones, which section was
6 last amended by Ordinance 122050, is amended and recodified as follows:

7 ~~((23.45.056 Midrise Setback requirements.))~~ **23.45.518 Setbacks and Separations in**
8
9 **Midrise and Highrise zones**

10 ~~((Front, rear and side setbacks shall be provided for all lots, according to the following~~
11 ~~provisions:~~

12 A. ~~Front Setback. The required front setback shall be the average of the setbacks of the~~
13 ~~first principal structures on either side, subject to the following provisions:~~

14 1. ~~The front setback shall in no case be required to be more than five (5) feet greater~~
15 ~~than the setback of the first principal structure on either side which is closer to the front lot line.~~

16 2. ~~The front setback shall in no case be required to exceed fifteen (15) feet.~~

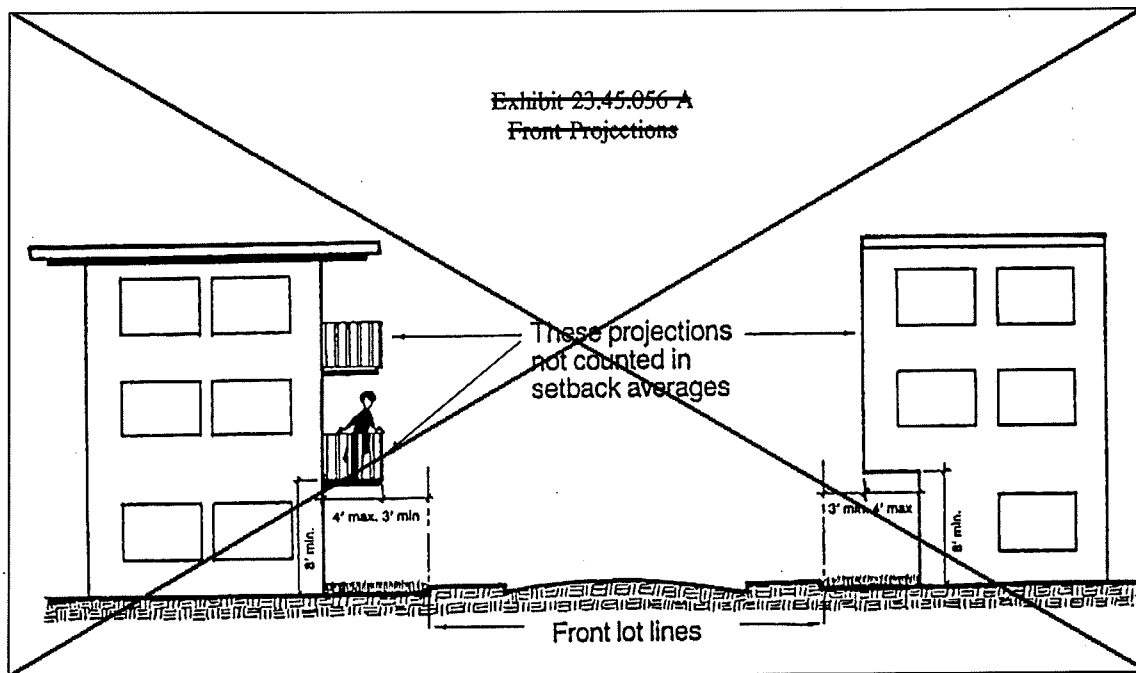
17 3. ~~Portions of the Structure in Front Setbacks.~~

18 a. ~~Portions of a structure may project into the required front setback, as long as the~~
19 ~~average distance from the front property line to the structure satisfies the minimum front setback~~
20 ~~requirement.~~

21 b. ~~No portions of a structure between finished grade and eight (8) feet above finished~~
22 ~~grade shall be closer to the front lot line than five (5) feet.~~



e. ~~Portions of the facade which begin eight (8) feet or more above finished grade may project up to four (4) feet beyond the lower portion of the facade, without being counted in setback averaging (Exhibit 23.45.056 A).~~



d. ~~Portions of the facade which begin eight (8) feet or more above finished grade shall be no closer than three (3) feet to the front lot line (Exhibit 23.45.056 A).~~

4. ~~A greater setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.~~

5. ~~Front Setback Exceptions.~~

a. ~~Structures Along Heavily Traveled Arterials. In order to reduce noise and glare impacts, multi-family structures located on principal arterials designated on Exhibit 23.53.015 A shall be allowed a reduction in the required front setback. The required front setback along these arterials may be reduced to either fifty (50) percent of the front setback specified in the~~

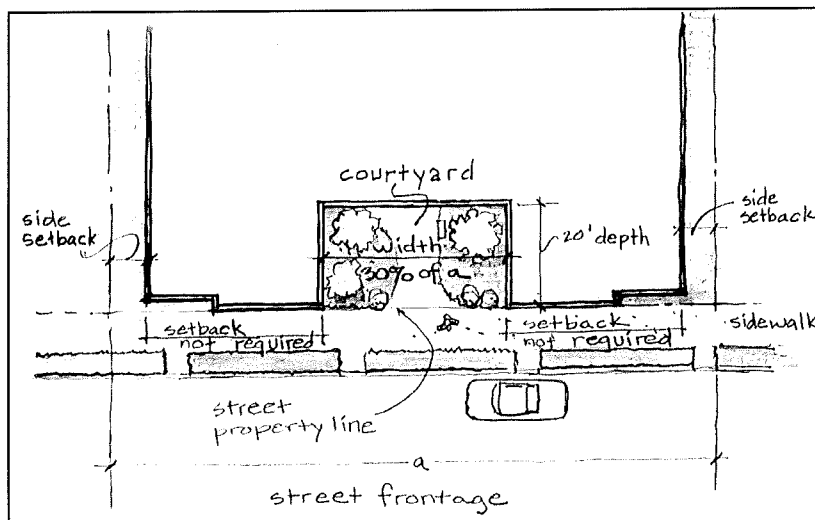
development standards, or the front setback of the principal structure on either side, whichever is less:))

A. MR Zones. Minimum setbacks for the MR zone are shown in Table A for 23.45.518, except as provided in subsection Section 23.45.508.E for lots that have no street frontage.

Table A for 23.45.518: MR Setbacks

<u>Setback Location</u>	<u>Required Setback Amount</u>
<u>Front and side setback from street lot lines</u>	7' average setback; 5' minimum setback No setback is required when a courtyard is provided abutting the street (see Exhibit A for 23.45.518) that has: - a minimum width equal to 30 percent of the width of the abutting street frontage or 20', whichever is greater; and - a minimum depth of 20' measured from the abutting street lot line.
<u>Rear setback</u>	15' from a rear lot line that does not abut an alley; or 10' from a rear lot line abutting an alley.
<u>Side setback from interior lot line</u>	For portions of a structure: 42' or less in height: 7' average setback; 5' minimum setback. - Above 42' in height: 10' average setback; 7' minimum setback.

Exhibit A for 23.45.518: MR Courtyard Example



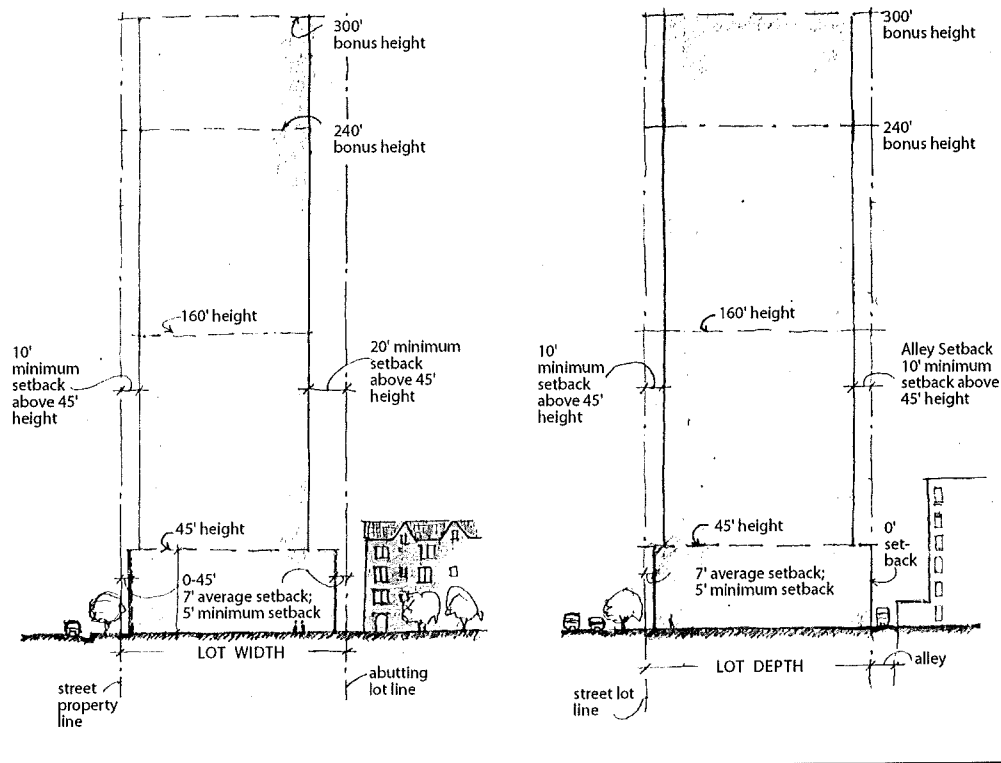
B. HR Zones. Minimum setbacks for HR zones are shown in Table B for 23.45.518, except as provided in Section 23.45.508.E for lots that have no street frontage.

Table B for 23.45.518: HR Setbacks (see also Exhibit B for 23.45.518)

<u>Setbacks for structures eighty-five feet in height or less</u>	
Structures 85 feet in height or less are subject to the setback provisions of the MR zone in subsection 23.45.518.A.	
<u>Setbacks for structures greater than eighty-five feet in height</u>	
<u>Lot line abutting a street</u>	<u>For portions of a structure:</u> • <u>45' or less in height: 7' average setback; 5' minimum setback, except that no setback is required for frontages occupied by street level uses or dwelling units with a direct entry from the street;</u> • <u>Greater than 45' in height: 10' minimum setback</u>
<u>Lot line abutting an alley</u>	<u>Rear lot line abuts an alley:</u> <u>For portions of a structure:</u> • <u>45' or less in height: no setback required;</u> • <u>Greater than 45' in height: 10' minimum setback.</u>
<u>Lot line that abuts neither a street nor alley</u>	<u>For portions of a structure:</u> • <u>45' or less in height: 7' average setback; 5' minimum setback, except that no setback is required for portions abutting an existing structure built to the abutting lot line;</u> • <u>Greater than 45' in height: 20' minimum setback.</u>



Exhibit B for 23.45.518: HR Setbacks



((b))C. Through Lots. In the case of a through lot, each setback abutting a street except a side setback shall be a front setback. Rear setback requirements shall not apply to the lot.

D. Other Requirements. Additional structure setbacks may be required in order to meet the provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements.

~~e. Parking in Rear. For sites which are required to locate the parking in the rear and have no alley, the required front setback shall be reduced by five (5) feet, so long as this does not reduce the required front setback to less than ten (10) feet.~~

~~d. Sloped Lots. On sloped lots with no alley access, the required front setback shall be fifteen (15) feet minus one (1) foot for each two (2) percent of slope. Slope shall be measured~~

1 ~~from the midpoint of the front lot line to the rear lot line, or for a depth of sixty (60) feet,~~
2 ~~whichever is less.~~

3 ~~B. Rear Setback. The minimum rear setback shall be either:~~

4 ~~1. Ten (10) feet, with modulation required along the rear I according to the standards of~~
5 ~~Section 23.45.054 C; or~~

6 ~~2. An average of fifteen (15) feet; provided, that no part of the setback shall be less than~~
7 ~~ten (10) feet.~~

8
9 ~~C. Side Setbacks.~~

10 ~~1. The required side setback shall be determined by structure depth and height,~~
11 ~~according to Table 23.45.056 A. The side setback may be averaged, provided that the setback is~~
12 ~~not less than three (3) feet for decks, balconies, and architectural features such as chimneys and~~
13 ~~cornices, and the minimum setback set forth in the table is observed for all portions of the~~
14 ~~structure.~~
15
16
17
18
19
20
21
22
23
24
25
26
27
28



((TABLE 23.45.056 A						
—						
Total—	Height of Facade at Highest Point in Feet—					Minimum—
Structure—	0—20—	21—30—	31—40—	41—50—	51 or more—	Side—
Depth in—	—					Setback—
Feet —	Average Side Setback in Feet—					in Feet—
—	—					—
65 or less—	8—	8—	8—	8—	8—	—
66—75—	8.5—	8.5—	8.5—	9.0—	10.0—	—
76—85—	9.0—	9.0—	9.0—	9.5—	10.5—	8—
86—95—	9.5—	9.5—	9.5—	10.0—	11.0—	—
96—105—	10.5—	11.5—	12.5—	13.5—	14.5—	—
—	—					—
—	—					—
106—115—	12.0—	13.0—	14.0—	15.0—	16.0—	—
116—125—	13.5—	14.5—	15.5—	16.5—	17.5—	9—
126—135—	15.0—	15.0—	17.0—	18.0—	19.0—	—
—	—					—
—	—					—
136—145—	16.5—	17.5—	18.5—	19.5—	20.5—	—
146—155—	18.0—	19.0—	20.0—	21.0—	22.0—	10—
156—165—	19.5—	20.5—	21.5—	22.5—	23.5—	—
—	—					—
—	—					—
166—175—	21.0—	22.0—	23.0—	24.0—	25.0—	1' in addition —
176—185—	22.5—	23.5—	24.5—	25.5—	26.5—	to 10' for—
186—195—	24.0—	26.0—	26.0—	27.0—	28.0—	every 30' in —
—	—					depth—
The pattern established in the table shall be continued for structures greater than one hundred ninety feet (190') in depth.))						

2. ~~Side Setback Exceptions. The side street setback of a reversed corner lot shall be as follows:~~

a. ~~When the required front setback of the key lot is less than eight (8) feet, the side street setback shall be equal to the key lot's front setback.~~



b. ~~When the required front setback of the key lot is at least eight (8) feet but not more than sixteen (16) feet, the side street setback shall be eight (8) feet.~~

c. ~~When the required front setback of the key lot is greater than sixteen (16) feet, the side street setback shall be one-half (1/2) the depth of the key lot's front setback. The setback may be averaged along the entire structure depth, but shall at no point be less than five (5) feet.~~

d. ~~When the actual setback of the structure on the key lot is less than eight (8) feet, the side street setback shall be equal to the distance between the front lot line of the key lot and structure regardless of the front setback requirement.~~

D. ~~General Setback Exceptions.~~

1. ~~Required Setbacks for Cluster Developments.~~

E. Separations between multiple structures.

1. MR zones.

a. Where two ((2)) or more principal structures are located on a lot, the ~~((required setback between those portions of interior facades which face each other shall be))~~ minimum separation between the structures at any two points on different interior facades is 10 feet, except as follows:

1) When the structures are separated by a driveway or parking aisle the minimum separation from finished grade to a height of 9 feet above finished grade is 2 feet greater than the required width of the driveway or parking aisle, provided that separation is not required to be any greater than 24 feet to accommodate a parking aisle.

2) Enclosed floor area of a structure may extend a maximum of 3 feet over driveways and parking aisles, subject to this subsection 23.45.518.E; and



b. Architectural or structural features and unenclosed decks up to 18 inches above existing or finished grade, whichever is lower, may project up to 18 inches into the required separation between structures.

2. HR zones. Where two or more structures or portions of a structure above 85 feet in height are located on one lot, the minimum horizontal separation between interior facades in each height range is as provided in Table C for 23.45.518.

Table C for 23.45.518: HR Façade Separation for Structures on the Same Lot

<u>Height Range</u>	<u>Minimum separation required between interior facades</u>
<u>0 to 45 feet</u>	<u>No minimum</u>
<u>Above 45 feet up to 160 feet</u>	<u>30 feet</u>
<u>Above 160 feet</u>	<u>40 feet</u>

TABLE INSET:

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

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

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



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

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

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

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

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

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

F. Projections into required setbacks and separations.

1. Cornices, eaves, gutters, roofs and other forms of weather protection may project into required setbacks and separations a maximum of 2 feet if they are no closer than 3 feet to any lot line, except as provided in subsection 23.45.518.F.4.

2. Garden windows and other features that do not provide floor area may project 18 inches into required setbacks and separations if they are:

a. a minimum of 30 inches above the finished floor;

b. no more than 6 feet in height and 8 feet wide; and

c. combined with bay windows and other features with floor area, make up no more than 30 percent of the area of the façade.



1 3. Bay windows and other features with floor area may project a maximum of 18
2 inches into required setbacks and separations if they are:

- 3 a. no closer than 5 feet to any lot line;
4 b. no more than 10 feet in width; and
5 c. combined with garden windows, make up no more than 30 percent of
6 the area of the façade.

7 4. Unenclosed decks and balconies may project a maximum of 4 feet into required
8 setbacks or separations if they are:

- 9 a. no closer than 5 feet to any lot line; and
10 b. no more than 20 feet wide and are separated from other balconies by a
11 distance equal to at least half the width of the projection.

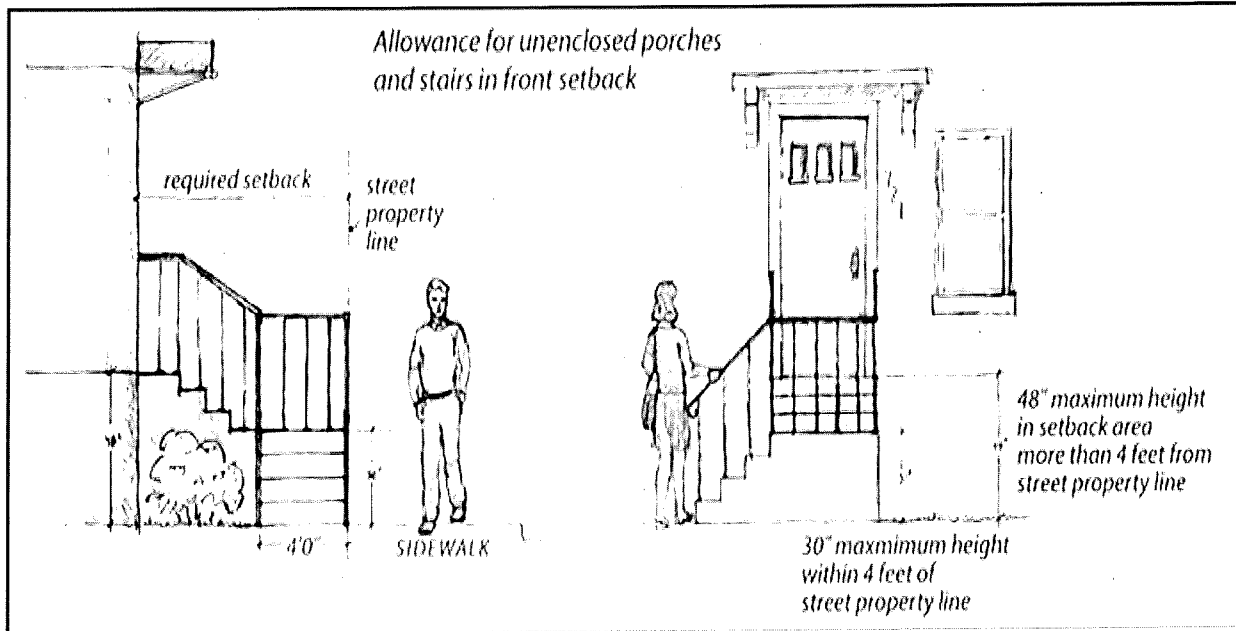
12 5. Unenclosed decks up to 18 inches above existing or finished grade, whichever
13 is lower, may project into required setbacks or separations to the lot line.

14 6. Unenclosed porches or steps.

- 15 a. When setbacks are required pursuant to subsection A.1 of this Section
16 23.45.518, unenclosed porches or steps no higher than 4 feet above existing grade may extend to
17 within 4 feet of a street lot line, except that portions of entry stairs or stoops not more than 30
18 inches in height from existing or finished grade whichever is lower, excluding guard rails or
19 hand rails, may extend to a street lot line. See Exhibit C for 23.45.518.



Exhibit C for 23.45.518: Setbacks for Unenclosed Porches

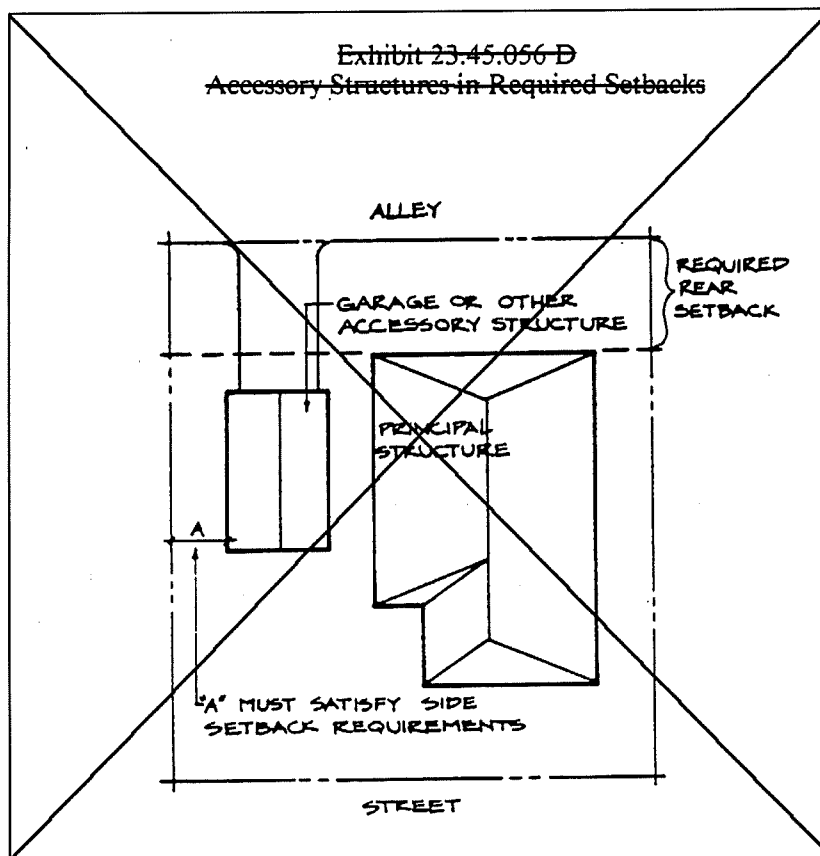


b. Permitted porches may be covered, provided no portion of the cover-structure, including any supports, are closer than 3 feet to any lot line.

7. Fireplaces and chimneys may project 18 inches into required setbacks or separations.

((2))G. Structures in Required Setbacks or separations((:))

((a))1. Detached garages, carports or other accessory structures are permitted in ((the)) required separations and required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure (((Exhibit 23.45.056 D))) subject to the following requirements:



a. A minimum setback of 5 feet is maintained from all lot lines; and

b. The ~~((All such))~~ accessory structure~~((s shall be no greater))~~ is no taller than ~~((twelve-))~~12~~((+))~~ feet ~~((in height))~~, as measured from existing or finished grade, whichever is lower, except for garages and carports as specified below:

1) garages and carports are limited to 12 feet in height as measured from the façade containing the vehicle entrance; and

2) ~~((with))~~ open rails ~~((permitted above twelve (12) feet))~~ are allowed to extend an additional 3 feet above the roof of the accessory structure if any portion of the roof is within 4 feet of existing grade.

~~((b))~~2. Ramps or other devices necessary for access for the disabled and elderly, ~~((which))~~ that meet ~~((Washington State))~~ Seattle Building Code, Chapter 11-Accessibility, are permitted in ~~((required front, side or rear))~~ any required setback~~((s))~~ or separation.

~~((e))~~3. Uncovered, unenclosed pedestrian bridges, necessary for access~~((s))~~ and less than ~~((five-))~~5~~((+))~~ feet in width, are permitted in any required ~~((front, side and rear))~~ setback~~((s))~~ or separation.

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

e. Decks which average no more than eighteen (18) inches above existing grade may project into required setbacks. Such decks shall not be permitted within five (5) feet of any



lot line, unless they abut a permitted fence or freestanding wall, and are at least three (3) feet below the top of the fence or wall. The fence or wall shall be no higher than six (6) feet.)

((f))4. Underground structures are permitted in ((all)) any required setback((s)) or separation. Enclosed structures entirely below the surface of the earth, at existing or finished grade, whichever is lower, are permitted in any required setback or separation.

((g))5. Solar collectors are permitted in any required setback((s)) or separation, subject to the provisions of Section 23.45.((146))538, Solar collectors.

6. ~~((Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.~~
(1) ~~Fences, f))~~Freestanding ((walls)) structures, signs and similar structures ((six (6))) 6 feet or less in height above existing or finished grade whichever is lower, may be erected in each required setback or separation.

7. Fences

a. Fences no greater than six feet in height are permitted in any required front, side or rear setback or separation, except that fences in required front or side street side setbacks may not exceed 4 feet in height. The ((six (6)) foot)) permitted height may be averaged along sloping grade for each ((six (6))) 6 foot long segment of the fence, but in no case may any portion of the fence exceed ((eight (8))) 6 feet in height.

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



averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.

b. Up to two feet of additional height for architectural features such as arbors or trellises on the top of a fence is permitted, if the architectural features are predominately open. When such a fence is located on top of a bulkhead or retaining wall, the height of the fence is limited to 4 feet, and the 4 foot height may be averaged along sloping grade for each 6 foot long segment of the fence, but in no case may any portion of the fence exceed 6 feet in height.

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

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

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

((3)) 8. Bulkheads and retaining walls

a. Bulkheads and retaining walls used to raise grade may be placed in each required setback when limited to ((six (6))) 6 feet in height, measured above existing grade. A guardrail no higher than ((forty two (42))) 42 inches may be placed on top of a bulkhead or retaining wall existing as of ((the effective date of the ordinance codified in this section.1))



January 3, 1997. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to ~~((nine and one half (9 1/2)))~~ 9.5 feet.

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

~~((1))~~ 9. Arbors. Arbors may be permitted in required setbacks or separation under the following conditions:

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

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



10. Structures built as single family residences prior to 1982, that will remain in residential use, are permitted in required setbacks or separations provided that nonconformity to setback or separation requirements is not increased.

((3))11. Front and rear setbacks or separations on lots containing certain environmentally critical areas or buffers may be reduced pursuant to Sections 25.09.280 and 25.09.300.

Section 33. Section 23.45.072, relating to setbacks in Highrise zones, which section was last amended by Ordinance 122050, and as shown in Attachment A, is repealed.

Section 34. 23.45.068 of the Seattle Municipal Code, which section was last amended by Ordinance 110570, is amended and recodified as follows:

~~((23.45.068 Highrise— Structure width and depth.))~~ **23.45.520 Highrise zone width & floor size limits**

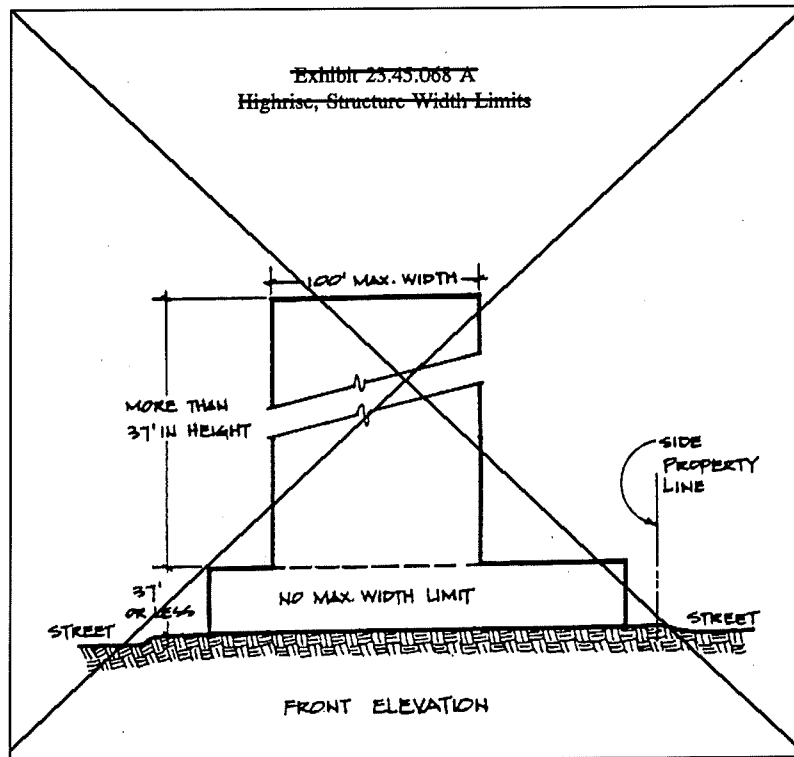
~~((A. Maximum Width.~~

1. ~~For facades or portions of facades along the street which are thirty seven (37) feet in height or less, and which are not modulated according to the standards of Section 23.45.070 B, maximum width shall be thirty (30) feet.~~

2. ~~For facades or portions of facades along the street which are thirty seven (37) feet in height or less, and which are modulated according to the standards of Section 23.45.070 B, there shall be no maximum width limit.~~

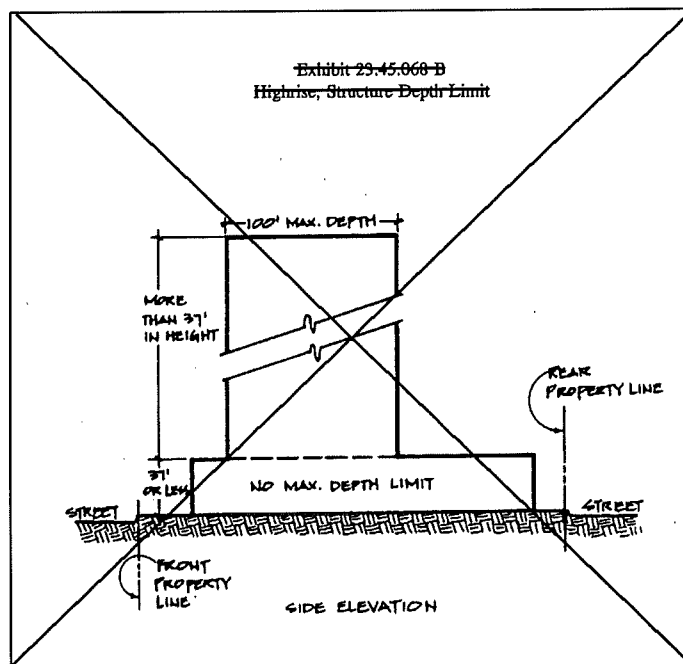
3. ~~Facades or portions of facades which begin thirty seven (37) feet or more above existing grade shall have a maximum width limit of one hundred (100) feet, whether they are modulated or not (Exhibit 23.45.068 A).~~





B. Maximum Depth.

1. For facades or portions of facades thirty-seven (37) feet or less in height, which are not along a street, there shall be no maximum depth limit.



1
2 ~~2. Facades or portions of facades above thirty seven (37) feet in height~~
3 ~~shall not exceed one hundred (100) feet in depth (Exhibit 23.45.068 B.)~~

4 A. In HR zones, portions of structures above a height of 45 feet are limited to a
5 maximum façade width of 110 feet. The width of the structure measured along the longest street
6 lot line may be increased as follows, provided that if both street lot lines are of the same length,
7 the increase in the width of the façade is only permitted along one street lot line:

8
9 1. A maximum façade width of 130 feet is permitted, provided that the average
10 gross floor area of all stories above 45 feet in height does not exceed 10,000 square feet; or

11 2. If the applicant uses earns bonus residential floor area by providing all of the
12 affordable housing within the project pursuant to Section 23.58A.014, the maximum façade
13 width of the structure above 45 feet in height is 150 feet, provided that the average gross floor
14 area of all stories above 45 feet in height does not exceed 12,000 square feet.

15
16 B. All portions of structures that reach the maximum façade width limit specified in
17 subsection 23.45.520.A must be separated from any other portion of a structure on the lot above
18 45 feet at all points by the minimum horizontal distance shown on Table B for 23.45.518, except
19 that projections permitted in required setbacks and separations pursuant to subsection
20 23.45.518.F are permitted.

21
22 Section 35. Sections 23.45.058 and 23.45.074 of the Seattle Municipal Code, relating to
23 open space standards, which sections were last amended by Ordinances 120928, and as shown in
24 Attachment A, are repealed.

25
26 Section 36. A new section 23.45.522 of the Seattle Municipal Code is added as follows:



23.45.522 Residential amenity areas in Midrise and Highrise zones

A. Residential amenity areas, including but not limited to decks, balconies, terraces, roof gardens, plazas, courtyards, play areas, or sport courts, are required in an amount equal to 5 percent of the total gross floor area of a structure in residential use, except as otherwise provided in this Chapter 23.45.

B. Required residential amenity areas shall meet the following conditions:

1. All residents shall have access to at least one common or private residential amenity area;

2. No more than 50 percent of the residential amenity area may be enclosed common space.

3. Parking areas, driveways, and pedestrian access to building entrances, except for pedestrian access meeting the Seattle Building Code, Chapter 11 -- Accessibility, do not qualify as residential amenity areas;

4. Swimming pools may be counted toward meeting the residential amenity requirement.

5. Common amenity areas shall have a minimum horizontal dimension of at least 10 feet, and no common amenity area may be less than 250 square feet;

6. Rooftop areas excluded because they are near minor communication utilities and accessory communication devices, pursuant to subsection 23.57.011.C, do not qualify as residential amenity areas.

C. No residential amenity area is required for an additional dwelling unit added to an existing multifamily structure.



Section 37. Sections 23.45.057 and 23.45.073 of the Seattle Municipal Code, relating to MR and HR landscaping and screening standards, which sections were last amended by Ordinance 121477, and as shown in Attachment A, are repealed.

Section 38. A new Section 23.45.524 of the Seattle Municipal Code is added as follows:

23.45.524 Landscaping and screening standards in Midrise and Highrise zones

A. Landscaping requirements.

1. Standards. All landscaping provided to meet requirements under this Section 23.45.524 must meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. The Director may promulgate standards relating to landscaping matters that may include, but are not limited to, the type and size of plants, number of plants, concentration of plants, depths of soil, use of drought-tolerant plants, and access to light and air for plants.

2. Green Factor Requirement. Landscaping that achieves a Green Factor score of 0.5 or greater, determined as set forth in Section 23.86.019, is required for any new development in Midrise and Highrise zones.

B. Street tree requirements.

1. Street trees are required when any type of development is proposed, except as provided in subsection 23.45.524.B.2 below and Section 23.53.015. Existing street trees shall be retained unless the Director of the Seattle Department of Transportation approves their removal. The Director, in consultation with the Director of the Seattle Department of Transportation, will determine the number, type, and placement of additional street trees to be provided in order to:

a. improve public safety;



- b. promote compatibility with existing street trees;
- c. match trees to the available space in the planting strip;
- d. maintain and expand the urban forest canopy;
- e. encourage healthy growth through appropriate spacing;
- f. protect utilities; and
- g. allow access to the street, buildings and lot.

2. Exceptions to street tree requirements.

a. If a lot borders an unopened right-of-way, the Director may reduce or waive the street tree requirement along that right-of-way as a Type I decision if, after consultation with the Director of the Seattle Department of Transportation, the Director determines that the right-of-way is unlikely to be opened or improved.

b. Street trees are not required for any of the following:

- 1) establishing, constructing, or modifying single-family dwelling units;
- 2) changing a use or establishing a temporary use or intermittent use;
- 3) expanding a structure by 1,000 square feet or less; or
- 4) expanding surface area parking by less than 10 percent in area and less than 10 percent in number of spaces.

c. When an existing structure is proposed to be expanded by more than 1,000 square feet, one street tree is required for each 500 square feet over the first 1,000 square



1 feet of additional structure, up to the maximum number of trees that would be required for new
2 construction.

3 3. If it is not feasible to plant street trees in a right-of-way planting strip, a 5 foot
4 setback shall be planted with street trees along the street lot line or landscaping other than trees
5 shall be provided in the planting strip, subject to approval by the Director of the Seattle
6 Department of Transportation. If, according to the Director of the Department of Transportation,
7 a 5 foot setback or landscaped planting strip is not feasible, the Director may reduce or waive
8 this requirement as a Type I decision.
9

10 C. Screening of parking.

11 1. Parking must be screened from direct street view by the front facade of a
12 structure, by garage doors, or by a fence or wall between 4 feet and 6 feet in height. When the
13 fence or wall parallels a street, a minimum 3 foot deep landscaped area is required on the street
14 side of the fence or wall. The screening may not be located within any required sight triangle.
15

16 2. The height of the visual barrier created by the screen required in subsection
17 23.45.524.C.1 shall be measured from the elevation of the curb or street if no curb is present. If
18 the elevation of the lot line is different from the finished elevation of the parking surface, the
19 difference in elevation may be measured as a portion of the required height of the screen, so long
20 as the screen itself is a minimum of 3 feet in height.
21

22 Section 39. A new Section 23.45.526 of the Seattle Municipal Code is added as follows:

23 **23.45.526 LEED, Built Green, and Evergreen Sustainable Development Standards**

24 A. Applicants for all new development gaining extra residential floor area, pursuant to
25 this Chapter 23.45, except additions and alterations, shall make a commitment that the structure
26



1 will meet green building performance standards by earning a Leadership in Energy and
2 Environmental Design (LEED) Silver rating or a Built Green 4-star rating of the Master Builders
3 Association of King and Snohomish Counties, except that an applicant who is applying for
4 funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing to
5 develop new affordable housing, as defined in subsection 23.45.526.D, may elect to meet green
6 building performance standards by meeting the Washington Evergreen Sustainable Development
7 Standards (ESDS).
8

9 B. The Director may establish, by rule, procedures for determining whether an applicant
10 has demonstrated that a new structure has earned a LEED Silver rating or a Built Green 4-star
11 rating, or met the ESDS, provided that no rule may assign authority for making a final
12 determination to any person other than an officer of the Department of Planning and
13 Development or another City agency with regulatory authority and expertise in green building
14 practices.
15

16 C. The applicant shall demonstrate to the Director the extent to which the applicant has
17 complied with the commitment to meet the green building performance standards no later than
18 90 days after issuance of final Certificate of Occupancy for the new structure, or such later date
19 as may be allowed by the Director for good cause. Performance is demonstrated through an
20 independent report from a third party, pursuant to Section 23.90.018.D.
21

22 D. For purposes of this Section 23.45.526:

23 1. LEED Silver, Built Green 4-star or Evergreen Sustainable Development
24 Standard rating means a level of performance for a structure that earns at least the minimum
25 number of credits specified to achieve one of the following:
26
27
28



1 a. A silver certificate either for LEED for New Construction Version
2 2009 or for LEED for Homes Version 2008 with 2009 errata, at the election of the applicant,
3 according to the criteria in the U.S. Green Building Council's LEED Green Building Rating
4 System;

5 b. A 4-Star rating either for Built Green Multi-Family Version 2008 or
6 Built Green Single-Family/Townhome New Construction Version 2007, at the election of the
7 applicant, according to the criteria in the Master Builders Association of King and Snohomish
8 Counties Rating System;

9 c. Evergreen Sustainable Development Standard Version 1.2 according to
10 the State of Washington Department of Commerce Rating System;

11 2. Copies of the rating systems listed in subsection 23.45.526.D.1 are filed with
12 the City Clerk in C.F. 310286, and incorporated by reference.

13 Section 40. Section 23.45.110 of the Seattle Municipal Code, which section was last
14 amended by Ordinance 122311, is amended and recodified as follows:

15 ~~((23.45.110 Ground-floor business and commercial use in Midrise and Highrise zones.))~~

16 **23.45.532 Standards for ground floor commercial uses in MR and HR zones**

17 ~~((Certain commercial uses shall be permitted outright on the ground floor of multifamily
18 structures in Midrise and Highrise zones under the following conditions. These provisions shall
19 not apply to Midrise and Highrise zones which have been designated Residential-Commercial on
20 the Official Land Use Map.~~

21 **A. Location.**



1 1. In Midrise Zones, the use may be located only within a one (1) block radius of
2 a commercial zone.

3 2. In Highrise Zones, the use may be located anywhere in the zone.

4 3. The commercial use may be located only on the ground floor of a multifamily
5 structure. On sloping sites, the commercial use may be located at more than one (1) level within
6 the structure as long as the commercial area does not exceed the area of the structure's footprint
7 (Exhibit 23.45.110 A.)
8

9 B. Permitted Commercial Uses. The following uses are permitted as ground floor
10 commercial uses in Midrise and Highrise zones:

11 1. Sales and services, general;

12 2. Medical services;

13 3. Restaurants;

14 4. Business support services;

15 5. Offices;

16 6. Food processing and craft work; and

17 7. Retail sales, major durables.
18
19

20 C. Ground floor commercial uses shall meet the following standards:

21 1. All business, service, repair, processing, storage or merchandise display shall
22 be conducted wholly within an enclosed structure, except for off-street vehicle parking and off-
23 street loading. All goods produced shall be sold at retail on the premises where produced.
24
25
26
27
28



1 2. ~~The maximum gross floor area of any one (1) business enterprise shall be no~~
2 ~~greater than four thousand (4,000) square feet, except that the maximum gross floor area of a~~
3 ~~multi-purpose convenience store shall be ten thousand (10,000) square feet.~~

4 3. ~~Processes and equipment employed and goods processed or sold shall be~~
5 ~~limited to those which do not produce noticeable odors, dust, smoke, cinders, gas, noise,~~
6 ~~vibration, refuse matter or water-carried waste.~~

7
8 4. ~~Parking shall be required as provided in Chapter 23.54.~~

9 5. ~~No loading berths shall be required for ground floor commercial uses. If~~
10 ~~provided, loading berths shall be located so that access to residential parking is not blocked.~~

11 6. ~~Identifying signs shall be permitted according to Chapter 23.55, Signs.))~~

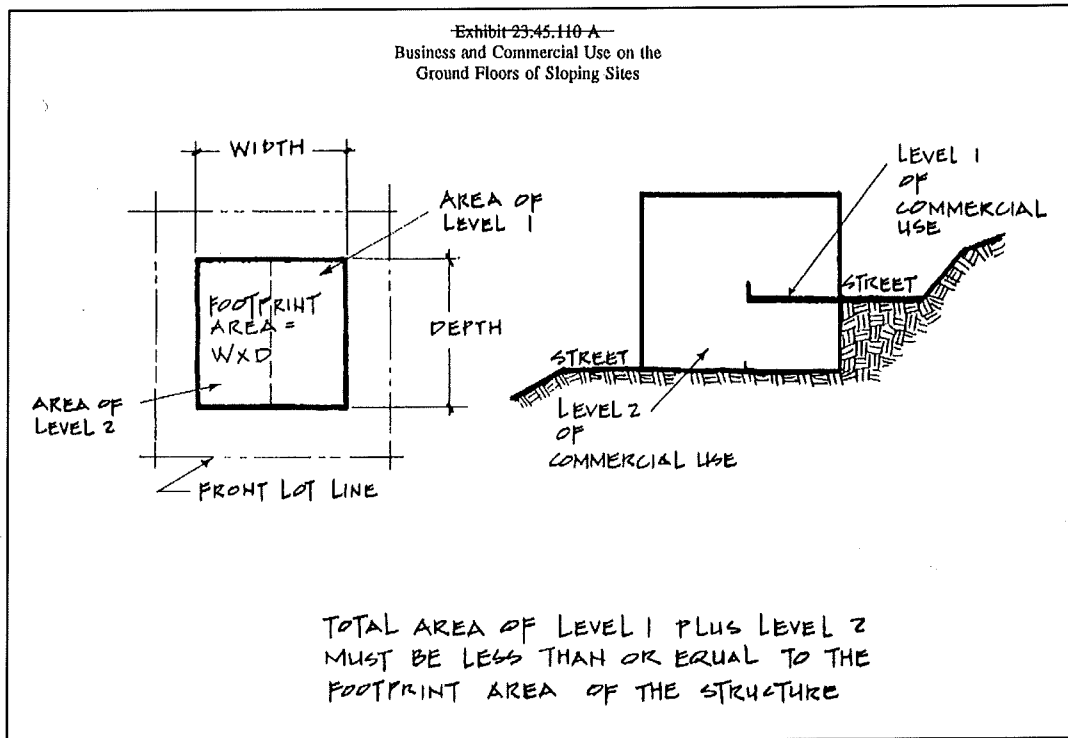
12 A. All ground-floor commercial uses permitted pursuant to Section 23.45.504, except
13 medical service uses permitted pursuant to Section 23.45.506, shall meet the following
14 conditions:

15
16 1. The commercial use is permitted only on the ground floor of a structure. On
17 sloping lots, the commercial use may be located at more than one level within the structure as
18 long as the floor area in commercial use does not exceed the area of the structure's footprint.

19 See Exhibit A for 23.45.532.

20
21
22
23 **Exhibit A for 23.45.532**





2. The gross floor area of any one business establishment can be no greater than 4,000 square feet, except that the gross floor area of a multi-purpose retail sales establishment may be up to 10,000 square feet.

B. No loading berths are required for ground-floor commercial uses. If provided, loading berths shall be located so that access to residential parking is not blocked.

C. Identifying business signs are permitted pursuant to Chapter 23.55, Signs.

Section 41. Sections 23.45.059 of the Seattle Municipal Code, which Section was enacted by Ordinance 114046, is amended and recodified as follows:

((23.45.059 Midrise Light and are standards.)) 23.45.534 Light and glare standards in Midrise and Highrise zones

A. Exterior lighting shall be shielded and directed away from adjacent properties.

1 B. Interior lighting in parking garages shall be shielded to minimize nighttime glare on
2 adjacent properties.

3 C. To prevent vehicle lights from affecting adjacent properties, driveways and parking
4 areas for more than two ~~((2))~~ vehicles shall be screened from adjacent properties by a fence or
5 wall between ~~((five (5)))~~ 5 feet and ~~((six (6)))~~ 6 feet in height, or a solid evergreen hedge or
6 landscaped berm at least ~~((five (5)))~~ 5 feet in height. If the elevation of the lot line is different
7 from the finished elevation of the driveway or parking surface, the difference in elevation may be
8 measured as a portion of the required height of the screen so long as the screen itself is a
9 minimum of ~~((three (3)))~~ 3 feet in height. The Director may waive the requirement for the
10 screening if it is not needed due to changes in topography, agreements to maintain an existing
11 fence, or the nature and location of adjacent uses.

12
13 Section 42. Section 23.45.075 of the Seattle Municipal Code, relating to HR light and
14 glare standards, which section was last amended by Ordinance 114046, and as shown in
15 Attachment A, is repealed.

16
17 Section 43. Section 23.45.060 of the Seattle Municipal Code, which Section was last
18 amended by Ordinance 118794 is amended and recodified as follows:

19
20 ~~((23.45.060 Midrise Parking an access.))~~ **23.45.536 Parking and access in MR and HR**
21 **zones**

22 A. ~~((Parking Quantity. Parking shall be required as provided in Chapter 23.54.))~~ Off-
23 street parking spaces are required pursuant to Chapter 23.54.

24 B. Location of parking.



1 1. Parking shall be located between a structure and a lot line that is not a street
2 lot line, in a structure or under a structure, or in any combination of these locations, unless
3 otherwise provided in subsections B.2 or B.3 of this Section 23.45.536.

4 2. On a through lot, parking may be located between the structure and one front
5 lot line; except that on lots 125 feet or greater in depth, parking shall not be located in either
6 front setback. The frontage in which the parking may be located will be determined by the
7 Director as a Type I decision based on the prevailing character and setback patterns of the block.

8 3. On waterfront lots in the Shoreline District, parking shall be located between
9 the structure and the front lot line, if necessary to prevent blockage of view corridors or to keep
10 parking away from the edge of the water pursuant to Chapter 23.60, Shoreline District.

11
12 ((B))C. Access to Parking

13
14 1. ~~((Alley Access Required. Except when one (1) of the conditions listed in~~
15 ~~subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an~~
16 ~~alley improved to the standards of Section 23.53.030 C. Street access shall not be permitted.))~~
17 Access to parking shall be from an improved alley, but not from the street, or from both the alley
18 and the street, unless the Director permits access from the street according to subsection
19 23.45.536.D below.

20
21 2. If the lot does not abut an improved alley or street, access may be permitted
22 from an easement meeting the provisions of Chapter 23.53, Requirements for Streets, Alleys, and
23 Easements.



1 3. When access is provided to individual garages from the street pursuant to
2 subsection 23.45.536.D, all garage doors facing the street shall be set back 15 feet from the street
3 lot line.

4 D. Exceptions for parking location and access. The Director may permit an alternate
5 location of parking on the lot or access to off-street parking as a Type I decision based on
6 consideration of the following:

7 1. whether access would negatively impact public safety by requiring backing
8 onto an arterial street;

9 2. whether on-street parking capacity is maintained or loss of on-street parking is
10 minimized by measures such as serving two garages with one curb cut;

11 3. whether, as a result, the project is better integrated with the topography of the
12 lot, such as by providing structured parking below grade or shared parking that reduces the
13 overall impact of parking on the design of the project;

14 4. whether the siting of development on the lot is improved, allowing for more
15 landscaping or increased Green Factor score and/or amenity areas, and reduced surface parking
16 area; and

17 5. whether the flow of vehicular or pedestrian traffic is not significantly impacted.

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

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

21 ~~b. The lot does not abut a platted alley;~~



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

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

6 ~~a. Ground related housing is proposed across the alley from a Single family, Lowrise~~
7 ~~Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;~~

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

10 ~~c. The alley is not improved to the standards of Section 23.53.030 C.~~
11 ~~If such an alley is used for access, it shall be improved according to the standards of Section~~
12 ~~23.53.030 C;~~

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

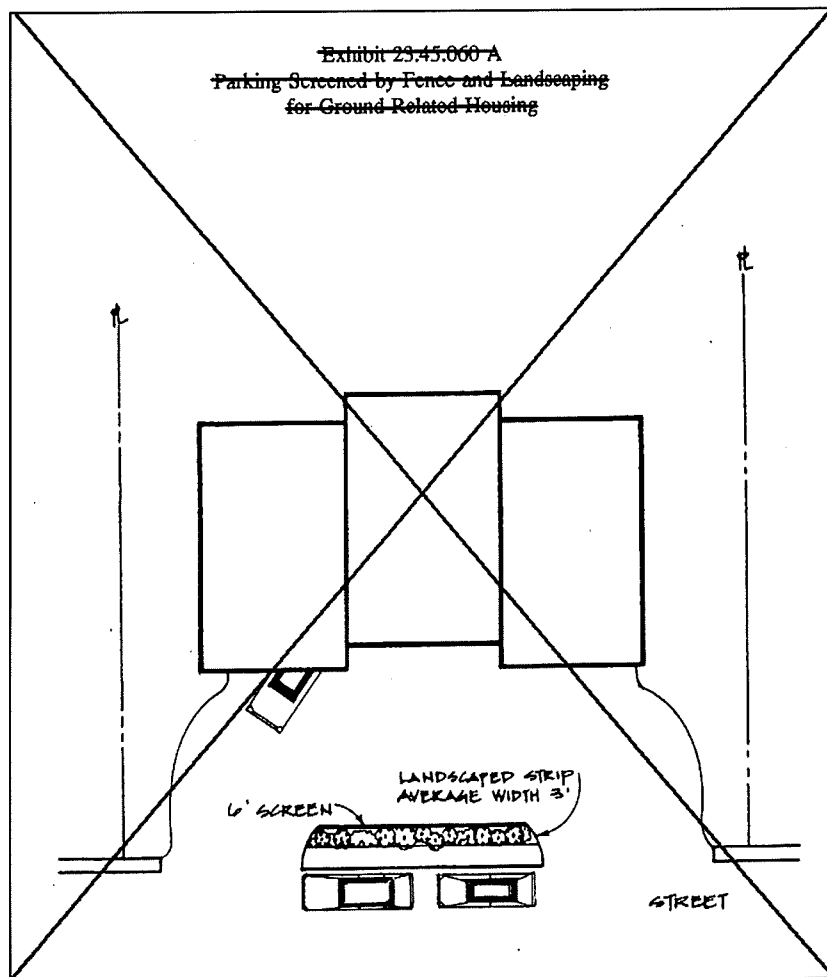
15 ~~C. Location of Parking.~~

16 ~~1. Parking shall be located on the same site as the principal use.~~

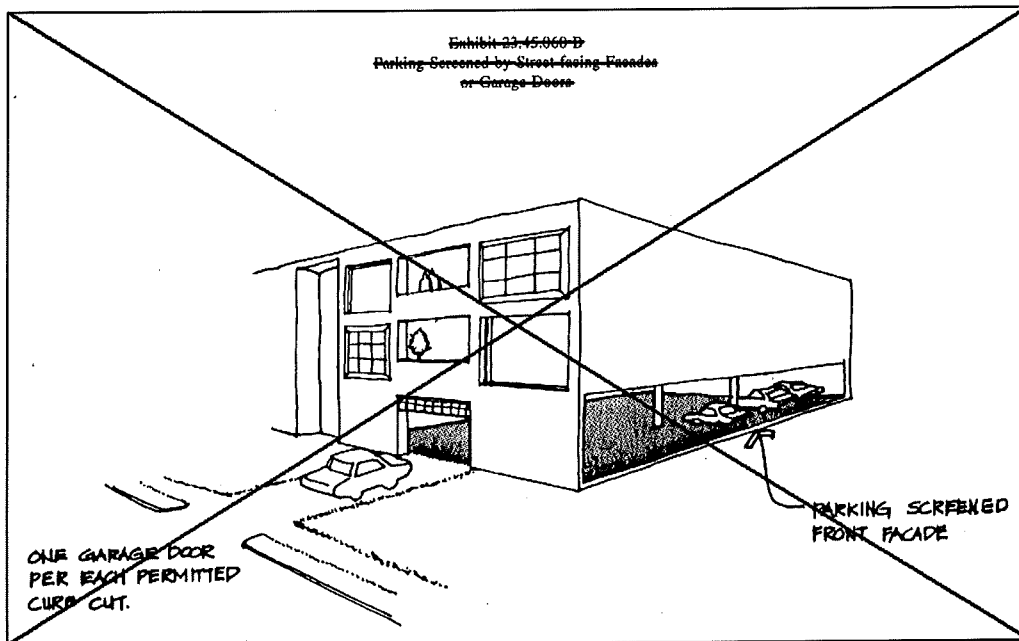
17 ~~2. Parking may be located in or under the structure provided that:~~

18 ~~a. For ground related housing, the parking is screened from direct street view by the~~
19 ~~street facing facades of the structure (Exhibit 23.45.060 B), by garage doors, or by a fence and~~
20 ~~landscaping as provided in Section 23.45.060 D (Exhibit 23.45.060 A);~~





20 b. For apartments and terrace housing the parking is screened from direct street view by
21 the street-facing facades of the structure. For each permitted curb cut, the facades may contain
22 one (1) garage door, not to exceed the maximum width allowed for curb cuts (Exhibit 23.45.060
23 B).

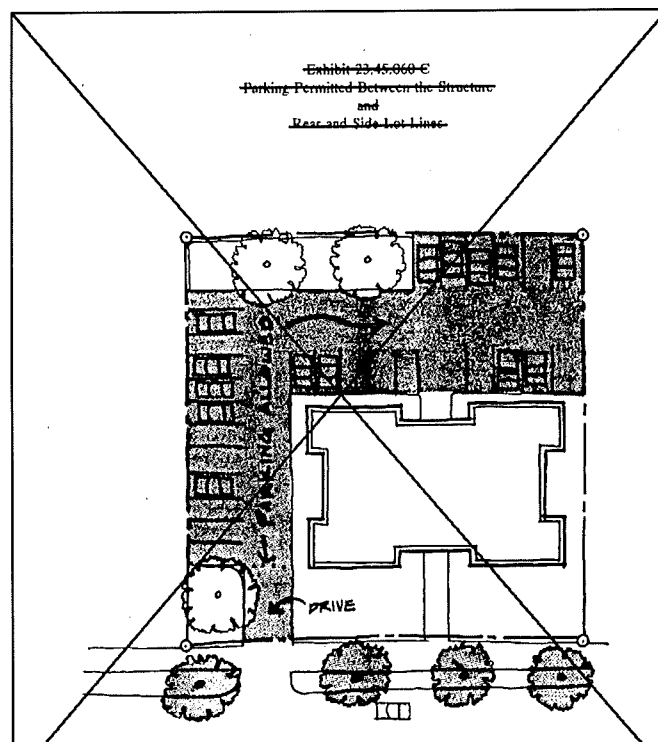


12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. ~~Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in Section 23.45.060 D.~~

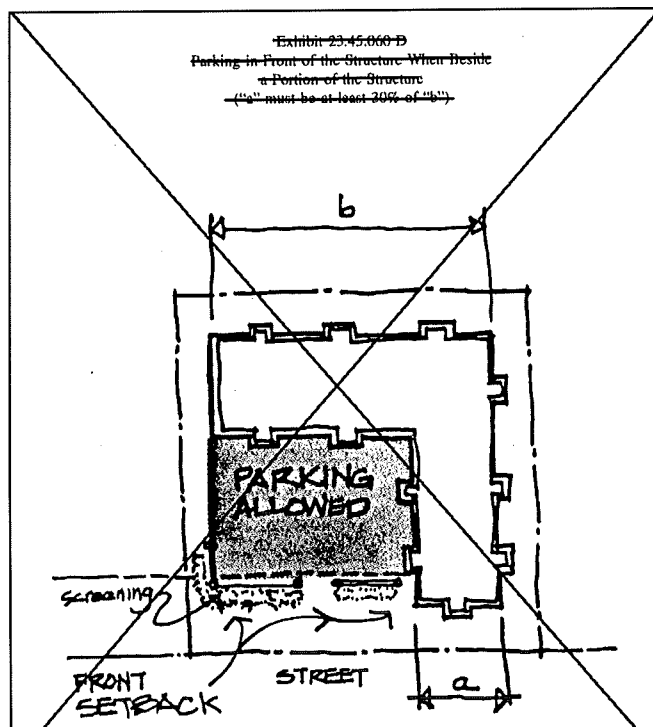
a. ~~Parking may be located between any structures on the same lot.~~

b. ~~Rear Lot Lines. Parking may be located between any structure and the rear lot line of the lot~~



(Exhibit 23.45.060 C).

e. ~~Side Lot Lines. Parking may be located between any structure and a side lot line which is not a street side lot line (Exhibit 23.45.060 C). Where the location between the structure and a side lot line is also between a portion of the same structure and the front lot line, subsection C3d(3) shall apply (Exhibit 23.45.060 D).~~



1
2
3
4
5
6
7
8
9
10
11 d. ~~Front and Street Side Lot Lines. Parking may be located between any structure and~~
12 ~~the front and street side lot lines provided that:~~

13
14 (1) ~~On a through lot, parking may be located between the structure and one (1) of the~~
15 ~~front lot lines provided that on lots one hundred twenty-five (125) feet or more in depth, parking~~
16 ~~shall not be located in either front setback. The frontage in which the parking may be located~~
17 ~~shall be determined by the Director based on the prevailing character and setback patterns of the~~
18 ~~block.~~

19
20 (2) ~~For ground-related housing on corner lots, parking may be located between the~~
21 ~~structure and a street lot line along one (1) street frontage only.~~

22 (3) ~~Parking may be located between the front lot line and a portion of a structure~~
23 ~~provided that:~~
24
25
26
27
28



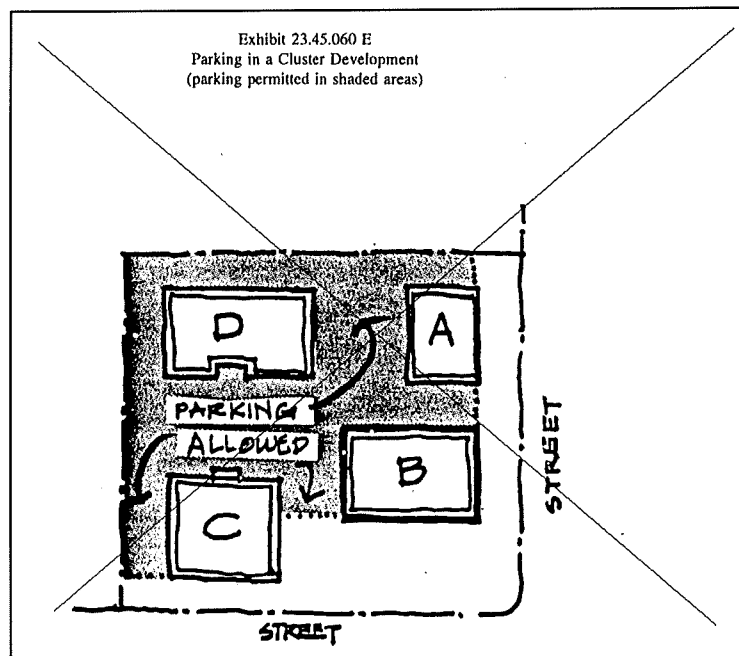
— The parking is also located between a side lot line, other than a street side lot line, and a portion of the same structure which is equal to at least thirty (30) percent of the total width of the structure (Exhibit 23.45.060 D);

— The parking is not located in the front setback and in no case is closer than fifteen (15) feet to the front lot line.

4. Location of Parking in Special Circumstances.

a. For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street (Exhibit 23.45.060 E).

((Exhibit 23.45.060E Parking in a Cluster Development (parking permitted in shaded areas)))



b. The Director may permit variations from the development standards for parking location and design, and curb cut quantity and width, for lots meeting the following conditions:

~~(1) Lots proposed for ground-related housing with no feasible alley access and with:~~

~~(A) Less than eighty (80) feet of street frontage, or~~

~~(B) Lot depth of less than one hundred (100) feet, or~~

~~I A rise or drop in elevation of at least twelve (12) feet in the first sixty (60) feet from the front lot line; and~~

~~(2) Lots proposed for apartments and terraced housing with no feasible alley access and a rise or drop in elevation of at least twelve (12) feet in the first sixty (60) feet from the front lot line;~~

~~(3) Lots proposed for either ground-related, apartment or terraced housing which are waterfront lots and are developed in accordance with Section 24.60.395, Shoreline Master Program;~~

~~(4) On lots meeting the standards listed in subsections C4b(i) through (3), the following variations may be permitted:~~

~~(A) Ground-related housing: parking may be located between the structure and the front lot line,~~

~~(B) Apartments or terraced housing: parking may be located in or under the structure if screened from direct street view by garage doors or by fencing and landscaping;~~

~~(5) In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the exception, and that the proposed alternative solution meets the following objectives: maintaining on-street parking capacity, an attractive environment at street level, landscaped street setbacks, unobstructed traffic flow and, where applicable, the objectives of the~~

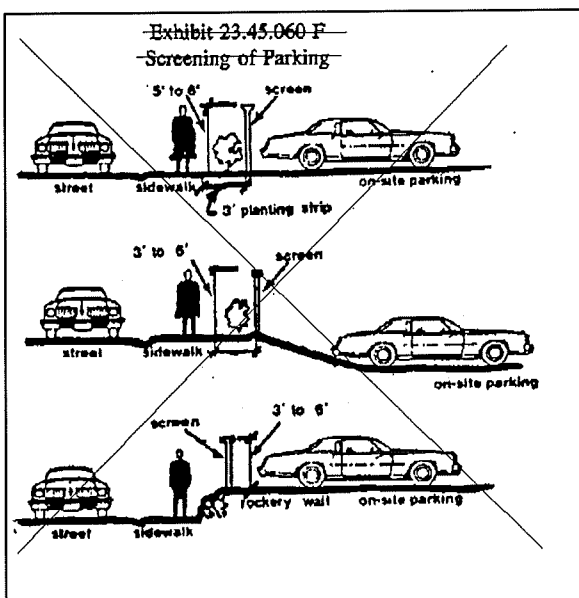


~~Shoreline Master Program. In no case shall a curb cut be authorized to exceed thirty (30) feet in width.))~~

~~((D))E. Parking shall be screened from all streets and adjacent uses pursuant to Section 23.45.524. ((Screening of Parking~~

~~1. Parking shall be screened from direct street view by the front of a structure, by garage doors, or by a fence or wall between five (5) and six (6) feet in height. When the fence or wall runs along the street front, there shall be a landscaped area a minimum of three (3) feet deep on the street side of the fence or wall. The screening shall be located outside any required sight triangle.~~

~~2. The height of the visual barrier created by the screen required in subdivision 1 of this subsection shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three (3) feet in height (Exhibit 23.45.060 F).~~



~~3. Screening may also be required to reduce glare from vehicle lights,~~

according to Section 23.45.059, light and glare standards.))

Section 44. Section 23.45.076 of the Seattle Municipal Code, relating to parking and access standards in HR zones, which section was last amended by Ordinance 118794, and as shown in Attachment A, is repealed.

Section 45. Section 23.45.144 of the Seattle Municipal Code, which section was last amended by Ordinance 110570, is amended and recodified as follows:

((23.45.144 Swimming pools.)) 23.45.545 Standards for certain accessory uses

~~((Private, permanent swimming pools, hot tubs and other similar uses are permitted as accessory uses subject to the following standards:~~

~~A. Swimming pools may be located in any required setbacks, provided that:~~

~~1. No part of any swimming pool shall project more than eighteen (18) inches above existing grade in a required front setback; and~~

~~2. No swimming pool shall be placed closer than five (5) feet to any front or side lot line.~~

~~B. All pools shall be enclosed with a fence, or located within a yard enclosed by a fence, not less than four (4) feet in height and designed to resist the entrance of children.~~

~~C. Swimming pools may be included in the measurement of required open space.))~~

A. Private, permanent swimming pools, hot tubs and other similar uses are permitted in any required setback, provided that:

1. No part of any swimming pools, hot tubs and other similar uses shall project more than 18 inches above existing grade in a required front setback; and



1 2. No swimming pool shall be placed closer than 5 feet to any front or side lot
2 line.

3 3. Swimming pools shall be enclosed with a fence, or located within an area
4 enclosed by a fence, not less than 4 feet in height and designed to resist the entrance of children.

5 B. Solar greenhouses

6 1. Solar greenhouses attached to and integrated with the principal structure and
7 no more than 12 feet in height are permitted in a required rear setback and may extend a
8 maximum of 6 feet into required front and side setbacks.

9 2. Such attached solar greenhouses in required setbacks shall be no closer than 3
10 feet from side lot lines and 8 feet from front lot lines.

11 3. Such solar greenhouses may be built to a rear lot line that abuts an alley,
12 provided that the greenhouse is no taller than ten feet along the rear lot line, and of no greater
13 average height than 12 feet for a depth of 15 feet from the rear lot line, and the greenhouse is no
14 wider than 50 percent of lot width for a depth of 15 feet from the rear lot line. Otherwise solar
15 greenhouses may be no closer than 5 feet from the rear lot line.

16 C. Solar collectors that meet minimum written energy conservation standards
17 administered by the Director are permitted in required setbacks, subject to the following:

18 1. Detached solar collectors are permitted in required rear setbacks, no closer
19 than 5 feet to any other principal or accessory structure.

20 2. Detached solar collectors are permitted in required side setbacks, no closer
21 than 5 feet to any other principal or accessory structure, and no closer than 3 feet to the side lot
22 line.



1 3. The area covered or enclosed by solar collectors may be counted toward any
2 open space requirement pursuant to Section 23.45.016 and residential amenity requirement
3 pursuant to Section 23.45.522.

4 4. Sunshades that provide shade for solar collectors that meet minimum written
5 energy conservation standards administered by the Director may project into southern front or
6 rear setbacks. Those that begin at 8 feet or more above finished grade may be no closer than 3
7 feet from the lot line. Sunshades that are between finished grade and 8 feet above finished grade
8 may be no closer than 5 feet to the lot line.

9
10 D. Solar Collectors on Roofs. Solar collectors that are located on a roof and meet
11 minimum energy conservation standards administered by the Director are permitted as follows:

12 1. In Lowrise zones, up to 4 feet above the maximum height limit or 4 feet above
13 the height of elevator penthouse(s), whichever is higher; and

14 2. In MR and HR zones, up to 10 feet above the applicable height limit or 10 feet
15 above the height of elevator penthouse(s), whichever is higher.

16
17 E. Nonconforming Solar Collectors. The Director may permit the installation of solar
18 collectors that meet minimum energy standards and that increase an existing nonconformity as a
19 special exception pursuant to Chapter 23.76. Such an installation may be permitted even if it
20 exceeds the height limits established in Sections 23.45.009 and 23.45.514 when the following
21 conditions are met:

22 1. There is no feasible alternative solution to placing the collector(s) on the roof;
23
24
25
26
27
28



1 2. Such collector(s) are located so as to minimize view blockage from
2 surrounding properties and the shading of property to the north, while still providing adequate
3 solar access for the solar collectors.

4 F. Open wet moorage facilities for residential uses are permitted as an accessory use
5 pursuant to Chapter 23.60, Shoreline District, if only one slip per residential unit is provided.

6 G. Bed and Breakfast Uses. A bed and breakfast use may be operated under the
7 following conditions:

8 1. The bed and breakfast use has a business license issued by the Department of
9 Finance;

10 2. The operation of a bed and breakfast use is conducted within a single dwelling
11 unit;

12 3. The bed and breakfast use is operated within the principal structure and not in
13 an accessory structure;

14 4. There shall be no evidence of a bed and breakfast use from the exterior of the
15 structure other than a sign permitted by Section 23.55.022.D.1, so as to preserve the residential
16 appearance of the structure;

17 5. No more than two people who are not residents of the dwelling may be
18 employed in the operation of a bed and breakfast, whether or not compensated; and

19 6. Parking is required pursuant to Chapter 23.54.
20 Interior and exterior alterations consistent with the development standards of the underlying zone
21 are permitted.



1 H. Heat recovery incinerators, located on the same lot as the principal use, may be
2 permitted by the Director as accessory administrative conditional uses, pursuant to Section
3 23.45.506.

4 Section 46. Section 23.45.148 of the Seattle Municipal Code, which section was last
5 amended by Ordinance 122311, is recodified as follows:

6 **~~((23.45.148))~~ 23.45.586 Keeping of animals((:))**

7 The keeping of animals is regulated by Section 23.42.052, Keeping of Animals.

8
9 Section 47. Section 23.45.152 of the Seattle Municipal Code, which section was last
10 amended by Ordinance 110570, is recodified as follows:

11 **~~((23.45.152))~~ 23.45.590 Home occupations((:))**

12 Home occupations are regulated by Section 23.42.050, Home Occupations.

13
14 Section 48. Section 23.45.090 of the Seattle Municipal Code, which section was last
15 amended by Ordinance 115043, is hereby amended and recodified as follows:

16 **~~((23.45.090 Institutions—General provisions.))~~ 23.45.570 Institutions**

17 ~~((A. The establishment of new institutions, such as religious facilities, community~~
18 ~~centers, private schools and child care centers, which meet the development standards of~~
19 ~~Sections 23.45.092 through 23.45.102, shall be permitted outright in all multifamily zones.~~
20 ~~Institutions not meeting all the development standards of these sections may be permitted as~~
21 ~~administrative conditional uses subject to the requirements of Section 23.45.122.))~~

22
23 A. General Provisions.



[Clerk's Note: This page was inserted by the City Clerk after filing for electronic display only. All files linked from this page are PDF documents requiring Adobe Reader or an equivalent program to view.]

Part 2 of Ordinance 123209 (Section 46-end)

[Part 2](#) (10.7 MB)

Attachment A to Ordinance 123209

[Attachment A](#) (4.31 MB)

Versions of Ordinance 123209 not passed

[Version 7, Part 1](#) (13.7 MB)

[Version 7, Part 2](#) (11.0 MB)

[Version 8, Part 1](#) (13.3 MB)

[Version 8, Part 2](#) 10.8 MB)

Affidavit of Publication for Ordinance 123209

[Affidavit](#) (12.4 MB)