

ORDINANCE No. 113401

Law Department

COUNCIL BILL No. 106036

The City of

AN ORDINANCE relating to Land Use and Zoning; amending Sections 23.44.012C, 23.44.014D, 23.44.046 and 23.45.146B and C of the Seattle Municipal (Land Use) Code relating to solar collectors in residential zones.

Honorable President:

Your Committee on Urban

to which was referred the within report that we have considered the

4/15/87 Pass Do

Vote

COMPTROLLER FILE No. _____

| | |
|---|------------------------------------|
| Introduced: <u>MAR 9 1987</u> | By: <u>KROON</u> |
| Referred: <u>MAR 9 1987</u> | To: <u>Urban</u> |
| Referred: | To: |
| Referred: | To: |
| Reported: <u>APR 27 1987</u> | Second Reading: <u>APR 27 1987</u> |
| Third Reading: <u>APR 27 1987</u> | Signed: <u>APR 27 1987</u> |
| Presented to Mayor: <u>APR 28 1987</u> | Approved: <u>MAY 1 1987</u> |
| Returned to City Clerk: <u>MAY 1 1987</u> | Published: |
| Vetoed by Mayor: | Veto Published: |
| Passed over Veto: | Veto Sustained: <u>OK</u> |

MAY 1 1987

Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on Urban Redevelopment

was referred the within Council Bill No. 106036

we have considered the same and respectfully recommend that the same:

187 Pass as Amended

Vote 9-0



Committee Chair

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CB 106036

GFC:pdk
4/21/87
7:ORD2.

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ORDINANCE 113401

AN ORDINANCE relating to Land Use and Zoning; amending Sections 23.44.012C, 23.44.014D, 23.44.046 and 23.45.146B and C of the Seattle Municipal (Land Use) Code relating to solar collectors in residential zones.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That subsection C of Section 23.44.012 of the Seattle Municipal (Land Use) Code, adopted by Ordinance 110381 is amended to read as follows:

23.44.012 Height limits

* * *

C. Height Limit Exemptions

1. Radio and Television Aerials and Flagpoles. Except in the Airport Height District, Chapter 23.64, radio and television aerials and flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line than fifty percent (50%) of their height above existing grade, or, if attached only to a roof, no closer than fifty percent (50%) of their height above the roof portion where attached.

2. Other Features. Open rails, planters, skylights, and chimneys may exceed the height limits by four feet (4') or may extend four feet (4') above the ridge of a pitched roof.

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

Section 2. That subsection D of Section 23.44.014 of the Seattle Municipal (Land Use) Code, as last amended by Ordinance 112971, is further amended to read as follows:

1 23.44.014 Yards.

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

5 * * *

6 D. Exceptions from Standard Yard Requirements.

7 1. Certain Accessory Structures. Any accessory
8 structure may be constructed in a side yard which abuts the
9 rear or side yard of another lot upon recording with the King
10 County Department of Records and Elections an agreement to
11 this effect between the owners of record of the abutting
12 properties.

13 Any accessory structure which is a private garage may
14 be located in that portion of a side yard which is either
15 within thirty-five feet (35') of the centerline of an alley or
16 within twenty-five feet (25') of any rear lot line which is
17 not an alley lot line, without providing an agreement as
18 provided in Section 23.44.016.

19 2. Side Yard Exception for Easement. The side yard for
20 a single-family structure may be less than five feet (5')
21 along one (1) side lot line if an easement is provided along
22 the side lot line of the abutting lot, sufficient to leave a
23 ten-foot (10') separation between the two (2) principal
24 structures of the two (2) lots. The easement shall be
25 recorded with the King County Department of Records and
26 Elections. The easement shall provide access for normal
27 maintenance activities to the principal structure on the lot
28 with less than the required side yard. No principal structure
shall be located in the easement, except that the eaves of a
principal structure may project a maximum of eighteen inches
(18") into the easement.

1 3. Certain Additions. Certain additions may extend into
2 a required yard when the existing single-family structure is
3 already nonconforming with respect to that yard. The
4 presently nonconforming portion must be at least sixty percent
5 (60%) of the total width of the respective facade of the
6 structure prior to the addition. The line formed by the
7 nonconforming wall of the structure shall be the limit to
8 which any additions may be built. They may extend up to the
9 height limit and may include basement additions. New
10 additions to the nonconforming wall or walls shall comply with
the following requirements (Exhibit 23.44.014A):

11 a. Side yard: When it is a side wall, it is at
12 least three feet (3') from the side property line;

13 b. Rear yard: When it is a rear wall, it is at
14 least twenty feet (20') from the rear property line or
15 centerline of an alley abutting the rear property line;

16 c. Front yard: When it is a front wall, it is
17 at least fifteen feet (15') from the front property line.

18 4. Uncovered Porches. Uncovered, unenclosed porches or
19 steps may project into any required yard, provided that they
20 are no higher than four feet (4') on average above existing
21 grade, no closer than three feet (3') to any side lot line, no
22 wider than six feet (6') and project no more than six feet
(6') into required front or rear yards.

23 5. Special Features of a Structure. Unless otherwise
24 permitted in this chapter, special features of a structure
25 shall project no more than eighteen inches (18") into any
26 required yard. Cornices, eaves and sun shades with associated
27 gutters shall be allowed to project into southern front or
28

1 rear yards not more than six feet (6') to provide shade for
2 either solar collectors or windows which ((face within thirty
3 degrees (30°) of true south)) meet minimum written energy
4 conservation standards administered by the Director.

5 6. Private Garages. Covered Unenclosed Decks or Roofs
6 Over Patios in Rear Yards.

7 a. Any attached private garages or covered,
8 unenclosed decks or roofs over patios are portions of
9 principal structures. They may extend into the required rear
10 yard, but shall not be within twelve feet (12') of the
11 centerline of any alley, nor within twelve feet (12') of any
12 rear lot line which is not an alley lot line, nor closer than
13 five feet (5') to any accessory structure, nor exceed twelve
14 feet (12') in height, except the height of private garages
15 shall meet the provisions of Section 23.44.016.

16 Any detached private garage meeting the
17 requirements of Section 23.44.016, Parking, or detached
18 permitted accessory structure meeting the requirements of
19 Section 23.44.040, General Provisions for Accessory Uses, may
20 be located in a rear yard.

21 If a private garage has its vehicular access
22 facing the alley, the private garage shall not be within
23 twelve feet (12') of the centerline of the alley.

24 b. Attached or detached private garages, covered,
25 unenclosed decks or roofs over patios, other accessory
26 structures and nonconforming portions of principal structures
27 are limited to a maximum combined coverage of forty percent
28 (40%) of the required rear yard.

1 In the case of a rear yard abutting an alley,
2 rear yard coverage shall be calculated from the centerline of
3 the alley.

4 7. Private Garages in Front Yards of Through Lots. On
5 through lots less than one hundred twenty-five feet (125') in
6 depth, either an accessory garage structure or a portion of
7 the principal structure containing a garage shall be permitted
8 to locate in one (1) of the front yards. Private garages,
9 either as accessory structures or as a portion of the
10 principal structure shall be limited as set forth in Section
23.44.016.

11 The front yard in which the garage may be located
12 shall be determined by the Director based on the location of
13 other accessory garages on the block.

14 If no pattern of garage location can be determined,
15 the Director shall determine in which yard the accessory
16 garage shall be located based on the prevailing character and
setback patterns of the block.

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

22 9. Barrier-Free Access. Access facilities for the
23 disabled and elderly meeting Washington State Rules and
24 Regulations for Barrier-Free Design are permitted in any
required yards.

25 10. Freestanding Structures and Bulkheads. Fences,
26 freestanding walls, bulkheads, signs and similar structures
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1 six feet (6') or less in height above existing high ground
2 level may be erected in any required yard. When located in
3 the shoreline setbacks or in view corridors in the Shoreline
4 District as regulated in Chapter 24.60, these structures shall
5 not obscure views protected by Chapter 24.60 and the Director
6 shall determine the permitted height.

7 11. Decks in Yards. Decks no greater than eighteen
8 inches (18") on average above existing or finished grade,
9 whichever is lower, may extend into required yards, but not
10 within five feet (5') of any lot line. If a deck is adjacent
11 to a fence or freestanding wall, the deck may extend to that
12 fence or wall provided that the height of the deck is no less
13 than three feet (3') from the top of the fence or wall. The
14 fence or wall shall be no higher than six feet (6').

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

21 13. Solar collectors may be located in required yards,
22 subject to the provisions of Section 23.44.046.

23 Section 3. That Section 23.44.046 of the Seattle
24 Municipal (Land Use) Code, as last amended by Ordinance
25 111590, is further amended to read as follows:

26 23.44.046 Solar collectors

27 A. Solar collectors are permitted outright as an
28 accessory use to any principal use permitted outright or to a
permitted conditional use subject to the following development
standards:

1 1. Solar collectors, including solar greenhouses
2 which meet minimum standards and maximum size limits as
3 determined by the Director, shall not be counted in lot
4 coverage.

5 2. Solar collectors except solar greenhouses
6 attached to principal use structures may exceed the height
7 limits of single-family zones by four feet (4') or extend four
8 feet (4') above the ridge of a pitched roof. However, the
9 total height from existing grade to the top of the solar
10 collector may not extend more than nine feet (9') above the
11 height limit established for the zone (see Exhibit 23.44.046A).
12 A solar collector which exceeds the height limit for single-
13 family zones shall be placed so as not to shade an existing
14 solar collector or property to the north on January 21st, at
15 noon, any more than would a structure built to the maximum per-
16 mitted height and bulk.

17 3. Solar collectors and solar greenhouses meeting
18 minimum written energy conservation standards administered by
19 the Director may be located in required yards ((facing within
20 thirty degrees (30°) of true south)) according to the following
21 conditions:

22 a. In a side yard, no closer than three feet
23 (3') from the side property line; or

24 b. In a rear yard, no closer than fifteen feet
25 (15') from the rear property line unless there is a dedicated
26 alley, in which case the solar collector shall be no closer
27 than fifteen feet (15') from the centerline of the alley; or

28 c. In a front yard, solar greenhouses which
are integrated with the principal structure and have a maximum

1 height of twelve feet (12') may extend up to six feet (6')
2 into the front yard ((up to six feet (6') but shall not be
3 located any closer than twelve feet (12') from the front
4 property line unless front yard averaging as established in
5 Measurements, Section 23.86.010, permits a lesser front
6 yard)). In no case shall the greenhouse be located closer
7 than five feet (5') from the front property line.

8 B. Nonconforming Solar Collectors. The Director may
9 permit the installation of solar collectors which cause an
10 existing structure to become nonconforming, or which increase
11 an existing nonconformity, as a special exception pursuant to
12 Chapter 23.76, Procedures for Master Use Permits and Council
13 Land Use Decisions. Such installation may be permitted even
14 if it exceeds the height limit established in Section
15 23.44.046A2, so long as total structure height including solar
16 collectors does not exceed thirty-nine feet (39') above
17 existing grade and the following conditions are met:

18 1. There is no feasible alternative to placing the
19 collector(s) on the roof;

20 2. Such collector(s) are located so as to minimize
21 view blockage for surrounding properties and shading of
22 property to the north, while still providing adequate solar
23 access for the collectors;

24 3. Such collector(s) meet minimum written energy
25 conservation standards administered by the Director; and

26 4. The collector(s) add no more than seven feet
27 (7') of height to the existing structure. To minimize view
28 blockage or shadow impacts, the Director shall have the
authority to limit a nonconforming solar collector to less
than seven (7) additional feet of height.

1 Section 4. That subsections B and C of Section 23.45.146
2 of the Seattle Municipal (Land Use) Code, as last amended by
3 Ordinances 110793 and 112971, is further amended to read as
4 follows:

5 23.45.146 Solar Collectors

6 * * *

7 B. Solar Collectors in Required Setbacks. Solar
8 collectors which meet minimum written energy conservation
9 standards administered by the Director are permitted in
10 required setbacks according to the following provisions:

11 1. Detached solar collectors shall be permitted in
12 required rear setbacks((τ)). Such collectors shall be no
13 closer than five feet (5') to any other principal or accessory
14 structure.

15 2. Detached solar collectors shall be permitted in
16 required side setbacks((τ)). Such collectors shall be no
17 closer than five feet (5') to any other principal or accessory
18 structure, and no closer than three feet (3') to the side lot
19 line.

20 3. The area covered or enclosed by solar collectors
21 may be counted as required open space.

22 4. Sunshades which provide shade for solar
23 collectors (~~which face within thirty degrees-(30°) of true~~
24 ~~south~~) which meet minimum written energy conservation standards
25 administered by the Director may project into southern front
26 or rear setbacks. Those which begin at eight feet (8') or
27 more above finished grade may be no closer than three feet
28 (3') from the property line. Sunshades which are between
finished grade and eight feet (8') above finished grade shall
be no closer than five feet (5') to the property line.

1 C. Solar Collectors on Rooftops.

2 1. Lowrise Zones. Solar collectors which are
3 located on rooftops and which meet minimum written energy
4 conservation standards administered by the Director shall be
5 permitted to project up to four feet (4') above the maximum
6 height limit including the additional height allowed for sloped
7 lots. The four feet (4') permitted for rooftop solar
8 collectors shall not be added to extra height allowed for
9 pitched roofs.

10 2. Midrise and Highrise Zones.

11 a. Solar greenhouses which meet minimum energy
12 conservation standards administered by the Director shall be
13 permitted to project up to ten feet (10') above the maximum
14 height limit, including the additional height allowed for
15 sloped lots. The combined total coverage of all rooftop
16 features shall not exceed fifteen percent (15%) if the total
17 includes screened mechanical equipment.

18 b. Rooftop solar collectors other than solar
19 greenhouses shall be permitted to project up to seven feet
20 (7') above the maximum height limit, including the additional
21 height allowed for sloped lots.

22 c. Extra height permitted for rooftop solar
23 collectors shall not be added to extra height allowed for
24 pitched roofs.
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(To be used for all Ordinances except Emergency.)

Section...5... 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 22nd day of April, 1987
and signed by me in open session in authentication of its passage this 22nd day of April, 1987.

[Signature]
President of the City Council.

Approved by me this 1st day of May, 1987
[Signature]
Mayor.

Filed by me this 1st day of May, 1987
[Signature]
Attest: Norward J. Brooks
City Comptroller and City Clerk.

(SEAL)

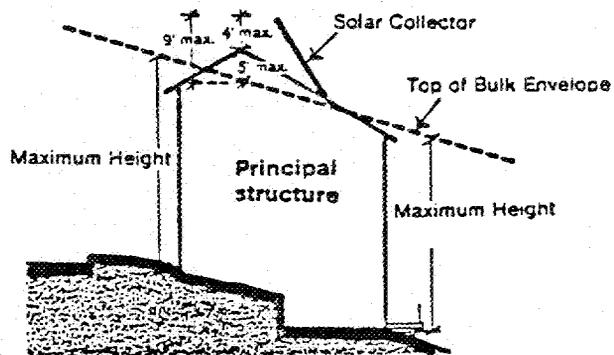
Published _____

By J. Perasa Dunker
Deputy Clerk.

PUBLISH DO NOT PUBLISH

CITY ATTORNEY _____

Exhibit 23.44.046 A
Pitched Roof With Solar Collector



GFC:sr
2/27/86
7:ORD2.

ORDINANCE _____

AN ORDINANCE relating to Land Use and Zoning; amending Sections 23.44.012C, 23.44.014D, 23.44.046 and 23.45.146B and C of the Seattle Municipal (Land Use) Code relating to solar collectors in residential zones.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That subsection C of Section 23.44.012 of the Seattle Municipal (Land Use) Code, adopted by Ordinance 110381 is amended to read as follows:

23.44.012 Height limits

* * *

C. Height Limit Exemptions

1. Radio and Television Aerials and Flagpoles. Except in the Airport Height District, Chapter 23.64, radio and television aerials and flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line than fifty percent (50%) of their height above existing grade, or, if attached only to a roof, no closer than fifty percent (50%) of their height above the roof portion where attached.

2. Other Features. Open rails, planters, skylights, and chimneys may exceed the height limits by four feet (4') or may extend four feet (4') above the ridge of a pitched roof.

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

Section 2. That subsection D of Section 23.44.014 of the Seattle Municipal (Land Use) Code, as last amended by Ordinance 112971, is further amended to read as follows:

1 rear yards not more than six feet (6') to provide shade for
2 either solar collectors or windows which ((face within thirty
3 degrees (30°) of true south)) ^{within} meet minimum energy conservation
4 standards administered by the Director.

5 6. Private Garages. Covered Unenclosed Decks or Roofs
6 Over Patios in Rear Yards.

7 a. Any attached private garages or covered,
8 unenclosed decks or roofs over patios are portions of
9 principal structures. They may extend into the required rear
10 yard, but shall not be within twelve feet (12') of the
11 centerline of any alley, nor within twelve feet (12') of any
12 rear lot line which is not an alley lot line, nor closer than
13 five feet (5') to any accessory structure, nor exceed twelve
14 feet (12') in height, except the height of private garages
15 shall meet the provisions of Section 23.44.016.

16 Any detached private garage meeting the
17 requirements of Section 23.44.016, Parking, or detached
18 permitted accessory structure meeting the requirements of
19 Section 23.44.040, General Provisions for Accessory Uses, may
20 be located in a rear yard.

21 If a private garage has its vehicular access
22 facing the alley, the private garage shall not be within
23 twelve feet (12') of the centerline of the alley.

24 b. Attached or detached private garages, covered,
25 unenclosed decks or roofs over patios, other accessory
26 structures and nonconforming portions of principal structures
27 are limited to a maximum combined coverage of forty percent
28 (40%) of the required rear yard.

1 1. Solar collectors, including solar greenhouses
2 which meet minimum standards and maximum size limits as
3 determined by the Director, shall not be counted in lot
4 coverage.

5 2. Solar collectors except solar greenhouses
6 attached to principal use structures may exceed the height
7 limits of single-family zones by four feet (4') or extend four
8 feet (4') above the ridge of a pitched roof. However, the
9 total height from existing grade to the top of the solar
10 collector may not extend more than nine feet (9') above the
11 height limit established for the zone (see Exhibit 23.44.046A).
12 A solar collector which exceeds the height limit for single-
13 family zones shall be placed so as not to shade an existing
14 solar collector or property to the north on January 21st, at
15 noon, any more than would a structure built to the maximum per-
mitted height and bulk.

16 3. Solar collectors and solar greenhouses meeting
17 minimum ^{within} energy conservation standards administered by the
18 Director may be located in required yards ((~~facing~~ within
19 thirty degrees (30°) of true south)) according to the following
conditions:

- 20 a. In a side yard, no closer than three feet
21 (3') from the side property line; or
22 b. In a rear yard, no closer than fifteen feet
23 (15') from the rear property line unless there is a dedicated
24 alley, in which case the solar collector shall be no closer
25 than fifteen feet (15') from the centerline of the alley; or
26 c. In a front yard, solar greenhouses which
27 are integrated with the principal structure and have a maximum
28

1 height of twelve feet (12') may extend up to six feet (6')
2 into the front yard ((~~up to six feet (6')~~ but shall not be
3 located any closer than twelve feet (12') from the front
4 property line unless front yard averaging as established in
5 Measurements, Section 23.86.010, permits a lesser front
6 yard)). In no case shall the greenhouse be located closer
7 than five feet (5') from the front property line.

8 B. Nonconforming Solar Collectors. The Director may
9 permit the installation of solar collectors which cause an
10 existing structure to become nonconforming, or which increase
11 an existing nonconformity, as a special exception pursuant to
12 Chapter 23.76, Procedures for Master Use Permits and Council
13 Land Use Decisions. Such installation may be permitted even
14 if it exceeds the height limit established in Section
15 23.44.046A2, so long as total structure height including solar
16 collectors does not exceed thirty-nine feet (39') above
17 existing grade and the following conditions are met:

18 1. There is no feasible alternative to placing the
19 collector(s) on the roof;

20 2. Such collector(s) are located so as to minimize
21 view blockage for surrounding properties and shading of
22 property to the north, while still providing adequate solar
23 access for the collectors;

24 3. Such collector(s) meet minimum ^{winter} energy
25 conservation standards administered by the Director; and

26 4. The collector(s) add no more than seven feet
27 (7') of height to the existing structure. To minimize view
28 blockage or shadow impacts, the Director shall have the
authority to limit a nonconforming solar collector to less
than seven (7) additional feet of height.

1 Section 4. That subsections B and C of Section 23.45.146
2 of the Seattle Municipal (Land Use) Code, as last amended by
3 Ordinances 110793 and 112971, is further amended to read as
4 follows:

5 23.45.146 Solar Collectors

6 * * *

7 B. Solar Collectors in Required Setbacks. Solar
8 collectors which meet minimum^{written} energy conservation standards
9 administered by the Director are permitted in required
10 setbacks according to the following provisions:

11 1. Detached solar collectors shall be permitted in
12 required rear setbacks((+)). Such collectors shall be no
13 closer than five feet (5') to any other principal or accessory
14 structure.

15 2. Detached solar collectors shall be permitted in
16 required side setbacks((+)). Such collectors shall be no
17 closer than five feet (5') to any other principal or accessory
18 structure, and no closer than three feet (3') to the side lot
19 line.

20 3. The area covered or enclosed by solar collectors
21 may be counted as required open space.

22 4. Sunshades which provide shade for solar
23 collectors ((which face within thirty degrees-(30°) of true
24 south)) which meet minimum^{written} energy conservation standards
25 administered by the Director may project into southern front
26 or rear setbacks. Those which begin at eight feet (8') or
27 more above finished grade may be no closer than three feet
28 (3') from the property line. Sunshades which are between
finished grade and eight feet (8') above finished grade shall
be no closer than five feet (5') to the property line.

1 C. Solar Collectors on Rooftops.

2 1. Lowrise Zones. Solar collectors which are
3 located on rooftops and which meet minimum^{written} energy conservation
4 standards administered by the Director shall be permitted to
5 project up to four feet (4') above the maximum height limit
6 including the additional height allowed for sloped lots. The
7 four feet (4') permitted for rooftop solar collectors shall not
8 be added to extra height allowed for pitched roofs.

9 2. Midrise and Highrise Zones.

10 a. Solar greenhouses which meet minimum energy
11 conservation standards administered by the Director shall be
12 permitted to project up to ten feet (10') above the maximum
13 height limit, including the additional height allowed for
14 sloped lots. The combined total coverage of all rooftop
15 features shall not exceed fifteen percent (15%) if the total
16 includes screened mechanical equipment.

17 b. Rooftop solar collectors other than solar
18 greenhouses shall be permitted to project up to seven feet
19 (7') above the maximum height limit, including the additional
20 height allowed for sloped lots.

21 c. Extra height permitted for rooftop solar
22 collectors shall not be added to extra height allowed for
23 pitched roofs.
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CITY COUNCIL TRANSMITTAL

C. F. # 295219

Reply Requested By:

Sharon Lee

Date Sent:

1/30/87

Subject:

Land Use Code Amendments for
Solar Collectors in Residential
Zones.

TO: James Fearn
Law Dept.

01-10-01

COPY RECEIVED

JAN 30 1987

Douglas N. Jewett
CITY ATTORNEY

FROM: Paul Krabel, Council member

ACTION required

Review and Return File With Your Answer to Sender

Review and Answer Petitioner, Return File and Copy of Answer to Sender

Review and Make Recommendations, Return File and Recommendations to Sender
() In Duplicate

Prepare Legislation and Return File to Sender

X

Cranwell

304

Additional Information: Public Hearing scheduled for March 18th.

[Handwritten Signature]

Signature

Seattle Department of Construction and Land Use



Holly Miller, Director
Charles Royer, Mayor

M E M O R A N D U M

TO: Councilmember Paul Kraabel, Chairperson
Urban Redevelopment Committee, Seattle City Council

FROM: Holly Miller, Director, DCLU *Holly Miller*

DATE: March 23, 1987

SUBJECT: Height Exception for Rooftop Dish Antennae in Multi-family Residential Zones

In response to the request of the Urban Redevelopment Committee of City Council to provide some background information on height limits for dish antennae in the multi-family residential zones, we submit the following analysis and recommendation for your review. As you recall, the Urban Redevelopment Committee held a public hearing on February 18, 1987 to consider a proposed Land Use Code amendment allowing height exceptions for institutions in multi-family residential zones. At that meeting, the Committee members agreed, in concept, to allow institutions the same exceptions to height as are currently allowed for residential structures in the same zones. These exceptions include additional height for pitched roofs, sloping lots, and certain rooftop features. However, the Committee also raised questions on the policy basis and rationale for allowing height exceptions for dish antennae located on the rooftops of institutions. To address the Committee's questions, DCLU has prepared the following analysis and recommendation on rooftop antennae:

Background Information and Analysis

In Policy 4 of the Multi-family Land Use Policies, certain rooftop features are recognized as functional features which have merits to warrant additional height above the height limit for the particular zone where they are located. Examples of these functional rooftop features are solar collectors, mechanical equipments, chimneys, railings, skylights, radio and television receiving aerials, and dish antennae. Based on this policy, the Land Use Code provides for height exceptions for these features located on the rooftops of residential structures under specific stipulations.

Dish antennae are satellite earth stations designed to receive and transmit in the case of "relay stations" television broadcasts directly from orbiting communication satellites. These antennae allow individuals to bypass cable and conventional broadcasting to receive television programs. Smaller dish antennae (about three feet in diameter) are usually used in conjunction with non-cable systems aimed at only one satellite. Larger antennae (approximately 8 to 12 feet in diameter) are designed to intercept signals from a number of orbiting satellites. The use of large antennae is becoming increasingly popular in urban areas where conventional television reception is poor.

In the existing Land Use Code, dish antennae which are not on rooftops are regulated as an accessory use, including being counted in lot coverage, in both the single family and multi-family residential zones (Sections 23.44.040 and 45.140). Dish antennae are also permitted on rooftops in these zones, but they must meet the height regulations of the zone where they are located. In single family areas, there is no height exception for dish antennae. However, for dish antennae located on rooftops of residential structures in multi-family zones, the existing code allows them to extend up to 4 feet above the maximum height limit of the zone. This provision recognizes the practical need for dish antennae, if installed on rooftops, to be slightly above the regular height limit, so they can receive signals with minimal obstructions. This need is especially evident in an urban environment with high density development. This is one of the reasons why this height exception is not provided in single-family areas but is provided in multi-family residential areas.

The proposed code amendment would extend this height exception currently available to residential structures to institutions in multi-family zones. DCLU believes it is reasonable to allow institutions such as schools, daycare centers, and religious facilities in the multi-family zones the same height exception for dish antennae as is allowed for residential structures. The proposed amendment would meet the needs of these institutions to receive improved television programs for educational and other purposes. The proposed standard to allow a maximum of four additional feet is not excessive, because the use of this exception can not be combined with other height except for sloped lots. The four additional feet is measured basically from the maximum height permitted in the zone. Further, the proposed height exception would allow the option of installing some dish antennae on rooftops instead of on the ground. This option would preserve a greater amount of ground level open space for recreational purposes, and is likely to have less aesthetic impacts. The proposed code also stipulates the location of rooftop dish antennae to protect solar access for the affected properties. The proposed amendment is consistent with the City's Policy to allow small institutions to be located in the multi-family areas, as long as they are compatible with the residential

Councilmember Paul Kraabel
Page 3
March 23, 1987

character and scale of the area (Policy 17 of the Multi-family Land Use Policies). In fact, the City's policies for institutions show no intent to impose requirements stricter than for residential uses. The emphasis of the policies and code is to ensure compatibility of the institutions with the residential neighborhood character.

If the impact of dish antennae is a major issue of concern regardless of its location on the rooftops of either residential structures or institutions, more extensive research would be necessary to evaluate the development standards for such facilities. A separate proposal for code amendment would also be necessary to address the overall concerns.

Conclusions and Recommendations

The above analysis affirms our earlier finding that allowing institutions the same height exceptions as are currently allowed for residential structures is a reasonable provision for development in the multi-family zones. The proposed amendment to allow rooftop dish antennae to extend to four feet above the permitted maximum height of the zone is consistent with the City's policies for small institutions and residential structures, and would not result in any detrimental impact on the neighborhood environment. We recommend adoption of Section 23.45.92, as proposed in our report of May 21, 1986.

If you have any further questions, please call Hermia Ip, Land Use Specialist of our Code Development and Coordination Section, at X2261.

HI:jvb

Seattle
Department of Construction and Land Use

Holly Miller, Director
Charles Royer, Mayor

M E M O R A N D U M

July 21, 1986

To: Sam Smith, President, Seattle City Council

From: Holly Miller, Director *Holly Miller*

Subject: Proposed Land Use Code Amendment Regarding Solar Collectors in Residential Zones

Attached for your review is a Director's Report and Recommendation on a Land Use Code amendment regarding solar collectors in residential zones. The amendment would reflect recent changes to the Washington State Energy Code, and would clarify some of the existing language and references within the Land Use Code.

The attached report has been reviewed by other City Departments and by the public. A Declaration of Non-Significance (DNS) for the proposed amendment was published on May 29, 1986. If you have any questions about the report, please call Hermia Ip at 2781.

HI:vg

Attachment

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CITY OF SEATTLE
JUL 23 1986
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JULY 1986

DIRECTOR'S REPORT

I. INTRODUCTION

The Department of Construction and Land Use (DCLU) recommends to the City Council that provisions in Single and Multi-Family zones for solar collectors and greenhouses be amended. The amendment reflects recent changes to the Energy Code and clarifies some of the existing language and references within the Land Use Code.

II. BACKGROUND

The Land Use Code defines solar collectors and solar greenhouses in Section 23.84.36:

Solar collector - any device used to collect direct sunlight for use in the heating or cooling of a structure, domestic hot water, or swimming pool, or the generation of electricity.

Solar greenhouse - a solar collector which is a structure or portion of a structure utilizing glass or similar glazing material to collect direct sunlight for space heating purposes.

The Code allows certain exceptions for yards, setbacks, height, and lot coverage for solar collectors and/or greenhouses. Unless otherwise indicated, provisions for solar collectors also include solar greenhouses.

The Single Family sections of the Code became effective in June 1982, and the Multi-Family sections in August 1982. Subsequent to the adoption of these zones, there have been several ordinances amending subsections related to solar collectors.

A. Single Family Zones

Currently the Code exempts solar collectors from lot coverage calculations and allows a four-foot exception to the maximum height standards. The height exception does not, however, apply to solar greenhouses. Sun shades for solar collectors or south-facing windows, and solar collectors are allowed to project into required rear and side yards. In addition, solar greenhouses are allowed to project into required front yards. Under certain conditions, solar collectors which create or increase the nonconformity of a structure may be permitted.

B. Multi-Family Zones

The Code allows solar collectors on rooftops to project above the maximum height limit of the zone. Also, they are allowed to project into required rear and side setbacks. Sun shades, for south-facing solar collectors, are allowed to project into front or rear setbacks.

The area covered or enclosed by solar collectors may be counted as required open space. As in Single Family zones, solar collectors that create or expand the nonconformity of nonconforming structures may be permitted under certain conditions.

III. ANALYSIS AND RECOMMENDATION

Analysis

A. Energy Code Changes

There are two reasons for the proposed text amendment. First, the recently adopted Washington State Energy Code has outdated the specific requirements for solar collectors contained in the Land Use Code and in Director's Rule 35-82. For example, the Land Use Code currently specifies that solar collectors be oriented within "thirty degrees of true south." The state code now allows orientation within forty-five degrees of true south. Therefore, one purpose of proposed changes to the Land Use Code is to refer to the Energy Code without specifying standards that may be subject to future changes and which would therefore necessitate future changes in the Land Use Code.

B. Land Use Text Clarifications

The second reason for the proposed text amendment is to clarify the exceptions for solar collectors. For example, certain exceptions to height and yard requirements are provided in the Accessory Uses subsection where standards for solar collectors are specified. However, there is no reference to these exceptions in the single family Principal Use subsection of the Code. Proposed text changes include the references to these exceptions.

The exception in Single Family zones for locating greenhouses closer than twelve feet to the front property line (23.44.46.A3c) may be confusing and somewhat contradictory. It reads: "In a front yard, solar greenhouses which are integrated with the principal structure and have a maximum height of twelve feet may extend into the front yard up to six feet but shall not be located any closer than twelve feet from the front property line unless front yard averaging . . . permits a lesser front yard" (emphasis added). Ordinarily a greenhouse that extends into a twenty-foot required front yard would be fourteen feet from the front property line.

The Single Family zones require that "the front yard shall be either the average of the front yards of the single family structures on either side or twenty feet, whichever is less." Extending into a required front yard of less than twenty feet, as allowed by the averaging method, could result in the greenhouse being located closer than twelve feet from the property-line. In this situation, however,

the Code does not require a twelve-foot setback (see Exhibit 1). Therefore, in cases where the twelve-foot restriction would apply, the greenhouse would actually be fourteen feet rather than twelve feet from the front property line (See Exhibit 2). Therefore, this language is unnecessary and unclear.

The proposed text amendment would impose a minimum front yard setback of five feet for solar greenhouses in single family zones. This restriction would only apply to lots with a front yard requirement of less than eleven feet. In all other cases, the six foot allowance would be the limiting factor and would result in the greenhouse being located more than five feet from the front property line. The five foot minimum serves two purposes: first, it maintains residential setback patterns and second, it protects solar access to adjacent residences.

The proposed text change to subsection 23.44.16B1 is one that was missed in a previous text amendment. It reflects recent changes to Section 23.76, now entitled "Procedures for Master Use Permits and Council Land Use Decisions" (Ordinance 112522, adopted October 1985).

Recommendation

DCLU recommends that the specific standard for solar collectors, that is, "orientation within thirty degrees of true south," be deleted and that less specific language be substituted. The rationale for the less specific language is to accommodate the recently adopted state Energy Code as administered by the Director, and any future Energy Code changes, without further revising the Land Use Code.

DCLU proposes the following wording be added or changed to the Land Use Code:

Single Family Zones:

* * *

23.44.12C Height Limit Exemptions

3. For height exceptions for solar collectors, not including solar greenhouses, see Section 23.44.46.

* * *

23.44.14D Exceptions From Standard Yard Requirements

5. Unless otherwise permitted in this Chapter, special features of a structure shall project no more than eighteen inches into any required yard. Cornices, eaves and sun shades with associated gutters shall be allowed to project into southern front or rear yards not more than six feet to provide shade for either solar collectors or windows which ~~((face within thirty degrees of true south))~~ meet minimum energy standards administered by the Director.

* * *

13. Solar collectors may be located in required yards, subject to the provisions of Section 23.44.46.

* * *

23.44.46

- A. Solar Collectors are permitted outright as an accessory use to any principal use permitted outright or to a permitted conditional use subject to the following development standards.

* * *

3. Solar collectors and solar greenhouses meeting the minimum energy standards administered by the Director may be located in required yards ~~((facing within thirty degrees of true south))~~ according to the following conditions:

* * *

- c. In a front yard, solar greenhouses which are integrated with the principal structure and have a maximum height of twelve feet may extend up to six feet into the front yard. ~~((up to six feet but shall not be located any closer than twelve feet from the front property line unless front yard averaging as established in Measurements, Section 23.86.10 permits a lesser front yard.))~~ In no case shall the greenhouse be located closer than five feet from the front property line.

* * *

23.44.46B Nonconforming Solar Collectors

1. The Director may permit the installation of solar collectors which cause an existing structure to become nonconforming, or which increase an existing nonconformity, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such installation may be permitted even if it exceeds the height limit established in subsection 23.44.46A2, so

*See addition from
3/28/86 Draft Report*

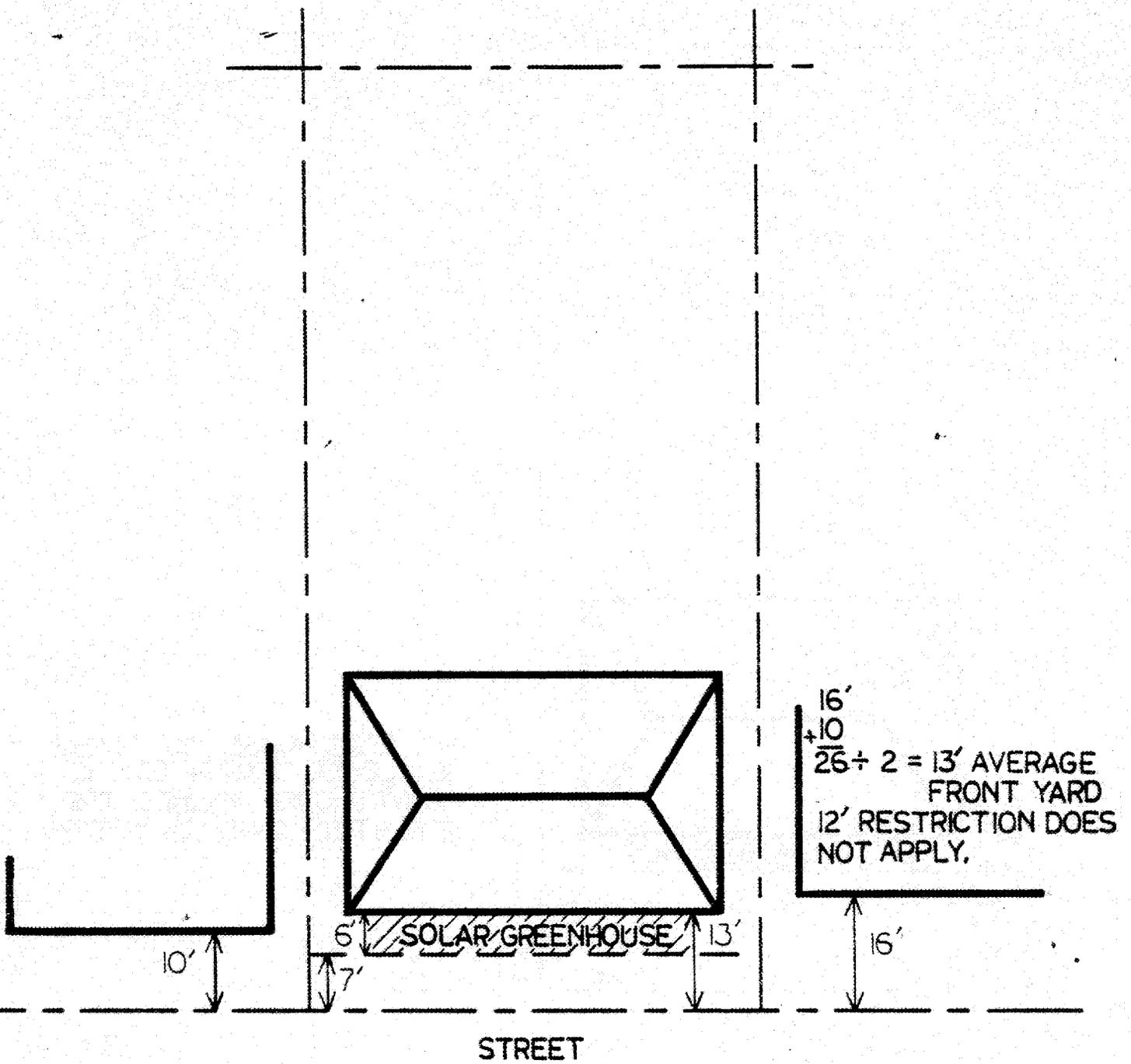


EXHIBIT I: AVERAGING FRONT YARD

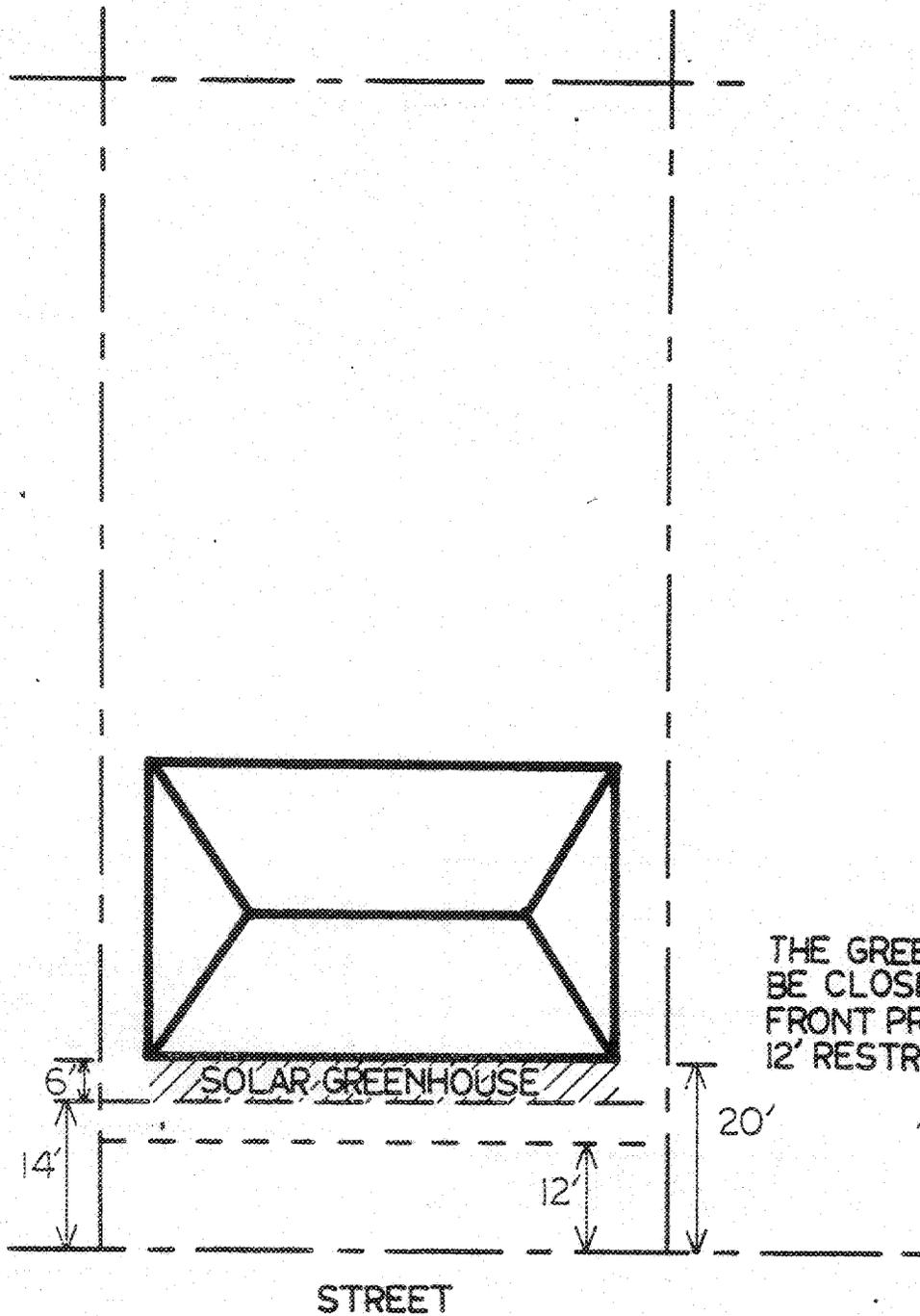


EXHIBIT 2: 20' REQUIRED FRONT YARD

Seattle
Department of Construction and Land Use



Beatrice Farrar Ryan, Interim Director
Charles Royer, Mayor

March 28, 1986

MEMORANDUM

To: Rich Yukubousky, Director, Land Use and Transportation Project
James Fearn, Director, Land Use Division, Law Department
Randall Hardy, Superintendent, Seattle City Light
Patrick Fitsimons, Chief, Police Department
Claude Harris, Chief, Fire Department
Walter Hundley, Director, Department of Parks and Recreation
Eugene V. Avery, Director, Seattle Engineering Department
David Mosley, Director, Department of Community Development

From: Katy Chaney, Acting Director *Katy Chaney*

Subject: Solar Collectors in Residential Zones.

Attached for your review is a draft Director's report on a Land Use Code amendment regarding solar collectors in residential zones. The amendment is intended to reflect recent changes to the Energy Code and to clarify some of the existing language and references within the Land Use Code.

We would appreciate receiving your comments on the draft report by April 11. If you have any questions about the report, please call Rebecca Herzfeld at 2781.

HI:ls

Attachment

23.44.46B Nonconforming Solar Collectors

1. The Director may permit the installation of solar collectors which cause an existing structure to become nonconforming, or which increase an existing nonconformity, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such installation may be permitted even if it exceeds the height limit established in subsection 23.44.46A2, so long as total structure height including solar collectors does not exceed thirty-nine feet above existing grade and the following conditions are met:

Multi-Family Zones:

23.45.146B Solar Collectors in Required Setbacks

Solar collectors which meet minimum energy standards administered by the Director are permitted in required setbacks according to the following provisions:

* * *

4. Sunshades which provide shade for solar collectors (~~which face within thirty degrees of true south~~) which meet the minimum standards administered by the Director may project into southern front or rear setbacks. Those which begin at eight feet or more above existing grade may be no closer than three feet from the property line. Sunshades which are between existing grade and eight feet above existing grade shall be no closer than five feet to the property line.
- C. Solar Collectors on Rooftops
1. Solar collectors which meet minimum energy standards administered by the Director located on rooftops shall be permitted to project up to four feet above the maximum height limit, including the additional height allowed for sloped lots. The four feet permitted for rooftop solar collectors shall not be added to extra height allowed for pitched roofs.

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ORDINANCE 113401

AN ORDINANCE relating to Land Use and Zoning; amending Sections 23.44.012C, 23.44.014D, 23.44.046 and 23.45.146B and C of the Seattle Municipal (Land Use) Code relating to solar collectors in residential zones.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That subsection C of Section 23.44.012 of the Seattle Municipal (Land Use) Code, adopted by Ordinance 110381 is amended to read as follows:

23.44.012 Height limits

* * *

C. Height Limit Exemptions

1. Radio and Television Aerials and Flagpoles. Except in the Airport Height District, Chapter 23.64, radio and television aerials and flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line than fifty percent (50%) of their height above existing grade, or, if attached only to a roof, no closer than fifty percent (50%) of their height above the roof portion where attached.

2. Other Features. Open rails, planters, skylights, and chimneys may exceed the height limits by four feet (4') or may extend four feet (4') above the ridge of a pitched roof.

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

Section 2. That subsection D of Section 23.44.014 of the Seattle Municipal (Land Use) Code, as last amended by Ordinance 112971, is further amended to read as follows:

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MAY 20 9 26 AM '87
BY THE CLERK OF THE CITY OF SEATTLE
RECORDS & COMMUNITY DEVELOPMENT

RECEIVED THIS DAY

1 23.44.014 Yards.

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

5 * * *

6 D. Exceptions from Standard Yard Requirements.

7 1. Certain Accessory Structures. Any accessory
8 structure may be constructed in a side yard which abuts the
9 rear or side yard of another lot upon recording with the King
10 County Department of Records and Elections an agreement to
11 this effect between the owners of record of the abutting
properties.

12 Any accessory structure which is a private garage may
13 be located in that portion of a side yard which is either
14 within thirty-five feet (35') of the centerline of an alley or
15 within twenty-five feet (25') of any rear lot line which is
16 not an alley lot line, without providing an agreement as
provided in Section 23.44.016.

17 2. Side Yard Exception for Easement. The side yard for
18 a single-family structure may be less than five feet (5')
19 along one (1) side lot line if an easement is provided along
20 the side lot line of the abutting lot, sufficient to leave a
21 ten-foot (10') separation between the two (2) principal
22 structures of the two (2) lots. The easement shall be
23 recorded with the King County Department of Records and
24 Elections. The easement shall provide access for normal
25 maintenance activities to the principal structure on the lot
26 with less than the required side yard. No principal structure
27 shall be located in the easement, except that the eaves of a
28 principal structure may project a maximum of eighteen inches
(18") into the easement.

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

a. Side yard: When it is a side wall, it is at least three feet (3') from the side property line;

b. Rear yard: When it is a rear wall, it is at least twenty feet (20') from the rear property line or centerline of an alley abutting the rear property line;

c. Front yard: When it is a front wall, it is at least fifteen feet (15') from the front property line.

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

5. Special Features of a Structure. Unless otherwise permitted in this chapter, special features of a structure shall project no more than eighteen inches (18") into any required yard. Cornices, eaves and sun shades with associated gutters shall be allowed to project into southern front or

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rear yards not more than six feet (6') to provide shade for either solar collectors or windows which ((~~face~~ within thirty degrees (30°) of true south)) meet minimum written energy conservation standards administered by the Director.

6. Private Garages. Covered Unenclosed Decks or Roofs Over Patios in Rear Yards.

a. Any attached private garages or covered, unenclosed decks or roofs over patios are portions of principal structures. They may extend into the required rear yard, but shall not be within twelve feet (12') of the centerline of any alley, nor within twelve feet (12') of any rear lot line which is not an alley lot line, nor closer than five feet (5') to any accessory structure, nor exceed twelve feet (12') in height, except the height of private garages shall meet the provisions of Section 23.44.016.

Any detached private garage meeting the requirements of Section 23.44.016, Parking, or detached permitted accessory structure meeting the requirements of Section 23.44.040, General Provisions for Accessory Uses, may be located in a rear yard.

If a private garage has its vehicular access facing the alley, the private garage shall not be within twelve feet (12') of the centerline of the alley.

b. Attached or detached private garages, covered, unenclosed decks or roofs over patios, other accessory structures and nonconforming portions of principal structures are limited to a maximum combined coverage of forty percent (40%) of the required rear yard.

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In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

7. Private Garages in Front Yards of Through Lots. On through lots less than one hundred twenty-five feet (125') in depth, either an accessory garage structure or a portion of the principal structure containing a garage shall be permitted to locate in one (1) of the front yards. Private garages, either as accessory structures or as a portion of the principal structure shall be limited as set forth in Section 23.44.016.

The front yard in which the garage may be located shall be determined by the Director based on the location of other accessory garages on the block.

If no pattern of garage location can be determined, the Director shall determine in which yard the accessory garage shall be located based on the prevailing character and setback patterns of the block.

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

9. Barrier-Free Access. Access facilities for the disabled and elderly meeting Washington State Rules and Regulations for Barrier-Free Design are permitted in any required yards.

10. Freestanding Structures and Bulkheads. Fences, freestanding walls, bulkheads, signs and similar structures

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1 six feet (6') or less in height above existing high ground
2 level may be erected in any required yard. When located in
3 the shoreline setbacks or in view corridors in the Shoreline
4 District as regulated in Chapter 24.60, these structures shall
5 not obscure views protected by Chapter 24.60 and the Director
6 shall determine the permitted height.

7 11. Decks in Yards. Decks no greater than eighteen
8 inches (18") on average above existing or finished grade,
9 whichever is lower, may extend into required yards, but not
10 within five feet (5') of any lot line. If a deck is adjacent
11 to a fence or freestanding wall, the deck may extend to that
12 fence or wall provided that the height of the deck is no less
13 than three feet (3') from the top of the fence or wall. The
14 fence or wall shall be no higher than six feet (6').

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

21 13. Solar collectors may be located in required yards,
22 subject to the provisions of Section 23.44.046.

23 Section 3. That Section 23.44.046 of the Seattle
24 Municipal (Land Use) Code, as last amended by Ordinance
25 111590, is further amended to read as follows:

26 23.44.046 Solar collectors

27 A. Solar collectors are permitted outright as an
28 accessory use to any principal use permitted outright or to a
permitted conditional use subject to the following development
standards:

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1. Solar collectors, including solar greenhouses which meet minimum standards and maximum size limits as determined by the Director, shall not be counted in lot coverage.

2. Solar collectors except solar greenhouses attached to principal use structures may exceed the height limits of single-family zones by four feet (4') or extend four feet (4') above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than nine feet (9') above the height limit established for the zone (see Exhibit 23.44.046A). A solar collector which exceeds the height limit for single-family zones shall be placed so as not to shade an existing solar collector or property to the north on January 21st, at noon, any more than would a structure built to the maximum permitted height and bulk.

3. Solar collectors and solar greenhouses meeting minimum written energy conservation standards administered by the Director may be located in required yards ((facing within thirty degrees (30°) of true south)) according to the following conditions:

a. In a side yard, no closer than three feet (3') from the side property line; or

b. In a rear yard, no closer than fifteen feet (15') from the rear property line unless there is a dedicated alley, in which case the solar collector shall be no closer than fifteen feet (15') from the centerline of the alley; or

c. In a front yard, solar greenhouses which are integrated with the principal structure and have a maximum

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height of twelve feet (12') may extend up to six feet (6') into the front yard (~~up to six feet (6')~~ but shall not be located any closer than twelve feet (12') from the front property line unless front yard averaging as established in Measurements, Section 23.86.010, permits a lesser front yard)). In no case shall the greenhouse be located closer than five feet (5') from the front property line.

B. Nonconforming Solar Collectors. The Director may permit the installation of solar collectors which cause an existing structure to become nonconforming, or which increase an existing nonconformity, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such installation may be permitted even if it exceeds the height limit established in Section 23.44.046A2, so long as total structure height including solar collectors does not exceed thirty-nine feet (39') above existing grade and the following conditions are met:

1. There is no feasible alternative to placing the collector(s) on the roof;
2. Such collector(s) are located so as to minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for the collectors;
3. Such collector(s) meet minimum written energy conservation standards administered by the Director; and
4. The collector(s) add no more than seven feet (7') of height to the existing structure. To minimize view blockage or shadow impacts, the Director shall have the authority to limit a nonconforming solar collector to less than seven (7) additional feet of height.

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Section 4. That subsections B and C of Section 23.45.146 of the Seattle Municipal (Land Use) Code, as last amended by Ordinances 110793 and 112971, is further amended to read as follows:

23.45.146 Solar Collectors

* * *

B. Solar Collectors in Required Setbacks. Solar collectors which meet minimum written energy conservation standards administered by the Director are permitted in required setbacks according to the following provisions:

1. Detached solar collectors shall be permitted in required rear setbacks(~~(7)~~). Such collectors shall be no closer than five feet (5') to any other principal or accessory structure.

2. Detached solar collectors shall be permitted in required side setbacks(~~(7)~~). Such collectors shall be no closer than five feet (5') to any other principal or accessory structure, and no closer than three feet (3') to the side lot line.

3. The area covered or enclosed by solar collectors may be counted as required open space.

4. Sunshades which provide shade for solar collectors (~~(which face within thirty degrees (30°) of true south)~~) which meet minimum written energy conservation standards administered by the Director may project into southern front or rear setbacks. Those which begin at eight feet (8') or more above finished grade may be no closer than three feet (3') from the property line. Sunshades which are between finished grade and eight feet (8') above finished grade shall be no closer than five feet (5') to the property line.

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C. Solar Collectors on Rooftops.

1. Lowrise Zones. Solar collectors which are located on rooftops and which meet minimum written energy conservation standards administered by the Director shall be permitted to project up to four feet (4') above the maximum height limit including the additional height allowed for sloped lots. The four feet (4') permitted for rooftop solar collectors shall not be added to extra height allowed for pitched roofs.

2. Midrise and Highrise Zones.

a. Solar greenhouses which meet minimum energy conservation standards administered by the Director shall be permitted to project up to ten feet (10') above the maximum height limit, including the additional height allowed for sloped lots. The combined total coverage of all rooftop features shall not exceed fifteen percent (15%) if the total includes screened mechanical equipment.

b. Rooftop solar collectors other than solar greenhouses shall be permitted to project up to seven feet (7') above the maximum height limit, including the additional height allowed for sloped lots.

c. Extra height permitted for rooftop solar collectors shall not be added to extra height allowed for pitched roofs.

(To be used for all Ordinances except Emergency.)

8705200645

CITY OF WASHINGTON)
COUNTY OF KING) SS
CITY OF SEATTLE)

NORWARD J. BROOKS, Comptroller and City Clerk of the City of Seattle, hereby certify that the within and foregoing is a true and correct copy of original instrument as the same appears on file, and of record in this document.

WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Seattle, this 1st day of May, 1987

NORWARD J. BROOKS
Comptroller and City Clerk

By:

Theresa Dunbar

Deputy Clerk

Section 5. 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 27th day of April, 1987
and signed by me in open session in authentication of its passage this 27th day of April, 1987

Approved by me this 1st day of May, 1987
Filed by me this 1st day of May, 1987

Attest: *Norward J. Brooks*
City Comptroller and City Clerk.

(SEAL)

Published

By:

Theresa Dunbar
Deputy Clerk.

PUBLISH DO NOT PUBLISH

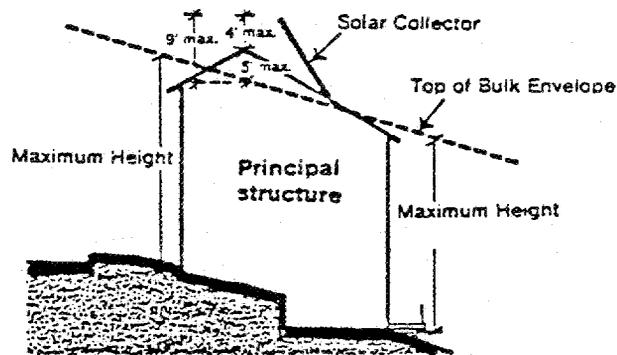
CITY ATTORNEY

CA 9.1.6

8705200645

RESIDENTIAL, SINGLE-FAMILY

Exhibit 23.44.046 A
Pitched Roof With Solar Collector



(No change)

C-815-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. 113401

was published on May 7, 1987

V. Rain

Subscribed and sworn to before me on

May 7, 1987

Barbara H. Jones

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

