SEATTLE CITY COUNCIL

Legislative Summary

CB 118523

Record No.: CB 118523 **Type:** Ordinance (Ord) 124952 **Status:** Passed

Version: 1 **In Control:** City Clerk

File Created: 08/05/2015

Final Action: 12/17/2015

Title: AN ORDINANCE relating to land use; amending Sections 22.170.190, 23.41.018, 23.43.008, 23.43.010, 23.43.012, 23.44.014, 23.44.022, 23.44.024, 23.44.034, 23.45.516, 23.45.518, 23.45.522, 23.45.536, 23.47A.009, 23.47A.014, 23.47A.016, 23.47A.024, 23.49.019, 23.49.036, 23.49.041, 23.50.034, 23.57.008, 23.75.140, 23.84A.014, and 23.84A.028 of the Seattle Municipal Code to integrate low impact development into land development codes, standards, and rules.

Notes:

Sponsors: Bagshaw

Attachments:

Drafter: margaret.glowacki@seattle.gov

Date

Filed with City Clerk:

Mayor's Signature:

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Filing Requirements/Dept Action:

History of Legislative File **Legal Notice Published:** ☐ Yes ☐ No

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	08/18/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	Notes:						
1	City Clerk	08/18/2015	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	08/19/2015	sent for review	Seattle Public Utilities and Neighborhoods Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Seattle Public Utilities and Neighborhoods Committee						

Notes:

1	Full Council	10/12/2015	referred	Seattle Public Utilities and Neighborhoods Committee	

Action Text: The Council Bill (CB) was referred. to the Seattle Public Utilities and Neighborhoods Committee
Notes:

1	Seattle Public Utilities and Neighborhoods Committee	12/03/2015	pass		Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:

In Favor: 2 Chair Bagshaw, Member Harrell

Opposed: 0

1	Full Council	12/07/2015	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
Notes:

In Favor: 7 Council President Burgess, Councilmember Bagshaw, Councilmember Godden, Councilmember González , Councilmember Harrell, Councilmember Licata, Councilmember Rasmussen

Opposed: 0

1	City Clerk	12/11/2015	submitted for Mayor's signature	Mayor	

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

1	Mayor	12/17/2015	Signed		

Action Text: The Council Bill (CB) was Signed.
Notes:

1	Mayor	12/17/2015	returned	City Clerk	

Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1	City Clerk	12/17/2015	attested by City Clerk		

Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 124952

COUNCIL BILL 118523

AN ORDINANCE relating to land use; amending Sections 22.170.190, 23.41.018, 23.43.008, 23.43.010, 23.43.012, 23.44.014, 23.44.022, 23.44.024, 23.44.034, 23.45.516, 23.45.518, 23.45.522, 23.45.536, 23.47A.009, 23.47A.014, 23.47A.016, 23.47A.024, 23.49.019, 23.49.036, 23.49.041, 23.50.034, 23.57.008, 23.75.140, 23.84A.014, and 23.84A.028 of the Seattle Municipal Code to integrate low impact development into land development codes, standards, and rules.

WHEREAS, The City of Seattle (City) has set a goal of managing 700 million gallons of stormwater runoff using green infrastructure, as stated in Council Resolution 31459 and Executive Order 2013-01; and

WHEREAS, the City periodically updates codes to achieve greater consistency with Citywide policy goals; and

WHEREAS, a requirement of the National Pollutant Discharge Elimination System Municipal Stormwater Permit, which covers the City, directs the City to integrate low impact development into land development codes, standards, and rules; and

WHEREAS, projected population growth and more frequent and severe winter storms in the future require the City to prepare for higher demand on Seattle's drainage and wastewater infrastructure; and

WHEREAS, the City is committed to protecting and restoring receiving water bodies; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.170.190 of the Seattle Municipal Code, last amended by Ordinance 123107, is amended as follows:

22.170.190 General ((R))requirements

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G. Surface ((P))preparation. ((~~The ground surface~~))Areas that will receive fill shall be prepared ((~~to receive fill~~))by removing vegetation, non-approved materials, topsoil, and other unsuitable materials, including, but not limited to, mud, peat, and other materials with insufficient strength to satisfy the design, as determined by the Director.

H. Topsoil. Native topsoil shall be retained in an undisturbed state to the maximum extent feasible, as defined in Chapter 22.801. Topsoil from areas that will be graded shall be reapplied to the site, where feasible. Topsoil that will be reused on-site shall be stockpiled on-site in a designated, controlled area, not adjacent to critical areas.

I. Amendment with organic matter. Areas that have been cleared, graded, or compacted and that have not been covered by impervious surface, incorporated into a drainage facility, or engineered as structural fill or slope shall be amended with organic matter prior to final inspection.

((~~H~~))J. Fills. Fills shall be located so that the base edge of the fill is located more than 12 feet horizontally from the top edge of an existing slope or a planned cut slope. A sloping fill shall not be placed on top of slopes that are steeper than ((~~1 1/2~~))1.5 horizontal to 1 vertical.

((~~I~~))K. Requirements ((~~F~~))for ((~~F~~))fill ((~~M~~))material. Materials used in fills shall comply with the following requirements:

1. Material used in fills shall be appropriate to the site and the intended use of that portion of the site.

2. Any rock or other similar irreducible material used in a fill shall have no dimension greater than 12 inches and shall compose not more than 20((%)) percent of the total fill material.

3. Topsoil shall not be used as a fill material except that the upper 12 inches of a fill site may consist of topsoil.

4. No frozen or thawing material shall be used as fill.

5. No solid waste, hazardous waste, or hazardous material may be used as fill.

6. No organic material shall be used as fill unless approved by the Director.

7. ((~~As necessary, the~~))The Director may specify other characteristics of the fill material used, the degree of compaction, the moisture content, and the method of placement ((~~appropriate to the site and~~))based on the intended use of the((~~that~~)) portion of the site where the fill will be placed and the requirements for water retention, drainage control, and erosion control.

((~~J~~))L. Terraces. The Director may require steps and terraces sufficient to control surface drainage and deposit of debris. Suitable access to the terraces shall be provided to permit proper maintenance.

((~~K~~))M. Subsurface ((~~D~~))drainage. Cut and fill slopes shall be provided with subsurface drainage when needed to maintain slope stability.

((~~L~~))N. Access. When an adjoining site relies on the site to be graded for pedestrian or vehicular access, the Director may require reasonable access to be maintained to the adjoining site.

((~~M~~))O. Stockpiling of ((~~E~~))earth ((~~M~~))materials((~~.~~))

1. General. Stockpiling of any kind shall not adversely affect the lateral support or significantly increase the stresses in or pressure upon any adjacent or contiguous property.

Stockpiling shall comply with the applicable erosion control requirements for temporarily exposed soils set forth in ((~~SMC~~))Section 22.805.010 and rules promulgated under that ((s))Section 22.805.010.

2. Temporary ((~~S~~))stockpiling ((~~D~~))during ((~~C~~))construction or ((~~G~~))grading. Temporary stockpiles of earth materials during construction or grading shall not exceed 10 feet in height. Stockpiles shall have slopes no steeper than ((~~one~~))1 horizontal to ((~~one~~))1 vertical.

3. Stockpiling and ((~~H~~))handling of ((~~E~~))earth ((~~M~~))materials in ((~~P~~))processing. Earth materials consumed or produced in a process may be stockpiled and handled on a site if the process is the principal use of the site.

4. Removal. Temporary stockpiles shall be removed prior to final inspection for a grading permit where no building permit is issued on the same site. Where grading is approved as a component of a building permit, temporary stockpiles shall be removed prior to issuance of a Final Certificate of Occupancy or approval for occupancy after a final inspection.

((~~N~~))P. Exploratory ((~~E~~))excavations. Exploratory excavations shall be performed under the direction of a licensed civil engineer or geotechnical engineer. No stockpiles of materials shall remain after completion of the exploratory activities. The grading shall comply with other requirements that may be established by the Director.

((~~O~~))Q. Excavations ((~~N~~))near ((~~F~~))footings or ((~~F~~))foundations. Excavations for any purpose shall not remove lateral support from any footing or foundation without first underpinning or protecting the footing or foundation against settlement or lateral translation.

Section 2. Section 23.41.018 of the Seattle Municipal Code, last amended by Ordinance 123564, is amended as follows:

23.41.018 Streamlined administrative design review (SDR) process

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D. SDR decision((-))

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3. The Director may allow the adjustments listed in subsection 23.41.018.D.4, if the adjustments are consistent with the SDR design guidance report and the adjustments would result in a development that:

a. ((b))Better meets the intent of the adopted design guidelines and/or

b. ((p))Provides a better response to environmental and/or site conditions, including but not limited to topography, the location of trees, stormwater management, or adjacent uses and structures.

4. If the criteria listed in subsection 23.41.018.D.3 are met, the Director may allow adjustments to the following development standards to the extent listed for each standard:

a. Setbacks and separation requirements may be reduced by a maximum of 50 percent;

b. Amenity areas may be reduced by a maximum of 10 percent;

c. Landscaping and screening may be reduced by a maximum of 25 percent;

d. Structure width, structure depth, and facade length may be increased by a maximum of 10 percent; and

e. Screening of parking may be reduced by a maximum of 25 percent.

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Section 3. Section 23.43.008 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.43.008 Development standards for one dwelling unit per lot

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D. Yards and setbacks

1. Front and rear yards((.))

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3. Exceptions from standard yard and setback requirements. The following parts of structures may project into a required yard or setback, provided that the applicable restrictions in subsections 23.43.008.D.3 and 23.43.008.D.4 are met:

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d. Above-grade green stormwater infrastructure (GSI) features are allowed without yard or setback restrictions if:

1) Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;

2) Each above-grade GSI feature is less than 4 feet wide; and

3) The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

e. Above-grade GSI features larger than what is allowed in subsection 23.43.008.D.3.d are allowed within a required yard or setback if:

1) Above-grade GSI features do not exceed 10 percent coverage of any one yard or setback area;

2) No portion of an above-grade GSI feature is located closer than 2.5 feet from a side lot line; and

3) No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area.

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Section 4. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.43.010 Tandem housing

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C. Yards and setbacks

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7. Exceptions from standard yard, setback, and interior separation requirements. For all developments, only structures that comply with the following may project into a required yard, setback, or interior separation:

***

d. Above-grade green stormwater infrastructure (GSI) features are allowed without yard, setback, or interior separation restrictions if:

1) Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;

2) Each above-grade GSI feature is less than 4 feet wide; and

3) The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

e. Above-grade GSI features larger than what is allowed in subsection 23.43.010.C.7.d are allowed within a required yard, setback, or interior separation if:

1) Above-grade GSI features do not exceed 10 percent coverage of any one yard, setback, or interior separation area;

2) No portion of an above-grade GSI feature is located closer than 2.5 feet from a side lot line; and

3) No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area.

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Section 5. Section 23.43.012 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.43.012 Cottage Housing Developments (CHDs)

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E. Yards and setbacks

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5. Exceptions from standard yard, setback, and interior separation requirements. For all developments, only structures that comply with the following may project into a required yard, setback, or interior separation:

***

d. Above-grade green stormwater infrastructure (GSI) features are allowed without yard, setback, or interior separation restrictions if:

1) Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;

2) Each above-grade GSI feature is less than 4 feet wide; and

3) The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

e. Above-grade GSI features larger than what is allowed in subsection 23.43.012.E.5.d are allowed within a required yard, setback, or interior separation if:

1) Above-grade GSI features do not exceed 10 percent coverage of any one yard, setback, or interior separation area;

2) No portion of an above-grade GSI feature is located closer than 2.5 feet from a side lot line; and

3) No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area.

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Section 6. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.44.014 Yards

Yards are required for every lot in a single-family zone. A yard that is larger than the minimum size may be provided.

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D. Exceptions from standard yard requirements. No structure shall be placed in a required yard except pursuant to the following:

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17. ((~~Cisterns.~~))Stormwater management ((~~Rain barrels and cisterns may extend into a required yard according to the following:~~))

a. ((~~Stand alone cisterns or connected systems shall be~~))Above-grade green stormwater infrastructure (GSI) features are allowed without yard((~~setback~~)) restrictions if: ((~~each cistern is less than 4.5 feet tall excluding piping, less than 4 feet wide, and the system's total storage capacity is no greater than 600 gallons.~~))

1) Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;

2) Each above-grade GSI feature is less than 4 feet wide; and

3) The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

b. Above-grade GSI features ((~~L~~))larger ((~~cisterns or systems~~))than what is allowed in subsection 23.44.014.D.17.a are ((~~may be permitted~~))allowed within a required yard((~~s provided that~~)) if:

1) Above-grade GSI features((~~they~~)) do not exceed ((~~ten~~))10 percent coverage of((~~in~~)) any one((~~required~~)) yard area;((~~, and they~~))

2) No portion of an above-grade GSI feature is((~~are not~~)) located closer than 2.5 feet from a side lot line;((~~,~~))

3) No portion of an above-grade GSI feature is located closer than 20 feet from a rear lot line or centerline of an alley abutting the rear lot line; and((~~, or~~))

4) No portion of an above-grade GSI feature is located closer than 15 feet from the front lot line.

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Section 7. Section 23.44.022 of the Seattle Municipal Code, last amended by Ordinance 124475, is amended as follows:

23.44.022 Institutions

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I. Landscaping((~~. Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, reduce the coverage of the site by impervious surfaces, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.~~

~~Landscaping plant materials shall be species compatible with surrounding flora. Existing plant material may be required to be retained. Maintenance of landscaped areas shall be the continuing responsibility of the owner.~~))

1. The Director shall promulgate rules to foster the long-term health, viability, and coverage of plantings. The rules shall address, at a minimum, the type and size of plants, spacing of plants, use of drought-tolerant plants, and access to light and air for plants. All landscaping provided to meet the requirements of this Section 23.44.022 shall comply with these rules.

2. Landscaping that achieves a Green Factor score of 0.3 or greater, pursuant to Section 23.86.019, is required for any lot with:

a. development containing more than four new dwelling units;

b. development, either a new structure or an addition to an existing structure, containing more than 4,000 new square feet of non-residential uses; or

c. any parking lot containing more than 20 new parking spaces for automobiles.

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Section 8. Section 23.44.024 of the Seattle Municipal Code, last amended by Ordinance 122050, is amended as follows:

23.44.024 Clustered housing planned developments((.))

Clustered housing planned developments (CHPDs) may be permitted as an administrative conditional use in single-family zones. A CHPD is intended to enhance and preserve natural features, encourage the construction of affordable housing, allow for development and design flexibility, and protect and prevent harm in environmentally critical areas. CHPDs shall be subject to the following provisions:

A. Site ((R))requirements((.))

1. The minimum size of a CHPD is((~~shall be~~)) two (((~~(2)~~))acres((.)), excluding submerged land and any land ((~~Land which is~~))designated an environmentally critical area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, priority habitat area, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas((~~, and submerged land shall not be used to meet minimum size requirements~~)).

2. Where portions of a site are designated an environmentally critical area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, priority habitat area, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas, the conditional use ((~~clustered development~~))provisions under Section 25.09.260 shall apply, superseding the standards of this ((~~section~~))Section 23.44.024.

3. The Director may exclude land from a CHPD if it is separated from the site by ((~~topographical conditions~~))topography, if it has a poor functional relationship with the

site, or if ((~~inclusion of~~))including the land would have a negative((~~negatively~~)) impact on adjacent single-family zoned lots.

B. Type of ((~~D~~))dwelling ((~~U~~))units ((~~P~~))permitted. Only single-family dwelling units shall be permitted in a CHPD.

C. Number of ((~~D~~))dwelling ((~~U~~))units ((~~P~~))permitted((~~.~~))

1. The number of dwelling units permitted in a CHPD shall be calculated by dividing the CHPD land area by the minimum lot ((~~size~~))area required in((~~ permitted by~~)) subsection ((~~A of Section 23.44.010~~))23.44.010.A ((~~in~~))for the single-family zone where((~~in which~~)) the CHPD is located. Land ((~~which~~))that is designated an environmentally critical area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, priority habitat area, steep slope, or steep slope buffer and submerged land shall be excluded from the land used to calculate ((~~density~~))the permitted number of dwelling units in a CHPD. For CHPDs ((~~which include~~))located in more than one (((~~1~~)))zone, the number of dwelling units shall be calculated based on the proportion of land area in each zone.

2. Where portions of a site are designated an environmentally critical area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, priority habitat area, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas, the administrative conditional use provisions ((~~for regaining development credit and clustering~~))under Section 25.09.260 shall apply.

3. One (((~~1~~)))additional detached single-family structure may be permitted if the development includes one or more of the following((~~recreational, meeting and/or day care~~)) facilities open to the surrounding community((~~.~~)):

a. Usable open space and other recreational facilities approved by the Director;

b. Community center; and

c. Child care facility.

D. Subdivision. A CHPD may be subdivided into lots of less than the minimum area((~~size~~)) required by subsection ((~~A of Section 23.44.010~~))23.44.010.A.

E. Yards. Yards shall be required for structures within a CHPD. For the purposes of this subsection 23.44.024.E, setbacks shall be considered yards, and the provisions relating to accessory structures in required yards of the applicable single-family zone shall apply.

1. Structures shall be set back a minimum distance of ((~~twenty (~~))20((~~)~~)) feet from the street ((~~property~~))lot line of a CHPD.

2. No dwelling unit in a CHPD shall be closer than ((~~five (~~))5((~~)~~)) feet to a side lot line of an abutting single-family zoned lot.

3. No dwelling unit in a CHPD shall be closer than ((~~twenty-five (~~))25((~~)~~)) feet to a rear lot line of an abutting single-family zoned lot.

4. No dwelling unit in a CHPD shall be closer than ((~~five (~~))5((~~)~~)) feet to any lot line of an abutting non-single-family zoned lot.

5. There shall be a minimum distance of ((~~ten (~~))10((~~)~~)) feet between principal structures ((~~which are~~))within ((~~one hundred (~~))100((~~)~~)) feet of the ((~~property~~))lot line of a CHPD.

6. To provide a sense of privacy((~~,~~)) and to mitigate the effects of shadows between structures located((~~which are~~)) more than ((~~one hundred (~~))100((~~)~~)) feet from the

((~~property~~))lot line of a CHPD, the required ((~~yards~~))separation between structures in the CHPD shall vary depending on the design of the facing facades as follows:

a. Walls of interior facades that do not have a principal entrance shall be ((~~not less than~~))at least ((~~ten (~~))10((~~)~~)) feet apart at any point.

b. A principal entrance to a structure shall be at least ((~~fifteen (~~))15((~~)~~)) feet from the nearest interior facade that does not have a((~~which contains no~~)) principal entrance.

c. A principal entrance to a structure shall be at least ((~~twenty (~~))20((~~)~~)) feet from the nearest interior facade ((~~which contains~~))with a principal entrance.

7. The Director may increase the minimum required yards or require alternate spacing or placement of structures in order to:

a. preserve or enhance topographical conditions((~~,~~));

b. enhance the relationship with adjacent uses and the layout of the project;

c. promote green stormwater infrastructure and other measures to reduce stormwater runoff; or

d. ((~~and to~~))maintain a compatible scale and design with the surrounding community.

F. Landscaping. The Director may require retention of existing mature landscaping, or provision of new landscaping, where that existing or new landscaping is compatible with surrounding flora and favors native species to:((~~ along some or all exterior lot lines of a CHPD to minimize the effect of the CHPD on adjacent uses. The Director may require the retention of existing mature landscaping. In addition, landscaping may be required to reduce~~

~~the potential for erosion or excessive stormwater runoff, reduce the site coverage by impervious surfaces, and screen the parking from the view of adjacent residentially zoned lots and the street.~~

~~Plant species shall be compatible with surrounding flora. Maintenance of the landscaping shall be the continuing responsibility of the owner.~~))

1. Minimize the impacts of the CHPD on adjacent land uses along some or all exterior lot lines;

2. Reduce stormwater runoff, potential erosion, and impervious surfaces; or

3. Screen parking from the view of adjacent residentially zoned lots and the street.

G. Maintenance of required landscaping and open space. Required landscaping and open space shall be maintained for the life of the project. Maintenance of required landscaping and open space shall be the continuing responsibility of the owner.

Section 9. Section 23.44.034 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.44.034 Planned residential development (PRD)

Planned residential developments (PRDs) may be permitted in single-family zones as a council conditional use. A PRD is intended to enhance and preserve natural features, encourage the construction of affordable housing, allow for development and design flexibility, promote green stormwater infrastructure, and protect and prevent harm in environmentally critical areas. PRDs shall be subject to the following provisions:

A. Site ((~~R~~))requirements((~~.~~))

1. The minimum size of a PRD is((~~shall be~~)) two (((~~(2)~~))acres((~~.~~)),
excluding submerged land and any land((~~Land which is~~)) designated as an environmentally
critical area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, steep
slope, or steep slope buffer according to ((~~SMC~~))Chapter 25.09, Regulations for
Environmentally Critical Areas((~~, and submerged land shall not be used to meet minimum size
requirements~~)).

2. The area of the site devoted to single-family uses at the time of application, calculated by multiplying the number of such uses by the minimum lot area for the zone, shall not exceed ((~~twenty (~~))20((~~)~~)) percent of the area of the entire site.

3. Land ((~~which~~))that is designated as an environmentally critical area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer according to ((~~SMC~~))Chapter 25.09, Regulations for Environmentally Critical Areas, and submerged land shall be excluded from the land used to calculate permitted density in a PRD.

4. Land may be excluded from a PRD by the Director if it is separated from the site by ((~~topographical conditions~~))topography, if it has a poor functional relationship with the site, or if ((~~inclusion of~~))including the land would have a negative((~~negatively~~)) impact on adjacent single-family zoned lots.

5. Where portions of a site are designated as an environmentally critical area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer according to ((~~SMC~~))Chapter 25.09, Regulations for Environmentally Critical Areas, the conditional use provisions under Section 25.09.260 shall apply, superseding the standards of this ((~~section~~))Section 23.44.034.

B. Type of housing permitted((~~.~~))

1. Only single-family dwelling units are((~~shall be~~)) permitted within 100 feet of a ((~~PRD's~~))PRD lot line ((~~which~~))that abuts or is directly across the street from a single-family zoned lot, except as provided in this subsection 23.44.034.B.

2. Single-family dwelling units, cottage housing developments, rowhouse developments, and townhouse developments are permitted ((~~if~~))within 100 feet of a lot line of a PRD that does not abut and is not across a street from a single-family zoned lot, or that is separated from the single-family zoned lot by physical barriers, such as bodies of water, ravines, greenbelts, freeways, expressways, and other major traffic arterials or topographic breaks that provide substantial separation from the surrounding single-family neighborhood.

3. Single-family dwelling units, cottage housing developments, rowhouse developments, and townhouse developments are permitted when more than 100 feet from a ((~~PRD's~~))lot line of a PRD.

4. Cottage housing developments, rowhouse developments, and townhouse developments shall meet the development standards for structures in ((~~Lowrise~~))LR1 zones, unless otherwise specified in this Chapter 23.44.

C. Number of ((~~D~~))dwelling ((~~U~~))units ((~~P~~))permitted((~~.~~))

1. The number of dwelling units permitted in a PRD shall be calculated by dividing the PRD lot area by the minimum lot ((~~size~~))area ((~~permitted~~))required in ((~~Section 23.44.010 A~~))subsection 23.44.010.A. ((~~For PRD's which include~~))If the PRD includes more than one (((~~1~~)))zone, the number of dwelling units shall be calculated based on the proportion of land area in each zone.

2. An increase in number of dwelling units may be permitted in a PRD up to a maximum increase of ((~~twenty (~~))20((~~)~~)) percent. An increase in permitted density shall be based on the extent to which the proposed PRD provides substantial additional public benefits such as the following:

a. Low-income housing;

b. Usable open space;

c. ((~~Day~~))Child care center, meeting space, or recreational facilities open to the surrounding community((~~,~~)); and

d. Green stormwater infrastructure beyond the requirements of the Stormwater Code (Chapters 22.800 through 22.808).

D. Subdivision((~~,~~))

1. A PRD may be subdivided into lots of less than the minimum size required by subsection ((~~A of Section 23.44.010~~))23.44.010.A.

2. A minimum of ((~~three hundred (~~))300((~~)~~)) square feet ((~~per unit~~))of private, landscaped open space ((~~shall be~~))is required((~~,~~))for each unit and shall be provided at ground level and directly accessible to the unit.

E. Yards. Yards shall be required for residential structures within a PRD. For the purposes of this subsection 23.44.034.E, setbacks shall be considered yards, and the provisions relating to accessory structures in required yards of the applicable single-family zone shall apply.

1. Structures ((~~which are~~))within ((~~one hundred (~~))100((~~)~~)) feet of the ((~~property~~))exterior lot line of a PRD shall be set back a minimum distance of ((~~twenty (~~))20((~~)~~)) feet from the street ((~~property~~))lot line of a PRD.

2. No dwelling unit in a PRD shall be closer than ((~~five (~~))5((~~)~~)) feet to a side lot line of an abutting single-family zoned lot.

3. No dwelling unit in a PRD shall be closer than ((~~twenty-five (~~))25((~~)~~)) feet to a rear lot line of an abutting single-family zoned lot.

4. No dwelling unit in a PRD shall be closer than ((~~five (~~))5((~~)~~)) feet to any lot line of an abutting non-single-family or non-residentially zoned lot.

5. ((~~A minimum distance of ten (~~))Principal structures shall be at least 10((~~)~~)) feet apart((~~shall be maintained between principal structures~~)).

6. To provide a sense of privacy and to mitigate the effects of shadows between structures that((~~which~~)) are more than ((~~one hundred (~~))100((~~)~~)) feet from the ((~~property~~))lot line of a PRD, the required ((~~distance~~))separation between structures shall vary depending on the design of the facing facades as follows:

a. Walls shall be ((~~not less than~~))at least ((~~ten (~~))10((~~)~~)) feet apart((~~ at any point~~)).

b. A principal entrance to a structure shall be at least ((~~fifteen (~~))15((~~)~~)) feet from the nearest interior facade ((~~which contains no~~))that does not have a principal entrance.

c. A principal entrance to a structure shall be at least ((~~twenty (~~))20((~~)~~)) feet from the nearest interior facade ((~~which contains~~))with a principal entrance.

7. The Director may modify the minimum required setbacks or require alternate spacing or placement of structures in order to preserve or enhance topographical conditions, enhance the relationship with adjacent uses or the layout of the project, promote

green stormwater infrastructure and other measures to reduce stormwater runoff, or((~~and to~~)) maintain a compatible scale and design with the surrounding community.

F. Landscaping. The Director may require ((~~L~~))landscaping that is compatible with surrounding flora and favors native species in addition to the following requirements:((~~may be required along some or all exterior lot lines of a PRD to minimize the effect of the PRD on adjacent uses. The retention of existing mature landscaping may be required. In addition, landscaping may be required to reduce the potential for erosion or excessive stormwater runoff; reduce the site coverage by impervious surfaces; and screen parking from the view of adjacent residentially zoned lots and the street.~~

~~Plant species shall be compatible with surrounding flora.~~))

1. Minimize the impacts of the PRD on adjacent land uses along some or all exterior lot lines;

2. Reduce stormwater runoff, potential erosion, and impervious surfaces; and/or

3. Screen parking from the view of adjacent residentially zoned lots and the street.

G. Maintenance of ((~~R~~))required ((~~L~~))landscaping and ((~~O~~))open ((~~S~~))space. Required landscaping and open space shall be maintained for the life of the project. Maintenance of required landscaping and open space shall be the continuing responsibility of the owner.

Section 10. Section 23.45.516 of the Seattle Municipal Code, last amended by Ordinance 124307, is amended as follows:

23.45.516 Additional height and extra residential floor area in ((~~Midrise and Highrise~~))MR and HR zones

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

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

2. In MR and HR zones, additional height((~~,~~)) above the base height limit((~~,~~)) is permitted for structures that qualify for extra residential floor area, up to the maximum limits allowed by Sections 23.45.514 and 23.45.516.

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

1. Lots in MR or MR/85 zones in urban villages, urban centers, and the Station Area Overlay District, except when the lot abuts a lot zoned single-family or is directly across an alley from a lot zoned single-family; and

2. Lots in HR zones.

C. ((~~Highrise~~))HR zones((~~.~~))

1. Extra ((~~R~~))residential ((~~F~~))floor ((~~A~~))area. In HR zones extra residential floor area may be gained in accordance with Chapter 23.58A subject to the conditions and limits in this Section 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.B is 240 feet if the applicant satisfies the conditions for extra floor area but not all of the conditions in subsection 23.45.516.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.B 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~~))open spaces, each with a minimum horizontal dimension of 10 feet, or at least 20 percent of the lot area at grade is landscaped, common amenity area meeting the standards of Section 23.45.522.

***

Section 11. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.518 Setbacks and separations

***

J. Structures in required setbacks or separations((.))

***

10. Above-grade green stormwater infrastructure (GSI) features are allowed without setback or separation restrictions if:

a. Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;

b. Each above-grade GSI feature is less than 4 feet wide; and

c. The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

11. Above-grade GSI features larger than what is allowed in subsection 23.45.518.J.10 are allowed within a required setback or separation if:

a. Above-grade GSI features do not exceed 10 percent coverage of any one setback or separation area;

b. No portion of an above-grade GSI feature is located closer than 2.5 feet from a side lot line; and

c. No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area.

***

Section 12. Section 23.45.522 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.522 Amenity area

A. Amount of amenity area required for rowhouse and townhouse developments and apartments in LR zones((.))

1. The required amount of amenity area for rowhouse and townhouse developments and apartments in LR zones is equal to 25 percent of the lot area.

2. A minimum of 50 percent of the required amenity area shall be provided at ground level, except that amenity area provided on the roof of a structure that meets the provisions of subsection 23.45.510.E.5 may be counted as amenity area provided at ground level.

3. For rowhouse and townhouse developments, amenity area required at ground level may be provided as either private or common space.

4. For apartments, amenity area required at ground level shall be provided as common space.

B. Amenity area requirements for cottage housing developments in all multi-family zones((.))

1. A minimum of 300 square feet of amenity area is required for each cottage.

2. A minimum of 150 square feet of amenity area is required for each carriage house.

3. The required quantity shall be allocated as follows:

a. Half of the amenity area required for each cottage, and all of the amenity area required for each carriage house, shall be provided as common amenity area; and

b. Half of the amenity area required for each cottage shall be provided as private amenity area for that unit.

4. The required common amenity area may be divided into no more than two separate areas((,)) and shall:

a. have cottages or carriage houses abutting on at least two sides;

b. be in a location central to the cottage housing development; and

c. have no horizontal dimension of less than 10 feet.

5. Carriage houses shall have stairs that provide access to the common amenity area.

C. Amount of amenity area required in MR and HR zones. The required amount of amenity area in MR and HR zones is equal to 5 percent of the total gross floor area of a structure in residential use, except that cottage housing developments shall meet the standards in subsection ((~~B of this Section~~))23.45.522.B.

D. General requirements. Required amenity areas shall meet the following conditions:

1. All units shall have access to a common or private amenity area.

2. Enclosed amenity areas

a. In LR zones, an amenity area shall not be enclosed within a structure.

b. In MR and HR zones, except for cottage housing, no more than 50 percent of the amenity area may be enclosed, and this enclosed area shall be provided as common amenity area.

3. Projections into amenity areas. Structural projections that do not provide floor area, such as garden windows, may extend up to 2 feet into an amenity area if they are at least 8 feet above finished grade.

4. Private amenity areas

a. There is no minimum dimension for private amenity areas, except that if a private amenity area abuts a side lot line that is not a side street lot line, the minimum horizontal dimension measured from the side lot line is 10 feet.

b. An unenclosed porch that is a minimum of 60 square feet in size((;)) and that faces a street or a common amenity area((;)) may be counted as part of the private amenity area for the rowhouse, townhouse, or cottage to which it is attached.

5. Common amenity areas for rowhouse and townhouse developments and apartments shall meet the following conditions:

a. No common amenity area shall be less than 250 square feet in area, and common amenity areas shall have a minimum horizontal dimension of 10 feet.

b. Common amenity areas shall be improved as follows:

1) At least 50 percent of a common amenity area provided at ground level shall be landscaped with grass, ground cover, bushes, bioretention facilities, and/or trees.

2) Elements that enhance the usability and livability of the space for residents, such as seating, outdoor lighting, weather protection, art, or other similar features, shall be provided.

c. The common amenity area required at ground level for apartments shall be accessible to all apartment units.

6. Parking areas, vehicular access easements, and driveways do not qualify as amenity areas, except that a woonerf may provide a maximum of 50 percent of the amenity area

if the design of the woonerf is approved through a design review process pursuant to Chapter 23.41.

7. Swimming pools, spas, and hot tubs may be counted toward meeting the amenity area requirement.

8. Rooftop areas excluded because they are near minor communication utilities and accessory communication devices, pursuant to subsection 23.57.011.C.1, do not qualify as amenity areas.

***

Section 13. Section 23.45.536 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.536 Parking location, access, and screening

***

C. Access to parking((~~,~~))

1. Alley access required. Except as otherwise expressly required or permitted in subsections 23.45.536.C or 23.45.536.D((~~ of this Section 23.45.536~~)), access to parking shall be from the alley if the lot abuts an alley and one of the conditions in this subsection 23.45.536.C.1 is met.

a. The alley is improved to the standards of subsection 23.53.030.C;

b. The development gains additional FAR pursuant to ((~~S~~))subsection 23.45.510.C; or

c. The Director determines that alley access is feasible and desirable to mitigate parking access impacts, improve public safety, and/or maintain on-street parking capacity.

2. Street access required. Access to parking shall be from the street if:

a. The lot does not abut an alley.

b. The lot abuts an alley, and the Director determines that the alley should not be used for access((,)) for one or more of the following reasons:

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

2) Topography makes alley access infeasible((.)); or

3) The alley is on the uphill side of a steeply sloping lot, and the following conditions are met:

((~~i.~~))a) ((~~a~~))Access from the street is to a common parking garage in or under the structure, located a maximum of 4 feet above grade.

((~~ii.~~))b) ((~~t~~))The siting of development results in an increased Green Factor score, larger ground-level amenity areas, and/or reduced surface parking area than if alley access is used.

3. On corner lots, if street access is permitted pursuant to subsection 23.45.536.C.2, the applicant may determine the street from which access is taken, unless the Director determines that the use of the street chosen by the applicant would create a significant safety hazard.

4. On steeply sloping lots, the Director may permit the use of both an alley and a street for access, provided that the following conditions are met:

a. ((~~a~~))Access from the street is to a common parking garage in or under the structure, that is underground or extends no more than 4 feet above grade.

b. ((t))The siting of development results in an increased Green Factor score, larger ground-level amenity areas, and/or reduced surface parking area than if alley access alone is used.

c. In LR zones, if the project uses both the alley and street for access to parking other than required barrier-free parking spaces, the project does not qualify for the higher FAR limit in ((S))subsection 23.45.510.B.

5. Access to required barrier-free parking spaces that meet the standards in the Seattle Residential Code, Section R322, or the Seattle Building Code, Chapter 11, may be from either the street or alley, or both.

6. If the alley is used for access, the alley shall be improved according to the standards in subsections 23.53.030.E and 23.53.030.F, except that if a development gains additional FAR pursuant to subsection 23.45.510.C, the alley shall be paved rather than improved with crushed rock, even for lots containing fewer than ten units.

7. If the lot does not abut an improved alley or street, access may be permitted from an easement that meets the provisions of Chapter 23.53, Requirements for Streets, Alleys, and Easements.

8. If street access is required, either:

a. driveways that provide access from the street to garages opening on a street-facing facade of individual townhouse or rowhouse units shall be paved with permeable materials; or

b. access to a majority of garages opening on street-facing facades of individual townhouse or rowhouse units shall be provided by shared driveways.

D. Screening of parking

1. Parking shall be screened from direct street view by:

a. the street-facing facade of a structure;((,))

b. ((~~by~~))garage doors;((,))

c. ((~~or by~~))a fence or wall; or

d. landscaped areas, including bioretention facilities or landscaped berms.

2. Screening provided by a fence,((~~or~~)) wall, or vegetation in a landscaped area((. ~~If screening is provided by a fence or wall, the fence or wall~~)) shall not be located within any required sight triangle((,)) and shall meet the following conditions:

a. ((~~t~~))The fence,((~~or~~)) wall, or vegetation in the landscaped area shall be at least 3 feet tall measured from the elevation of the curb, or from the elevation of the street if no curb is present. If the elevation of the ground at the base of the fence,((~~or~~)) wall, or landscaped area is higher than 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 fence,((~~or~~)) wall, or vegetation in the landscaped area is at least((~~minimum of~~)) 3 feet in height. If located in a setback, the fence or wall shall meet the requirements of subsection 23.45.518.J.7.

b. ((~~t~~))The fence,((~~or~~)) wall, or vegetation in the landscaped area shall be set back at least 3 feet from the lot line.

***

Section 14. Section 23.47A.009 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.47A.009 Standards applicable to specific areas

***

B. West Seattle Junction Hub Urban Village. The following provisions apply to development in the NC3 85(4.75) zone.

***

4. Setback and ((~~S~~))separation ((~~R~~))requirements((~~.~~))

a. The following standards apply to structures greater than 250 feet in width measured parallel to a north-south street lot line:

***

3) Structures permitted in required setback and separation areas pursuant to subsections 23.47((~~.~~))A.009.A.4.a and 23.47A.009.A.4.b are:

***

g) Above-grade green stormwater infrastructure (GSI) features are allowed without setback or separation restrictions if:

i) Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;

ii) Each above-grade GSI feature is less than 4 feet wide; and

iii) The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

h) Above-grade GSI features larger than what is allowed in subsection 23.47.009.B.4.a.3.g are allowed within a required setback or separation if:

i) Above-grade GSI features do not exceed 10 percent coverage of any one setback or separation area;

ii) No portion of an above-grade GSI feature is located closer than 2.5 feet from a side lot line; and

iii) No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area.

***

D. Roosevelt Urban Village. The following provisions apply within the area shown on Map A for 23.47A.009.

1. Setback requirements

***

b. Structures permitted in required setbacks are:

***

7) Above-grade green stormwater infrastructure (GSI) features are allowed without setback restrictions if:

a) Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;

b) Each above-grade GSI feature is less than 4 feet wide; and

c) The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

8) Above-grade GSI features larger than what is allowed in subsection 23.47.009.D.1.b.7 are allowed within a required setback if:

a. Above-grade GSI features do not exceed 10 percent coverage of any one setback area;

b) No portion an above-grade GSI feature is located closer than 2.5 feet from a side lot line; and

c) No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area.

***

Section 15. Section 23.47A.014 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.47A.014 Setback requirements

***

E. Structures in ((R))required ((S))setbacks((.))

***

9. Above-grade green stormwater (GSI) features are allowed without setback restrictions if:

a. Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;

b. Each above-grade GSI feature is less than 4 feet wide; and

c. The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

10. Above-grade GSI features larger than what is allowed in subsection 23.47A.014.E.9 are allowed within a required setback if:

a. Above-grade GSI features do not exceed 10 percent coverage of any one setback area;

b. No portion of an above-grade GSI feature is located closer than 2.5 feet from a side lot line; and

c. No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area.

***

Section 16. Section 23.47A.016 of the Seattle Municipal Code, last amended by Ordinance 124608, is amended as follows:

23.47A.016 Landscaping and screening standards

***

C. General standards for screening and landscaping where required for specific uses((.))

1. Screening shall consist of fences, walls, or landscaped areas, including bioretention facilities or landscaped berms((~~hedges, or landscaped berms~~)). Any type of screening shall be at least as tall as the height specified in subsection 23.47A.016.D.

2. Landscaped areas ((~~and berms~~))required under subsection 23.47A.016.D must meet rules promulgated by the Director pursuant to subsection 23.47A.016.A.1. Decorative features such as decorative pavers, sculptures or fountains, or pedestrian access meeting the Seattle Building Code, Chapter 11, may cover a maximum of 30 percent of each landscaped area ((~~or berm~~)) used to satisfy requirements under subsection 23.47A.016.D.

D. Screening and landscaping requirements for specific uses. When there is more than one use that requires screening or landscaping, the requirement that results in the greater amount applies.

1. Surface parking areas((.))

a. Landscaping requirements for surface parking areas are ((~~summarized~~))established in Table C for 23.47A.016.

Table C for 23.47A.016

Landscaping requirements for surface parking areas	
Number of ((P))parking ((S))spaces	**Required ((L))landscaped ((A))area**
20 to 50	18 square feet((/)) per parking space
51 to 99	25 square feet((/)) per parking space
100 or more	35 square feet((/)) per parking space

1) Each landscaped area shall be no smaller than 100 square feet and must be ((~~enclosed~~))protected by permanent curbs or structural barriers.

2) No part of a landscaped area shall be less than 4 feet in width or length except those parts of landscaped areas created by turning radii or angles of parking spaces.

3) No parking space shall be more than 60 feet from a required landscaped area.

b. The landscaped area may include bioretention facilities.

c. Trees in surface parking areas((~~.~~))

1) One tree is required for every ten parking spaces.

2) Trees shall be selected in consultation with the Director of Transportation.

((~~c.~~))d. Screening of surface parking areas((~~.~~))

1) Three-foot-high screening is required along street lot lines.

2) Surface parking abutting or across an alley from a lot in a residential zone must have 6-foot-high screening along the abutting lot line and a 5-foot-deep landscaped area inside the screening (see Exhibit A for 23.47A.016).

((d))e. The Director may waive or reduce the requirements of this subsection 23.47A.016.D.1:

1) to improve safety;

2) to provide adequate maneuvering room for service vehicles;

3) when it would not otherwise be feasible to provide the required number of spaces; or

4) when required parking can only be provided at the rear lot line and access to individual parking spaces can only be provided directly from the alley.

((e))f. In deciding whether and to what extent to waive or reduce the landscaping and screening requirements, the Director shall consider whether:

1) the lot width and depth permit alternative workable site plans that would allow screening and landscaping;

2) the character of uses across the alley, such as a parking garage accessory to a multifamily structure, makes the screening and landscaping less necessary;

3) the lot is in a location where access to parking from the street is not permitted; and

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

Section 17. Section 23.47A.024 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.47A.024 Amenity area

A. Amenity areas are required in an amount equal to 5 percent of the total gross floor area in residential use, except as otherwise specifically provided in this Chapter 23.47A. Gross floor

area, for the purposes of this subsection 23.47A.024.A, excludes areas used for mechanical equipment and accessory parking. For the purposes of this subsection 23.47A.024.A, bioretention facilities qualify as amenity areas.

B. Required amenity areas shall meet the following standards, as applicable:

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

2. Amenity areas shall not be enclosed((;)).

3. Parking areas, vehicular access easements, and driveways do not ((~~count~~))qualify as amenity areas, except that a woonerf may provide a maximum of 50 percent of the amenity area if the design of the woonerf is approved through a design review process pursuant to Chapter 23.41((;)).

4. Common amenity areas shall have a minimum horizontal dimension of 10 feet, and no common amenity area shall be less than 250 square feet in size((;)).

5. Private balconies and decks shall have a minimum area of 60 square feet, and no horizontal dimension shall be less than 6 feet.

6. Rooftop areas excluded because they are near minor communication utilities and accessory communication devices, pursuant to ((~~S~~))subsection 23.57.012.C.1.d, do not qualify as amenity areas.

Section 18. Section 23.49.019 of the Seattle Municipal Code, last amended by Ordinance 124680, is amended as follows:

23.49.019 Parking quantity, location, and access requirements((,)) and screening and landscaping of surface parking areas

***

I. Screening and landscaping of surface parking areas

1. Screening. Surface parking areas for more than five vehicles shall be screened in accordance with the following requirements:

a. Screening is required along each street lot line.

b. Screening shall consist of:((~~a landscaped berm, or a view-obscuring fence or wall at least 3 feet in height.~~))

1) A view-obscuring fence or wall at least 3 feet in height; or

2) A landscaped area with vegetation at least 3 feet in height.

Landscaped areas may include bioretention facilities or landscaped berms, provided that the top of the vegetation is at least 3 feet above the grade abutting the facility or berm.

c. A landscaped strip on the street side of the fence or wall shall be provided if a fence or wall is used for screening. The strip shall be an average of 3 feet from the property line, but at no point less than 1.5 feet wide. Each landscaped strip shall be planted with sufficient shrubs, grass and/or evergreen groundcover so that the entire strip, excluding driveways, will be covered in three years. Each landscaped strip may be a bioretention facility, at grade, or a raised berm.

d. Sight triangles shall be provided in accordance with Section 23.54.030, Parking space standards.

2. Landscaping. Surface parking areas for 20 or more vehicles, except temporary surface parking areas, shall be landscaped according to the following requirements:

a. The amount of landscaped area required is shown on Table B for 23.49.019:

Table B for 23.49.019

Required ((~~L~~))landscaping for ((~~S~~))surface ((~~P~~))parking ((~~A~~))areas with 20 or ((~~M~~))more ((~~P~~))parking ((~~S~~))spaces

Total number of parking spaces	Minimum required landscaped area
20 to 50	18 square feet per parking space
51 to 99	25 square feet per parking space
100 or more spaces	35 square feet per parking space

b. The minimum size of a required landscaped area is 100 square feet. Berms provided to meet the screening standards in subsection 23.49.019.I.1((~~ of this section~~)) may be counted as part of a landscaped area. No part of a landscaped area shall be less than 4 feet in any dimension except those dimensions reduced by turning radii or angles of parking spaces.

c. The landscaped area may include bioretention facilities.

d. No parking stall shall be more than 60 feet from a required landscaped area.

((~~d~~))e. One tree per every five parking spaces is required.

((~~e~~))f. Each tree shall be at least 3 feet from any curb of a landscaped area or edge of the parking area.

((~~f~~))g. Permanent curbs or structural barriers shall ((~~enclose~~))protect landscaped areas.

((~~g~~))h. Sufficient hardy evergreen groundcover shall be planted to cover each landscaped area completely within three years. Trees shall be selected from Seattle Department of Transportation's list for parking area planting.

Section 19. Section 23.49.036 of the Seattle Municipal Code, last amended by Ordinance 122054, is amended as follows:

23.49.036 Planned community developments (PCDs)((.))

A. Authority. Planned community developments (PCDs) may be permitted by the Director as a Type II Land Use Decision pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. Public ((~~B~~))benefit ((~~P~~))priorities. The Director shall determine public benefit priorities for the PCD. These priorities shall be prepared prior to application for a Master Use Permit. They shall include priorities for public benefits listed in subsection 23.49.036.F and priorities for implementing the goals of the Comprehensive Plan, including adopted neighborhood plans for the area affected by the PCD, and a determination of whether the proposed PCD may use public right-of-way area to meet the minimum site size set forth in subsection 23.49.036.E. Before the priorities are prepared, the Director shall cause a public meeting to be held to identify concerns about the site and to receive public input into priorities for public benefits identified in adopted neighborhood plans and subsection 23.49.036.F. Notice for the meeting shall be provided pursuant to Section 23.76.011. The Director shall prepare priorities for the PCD taking into account comments made at the public meeting or in writing to the Director, and the criteria in this ((s))Section 23.49.036. The Director shall distribute a copy of the priorities to all those who provided addresses for this purpose at the public meeting, to those who sent in comments or otherwise requested notification, and to the project proponent.

C. A PCD shall not be permitted if the Director determines it would be likely to result in a net loss of housing units or if it would result in significant alteration to any designated feature

of a ((L))landmark structure, unless a Certificate of Approval for the alteration is granted by the Landmarks Preservation Board.

D. Location((.))

1. ((Planned Community Developments))PCDs may be permitted in all ((D))downtown zones except the ((Pike Market Mixed))PMM zone and the ((Downtown Harborfront 1))DH1 zone.

2. A portion of a PCD may extend into any non-downtown zone(s) within the Downtown Urban Center and adjacent to a downtown zone subject to the following conditions:

a. The provisions of this title applicable in the non-downtown zone(s) regulate the density of non-residential use by floor area ratio; and

b. The portion of a PCD project located in non-downtown zone(s) ((shall be not more than))must not exceed ((twenty ()))20((0)) percent of the total area of the PCD.

E. Minimum ((S))size. A PCD shall include a minimum site size of ((one hundred thousand ()))100,000((0)) square feet within one (((1)))or more of the Downtown zones where PCDs are permitted according to subsection 23.49.036.D.1. The total area of a PCD shall be contiguous. Public right-of-way shall not be considered a break in contiguity. At the Director's discretion, public right-of-way area may be included in the minimum area calculations if actions related to the PCD will result in significant enhancements to the streetscape of the public right-of-way, improved transit access and expanded transit facilities in the area, and/or significant improvement to local circulation, especially for transit and pedestrians.

F. Evaluation of PCDs. A proposed PCD shall be evaluated on the basis of public benefits provided, possible impacts of the project, and consistency with the standards contained in this subsection 23.49.036.F.

1. Public ((~~B~~))benefits. A proposed PCD shall address the priorities for public benefits identified through the process outlined in subsection 23.49.036.B. The PCD shall include at least three (((~~(3) or more~~))of the following elements:

a. low-income housing,

b. townhouse development,

c. historic preservation,

d. public open space,

e. implementation of adopted neighborhood plans,

f. improvements in pedestrian circulation,

g. improvements in urban form,

h. improvements in transit facilities,((~~ and/or~~))

i. green stormwater infrastructure beyond the requirements of the Stormwater Code (Chapters 22.800 through 22.808), or

j. other elements that further an adopted City policy and provide a demonstrable public benefit.

2. Potential ((~~I~~))impacts. The Director shall evaluate the potential impacts of a proposed PCD including, but not necessarily limited to, the impacts on housing, particularly low-income housing, transportation systems, parking, energy, and public services, as well as environmental factors such as noise, air, light, glare, public views, and water quality.

***

Section 20. Section 23.49.041 of the Seattle Municipal Code, last amended by Ordinance 123046, is amended as follows:

23.49.041 Combined lot development((.))

When authorized by the Director pursuant to this ((s))Section 23.49.041, lots located on the same block in DOC1 or DOC2 zones, or in DMC zones with a maximum FAR of ((~~ten~~ ~~(~~))10((~~)~~)), or lots zoned DOC1 and DMC on the same block, 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 such lot under this ((e))Chapter 23.49 to be used on one (((~~(~~1~~)~~))or more other lots, according to the following provisions:

A. Up to all of the capacity on one (((~~(~~1~~)~~))lot, referred to in this ((s))Section 23.49.041 as the "sending lot," for chargeable floor area in addition to the base FAR, pursuant to Section 23.49.011 (referred to in this ((s))Section 23.49.041 as "bonus capacity"), may be used on one or more other lots, subject to compliance with all conditions to use of such bonus capacity, pursuant to Sections 23.49.011((—)) through 23.49.014, as modified in this ((s))Section 23.49.041. For purposes of applying any conditions related to amenities or features provided on site under Section 23.49.013, only the lot or lots on which such bonus capacity shall be used are considered to be the lot or site using a bonus. Criteria for use of bonus that apply to the structure or structures shall be applied only to the structure(s) on the lots using the transferred bonus capacity.

B. Only if all of the bonus capacity on one (((~~(~~1~~)~~))lot shall be used on other lots pursuant to this ((s))Section 23.49.041, there may also be transferred from the sending lot, to one or more such other lots, up to all of the unused base FAR on the sending lot, without regard to limits on the transfer or on use of TDR in Section 23.49.014. Such transfer shall be treated as a transfer of

TDR for purposes of determining remaining development capacity on the sending lot and TDR available to transfer under ((~~SMC~~))Section 23.49.014, but shall be treated as additional base FAR on the other lots, and to the extent so treated shall not qualify such lots for bonus development. If less than all of the bonus capacity of the sending lot shall be used on such other lots, then unused base FAR on the sending lot still may be transferred to the extent permitted for within-block TDR under Section 23.49.014, and if the sending lot qualifies for transfer of TDR under any other category of sending lot in Table A for 23.49.014((~~A~~)), such unused base FAR may be transferred to the extent permitted for such category, but in each case only to satisfy in part the conditions to use of bonus capacity, not as additional base FAR.

C. To the extent permitted by the Director, the maximum chargeable floor area for any one (((~~1~~)))or more lots in the combined lot development may be increased up to the combined maximum chargeable floor area under Section 23.49.011 computed for all lots participating in the combined lot development. To the extent permitted by the Director, and subject to subsection 23.49.041.B((~~ of this section~~)), the base floor area for any one (((~~1~~)))or more lots in the combined lot development may be increased up to the combined maximum base chargeable floor area under Section 23.49.011 computed for all lots participating in the combined lot development.

D. The Director shall allow combined lot development only to the extent that the Director determines((~~,~~)) in a Type I land use decision((~~,~~)) that permitting more chargeable floor area than would otherwise be allowed on a lot shall result in a significant public benefit. In addition to features for which floor area bonuses are granted, the Director may also consider the following as public benefits that could satisfy this condition when provided for as a result of the lot combination:

1. preservation of a landmark structure located on the block or adjacent blocks;

2. uses serving the downtown residential community, such as a grocery store, at appropriate locations;

3. public facilities serving the ((~~D~~))downtown population, including schools, parks, community centers, human service facilities, and clinics;

4. transportation facilities promoting pedestrian circulation and transit use, including through((-))-block pedestrian connections, transit stations, and bus layover facilities;

5. ((~~S~~))short-term parking on blocks within convenient walking distance of the retail core or other ((~~D~~))downtown business areas where the amount of available short term parking is determined to be insufficient;

6. a significant amount of housing serving households with a range of income levels;

7. improved massing of development on the block that achieves a better relationship with surrounding conditions, including: better integration with adjacent development, greater compatibility with an established scale of development, especially relative to landmark structures, or improved conditions for adjacent public open spaces, designated green streets, or other special street environments;

8. public view protection within an area; ((~~and/or~~))

9. arts and cultural facilities, including a museum or museum expansion space((~~.~~)); or

10. green stormwater infrastructure beyond the requirements of the Stormwater Code (Chapters 22.800 through 22.808).

***

Section 21. Section 23.50.034 of the Seattle Municipal Code, last amended by Ordinance 123547, is amended as follows:

23.50.034 Screening and landscaping

The following types of screening and landscaping may be required according to the provisions of Sections 23.50.036, 23.50.038, and 23.50.040:

A. Three-foot((~~ (3') H~~))_h_igh ((~~S~~))_s_creening. Three-foot((~~ (3') ~~))_-_high screening may be either:

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

2. A landscaped area with vegetation at least 3 feet in height. Landscaped areas may include bioretention facilities or landscaped berms, provided that the top of the vegetation is at least 3 feet above the grade abutting the facility or berm.((~~A hedge or landscaped berm at least three feet (3') in height.~~))

B. View-obscuring ((~~S~~))_s_creening. View-obscuring screening may be either:

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

2. A landscaped area with vegetation at least 5 feet in height. Landscaped areas may include bioretention facilities or landscaped berms, provided that the top of the vegetation will be at least 5 feet above the grade abutting the facility or berm.((~~A landscaped berm at least five feet (5') in height; or~~

~~3. A hedge which would achieve a height of at least five feet (5') within three (3) years of planting; or~~

~~4. Any combination of the features listed above which achieves a height of at least five feet (5') within three (3) years of planting.~~))

C. Landscaped ((~~A~~))areas ((~~and berms~~)). Each area ((~~or berm~~)) required to be landscaped shall be planted with trees, shrubs and grass, or evergreen ground cover, in a manner that the total required setback, excluding driveways, will be covered in three (((~~3~~)))years. Features such as walkways, decorative paving, sculptures, or fountains may cover a maximum of ((~~thirty~~))30 percent (((~~30%~~)))of each required landscaped area ((~~or berm~~)).

D. Street ((~~T~~))trees. When required((~~ by this Code~~)), street trees shall be provided in the planting strip according to Seattle Department of Transportation Tree Planting Standards. If it is not feasible to plant street trees in the planting strip according to City standards, they shall be planted in the 5-foot((~~five-foot (5')~~))deep landscaped setback area along the street property line. Trees planted in this setback area shall be at least 2 feet((~~two feet (2')~~)) from the street lot line.

E. Combinations of ((~~S~~))screening and ((~~L~~))landscaping ((~~R~~))requirements((~~.~~))

1. When there is more than one (((~~1~~)))type of use which requires screening or landscaping, the requirement which results in the greater amount of screening and landscaping shall be followed.

2. Different types of screening or landscaping may be combined on one (((~~1~~)))lot.

F. Landscaping meeting Seattle Green Factor standards, pursuant to Section 23.86.019.

Section 22. Section 23.57.008 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.57.008 Development standards

***

C. Setbacks and landscaping

***

2. The required setback shall be landscaped as follows:

a. A 5((-))-foot((-))-deep setback measured perpendicular to the lot lines shall be planted with ground cover.

b. The area between 5 feet and 10 feet in from all lot lines shall be planted with continuous vegetation consisting of bushes.

c. The area between 10 feet and 20 feet in from all lot lines shall be planted with view-obscuring vegetation consisting of evergreen hedges and evergreen trees a minimum of 10 feet tall at the time of planting and expected to reach at least 30 feet at maturity.

d. All landscaping shall conform to the Director's Rule on Landscape Standards.

e. Bioretention facilities are allowed as part of the landscaping requirement if the resulting screening and mitigation of visual impacts is the same as would otherwise result from the provision of the requirements of this subsection 23.57.008.C.2.

***

Section 23. Section 23.75.140 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.75.140 Setbacks and projections

***

J. Structures in required setbacks((.))

***

9. Above-grade green stormwater infrastructure (GSI) features are allowed without setback restrictions if:

a. Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;

b. Each above-grade GSI feature is less than 4 feet wide; and

c. The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

10. Above-grade GSI features larger than what is allowed in subsection 23.75.140.J.9 are allowed within a required setback if:

a. Above-grade GSI features do not exceed 10 percent coverage of any one setback area;

b. No portion of an above-grade GSI feature is located closer than 2.5 feet from a side lot line: and

c. No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area.

***

Section 24. Section 23.84A.014 of the Seattle Municipal Code, last amended by Ordinance 124803, is amended as follows:

23.84A.014 "G"

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"Green roof" means a landscaped area on the roof of a structure.

"Green stormwater infrastructure" means distributed best management practices, as defined in Chapter 22.801, integrated into a project design, that use infiltration, filtration, storage, or evapotranspiration, or provide stormwater reuse.

"Green street" means a street right-of-way that is part of the street circulation pattern, that through a variety of treatments, such as sidewalk widening, landscaping, traffic calming, and pedestrian-oriented features, is enhanced for pedestrian circulation and open space use.

***

"Gross floor area" means the number of square feet of total floor area bounded by the inside surface of the exterior wall of the structure as measured at the floor line, and any additional areas identified as gross floor area within a zone.

"GSI." See "Green stormwater infrastructure."

Section 25. Section 23.84A.028 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.84A.028 "O"

***

"Open space, landscaped" means exterior space, at ground level, predominantly open to public view and used for the planting of trees, shrubs, ground cover, and other natural vegetation, and the installation of bioretention facilities.

***

Section 26. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 7th day of December, 2015, and signed by me in open session in authentication of its passage this 7th day of December, 2015.

President _____ of the City Council

Approved by me this 17th day of December, 2015.

Edward B. Murray, Mayor

Filed by me this 17th day of December, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

331978 No.

CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

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

CT:124944-955 TITLE ONLY

was published on

01/04/16

The amount of the fee charged for the foregoing publication is the sum of $207.35 which amount has been paid in full.

JENNIFER A. BARNES
COMMISSION EXPIRES
6-24-19
STATE OF WASHINGTON

Subscribed and sworn to before me on

01/04/2016

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on December 7, 2015, and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar. Contact: Office of the City Clerk at (206) 684-8344.

Ordinance 124955

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to enter into an Interlocal Agreement with Kitsap County to acquire Light Detection and Ranging data; and ratifying and confirming certain prior acts.

Ordinance 124954

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to drainage and wastewater facility easements within the City of Seattle as being surplus to City utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and accepting new easements for City-owned drainage and wastewater facilities; placing the real property rights and interests conveyed by the easements under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

Ordinance 124953

AN ORDINANCE relating to Seattle Public Utilities; accepting an easement situated adjacent to Seward Park granted to The City of Seattle for construction and abandoning in-place of horizontal construction tiebacks; placing the easement under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

Ordinance 124952

AN ORDINANCE relating to land use; amending Sections 22.170.190, 23.41.018, 23.43.008, 23.43.010, 23.43.012, 23.44.014, 23.44.022, 23.44.024, 23.44.034, 23.45.516, 23.45.518, 23.45.522, 23.45.536, 23.47A.009, 23.47A.014, 23.47A.016, 23.47A.024, 23.49.019, 23.49.036, 23.49.041, 23.50.034, 23.57.008, 23.75.140, 23.84A.014, and 23.84A.028 of the Seattle Municipal Code to integrate low impact development into land development codes, standards, and rules.

Ordinance 124951

AN ORDINANCE relating to street and sidewalk use; addressing low impact development requirements in the City of Seattle's Phase I Municipal Stormwater National Pollutant Discharge Elimination System general permit issued by the Washington State Department of Ecology; correcting typographical errors and section references, clarifying regulations, and making minor amendments; and amending Sections 15.02.042, 15.02.044, 15.02.046, 15.04.010, 15.04.035, 15.06.060, 15.20.070, 15.22.060, 15.22.080, 15.22.100, 15.22.110, 15.32.160, 15.36.010, 15.44.030, 15.46.020, 15.70.030, 15.72.010, and 15.91.016 of the Seattle Municipal Code.

Ordinance 124950

AN ORDINANCE relating to the City's traffic code; amending Sections 11.14.055, 11.14.184, 11.23.380, 11.23.400, 11.31.020, 11.34.020, 11.56.020, 11.56.025, 11.56.320, 11.56.350, 11.56.355, 11.57.310, 11.72.065, and 11.84.380 of the Seattle Municipal Code, adding Section 11.58.435 to the Seattle Municipal Code, and repealing Section 11.14.185 of the Seattle Municipal Code to conform the Seattle Municipal Code with changes in state law and make technical corrections.

Ordinance 124949

AN ORDINANCE relating to the City's criminal code; amending Sections 6.36.020, 12A.06.120, 12A.06.180, 12A.06.195, 12A.14.080, 12A.16.030, 12A.20.100, 12A.24.010, 12A.24.150, 18.12.255, and 18.12.257 of the Seattle Municipal Code and adding Sections 12A.10.160, 12A.10.220, and 12A.24.105 to the Seattle Municipal Code to conform the Seattle Municipal Code with changes in state law and make technical corrections.

Ordinance 124948

AN ORDINANCE relating to affordable housing; authorizing the Director of the Office of Housing to enter into and administer an Interlocal Cooperation Agreement with King County, Pierce County, Snohomish County, and the cities of Bellevue, Issaquah, Kenmore, Kirkland, Mercer Island, Redmond, and Woodinville to create and operate a Regional Equitable Development Initiative Fund (REDI Fund) for the Puget Sound Region; and providing that 2015 appropriations for the REDI Fund shall automatically carry forward into the 2016 fiscal year.

Ordinance 124947

AN ORDINANCE relating to land use and zoning, amending Section 23.47A.004 of the Seattle Municipal Code to allow for the expansion of up to 20,000 square feet of existing medical services uses in Neighborhood Commercial 1 zones.

Ordinance 124946

AN ORDINANCE relating to the Seattle Streetcar; amending Ordinance 122424 to revise reporting requirements of operating streetcar lines.

Ordinance 124945

AN ORDINANCE relating to the Construction and Land Use Fund; adding a new Section 22.202.070 to the Seattle Municipal Code.

Ordinance 124944

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, January 4, 2016.

1/4(331978)