

221
ORDINANCE No. 113883

Law Department

221
COUNCIL BILL No. 106643

The City of

AN ORDINANCE relating to land use and zoning; amending Sections 23.44.010, 23.44.120, 23.44.140 and 23.86.008 to authorize creation of certain substandard lots by subdivision, short subdivision or lot adjustment, and establishing development standards for substandard lots.

Honorable President:

Your Committee on Law

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

COMPTROLLER FILE No. _____

Introduced: <u>March 21 1988</u>	By: <u>Street</u>
Referred: <u>March 21 1988</u>	To: <u>Land Use + Community Development</u>
Referred:	To:
Referred:	To:
Reported: <u>MAR 28 1988</u>	Second Reading: <u>MAR 28 1988</u>
Third Reading: <u>MAR 28 1988</u>	Signed: <u>MAR 28 1988</u>
Presented to Mayor: <u>MAR 29 1988</u>	Approved: <u>MAR 30 1988</u>
Returned to City Clerk: <u>MAR 31 1988</u>	Published:
Vetted by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

RECEIVED MAR 29 1988

OK

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on

Land Use and Community Development

was referred the within Council Bill No.

106643

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

Do pass 3-0

Divided report: 2344014 P. 14.

Vote 17-0

*Yes - Sibongco, Street
No - Gelle*

3/23/88



Committee Chair

ORDINANCE 113883

AN ORDINANCE relating to land use and zoning; amending Sections 23.44.010, 23.44.012, 23.44.014 and 23.86.008 to authorize creation of certain substandard lots by subdivision, short subdivision or lot adjustment, and establishing development standards for substandard lots.

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 Ordinances 113216 and 113297, is further amended to read as follows:

23.44.010 Lot requirements

* * *

((A))B 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(~~iff~~) according to the following:

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

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((3))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 has an area of at least seventy-five percent of the minimum required lot area 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

((±))b. The lot is or was created by subdivision, short 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

((4))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,

1 contract of sale, mortgage, property tax segregation,
2 platting or building permit, and either

3 a. The lot is not held in common ownership
4 with any contiguous lot on or after the
5 effective date of this Ordinance; or

6 b. The lot is or has been held in common
7 ownership with a contiguous lot on or after
8 the effective date of this Ordinance and is
9 or has been developed with a principal
10 structure which is wholly within the lot
11 boundaries; provided that no portion of any
12 contiguous lot is required to meet the
13 least restrictive of lot area, lot
14 coverage, setback or yard requirements
15 which were in effect at the time of the
16 original construction of the principal
17 structure, at the time of its subsequent
18 additions, or which are in effect at the
19 time of redevelopment of the lot, Exhibit
20 44.10B; or

21 c. The lot is or has been held in common
22 ownership with a contiguous lot on or after
23 the effective date of this Ordinance and is
24 not developed with all or part of a prin-
25 cipal structure; provided, that no portion
26 of the lot is required to meet the least
27 restrictive of lot area, lot coverage, set-
28 back or yard requirements which were in

1 effect for a principal structure on the
2 contiguous lot at the time of the construc-
3 tion of the principal structure, at the
4 time of its subsequent additions, or which
5 are in effect at the time of the develop-
6 ment of the lot, Exhibit 44.10B; and pro-
7 vided further, that if any portion of the
8 lot to be developed has been used to meet
9 the parking requirement in effect for a
10 principal structure on a contiguous lot,
such parking requirement can and shall be
legally met on the contiguous lot.

11 For purposes of this subsection ((B4))B3, removal of all or
12 any part of a principal structure or destruction by fire or
13 act of nature on or after the effective date of his Ordinance,
14 shall not qualify the lot for the minimum lot area exception,
15 Exhibit 44.10.C.

16 * * *

17 Section 2. That subsection A of Section 23.44.012 of the
18 Seattle Municipal Code, is amended to read as follows:

19 23.44.012 Height Limits

20 A. Maximum Established

21 1. Except as provided in subsection A2, ((The)) the
22 maximum permitted height for any structure shall
not exceed the greater of the following:

23 ((1-)) a. Thirty feet;

24 ((2-)) b. The average height of the two single family
25 structures which the subject structure
26 abuts if one or both of the abutting struc-

1 tures exceed thirty feet. ((The methods of
2 determining height and height averages are
3 detailed in Chapter 23.86, Measurements.))

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

7 a. Twenty-five feet;

8 b. The average height of the two single family
9 structures on abutting lots, but not to
10 exceed thirty feet.

11 3. The methods of determining structure height,
12 height averages, and lot width are detailed in
13 Chapter 23.86, Measurements.

14 * * *

15 Section 3. That subsection D of Section 23.44.014 of the
16 Seattle Municipal Code, as last amended by Ordinance 113401,
17 is further amended to read as follows:

18 23.44.014 Yards

19 Yards are required for every lot in a single-family resi-
20 dential zone. A yard which is larger than the minimum size may
21 be provided.

22 * * *

23 D. Exceptions from Standard Yard Requirements

24 1. Certain Accessory Structures

25 Any accessory structure may be constructed in a
26 side yard which abuts the rear or side yard of
27 another lot upon recording with the King County
28 Department of Records and Elections an agreement
to this effect between the owners of record of
the abutting properties.

1 Any accessory structure which is a private
2 garage may be located in that portion of a side
3 yard which is either within thirty-five feet of
4 the center line of an alley or within twenty-
5 five feet of any rear lot line which is not an
6 alley lot line, without providing an agreement
as provided in Section 23.44.016.

7 2. Side Yard Exception for Easement

8 The side yard for a single family structure may
9 be less than five feet along one side lot line
10 if an easement is provided along the side lot
11 line of the abutting lot, sufficient to leave a
12 ten foot separation between the two principal
13 structures of the two lots. The easement shall
14 be recorded with the King County Department of
15 Records and Elections. The easement shall pro-
16 vide access for normal maintenance activities to
17 the principal structure on the lot with less
18 than the required side yard. No principal
19 structure shall be located in the easement,
20 except that the eaves of a principal structure
may project a maximum of eighteen inches into
the easement.

21 3. Certain Additions

22 Certain additions may extend into a required
23 yard when the existing single family structure
24 is already nonconforming with respect to that
25 yard. The presently nonconforming portion must
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1 be at least sixty percent of the total width of
2 the respective facade of the structure prior to
3 the addition. The line formed by the noncon-
4 forming wall of the structure shall be the limit
5 to which any additions may be built. They may
6 extend up to the height limit and may include
7 basement additions. New additions to the non-
8 conforming wall or walls shall comply with the
9 following requirements, Exhibit ((44.14A)) 44.14C.

- 10 a. Side yard: When it is a side wall, it is
11 at least three feet from the side property
12 line;
13 b. Rear yard: When it is a rear wall, it is
14 at least twenty feet from the rear property
15 line or centerline of an alley abutting the
16 rear property line;
17 c. Front yard: When it is a front wall, it is
18 at least fifteen feet from the front pro-
19 perty line.

20 4. Uncovered Porches

21 Uncovered, unenclosed porches or steps may pro-
22 ject into any required yard, provided that they
23 are no higher than four feet on average above
24 existing grade, no closer than three feet to any
25 side lot line, no wider than six feet, and pro-
26 ject no more than six feet into required front
27 or rear yards.
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5. Special Features of a Structure

1 Unless otherwise permitted in this Chapter, spe-
2 cial features of a structure shall project no
3 more than eighteen inches into any required
4 yard. Cornices, eaves and sun shades with asso-
5 ciated gutters shall be allowed to project into
6 southern front or rear yards not more than six
7 feet to provide shade for either solar collec-
8 tors or windows which meet minimum written
9 energy conservation standards administered by
10 the Director.

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

13 a. Any attached private garages or covered,
14 unenclosed decks or roofs over patios are
15 portions of principal structures. They may
16 extend into the required rear yard, but
17 shall not be within twelve feet of the
18 centerline of any alley, nor within twelve
19 feet of any rear lot line which is not an
20 alley lot line, nor closer than five feet
21 to any accessory structure, nor exceed
22 twelve feet in height, except the height of
23 private garages shall meet the provisions
24 of Section 23.44.016.

25 Any detached private garage meeting the
26 requirements of Section 23.44.016, Parking,
27 or detached permitted accessory structure
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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 of the center line of the alley.

b. Attached or detached private garages, covered, unenclosed decks or roofs over patios, other accessory structures and non-conforming portions of principal structures are limited to a maximum combined coverage of forty percent of the required rear yard. 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 in depth, either an accessory garage structure or a portion of the principal structure containing a garage shall be permitted to locate in one 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.

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

5 If no pattern of garage location can be deter-
6 mined, the Director shall determine in which
7 yard the accessory garage shall be located based
8 on the prevailing character and setback patterns
9 of the block.

10 8. Access Bridges

11 Uncovered, unenclosed bridges of any height,
12 necessary for access and five feet or less in
13 width, are permitted in required yards except
14 that in side yards an access bridge must be at
15 least three feet from any side lot line.

16 9. Barrier-Free Access

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

21 10. Freestanding Structures and Bulkheads

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

5 11. Decks in Yards

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

16 12. Heat Pumps

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

24 13. Solar collectors may be located in required
25 yards, subject to the provisions of Section
26 23.44.046.
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14. Front yard projections for structures on lots thirty feet or less in width.

For a structure on a lot which is thirty feet or less in width, portions of the front facade which begin eight feet or more above finished grade may project up to four feet into the required front yard, provided that no portion of the facade, including eaves and gutters, shall be closer than five feet to the front lot line, Exhibit 44.14B.

Section 4. That Section 23.86.008 of the Seattle Municipal Code, as last amended by Ordinance 110669, is further amended by adding a new subsection C, to read as follows:

23.86.008 Lot Coverage, Width and Depth.

* * *

C. Lot width in Single Family Zones:

1. When a lot is essentially rectangular, the lot width shall be the mean horizontal distance between side lot lines measured at right angles to lot depth, Exhibit 86.008B.

2. In the case of a lot with more than one rear lot line, Exhibits 86.008C and 86.008D, the lot width shall be measured according to the following:

a. If the distance between the rear lot lines is fifty percent or more of the lot depth, the lot width shall be measured parallel to the front lot line and shall be the greatest distance between the side lot lines, Exhibit 86.008C; or

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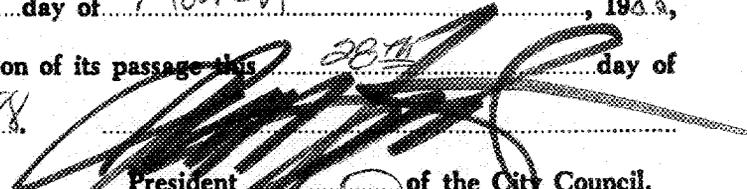
b. If the distance between the rear lot lines is less than fifty percent of the lot depth, the lot width shall be measured according to Exhibit 86.008D.

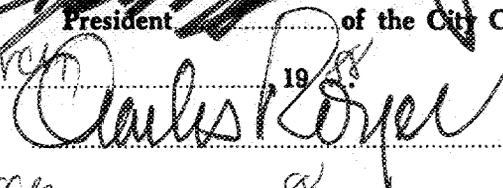
3. For irregular lots not meeting the conditions of subsections C1 or C2, the Director shall determine the measurement of lot width.

(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 28th day of March, 1988,
and signed by me in open session in authentication of its passage this 28th day of
March, 1988.


President of the City Council.
Approved by me this 30th day of March, 1988.


Mayor.
Filed by me this 30th day of March, 1988.

Attest: Howard J. Brooks
City Comptroller and City Clerk.

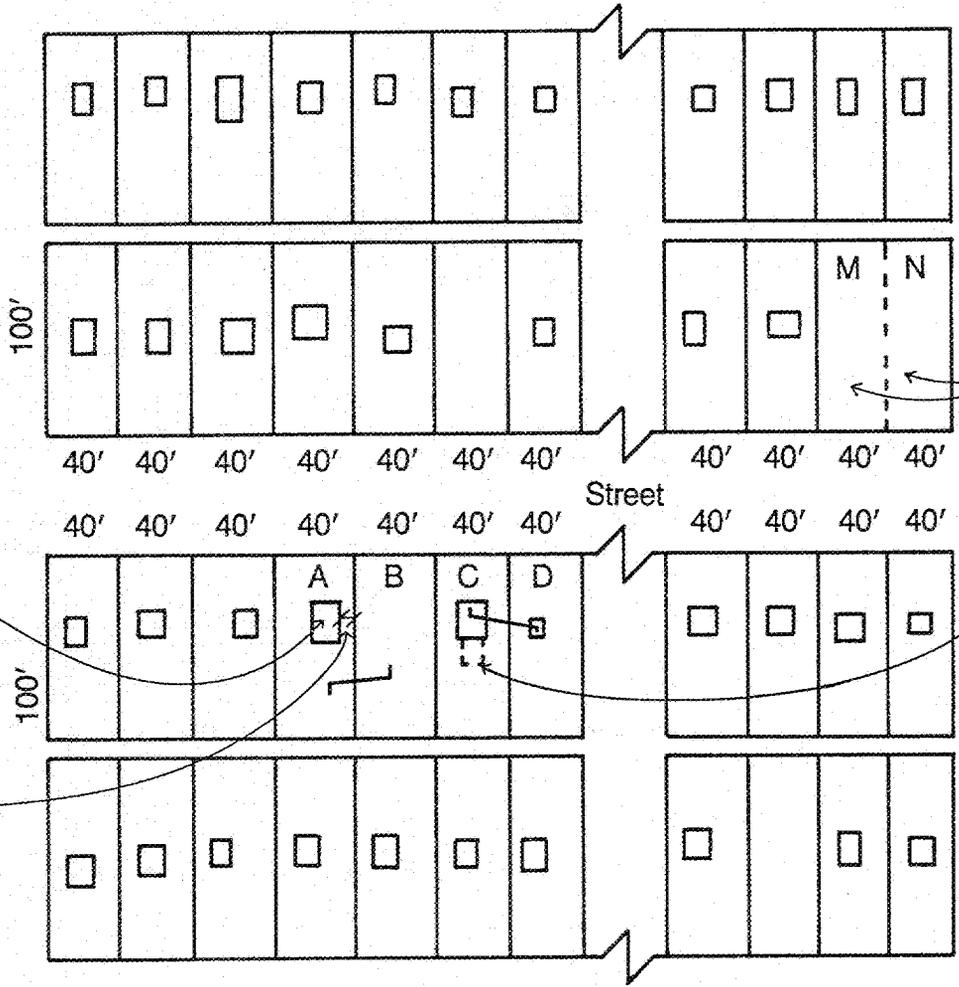
(SEAL)

Published

By Margaret Center
Deputy Clerk.

PUBLISH DO NOT PUBLISH

CITY ATTORNEY _____



Existing house built in 1920. Minimum required side yard was 18 inches.

One-foot side yard

Zoning of subject block face is SF 5000.

New lots can be created at 4,000 s.f. by short subdivision.

Relocated parking, meeting the current development standards.

Exhibit 44.010A.

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.).

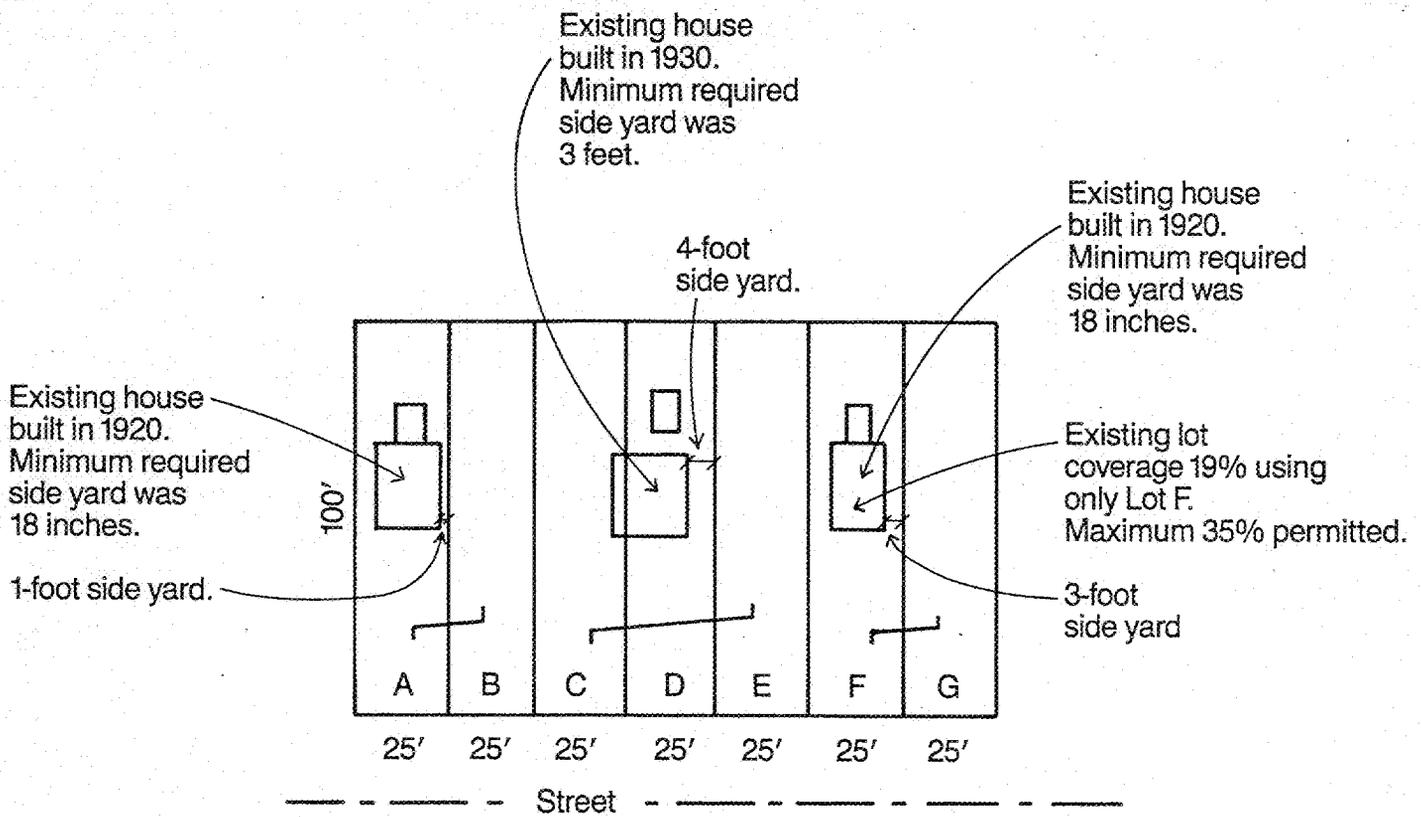


Exhibit 44.010B.

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

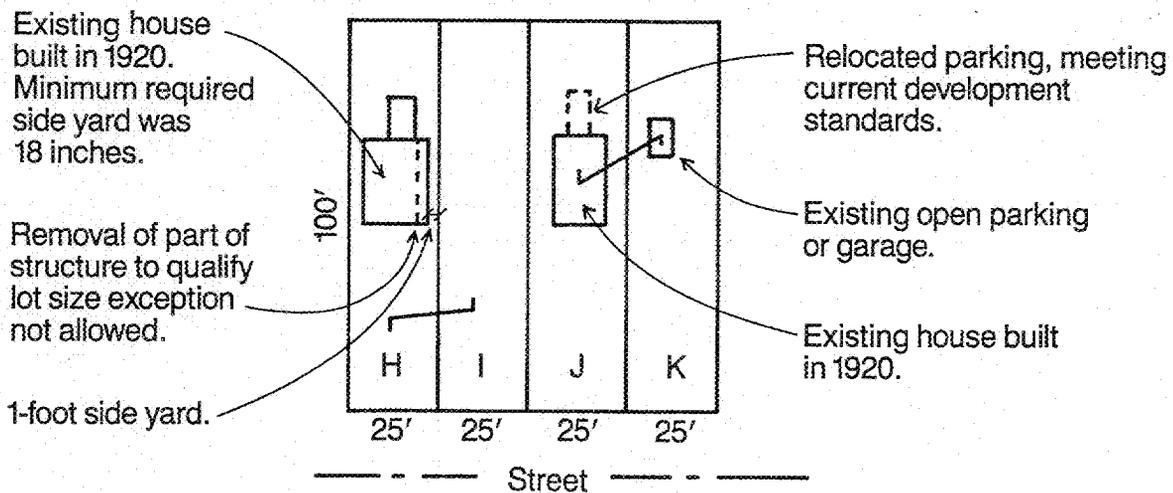


Exhibit 44.010C.

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

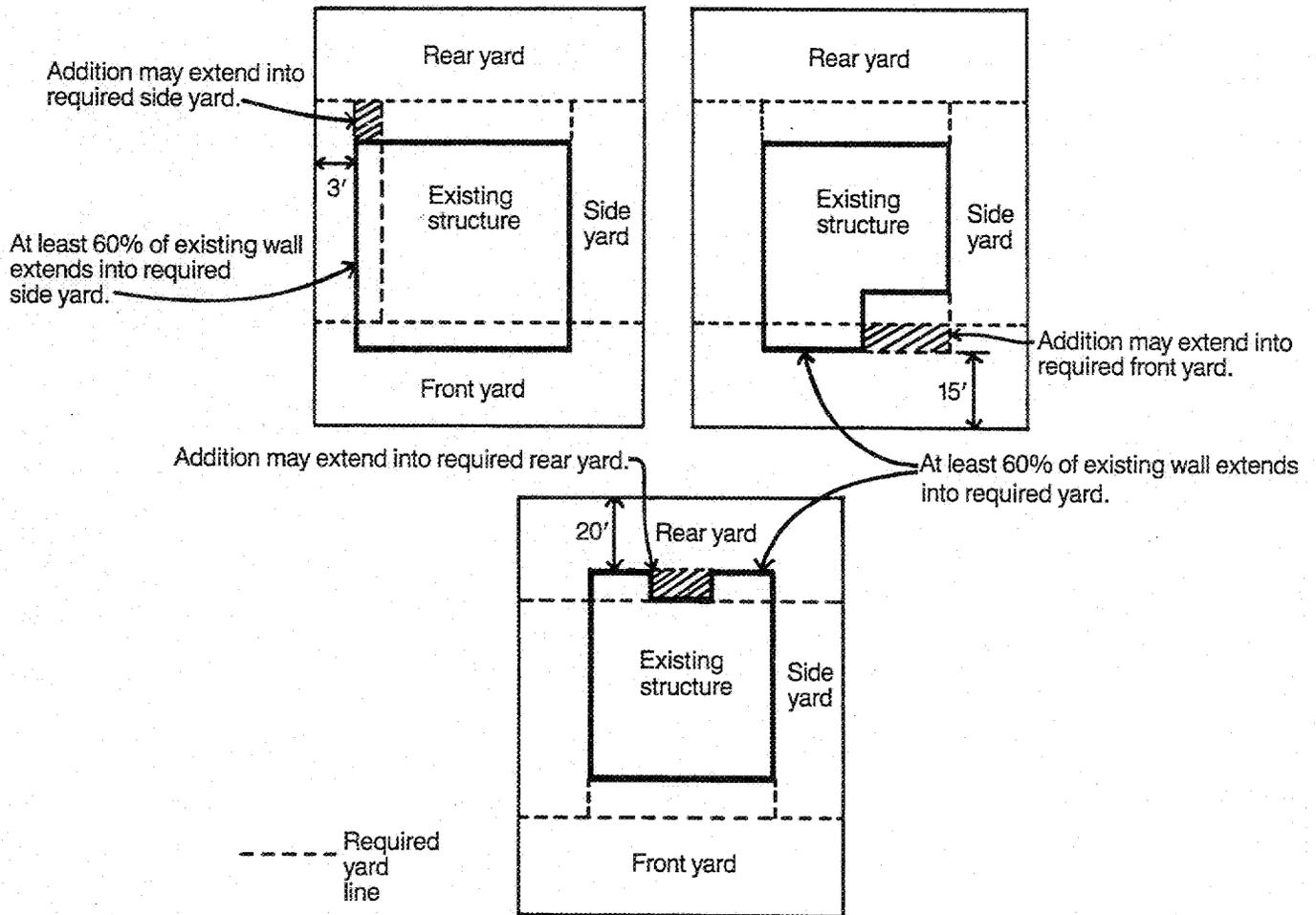


Exhibit 44.014A

Permitted additions into required yards for existing single family residences

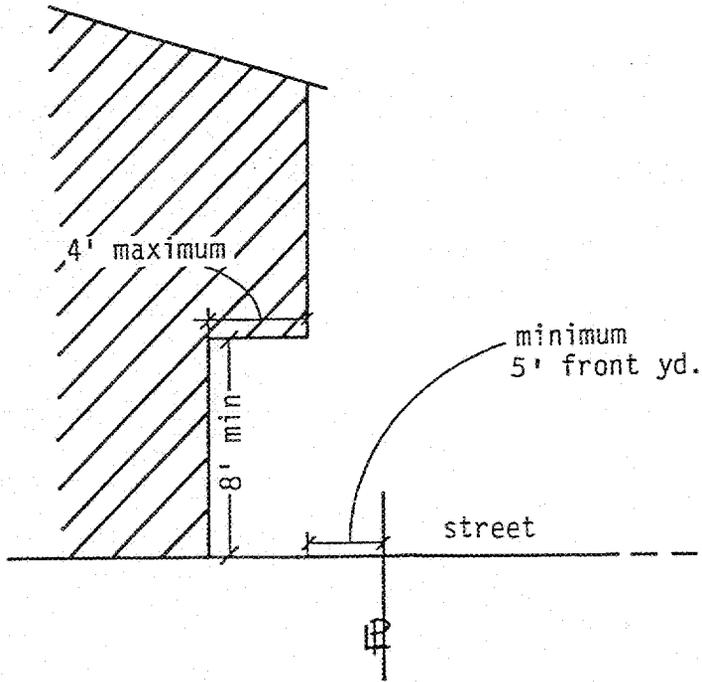


Exhibit 44.14B Front yard projections permitted for structures on lots thirty feet or less in width.

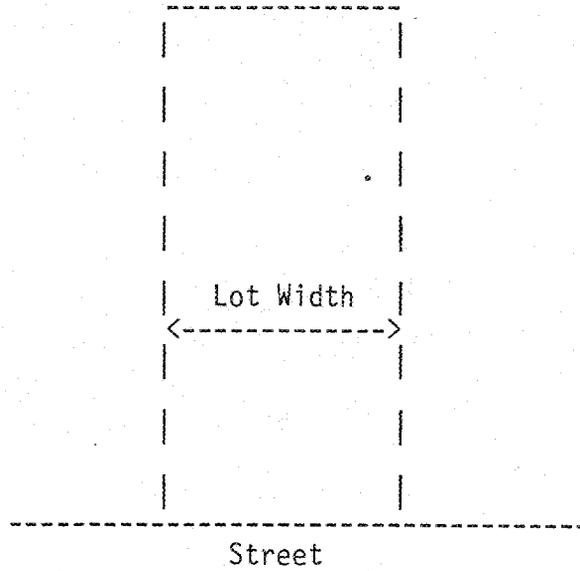


Exhibit 86.008B Lot Width

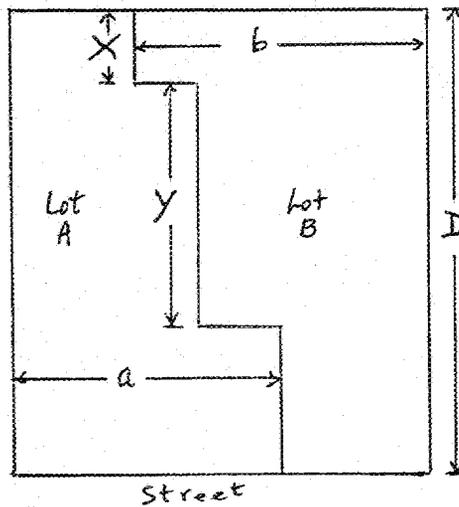


Exhibit 86.008C. Lots with more than one rear lot line, and where the distance between the rear lot lines is 50% or more of lot depth.

Where $X + Y$ is 50% of D or greater, the lot width shall be:

a for Lot A, and b for Lot B.

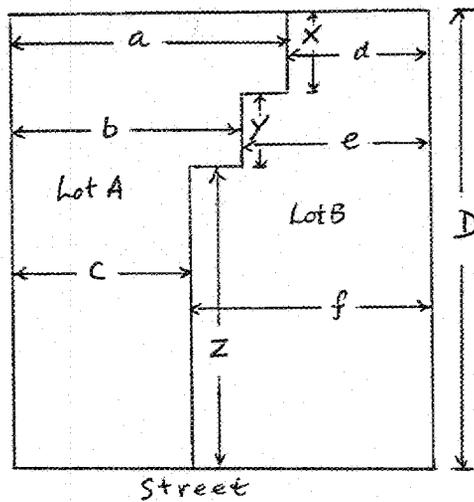


Exhibit 86.008D. Lots with more than one lot line, and where the distance between the rear lot lines is less than 50% of lot depth.

Where $X + Y$ is less than 50% of D ,

Width of Lot A shall be: $\frac{(a \times X) + (b \times Y) + (c \times Z)}{100\%}$; and

Width of Lot B shall be: $\frac{(d \times X) + (e \times Y) + (f \times Z)}{100\%}$

C-399-X

Affidavit of Publication

104-011-1077

104-011-1077

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. 113883

was published on April 21, 1988

[Signature]
Subscribed and sworn to before me on
April 21, 1988

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

City of Seattle

ORDINANCE 113823

AN ORDINANCE relating to land use and zoning, amending Sections 23.44.010, 23.44.012, 23.44.014 and 23.44.008 to authorize creation of certain substandard lots by subdivision, short subdivision or lot adjustment, and establishing development standards for substandard lots.

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 113216 and 113297, is further amended to read as follows:

23.44.010 Lot requirements

* * *

(4)B 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) ACCORDING TO THE FOLLOWING:

1. IN ORDER TO RECOGNIZE SEPARATE BUILDING SITES ESTABLISHED IN THE PUBLIC RECORD UNDER PREVIOUS CODES, ALLOW THE CONSOLIDATION OF VERY SMALL LOTS INTO LARGER LOTS, TO ADJUST LOT LINES TO PERMIT MORE ORDERLY DEVELOPMENT PATTERNS, AND TO CREATE ADDITIONAL BUILDABLE SITES OUT OF OVER-SIZED LOTS WHICH ARE COMPATIBLE WITH SURROUNDING LOTS, THE FOLLOWING EXCEPTIONS ARE PERMITTED IF THE DIRECTOR DETERMINES THAT:

(4)A. The lot was established as a separate building site in the public records of the County or City prior to July 24, 1967 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 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)B. The lot is OR was created by subdivision, SHORT 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

(4)C. The lot was established as a separate building site in the public records of the County or City prior to July 24, 1967 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 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 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.

b. Rear yard. When it is a rear wall, it is at least twenty feet 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 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 on average above existing grade, no closer than three feet to any side lot line, no wider than six feet, and project no more than six feet 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 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 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 of the centerline of any alley, nor within twelve feet of any rear lot line which is not an alley lot line, nor closer than five feet to any accessory structure, nor exceed twelve feet in height, except the height of private garages shall meet the provisions of Section 23.44.018.

Any detached private garage meeting the requirements of Section 23.44.018, 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 of the center line 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 of the required rear yard. 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 in depth, either an accessory garage structure or a portion of the principal structure containing a garage shall be permitted to locate in one 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 23.44.018.

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 or less in width, are permitted in required yards except that in side yards an access bridge must be at least three feet 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 six feet or less in height above existing high ground level may be erected in any required yard. When located in the shoreline setbacks or view corridors in the Shoreline District as regulated in Chapter 24.80, these structures shall not obscure views protected by Chapter 24.60 and the Director shall determine the permitted height.

11. Decks in Yards

Decks in yards shall meet the following requirements: