

ORDINANCE No. 113216

See Ord # 113277

COUNCIL BILL No. 105908

The City of Seattle--Legislat

REPORT OF COMMITTEE

Honorable President:

Your Committee on LAND USE

to which was referred the within Council Bill No. 105908
report that we have considered the same and respectfully recom

Pass 12

COMPTROLLER FILE No. 295235

Introduced: <i>December 1, 1986</i>	By: <i>Street</i>
Referred: <i>December 1, 1986</i>	To: <i>Land Use</i>
Referred:	To:
Referred:	To:
Reported: <i>DEC 15 1986</i>	Second Reading: <i>DEC 15 1986</i>
Third Reading: <i>DEC 15 1986</i>	Signed: <i>DEC 15 1986</i>
Presented to Mayor: <i>DEC 16 1986</i>	Approved:
Returned to City Clerk:	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: <i>(initials)</i>

DEC 16 1986

[Signature]

Committee Chair

Ordinance 113297

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

Honorable President:

Your Committee on LAND USE

to which was referred the within Council Bill No. 105908
report that we have considered the same and respectfully recommend that the same:

Pass as amended
12/10/86

REC'D 11-18-86



Committee Chair

GFC:sr
12/12/86
ORD10.

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ORDINANCE 113216

AN ORDINANCE relating to land use and zoning; amending Section 23.44.010 of the Seattle Municipal Code to limit the substandard lot area exception to exclude lots made vacant by demolition of existing housing.

WHEREAS, prior to 1953 the City of Seattle did not regulate the size of building lots; and

WHEREAS, in 1953 the City adopted Ordinance 82114 which established a minimum lot size of 5,000 square feet for the First Residence zones, which were forerunners of the Single Family zones established in 1957 and 1982; and

WHEREAS, prior to 1982 the Zoning Ordinance (86300) permitted only one previously platted substandard and vacant lot to be developed; and

WHEREAS, the 1982 Land Use Code continued the same three minimum lot sizes as contained in the 1957 Zoning Ordinance and liberalized the substandard lot exceptions to encourage single family housing infill development on vacant land in single family zones even where contiguous lots in common ownership were also vacant; and

WHEREAS, the code provision in the 1982 ordinance for substandard lot exceptions has been misinterpreted to permit demolition of single family homes in order to create and develop two or more substandard lots; and

WHEREAS, it is still the intention of the City Council to encourage infill single family housing development on vacant land in single family zones, including development of vacant substandard lots, while maintaining the physical character of single family residential zones and encouraging rehabilitation of existing housing as provided in the adopted Single Family Policies SMC 23.16.002. NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Subsection B of Section 23.44.010 of the Seattle Municipal Code, as last amended by Ordinance 111390, is repealed and replaced with a new subsection B to read as follows:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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23.44.010 Lot Requirements

A. Exceptions to Minimum Lot Area

A lot which does not satisfy the minimum lot area requirements of its zone may be developed or redeveloped as a separate building site if:

1. The lot was created by subdivision, subdivision or lot boundary adjustment, and is at least seventy-five percent of the minimum required lot area and is at least eighty percent of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone, Exhibit 44.10A; or
2. The lot area deficit is the result of a dedication or sale of a portion of the lot to the City or State for street or highway purposes and payment was received for only that portion of the lot, and the lot area remaining is at least fifty percent of the minimum required; or
3. The lot was established as a separate building site in the public records of the County or City prior to July 24, 1957 by deed, contract of sale, mortgage, property tax segregation, platting or building permit and has an area of at least seventy-five percent of the minimum required lot area and at least eighty percent of the mean lot area of the lots on the same block face and within the same zone in which the lot is located. Exhibit 44.10A; or
4. The lot was established as a separate building site in the public records of the County or City prior to July 24, 1957 by deed, contract of sale, mortgage,

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property tax segregation, platting or building permit, and either

- a. The lot is not held in common ownership with any contiguous lot on or after the effective date of this Ordinance; or
- b. The lot is or has been held in common ownership with a contiguous lot on or after the effective date of this Ordinance and is or has been developed with a principal structure which is wholly within the lot boundaries; provided that no portion of any contiguous lot is required to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in effect at the time of the original construction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of redevelopment of the lot, Exhibit 44.10B; or
- c. The lot is or has been held in common ownership with a contiguous lot on or after the effective date of this Ordinance and is not developed with all or part of a principal structure; provided, that no portion of the lot is required to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in effect for a principal structure on the contiguous lot at the time of the construction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of the development of the lot, Exhibit 44.10B; and provided further, that if any portion of the lot to be developed has been used to

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meet the parking requirement in effect for a principal structure on a contiguous lot, such parking requirement can and shall be legally met on the contiguous lot.

For purposes of this subsection B4, removal of all or any part of a principal structure or destruction by fire or act of nature on or after the effective date of this Ordinance, shall not qualify the lot for the minimum lot area exception, Exhibit 44.10.C.

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(To be used for all Ordinances except Emergency.)

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Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 15th day of December, 1986, and signed by me in open session in authentication of its passage this 15th day of December, 1986.

[Signature]
President of the City Council.
Approved by me this 19th day of December, 1986.
[Signature]
Charles Keyser
Mayor.

Filed by me this 22nd day of December, 1986

Attest: *[Signature]*
Norward J. Brooks
City Comptroller and City Clerk.

(SEAL)
Published _____

By *[Signature]*
Michael Blumstein
Deputy Clerk.

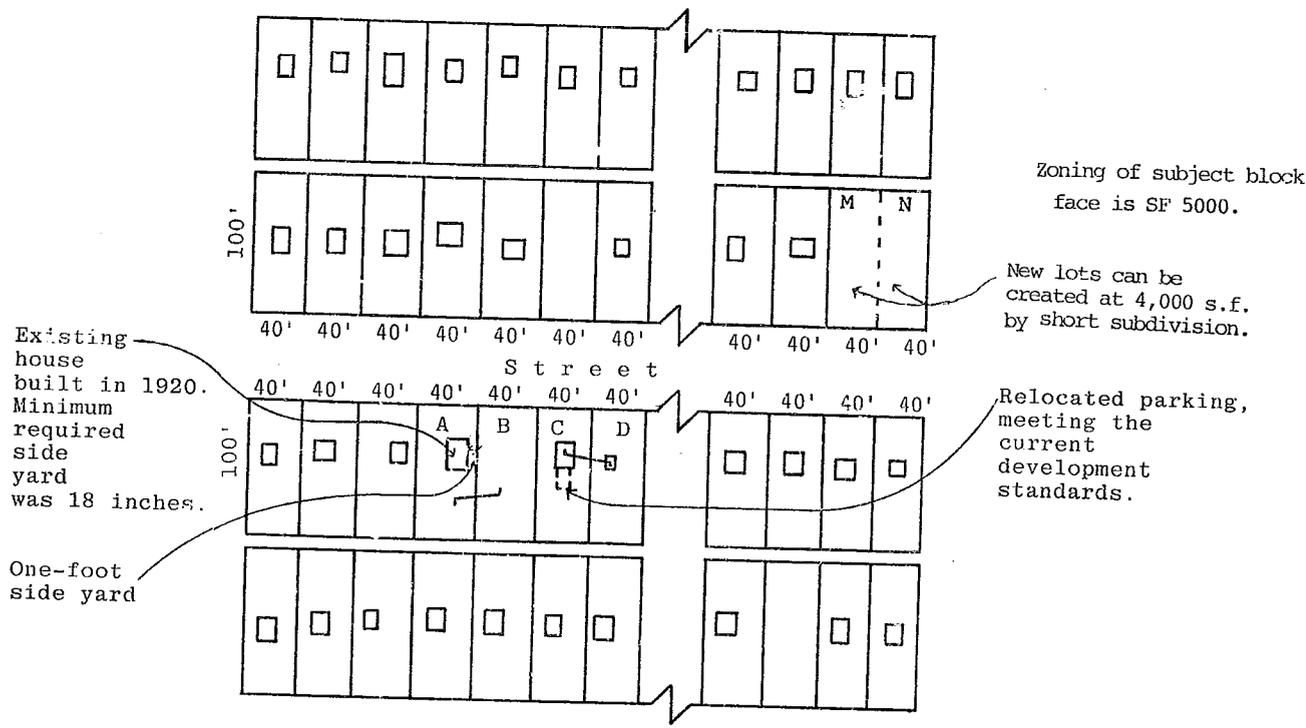


Exhibit 44.10A. Lot size exception applies to Lots A, B, C, D, M and N respectively because each lot, at 4,000 s.f. is larger than:

- . 75% of 5,000 s.f. (i.e. 3,750 s.f.), and
- . 80% of 4,000 s.f. (i.e. 3,200 s.f.).

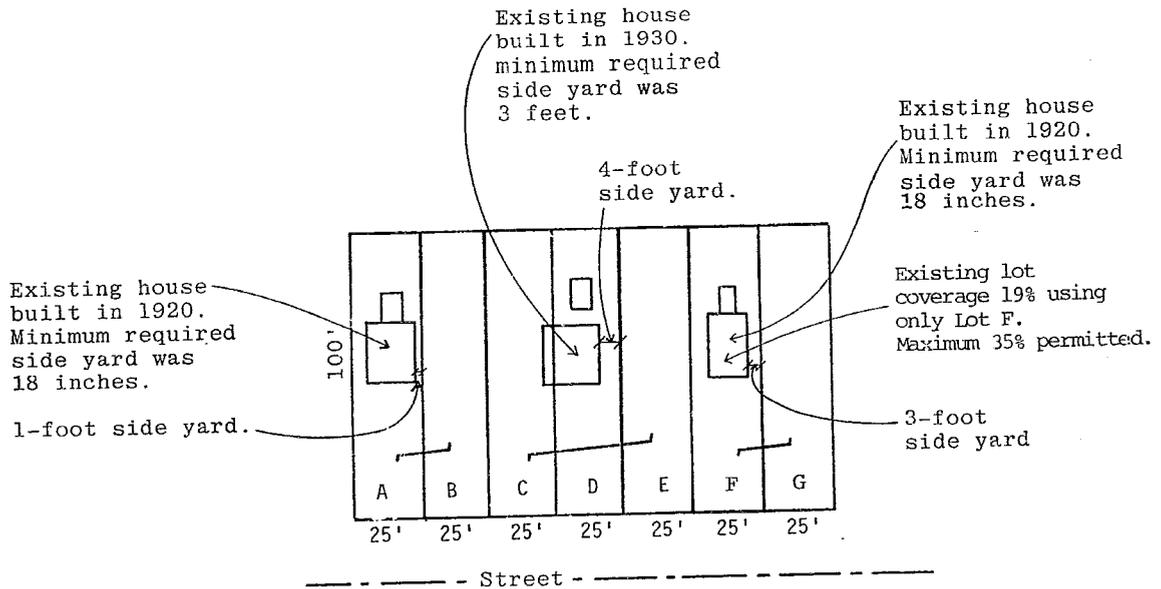


Exhibit 44.10B. Lot size exception applies to Lots E, F and G; but Lots A and B, and Lots C and D must be developed together.

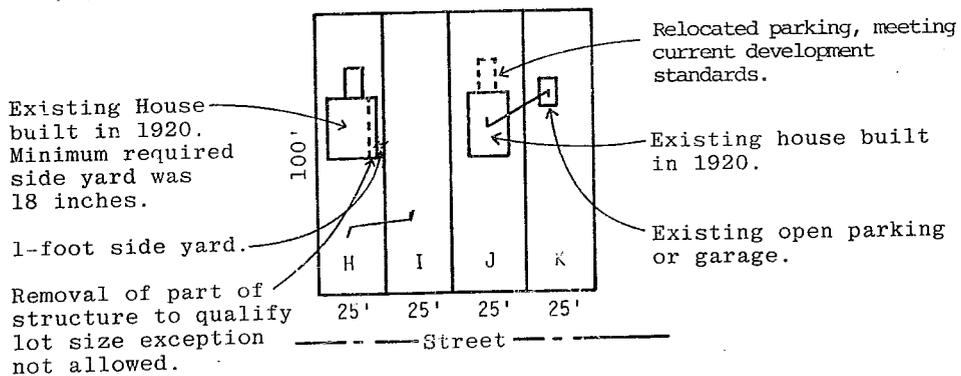


Exhibit 44.10C. Lot size exception applies to Lots J and K, but Lots H and I must be developed together.



Seattle City Council
Memorandum

Date: December 15, 1986
To: Councilmembers
From: Frank Kirk *FK*
Subject: C.B. 105908. Amendment to minimum lot size exception provision of the single family land use code.

The prepared amendment was recommended by the Director of the Department of Construction and Land Use and is recommended unanimously by the Land Use Committee, with one change described below.

The purpose of the amendment is to exclude the demolition of existing houses in single family zones as a means for creating building sites on undersized, platted lots (typically 25 x 100 or 30 x 100). The Committee believes it was the Council's intent in providing for exceptions to the minimum lot size requirement (5,000 and square feet) in the land use code to permit "infill" or the development of vacant undersized lots which might otherwise not be useable.

The change which the Committee recommends from, DCLU's proposal is to permit the development of an undersized lot which has only been used for parking for a principal structure on an adjacent lot, if the parking can legally be relocated to the lot on which the principal structure is located.

FK:ec

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- property tax segregation, platting or building permit, and either
- a. The lot is not held in common ownership with any contiguous lot on or after the effective date of this Ordinance; or
 - b. The lot is or has been held in common ownership with a contiguous lot on or after the effective date of this Ordinance and is or has been developed with a principal structure, and no portion of any contiguous lot is required to meet the least lot area, lot coverage, setback or yard requirements which were in effect at the time of the original construction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of redevelopment of the lot, Exhibit 44.10B; or
 - c. The lot is or has been held in common ownership with a contiguous lot on or after the effective date of this Ordinance and is not developed with a principal structure; provided, that no portion of the lot is required to meet the least lot area, lot coverage, setback or yard requirements which were in effect for a principal structure on the contiguous lot at the time of the construction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of the development of the lot, Exhibit 44.10B; and provided further, that no portion of the lot is needed and used to meet

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the parking requirements in effect for a principal structure on the contiguous lot at the time of development of the lot to be developed. For purposes of this subsection B4, removal of all or any part of a principal structure or destruction by fire or act of nature on or after the effective date of this Ordinance, shall not qualify the lot for the minimum lot area exception, Exhibit 44.10.C.

(To be used for all Ordinances except Emergency.)

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the.....day of....., 19,
and signed by me in open session in authentication of its passage this.....day of
....., 19

President.....of the City Council.

Approved by me this.....day of....., 19

Mayor.

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

Attest:.....
City Comptroller and City Clerk.

(SEAL)

Published.....

By.....
Deputy Clerk.

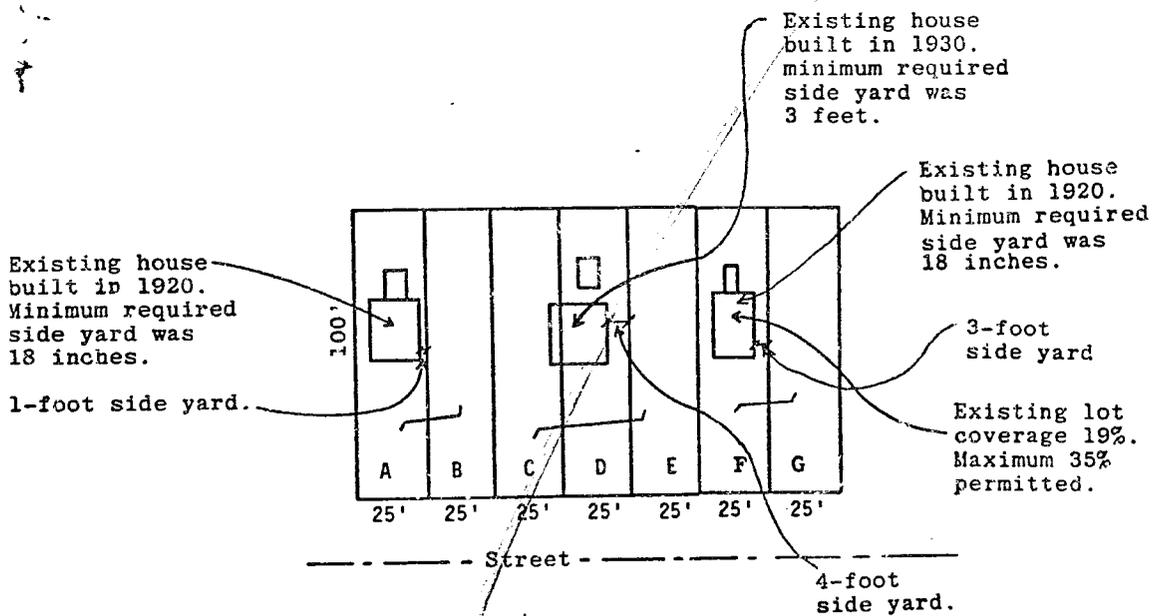


Exhibit 44.10A Lot size exception applies to Lots E, F and G, but Lots A and B, and Lots C and D must be developed together.

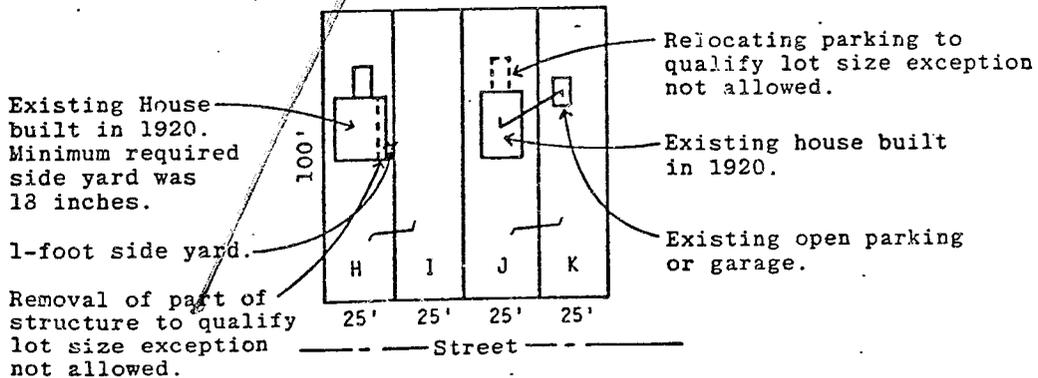


Exhibit 44.10B Lot size exception not applicable. Lots H and I, and Lots J and K must be developed together.

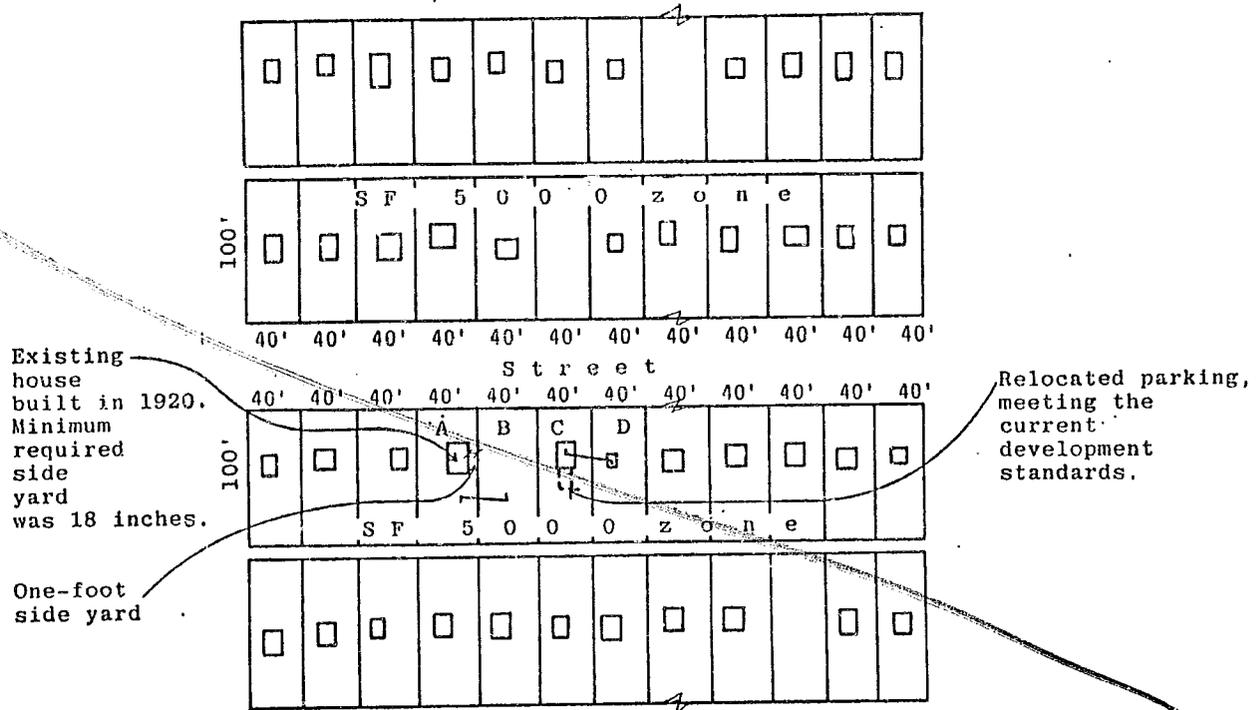


Exhibit 44.10C Lot size exception applies to every lot, including Lots A through D.

GFC:jrs
12/1/86
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ORDINANCE _____

AN ORDINANCE relating to land use and zoning; amending Section 23.44.010 of the Seattle Municipal Code to limit the substandard lot area exception to exclude lots made vacant by demolition of existing housing.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Subsection B of Section 23.44.010 of the Seattle Municipal Code, as last amended by Ordinance 111390, is further amended to read as follows:

23.44.010 Lot Requirements

* * *

B. Exceptions from Minimum Lot Area

1. A ((single family dwelling unit may be established on a)) lot which does not satisfy the minimum lot requirements of its zone may be developed if:

- ((+)) a. The lot was established as a separate building site in the public records of the County or City prior to July 24, 1957 by deed, contract of sale, mortgage, property tax segregation, platting or building permit((-)); and
- i. If the lot is developed with a principal structure, no portion of any contiguous lot under common ownership on or after the effective date of Ordinance is required to meet any lot area, lot coverage, setback or yard requirement which was in effect when the principal structure was constructed (Exhibit 44.10B1a); and

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ii. If the lot is not developed with a principal structure, no portion of the lot is required to meet any lot area, lot coverage, setback or yard requirement which was in effect at the time of construction of a principal structure on any contiguous lot under common ownership on or after the effective date of Ordinance (Exhibit 44.10Bla); and,

iii. If the lot is not developed with a principal structure, no portion of it is being used for off-street parking for a principal structure on a contiguous lot in common ownership on or after the effective date of Ordinance which was required when the principal structure was constructed or at any time thereafter.

Removal of any part of the principal structure or relocation of the required parking pursuant to Section 23.40.004B shall not retroactively qualify the lot for the lot area exception, whether developed with a principal structure or not, Exhibit 44.10.Blb.

2. A lot which does not satisfy the minimum lot area requirements of its zone, may be developed if:

a. The lot was established as a separate building site in the public records of the County or City prior to July 24, 1985 by deed, contract of sale, mortgage, property tax segregation, platting or building permit; and

b. The lot has an area of at least seventy-five percent of the minimum required lot area, and

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has at least eighty percent of the mean lot area of the lots on the same block face in which the lot is located and within the same zone.

In order to use this exception, the existing development on the lot need not meet the code standards in effect when it was built, as long as the lot satisfies the seventy-five and eighty percent requirements stated above, Exhibit 44.10B1c. Relocation of the required parking pursuant to Section 23.40.004B shall be allowed to qualify the lot for this exception.

3. A lot which does not satisfy the minimum lot area requirements of its zone may be developed, if ((2.F))
the lot area deficit was the result of a dedication or sale of a portion of the lot to the City or State for street or highway purposes and payment was received for only that portion of the lot, and the lot area remaining is at least fifty percent of the minimum required in the zone.

((3))4. A lot below the minimum lot area may be created by short subdivision, subdivision or lot boundary adjustment, and such a lot may be developed, when the lot to be created will be at least seventy-five percent (75%) of the minimum required lot area and be at least eighty percent (80%) of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone.

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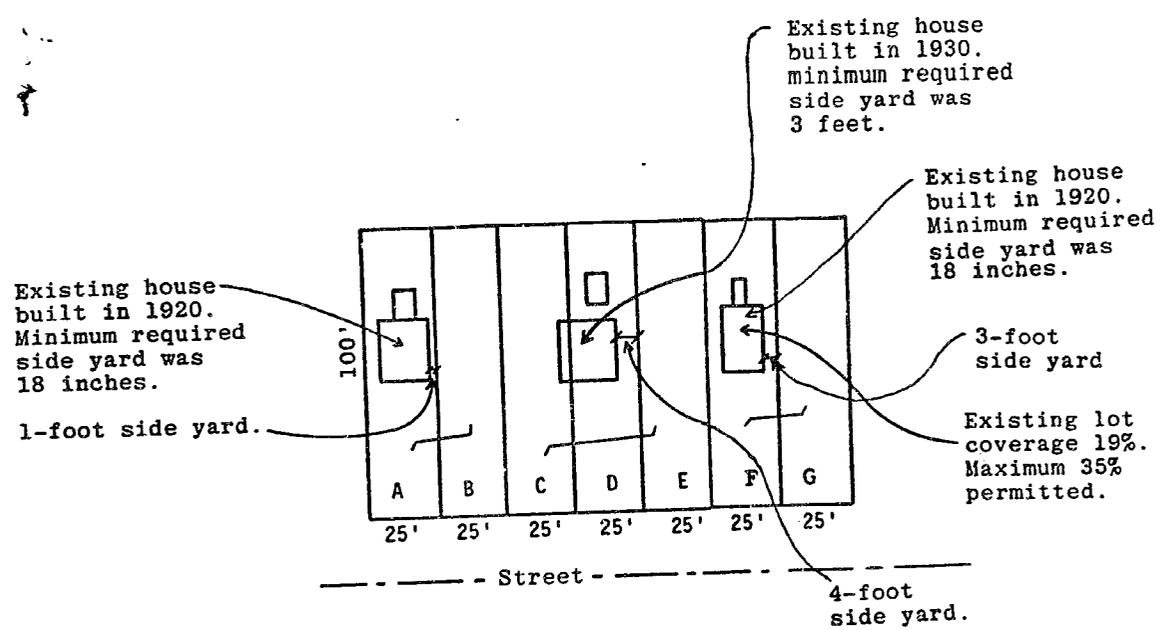


Exhibit 44.10B1a. Lot size exception applies to Lots E, F and G; but Lots A and B, and Lots C and D must be developed together.

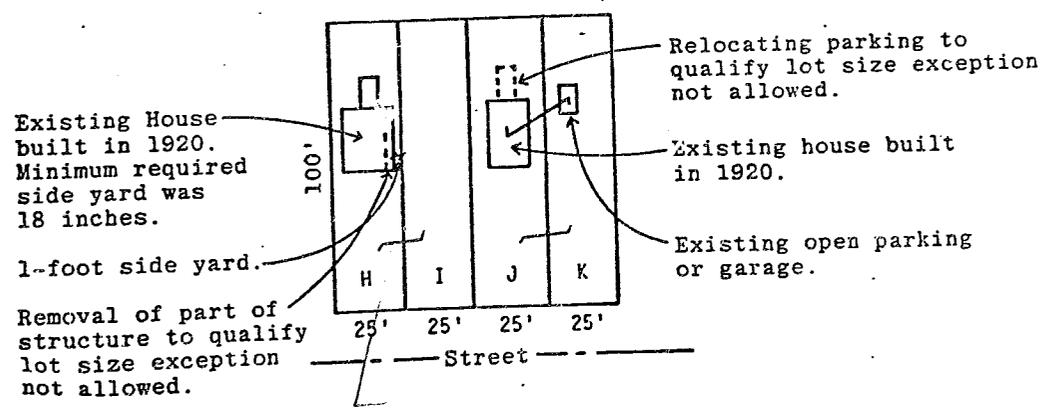


Exhibit 44.10B1b. Lot size exception not applicable. Lots H and I, and Lots J and K must be developed together.

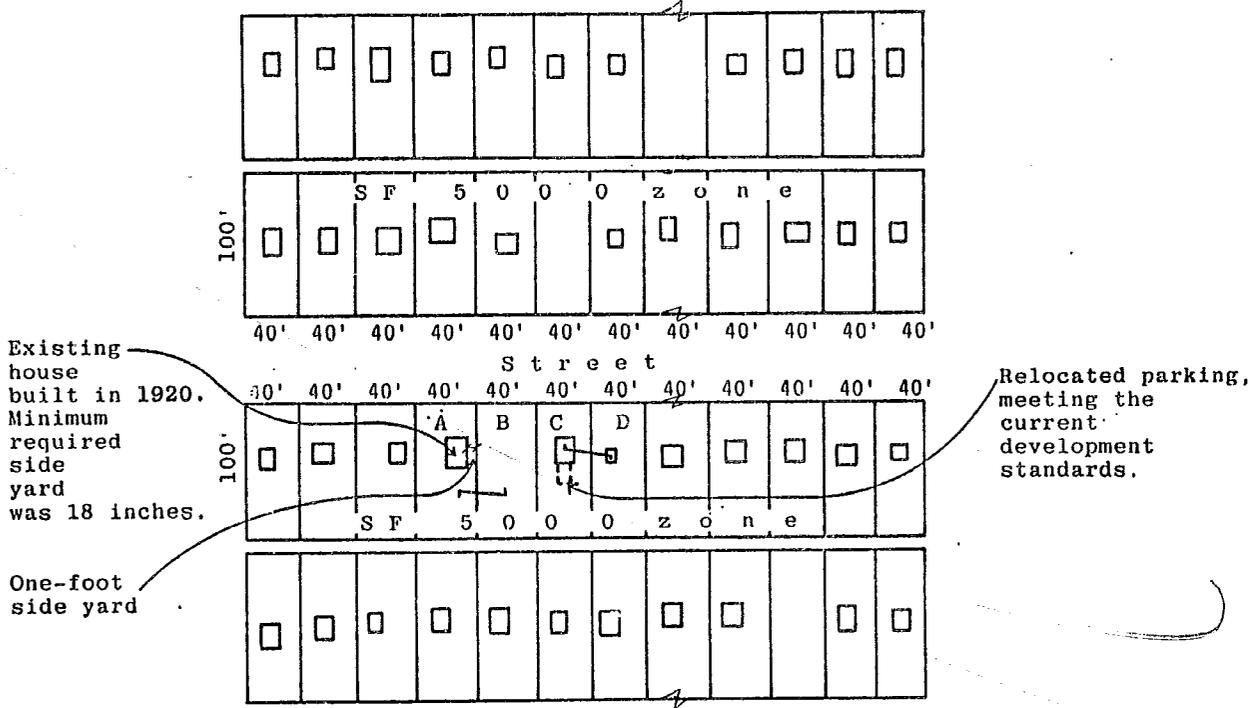


Exhibit 44.10B1c. Lot size exception applies to every lot, including Lots A through D.

City of Seattle

ORDINANCE 11316

AN ORDINANCE relating to land use and zoning; amending Section 23.44.010 of the Seattle Municipal Code to limit the substandard lot area exception to exclude lots made vacant by demolition of existing housing.

WHEREAS, prior to 1953 the City of Seattle did not regulate the size of building lots; and

WHEREAS, in 1953 the City adopted Ordinance 82114 which established a minimum lot size of 5,000 square feet for the First Residence zones, which were forerunners of the Single Family zones established in 1957 and 1982; and

WHEREAS, prior to 1982 the Zoning Ordinance (86300) permitted only one previously platted substandard and vacant lot to be developed; and

WHEREAS, the 1982 Land Use Code continued the same three minimum lot sizes as contained in the 1957 Zoning Ordinance and liberalized the substandard lot exceptions to encourage single family housing infill development on vacant land in single family zones even where contiguous lots in common ownership were also vacant; and

WHEREAS, the code provision in the 1982 ordinance for substandard lot exceptions has been misinterpreted to permit demolition of single family homes in order to create and develop two or more substandard lots; and

WHEREAS, it is still the intention of the City Council to encourage infill single family housing development on vacant land in single family zones, including development of vacant substandard lots, while maintaining the physical character of single family residential zones and encouraging rehabilitation of existing housing as provided in the adopted Single Family Policies SMC 23.16.002. NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Subsection B of Section 23.44.010 of the Seattle Municipal Code, as last amended by Ordinance 111390, is repealed and replaced with a new subsection B to read as follows:

23.44.010 Lot Requirements

A. Exceptions to Minimum Lot Area

A lot which does not satisfy the minimum lot area requirements of its zone may be developed or redeveloped as a separate building site if:

1. The lot was created by subdivision, subdivision or lot boundary adjustment, and is at least seventy-five percent of the minimum required lot area and is at least eighty percent of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone, Exhibit 44.10A; or
2. The lot area deficit is the result of a dedication or sale of a portion of the lot to the City or State for street or highway purposes and payment was received for only that portion of the lot, and the lot area remaining is at least fifty percent of the minimum required; or
3. The lot was established as a separate building site in the public records of the County or City prior to July 24, 1957 by deed, contract of sale, mortgage, property tax segregation, platting or building permit and has an area of at least seventy-five percent of the minimum required lot area and at least eighty percent of the mean lot area of the lots on the same block face and within the same zone in which the lot is located. Exhibit 44.10A; or
4. The lot was established as a separate building site in the public records of the County or City prior to July 24, 1957 by deed, contract of sale, mortgage, property tax segregation, platting or building permit, and either
 - a. The lot is not held in common ownership with any contiguous lot on or after the effective date of this Ordinance; or
 - b. The lot is or has been held in common ownership with a contiguous lot on or after the effective date of this Ordinance and is or has been developed with a principal structure which is wholly within the lot boundaries; provided that no portion of any contiguous lot is required to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in effect at the time of the original con-

struction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of redevelopment of the lot, Exhibit 44.10B; or

- c. The lot is or has been held in common ownership with a contiguous lot on or after the effective date of this Ordinance and is not developed with all or part of a principal structure; provided, that no portion of the lot is required to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in effect for a principal structure on the contiguous lot at the time of the construction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of the development of the lot, Exhibit 44.10B; and provided further, that if any portion of the lot to be developed has been used to meet the parking requirement in effect for a principal structure on a contiguous lot, such parking requirement can and shall be legally met on the contiguous lot.

For purposes of this subsection B4, removal of all or any part of a principal structure or destruction by fire or act of nature on or after the effective date of this Ordinance, shall not qualify the lot for the minimum lot area exception, Exhibit 44.10.C.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 15th day of December, 1986, and signed by me in open session in authentication of its passage this 15th day of December, 1986.

SAM SMITH,
President of the City Council.

Approved by me this 19th day of December, 1986.

CHARLES ROYER,
Mayor.

Filed by me this 22nd day of December, 1986.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk.

(Seal) By MICHAEL S. SAUNDERS,
Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, December 24, 1986. (C-629-X)

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C-629-X

Affidavit of Publication

**STATE OF WASHINGTON
KING COUNTY—SS.**

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

Ordinance No. 113216

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was published on December 24, 1986
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R. Spillman

Subscribed and sworn to before me on

December 24, 1986

Richard James
Notary Public for the State of Washington,
residing in Seattle.

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