ORDINANCE No. 118994

COUNCIL BILL No. 111910

AN ORDINANCE relating to land use and environmental protection; amending Sections 23.22.028, 23.22.056, 23.22.058, 23.22.100, 23.22.106, 23.24.045, 23.24.060, 23.34.016, 23.34.018, 23.34.020, 23.34.022, 23.34.024, 23.34.028, 23.40.002, 23.42.010, 23.44.014, 23.44.016, 23.44.018, 23.44.022, 23.44.041, 23.45.005, 23.45.006, 23.45.010, 23.45.014, 23.45.016, 23.45.018, 23.45.058, 23.45.060, 23.45.076, 23.45.112, 23.45.154, 23.47.004, 23.47.006, 23.47.010, 23.47.014, 23.47.024, 23.50.012, 23.50.014, 23.54.020, 23.69.030, 23.69.032, 23.72.004, 23.72.008, 23.72.010, 23.76.010, 23.76.012, 23.76.020, 23.76.022, 23.76.032, 23.84.004, 23.84.008, 23.84.024, and 23.84.032, removing the Greenbelt (GB) Overlay from the Official Land Use Map of The City of Seattle, and repealing Sections 23.44.072 and 23.45.168 of the Seattle Municipal Code (Title 23, Land Use Code); amending Sections 25.05.675, 25.05.680 and 25.05.908 of the Seattle Municipal Code (Chapter 25.05, Environmental Policies and Procedures), and amending Section 25.09.020 of the Seattle Municipal Code (Chapter 25.09, Regulations for Environmentally Critical Areas).

COMPTROLLER FILE No.

Introduced: OCT - 5 1997	By: DRAGO
Referred: OCT - 5 1997	To: Business, Economic & Community Development Committee
Referred:	To:
Referred:	To:
Reported: 11-10-97	Second Reading:
Third Reading: 11-10-97	Signed: 11-10-97
Presented to Mayor: 11-10-97	Approved: NOV 21 1997
Returned to City Clerk:	Published: Bill Supp.
Vetoed by Mayor: NOV 21 1997	Veto Published:
Passed over Veto:	Veto Sustained:

Law Department

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over sig

Honorable President:

Your Committee on BEC

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

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11-10-97 Full C

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Department (OK)

The City of Seattle--Legislative Department

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REPORT OF COMMITTEE

Date Reported and Adopted

ble President:

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n was referred the within Council Bill No. 1190

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

Do Pass as Amended (3-0)

11/4/97

0-97 Full Council Action: Passed 7-0

(Excused: Chow, Donaldson)

Committee Chair

SNEAD 48 v 3P v 7703

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STATE OF WASHINGTON - KING COUNTY

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SPU:CONSTRUCTION PAYMENTS

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No. PUB. HEARING

*AMENDED PUBLICATION
City of Seattle

NOTICE OF HEARING ON ASSESSMENT ROLL

NOTICE IS HEREBY GIVEN that the assessment roll is now on file in the office of the City Clerk for the following local improvement district located in the City of Seattle, to-wit:

L. I. D. No. 6748, under Ordinance No. 118795, for the improvement of Portage Bay Place East, by doing slide repair work consisting of a retaining wall, surface drainage and related necessary work.

*Said roll has been set down for a hearing by the hearing examiner to be held at 1320 Alaskan Building (13th Floor) in the City of Seattle at 9 o'clock a. m., on the 20th day of April, 1999, and all persons who may desire to object thereto are notified to make such objections in writing and to file same with the City Clerk, at or prior to the date fixed for such hearing. At the time and place fixed and at such other times as the hearing may be continued to, said Committee will consider such roll and all objections thereto and make report and recommendation to the Seattle City Council thereon; whereupon the Council will sit as a board of equalization for the purpose of considering such roll and will consider such objections made, and such report and recommendation, and correct, revise, raise, lower, change or modify such roll, or any part thereof, or set aside such roll and order that such assessment be made de novo, as to such body shall appear just and equitable, and then proceed to confirm the same by ordinance.

JUDITH PIPPIN,
City Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of first official publication in Daily Journal of Commerce, Seattle, March 18, 1999.

Affidavit of Publication

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

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

CT:#6748/118795

was published on

03/18/99 03/19/99 03/20/99 03/22/99
03/23/99

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

R. Patterson

Subscribed and sworn to before me on

03/23/99

M Olivarez

Notary Public for the State of Washington,
residing in Seattle

kd:RAM:ram
9/18/97
910-v2

ORDINANCE 118794

AN ORDINANCE relating to land use and environmental protection; amending Sections 23.22.028, 23.22.056, 23.22.058, 23.22.100, 23.22.106, 23.24.045, 23.24.060, 23.34.016, 23.34.018, 23.34.020, 23.34.022, 23.34.024, 23.34.028, 23.40.002, 23.42.010, 23.44.014, 23.44.016, 23.44.018, 23.44.022, 23.44.041, 23.45.005, 23.45.006, 23.45.010, 23.45.014, 23.45.016, 23.45.018, 23.45.058, 23.45.060, 23.45.076, 23.45.112, 23.45.154, 23.47.004, 23.47.006, 23.47.010, 23.47.014, 23.47.024, 23.50.012, 23.50.014, 23.54.020,.23.69.030, 23.69.032, 23.72.004, 23.72.008, 23.72.010, 23.76.010, 23.76.012, 23.76.020, 23.76.022, 23.76.032, 23.84.004, 23.84.008, 23.84.024, and 23.84.032, removing the Greenbelt (GB) Overlay from the Official Land Use Map of The City of Seattle, and repealing Sections 23.44.072 and 23.45.168 of the Seattle Municipal Code (Title 23, Land Use Code); amending Sections 25.05.675, 25.05.680 and 25.05.908 of the Seattle Municipal Code (Chapter 25.05, Environmental Policies and Procedures), and amending Section 25.09.020 of the Seattle Municipal Code (Chapter 25.09, Regulations for Environmentally Critical Areas).

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.22.028 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.22.028 Effect of preliminary plat approval.

A. Approval of the preliminary plat shall constitute authorization for the subdivider to develop the subdivision facilities and improvements as required in the approved preliminary plat upon issuance of the final plat. Development shall be in strict accordance with the plans and specifications as prepared or approved by the Director of Transportation and subject to any conditions imposed by the ((~~Council~~)) Hearing Examiner.

B. No subdivision requirements which become effective after the approval of a preliminary plat for a subdivision shall apply to such subdivision unless the ((~~Council~~)) Hearing Examiner determines that a change in conditions created a serious threat to the public health or safety.

Section 2. Section 23.22.056 of the Seattle Municipal Code, which Section was adopted by Ordinance 110570, is amended as follows:

23.22.056 Flood control zone.

No plat shall be approved by the ((~~Council~~)) Hearing Examiner covering any land situated in a flood control zone as provided in RCW Chapter 86.16 without the prior written approval of the State Department of Ecology.

Section 3. Section 23.22.058 of the Seattle Municipal Code, which Section was adopted by Ordinance 116262, is amended as follows:

23.22.058 Environmentally critical areas.

No plat shall be approved by the ((~~Council~~)) Hearing Examiner covering any land situated in a riparian corridor buffer, wetland and wetland buffer, or steep slope and steep slope buffer unless in compliance with the applicable provisions of SMC Section 25.09.((~~100~~))240, Short subdivisions and subdivisions, in environmentally critical areas.

Section 4. Subsection A of Section 23.22.100 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.22.100 Design standards.

Except as provided in Section 23.22.106, design of all subdivisions shall conform to the standards set forth in this subsection:

A. Streets and Alleys.

1. All subdivisions shall be served by one (1) or more streets providing adequate ingress and egress to and from the subdivision.

2. Major streets within each subdivision shall conform with the City's thoroughfare and circulation plans and shall provide for the continuation of major streets which serve property contiguous to the subdivision. Unless warranted by special physical circumstances, streets serving lots on two sides shall be at least sixty feet (60') wide.

3. Street intersections shall be as nearly at right angles as practicable and in no event shall the angle formed be less than thirty degrees (30°).

4. A cul-de-sac shall be ((~~so~~)) designed according to the Street Improvement Manual ((~~as~~)) to provide a circular turnaround at the closed end ((~~which has a minimum radius of forty feet (40') and a minimum roadway radius of twenty-eight feet (28')~~)). A tee or other reasonable alternative may be authorized by the ((~~Council~~)) Hearing Examiner in lieu of the turnaround. Cul-de-sac streets shall not exceed four hundred fifty feet (450') in length and the right-of-way shall be at least fifty feet (50') wide, except under special circumstances a lesser width will be permitted.

5. Street networks shall provide ready access for fire and other emergency vehicles and equipment, and routes of escape for inhabitants.

6. Alleys shall be at least sixteen feet (16') wide plus such additional width as shall be necessary for an adequate turning radius.

* * *

Section 5. Section 23.22.106 of the Seattle Municipal Code, which Section was adopted by Ordinance 110570, is amended as follows:

23.22.106 Exceptions.

Exceptions from the design standards and improvement requirements set forth in this subchapter may be authorized by the ((~~Council~~)) Hearing Examiner in those instances where it is deemed that hardship, topography or other factual deterrent conditions prevail, and in such manner as it considers necessary to maintain the intent and purpose of the regulations and requirements. Approval by the ((~~Council~~)) Hearing Examiner of a preliminary plat on which variations and exceptions are clearly indicated shall constitute authorization of the variations and exceptions.

Section 6. Section 23.24.045 of the Seattle Municipal Code, which Section was adopted by Ordinance 118414, is amended as follows:

23.24.045 ((~~Townhouses~~)) Unit Subdivisions.

A. The provisions of this Section apply exclusively to the unit subdivision of townhouses, cottage housing, clustered housing, or single family residences in Lowrise zones.

((~~A~~))B. Sites developed or proposed to be developed with dwelling units listed in subsection A above ((~~townhouse structures~~)), may be subdivided into individual ((~~townhouse~~)) unit lots. The ((~~proposed townhouse~~)) development as a whole shall meet development standards applicable at the time the permit application is vested. ((~~The subdivided townhouse unit shall be exempt from meeting development standards~~)) As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each ((~~unit~~)) dwelling unit shall be provided on the same lot as the ((~~unit~~)) dwelling unit it serves.

((~~B~~))C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the ((~~structure as a whole, when considered on the combined site~~)) parent lot.

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

((~~C~~))E. ((~~As a result of a townhouse subdivision, r~~)) Within the parent lot, required parking for a ((~~unit~~)) dwelling unit may be provided on a different unit lot than the ((~~unit~~)) lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

((~~D~~))F. The facts that the unit lot is not a separate buildable lot, and that additional development of the ((~~lots of~~)) individual unit((~~s~~)) lots may be limited as a result of the application of development standards to the ((~~combined site~~)) parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

***

Section 7. Section 23.24.060 of the Seattle Municipal Code, adopted by Ordinance 110570, is amended as follows:

23.24.060 Redivision procedures.

((~~Land within a short subdivision may not be further divided within a five (5) year period immediately following approval and filing of a short plat unless a final plat for such subdivision is approved and filed for record in accordance with the provisions of Chapter 23.22.~~)) Within a five (5) year period following the filing of a short subdivision in accordance with the provisions of Chapter 23.22, property within that short subdivision may not be further divided through the short subdivision process if it would result in more than a total of nine (9) lots. However, any revision of the lot lines of an approved short ((~~plat~~)) subdivision in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter 23.28.

Section 8. Subsection B of Section 23.34.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.016 Lowrise 1 (L1) zone, function and locational criteria.

* * *

B. Locational Criteria. Lowrise 1 zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area.

a. Areas where structures of low heights, generally less than thirty feet (30'), and small bulk establish the pattern of development;

b. Areas with:

(1) A mix of single-family structures, small multifamily structures and single family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to encourage new development opportunities, or

(2) Numerous or large vacant parcels suitable for family housing where densities greater than single family are desired; and

c. Areas where internal vehicular circulation is conducive to residential units that are oriented to the ground level and the street. Preferred locations are generally separated from principal arterials, as defined by the Seattle Comprehensive Transportation Program, which conflict with the desired ground-related character of L1 areas.

2. Relationship to the Surrounding Areas.

a. ((~~Areas~~)) Properties that are definable pockets within a larger, higher density multifamily area, where it is desirable to preserve a small-scale, ground-related character;

b. ((~~Areas~~)) Properties generally surrounded by a larger single-family area where variation and replacement in housing type could be accommodated without significant disruption of the pattern, character or livability of the surrounding development;

c. ((~~Areas~~)) Properties where a gradual transition is appropriate between single-family areas and more intensive multifamily or neighborhood commercial zones;

d. ((~~Areas~~)) Properties in areas where narrow streets, on-street parking congestion, local traffic congestion, or irregular street patterns restrict local access and circulation;

e. ((~~Areas~~)) Properties in areas close to facilities and services used by households with children, including schools, parks and community centers.

* * *

Section 9. Subsection B of Section 23.34.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.018 Lowrise 2 (L2) zone, function and locational criteria.

* * *

B. Locational Criteria. Lowrise 2 zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area.

a. Areas that feature a mix of single-family structures and small to medium multifamily structures generally occupying one (1) or two (2) lots, with heights generally less than thirty feet (30');

b. Areas suitable for multifamily development where topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;

c. Areas occupied by a substantial amount of multifamily development where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make an intermediate intensity of development desirable.

2. Relationship to the Surrounding Areas.

a. ((~~Areas~~)) Properties that are well-suited to multifamily development, but where adjacent single-family areas make a transitional scale of development desirable. It is desirable that there be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature providing physical separation from the single-family area. However, this is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas;

b. ((~~Areas~~)) Properties that are definable pockets within a more intensive area, where it is desirable to preserve a smaller scale character and mix of densities;

c. ((~~Areas~~)) Properties in areas otherwise suitable for higher density multifamily development but where it is desirable to limit building height and bulk to protect views from uphill areas or from public open spaces and scenic routes;

d. ((~~Areas~~)) Properties where vehicular access to the area does not require travel on "residential access streets" in less intensive residential zones.

Section 10. Subsection B of Section 23.34.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.020 Lowrise 3 (L3) zone, function and locational criteria.

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for an L3 designation are limited to the following:

a. ((~~Areas~~)) Properties already zoned L3;

b. ((~~Areas~~)) Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established; or

c. ((~~Areas~~)) Properties within an urban center or village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

2. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to an L3 designation, and may remain L3 only in areas predominantly developed to the intensity of the L3 zone.

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

a. Development Characteristics of the Area.

(1) Either:

(a) Areas that are already developed predominantly to the permitted L3 density and where L3 scale is well established, or

(b) Areas that are within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

(2) Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient for two (2) way traffic and parking along at least one (1) curbside.

b. Relationship to the Surrounding Areas.

(1) ((~~Areas~~)) Properties in areas that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones;

(2) ((~~Areas~~)) Properties in areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;

(3) ((~~Areas~~)) Properties in areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;

(4) ((~~Areas~~)) Properties that are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between

areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.

Section 11. Subsection B of Section 23.34.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.022 Lowrise 4 (L4) zone, function and locational criteria.

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for an L4 designation are limited to the following:

a. ((~~Areas~~)) Properties already zoned L4;

b. ((~~Areas~~)) Properties in areas already developed predominantly to the permitted L4 density and where L4 scale is well established; or

c. ((~~Areas~~)) Properties within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

2. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to an L4 designation, and may remain L4 only in areas predominantly developed to the intensity of the L4 zone.

3. Other Criteria. The Lowrise 4 zone designation is most appropriate in areas generally characterized by the following:

a. Development Characteristics of the Area.

(1) Either:

(a) Areas that are already developed predominantly to the permitted L4 density and where L4 scale is well established, or

(b) Areas that are within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

(2) Areas of sufficient size to promote a high quality, higher density residential environment where there is good pedestrian access to amenities;

(3) Areas generally platted with alleys that can provide access to parking, allowing the street frontage to remain uninterrupted by driveways, thereby promoting a street environment better suited to the level of pedestrian activity associated with higher density residential environments;

(4) Areas with good internal vehicular circulation, and good access to sites, preferably from alleys. Generally, the width of principal streets in the area should be sufficient to allow for two (2) way traffic and parking along at least one (1) curbside.

b. Relationship to the Surrounding Areas.

(1) ((~~Areas~~)) Properties in areas adjacent to concentrations of employment;

(2) ((~~Areas~~)) Properties in areas that are directly accessible to regional transportation facilities, especially transit, providing connections to major employment centers, including arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by higher density development. Vehicular access to the area should not require use of streets passing through less intensive residential areas;

(3) ((~~Areas~~)) Properties with close proximity and with good pedestrian connections to services in neighborhood commercial areas, public open spaces and other residential amenities;

(4) ((~~Areas~~)) Properties with well-defined edges providing sufficient separation from adjacent areas of small scale residential development, or where such areas are separated by zones providing a transition in the height, scale and density of development.

Section 12. Subsection B of Section 23.34.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

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

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for a Midrise designation are limited to the following:

a. ((~~Areas~~)) Properties already zoned Midrise;

b. ((~~Areas~~)) Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or

c. ((~~Areas~~)) Properties within an urban center, the village core of a hub urban village, or a residential urban village, where a neighborhood plan adopted or

amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation.

2. Environmentally Critical Areas. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone.

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

a. Either:

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

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

b. ((~~Areas~~)) Properties that are adjacent to business and commercial areas with comparable height and bulk;

c. ((~~Areas~~)) Properties in areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development;

d. ((~~Areas~~)) Properties in areas that are in close proximity to major employment centers;

e. ((~~Areas~~)) Properties in areas that are in close proximity to open space and recreational facilities;

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

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

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

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

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

Section 13. Subsection B of Section 23.34.028 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

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

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for a Highrise designation are limited to the following:

a. ((~~Areas~~)) Properties already zoned Highrise;

b. ((~~Areas~~)) Properties in areas already developed predominantly to the intensity permitted by the Highrise zone, or

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

2. Environmentally Critical Areas. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to a Highrise designation, and may remain Highrise only in areas predominantly developed to the intensity of the Highrise zone.

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

a. Either:

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

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

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

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

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

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

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

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

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

Section 14. Section 23.40.002 of the Seattle Municipal Code, which Section was last amended by Ordinance 112522, is amended as follows:

23.40.002 Conformity with regulations required.

The establishment or change of use of any structures, buildings or premises, or any part thereof, shall require approval according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. No use of any structure or premises shall hereafter be ((~~used or occupied~~)) commenced, and no structure or part of a structure shall be erected, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations specified in ((~~Title 24 or~~)) this title for the zone and overlay district, if any, in which it is or will be located. Building and use permits on file shall be prima facie evidence of the time a building was built or modified, or a use commenced, and the burden of demonstrating to the contrary shall be upon the owner. Changes to existing structures may be permitted which make the structures nonconforming if the changes are required by law for reasons of health and safety.

Section 15. Section 23.42.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 113978, is amended as follows:

23.42.010 Identification of principal permitted uses.

Principal uses not listed in the respective zones of Subtitle IV, Division 2 of SMC Title 23, Land Use Code ((~~or of SMC Title 24, Zoning and Subdivisions,~~)) shall be prohibited in those zones. If a use is not ((~~identified in Title 23 or in Title 24~~)) listed, the Director may determine that a proposed use is substantially similar to other uses permitted or prohibited in the respective zones, therefore, and should also be permitted or prohibited.

Section 16. Subsection D of Section 23.44.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.44.014 Yards.

***

D. Exceptions from Standard Yard Requirements. No structure shall be placed in a required yard except pursuant to the following subsections:

1. Certain Accessory Structures. Any accessory structure may be constructed in a side yard which abuts the rear or side yard of another lot upon recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties. Any accessory structure which is a private garage may be located in that portion of a side yard which is either within thirty-five feet (35') of the centerline of an alley or within twenty-five feet (25') of any rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

2. A single-family structure may extend into one (1) side yard if an easement is provided along the side lot line of the abutting lot, sufficient to leave a ten-foot (10') separation between that structure and any principal structures on the abutting lot. Features and projections such as porches, eaves, and chimneys shall be permitted in the ten-foot (10') separation area as if the property line were five feet (5') from the wall of the house on the dominant lot, provided that no portion of either principal structure including eaves shall cross the actual property line. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side yard.

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, except as described below. 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 23.44.014 A):

a. Side yard: When the addition is a side wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than three feet (3') to the side lot line;

b. Rear yard: When the addition is a rear wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than twenty feet (20') to the rear lot line or centerline of an alley abutting the rear lot line;

c. Front yard: When the addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than fifteen feet (15') to the front lot line;

d. When the nonconforming wall of the single family structure is not parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the limit of the wall extension, except that the wall extension shall not be located closer than specified in subsections D3a - c above.

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. Special features of a structure may extend into required yards subject to the following standards only, unless permitted elsewhere in this chapter:

a. External architectural details with no living area, such as chimneys, eaves, cornices and columns, may project no more than eighteen inches (18") into any required yard;

b. Bay windows shall be limited to eight feet (8') in width and may project no more than two feet (2') into a required front, rear, and street side yard; and

c. Other projections which include interior space, such as garden windows, may extend no more than eighteen inches (18") into any required yard, starting a minimum of thirty inches (30") above finished floor, and with maximum dimensions of six feet (6') tall and eight feet (8') wide.

d. The combined area of features permitted in subsections D5b and c above may comprise no more than thirty percent (30%) of the area of the facade.

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. Garages meeting the standards of Section 23.44.((~~1~~))016, and other accessory structures meeting the standards of Section 23.44.040, shall be permitted in required rear yards, subject to a maximum combined coverage of forty percent (40%) 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 (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 pedestrian 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 Building Code, Chapter 11 are permitted in any required yards.

10. Freestanding Structures and Bulkheads.

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

b. The Director may allow variation from the development standards listed in subsection D10a above, according to the following:

i. No part of the structure may exceed eight feet (8'); and

ii. Any portion of the structure above six feet (6') shall be predominately open, such that there is free circulation of light and air.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half feet (9 ½').

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

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

11. Decks in Yards. Decks no greater than eighteen inches (18") above existing or finished grade, whichever is lower, may extend into required yards.

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

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

14. Front Yard Projections for Structures on Lots Thirty Feet (30') or Less in Width. For a structure on a lot which is thirty feet (30') or less in width, portions of the front facade which begin eight feet (8') or more above finished grade may project up to four feet (4') into the required front yard, provided that no portion of the facade, including eaves and gutters, shall be closer than five feet (5') to the front line (Exhibit 23.44.014 B).

15. Front and rear yards may be reduced by twenty-five percent (25%), but no more than five feet (5'), if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

16. Arbors. Arbors may be permitted in required yards under the following conditions:

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

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

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Section 17. Subsection D of Section 23.44.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.44.016 Parking location and access.

Parking shall be required as provided in Chapter 23.54 and in accordance with the following:

***

D. Standards for Private Garages ((~~Located~~)) when Permitted in Required Yards. Private garages ((~~which~~)) that are either detached accessory structures or portions of a

structure for the primary purpose of enclosing a two (2) axle or four (4) wheeled vehicle may be permitted in required yards according to the following conditions:

1. Maximum Coverage and Size.

a. In accordance with Section 23.44.014 D6, private garages, together with any other accessory structures and other portions of the principal structure, are limited to a maximum combined coverage of forty percent (40%) 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.

b. In accordance with Section 23.44.040, private garages located in side or rear yards shall not exceed one thousand (1,000) square feet in area.

c. In front yards, the area of private garages shall be limited to three hundred (300) square feet with fourteen foot (14') maximum width where one (1) space is allowed, and six hundred (600) square feet with twenty-four foot (24') maximum width where two (2) spaces are allowed. Access driveway bridges permitted under Section 23.44.016 C4f shall not be included in this calculation.

2. Height Limits.

a. Private garages shall be limited to twelve feet (12') in height as measured on the facade containing the entrance for the vehicle.

b. The ridge of a pitched roof on a private garage located in a required yard may extend up to three feet (3') above the twelve-foot (12') height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the twelve-foot (12') height limit under this provision.

c. Open rails around balconies or decks located on the roofs of private garages may exceed the twelve-foot (12') height limit by a maximum of three feet (3').

3. Separations.

a. Attached private garages are portions of principal structures. In accordance with Section 23.44.014 D6, 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.

b. If the facade of a private garage which contains the entrance for the vehicle faces an alley, the garage shall not be within twelve feet (12') of the centerline of the alley.

c. In accordance with Section 23.44.040 D, any private garage which is an accessory structure located in a required yard shall be separated from its principal structure by a minimum of five feet (5').

d. In accordance with Section 23.44.040 F, on a reversed corner lot, no private garage which is an accessory structure shall be located in that portion of the required rear yard which abuts the required front yard of the adjoining key lot, nor shall the

private garage be located closer than five feet (5') from the key lot's side lot line unless the provisions of Section 23.44.014 D1 or 23.44.016 C3b apply.

e. In accordance with Section 23.44.014 D1, private garages which are accessory structures may extend into a required side yard which is either within thirty-five feet (35') of the centerline of an alley or within twenty-five feet (25') of any rear lot line which is not an alley lot line. Private garages which are accessory structures may extend into a required side yard which is more than thirty-five feet (35') from the centerline of an alley abutting the lot, or which is more than twenty-five feet (25') from the rear lot line of a lot which does not abut an alley, upon the recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties.

***

Section 18. A new subsection F is added to Section 23.44.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 113262, is amended as follows:

23.44.018 General provisions.

* * *

F. Minor structural work which does not increase usable floor area or seating capacity and does not exceed the development standards applicable to the use shall not be considered an expansion, unless the work would exceed the height limit of the zone for uses permitted outright. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, bay windows, dormers, and eaves.

Section 19. Subsection D of Section 23.44.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.44.022 Institutions.

* * *

D. General Provisions.

1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution master plan.

1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution master plan.

2. The establishment of a child care center in a legally established institution devoted to the care or instruction of children which does not violate any condition of approval of the existing institutional use and does not require structural expansion shall not be considered a new use or an expansion of the institutional use.

((~~3. Structural work which does not increase usable floor area or seating capacity and does not exceed the height limit of the zone shall not be considered an expansion of the institution. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, bay windows, dormers, and eaves.~~))

((4))3. Institutions seeking to establish or expand on property which is developed with residential structures may expand their campus up to a maximum of two and one-half (21/2) acres. An institution campus may be established or expanded beyond two and one-half (21/2) acres if the property proposed for the expansion is substantially vacant land.

((~~5~~))4. An institution which finds that the development standards of the single-family zone classification are inadequate to its development needs may apply for reclassification to major institution status.

* * *

Section 20. Subsection A of Section 23.44.041 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, is amended as follows:

23.44.041 Accessory dwelling units.

Accessory dwelling units may be permitted subject to the standards in subsection A until two thousand five hundred (2,500) applications for new (not for legalization of existing) accessory dwelling units are filed. If, prior to the occurrence of the foregoing condition, applications are filed for accessory dwelling units which would cause the concentration of single-family structures with new accessory dwelling units to exceed twenty percent (20%) of all single-family structures in single-family zones in any one census tract or in an area formed by a circle with a radius of one thousand feet (1,000') from the point at which three (3) or more census tracts meet, no further applications may be accepted for accessory dwelling units in such census tract or area. The Master Use Permit process set forth in Chapter 23.76 shall be followed to authorize these uses.

A. The Director may authorize an accessory dwelling unit if the Director finds that the unit meets the following development and use standards:

1. A single-family dwelling may have no more than one (1) accessory dwelling unit, and only one (1) accessory dwelling unit shall be allowed per lot.

2. One (1) of the dwelling units in the structure shall be occupied by one or more owners of the property as the owner's(s') permanent and principal residence; provided that the Director may waive this requirement for temporary absences of less than one (1) year, where the accessory unit has been a permitted use for at least two (2) years and the owner submits proof of absence from the Puget Sound region.

3. Any number of related persons may occupy each unit in a single-family residence with an accessory dwelling unit provided that if unrelated persons occupy either unit, the total number of persons occupying both units together may not exceed eight (8).

4. Accessory dwelling units may not be located in any structure detached from the single-family dwelling.

5. The floor area of the accessory dwelling unit ((~~shall not~~)) may exceed one thousand (1,000) square feet only if a permit was filed to construct the portion of the structure in which the accessory dwelling unit is located ((~~on or after~~)) before May 31, 1996, and if the entire accessory dwelling unit is located on one level.

6. Only one (1) entrance may be located on each front or street side of the residence except where two (2) entrances on the front or street side existed on January 1, 1993.

7. A minimum of two (2) off-street parking spaces shall be provided, which spaces may be in tandem. The Director may waive the requirement for one (1) or both of the spaces if the accessory dwelling unit is not located in a residential parking zone (RPZ) or in the University District Parking Overlay Area or Alki Area, pursuant to Maps A and B, Section 23.54.015, and if topography or location of existing principal or accessory structures makes provision of one (1) or both of the parking spaces unduly burdensome. The applicant need not apply for a variance in order for the Director to waive this requirement. If the accessory dwelling unit is located in a RPZ and if topography or location of existing structures makes provision of one or both of the parking spaces unduly burdensome, the Director may waive the parking requirement if a parking study is completed and if adequate parking capacity exists. The parking waiver process cannot be used to eliminate existing parking spaces in order to create an accessory dwelling unit.

8. If the portion of the single-family dwelling in which the accessory dwelling unit is located was in existence prior to October 17, 1979, the minimum ceiling height shall be six feet eight inches (6'8") measured per Sections 310.6.1 and 3403 of the Seattle Building Code. The minimum ceiling height shall be six feet four inches (6' 4") if a hard-wired smoke detector is located in the dwelling unit. If the portion of the single-family dwelling in which the accessory dwelling unit is located was constructed on or subsequent to October 17, 1979, the minimum ceiling height shall be seven feet six inches (7'6") measured per Sections 310.6.1 and 3403 of the Seattle Building Code.

* * *

Section 22. Subsection A of Section 23.45.005 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, is amended as follows:

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

A. Except for cottage housing developments, single((-)) family structures shall be subject to the development standards ((~~for ground-related housing~~)) of the Lowrise Duplex/Triplex (LDT) zone, except that open space shall be provided according to the provisions for single-family structures in each zone, in section 23.45.016 of this chapter.

* * *

Section 23. Subsection I is hereby amended and new subsections J and K are hereby added to Section 23.45.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, as follows:

23.45.006 General development standards for structures in multifamily zones.

***

I. When a subdivision is proposed for ((~~a~~)) townhouses ((~~development~~)), cottage housing, clustered housing, or single family residences in Lowrise zones, the ((~~development~~)) subdivision shall be subject to the provisions of Section 23.24.045, ((~~Townhouses~~)) Unit Subdivisions.

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

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

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

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

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

***

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

***

Section 24. Subsection C of Section 23.45.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.010 Lot coverage -- Lowrise zones.

***

C. Lot Coverage Exceptions. The following structures or portions of structures shall be exempted from the measurement of lot coverage:

1. Pedestrian access bridges from alleys, streets or easements, and uncovered, unenclosed bridges of any height necessary for access and five feet (5') or less in width;

2. Ramps or other access for the disabled or elderly meeting Washington State Building Code, Chapter 11;

3. Fences, freestanding walls, bulkheads, signs and other similar structures;

4. An underground structure, or underground portion of a structure, on any part of the entire lot;

5. The first eighteen inches (18") of horizontal projection of eaves, cornices and gutters;

6. The first four feet (4') of horizontal projection from principal and accessory structures of unenclosed decks, balconies and porches;

7. Solar collectors meeting the provisions of Section 23.44.046 and swimming pools eighteen inches (18") or less above grade;

8. Decks or parts of a deck that are eighteen inches (18") or less above existing grade.

Section 25. Subsections D, F and G of Section 23.45.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, are amended as follows:

23.45.014 Setback requirements -- Lowrise zones.

***

D. Required Setbacks for Cluster Developments.

1. In Lowrise Duplex/Triplex zones where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be ten feet (10') when the length of facing portions of facades is forty feet (40') or less and fifteen feet (15') when the length of facing portions of facades exceeds forty feet (40').

2. In Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 zones where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be as follows:

Table 23.45.014C
Required Setback Between Facing Facades
Lowrise Zones

Length of Facing Facades, in Feet	Average Setback Between Facing Facades	Minimum Setback
40' or less	10'	10'
41' to 60'	15'	10'
61' to 80'	20'	10'
81' to 100'	25'	10'
101' to 150'	30'	10'
151' or more	40'	10'

3. Setbacks shall apply only to portions of the facades that are directly across from each other. ((~~Where two (2) facades of unequal height face each other, the taller of the two (2) facades shall be used to determine the required setbacks.~~))

4. In Lowrise 2, Lowrise 3 and Lowrise 4 zones structures in cluster developments may be connected by elevated walkways, provided that:

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

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

c. All elevated walkways shall meet the following standards:

(1) The roof planes of elevated walkways shall be at different levels than the roofs or parapets of connected structures.

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

(3) The design of the walkways and the materials used shall seek to achieve a sense of openness and transparency.

(4) Elevated walkways shall add to the effect of modulation rather than detract from it.

5. For structures connected by elevated walkways, the length of the facade shall be defined as the lengths of the facades connected by the elevated walkways and shall exclude the length of the elevated walkway.

***

F. Projections into Required Setbacks.

1. Special Features of a Structure.

a. External architectural details with no living space including cornices, eaves, sunshades, gutters, and vertical architectural features which are less than eight feet (8') in width, may project a maximum of eighteen inches (18") into any required setback.

b. Bay windows shall be limited to eight feet (8') in width and may project no more than two feet (2') into a front, rear, or street side setback. In no case shall bay windows be closer than five feet (5') to any lot line.

c. Other projections which include interior space, such as garden windows, may extend no more than eighteen inches (18") into any required yard, starting a minimum of thirty inches (30") above finished floor, and with maximum dimensions of six feet (6') tall and eight feet (8') wide.

d. The combined area of features permitted in subsections E1b and c above may comprise no more than thirty percent (30%) of the area of the facade.

2. Unenclosed Decks and Balconies.

a. Unenclosed decks and balconies may project a maximum of four feet (4') into the required front setback provided they are a minimum of ten feet (10') from the front lot line in Lowrise Duplex/Triplex and Lowrise 1 zones and eight feet (8') from the front lot line in Lowrise 2, Lowrise 3 and Lowrise 4 zones.

b. Except as provided in subsection G5 of Section 23.45.014, unenclosed decks and balconies shall be permitted in side setbacks, provided they are a minimum of five feet (5') from a side lot line, and may project into the required rear setback a maximum of four feet (4') provided they are a minimum of five feet (5') from a rear lot line.

c. Unenclosed decks and balconies permitted in required setbacks shall be limited to a maximum width of twenty feet (20') and shall be separated by a distance equal to at least one-half (1/2) the width of the projection.

3. All permitted projections into required front and rear setbacks shall begin a minimum of eight feet (8') above finished grade except that an unenclosed porch or steps may extend a maximum of six feet (6') into the required front setback at ground level,

provided that it is set back the same distance from the front lot line as that required for unenclosed decks and balconies.

G. Structures in Required Setbacks.

1. Detached garages, carports, or other accessory structures are permitted in the required rear setback, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure. (See Exhibit 23.45.014 A.)

All such accessory structures, including garages, shall be no greater than twelve feet (12') in height. The height of garages shall be measured on the facade containing the entrance for the vehicles, with open rails permitted above twelve feet (12').

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

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

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

a. Fences, freestanding walls, signs and other similar structures six feet (6') or less in height above existing or finished grade whichever is lower, are permitted in required front, side, or rear setbacks. The six foot (6') height may be averaged above sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

Architectural features may be added to the top of the fence or freestanding wall above the six foot (6') height when the following provisions are met: horizontal architectural feature(s), no more than ten inches (10") high and separated by a minimum of six inches (6") of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are no more than eight feet (8') high; averaging the eight foot (8') height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three feet (3') on center.

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

i. No part of the structure may exceed eight feet (8');

ii. Any portion of the structure above six feet (6') shall be predominately open, such that there is free circulation of light and air; and

iii. The design does not present a fire or other safety hazard.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is

placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half feet (91/2').

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

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

6. Underground structures are permitted in all setbacks.

7. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

* * *

Section 26. Subsection B of Section 23.45.016 of the SMC, which Section was last amended by Ordinance 118414, is further amended as follows:

Section 23.45.016 Open space requirements—Lowrise zones.

* * *

B. Development Standards.

1. Lowrise Duplex/Triplex Zones and Ground-related Housing in Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Lowrise Duplex/Triplex Zones—Private Usable Open Space.

(1) Private usable open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of four hundred (400) square feet, except that in cottage housing developments, the quantity per unit shall be a minimum of two hundred (200) square feet. No horizontal dimension of the open space shall be less that ten feet (10').

(2) Private usable open space shall be located a maximum of four feet (4') above or below a private entry to the unit it serves. The floor of the unit accessed by this entry shall have a minimum area of three hundred (300) square feet. This minimum area may include a private garage if habitable floor area of the same unit is located directly above.

b. Lowrise Duplex/Triplex Zones—Common Open Space. Required common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of six hundred (600) square feet, except that in cottage housing developments, the quantity per unit shall be a minimum of one hundred fifty (150) square

feet. In cottage housing developments, each cottage shall abut the common open space. No horizontal dimension of open space shall be less than ten feet (10').

c. Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones—Ground-related Housing.

(1) In Lowrise 1 zones the required open space shall be provided in one (1) contiguous parcel, except that in cottage housing developments, the open space shall be allotted as described in subsections A2b above and B5 below. In Lowrise 2, Lowrise 3 and Lowrise 4 zones, the required open space for each ground-related dwelling unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet. No horizontal dimension of the open space shall be less than ten feet (10').

(2) Required open space may be located a maximum of ten feet (10') above or below the unit it serves, except as permitted in subsection B1c(4), provided that the access to such open space does not go through or over common circulation areas, common or public open spaces, or the open space serving another unit.

(3) At least fifty percent (50%) of the required open space for a unit shall be level, provided that:

i. The open space may be terraced; and

ii. Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two feet (2').

(4) For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet (10') where the following criteria are met:

i. Where the structure was constructed with floor-to-floor heights in excess of the feet (10'), the open space may be located a maximum of ten feet (10') plus the height between floors in excess of ten feet (10'), above or below the unit it serves; or

ii. Where the structure was constructed with the first floor in excess of two feet (2') above grade, the open space may be located a maximum of ten feet (10') plus the additional height of the first floor in excess of two feet (2') above grade, above or below the unit serves.

(5) Lowrise 1 Zone—Cottage Housing Developments.

i. At least fifty percent (50%) of the required total open space per unit shall be provided as private usable open space in one (1) contiguous parcel. No horizontal dimension of the open space shall be less than ten feet (10').

ii. Common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area per unit of one hundred fifty (150) square feet. No horizontal dimension <u>of the open space</u> shall be less than ten feet (10'). Each cottage shall abut the common open space ((~~a minimum of ten feet (10')~~)).

d. Required open space may be located in the front, sides or rear of the structure.

e. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit, or common areas which directly face the open space of a different unit, are prohibited, unless such openings are screened by view-obscuring fences, freestanding walls or wingwalls.

f. Parking areas, driveways and pedestrian access other than pedestrian access required by Washington State Building Code, Chapter 11, shall not be counted as open space.

g. Required private usable open space shall be landscaped according to standards promulgated by the Director for ground-related dwelling units.

2. Lowrise 2, Lowrise 3 and Lowrise 4 Zones—Apartments.

a. No horizontal dimension for required ground-level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter ((~~3~~))11, shall not be counted as open space.

d. In order to qualify as above-ground level open space, balconies, decks, and in L3 and L4 zones, individual unit decks on roofs, shall all have a minimum horizontal dimension of six feet (6'), and a total area of at least sixty (60) square feet, while common roof gardens in L3 and L4 zones shall have a minimum area of two hundred fifty (250) square feet. Common roof garden open space shall be landscaped according to the rules promulgated by the Director.

e. For cluster development, at least twenty percent (20%) of the required open space shall be provided in one (1) contiguous area.

f. Terraced Housing on a Slope of Twenty-five Percent (25%) or More.

(1) No horizontal dimension for required ground-level open space shall be less than ten feet (10').

(2) Required open space is permitted in the front, sides or rear of the structure.

(3) Parking areas, driveways and pedestrian access, except pedestrian access meeting the Washington State Building Code Chapter ((~~3~~))11, shall not be counted as open space.

(4) In order to qualify as above-ground-level open space, rooftop areas shall have a minimum horizontal dimension of at least ten feet (10') and a total area of at least one hundred twenty (120) square feet.

g. Rooftop space within the following parameters shall not count toward meeting open space requirements: the area eight feet (8') from and in front of a directional antenna and at least two feet (2') from the back of a directional antenna, or, for an omnidirectional antenna, eight feet (8') away from the antenna in all directions. The Seattle-

King County Public Health Department may require a greater distance for paging facilities after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

3. Open Space Exception. When all parking and access to parking is uncovered and is surfaced in permeable material, except gravel, the quantity of required ground-level open space shall be reduced by five percent (5%).

Section 27. Subsection B of Section 23.45.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.058 Midrise-Open space requirements.

Open space shall be provided for all lots, subject to the following provisions:

* * *

B. Development Standards.

1. Required open space shall be landscaped according to standards promulgated by the Director.

2. Ground-related Housing.

a. The required open space for each unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet, and no horizontal dimension shall be less than ten feet (10').

b. Required open space may be located in the front, sides or rear of the structure.

c. Required open space may be located a maximum of ten feet (10') above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit, except as permitted in subsection B1d.

d. At least fifty percent (50%) of the required open space for a unit shall be level, provided that:

(1) The open space may be terraced; and

(2) Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two feet (2').

e. For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet (10') where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten feet (10'), the open space may be located a maximum of ten feet (10') plus the height between floors in excess of ten feet (10'), above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two feet (2') above grade, the open space may be located a maximum of ten feet (10') plus the additional height of the first floor in excess of two feet (2') above grade, above or below the unit it serves.

f. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited unless such openings are screened by view-obscuring fences, freestanding walls, or wingwalls. Fences, freestanding walls, or wingwalls located in setbacks shall be no more than six feet (6') in height in accordance with Section 23.45.((~~028D~~))014G.

g. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

3. Apartments.

a. No horizontal dimension for required ground level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

d. In order to qualify as above-ground open space, balconies and decks shall have a minimum horizontal dimension of at least six feet (6'), and minimum area shall be sixty (60) square feet.

e. For cluster development, at least twenty percent (20%) of the required open space shall be provided in one (1) contiguous area.

4. Terraced Housing on a Slope of Twenty-five Percent (25%) or More.

a. No horizontal dimension for required ground-level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

d. In order to qualify as above-ground open space, rooftop areas, balconies or decks shall have a minimum horizontal dimension of at least ten feet (10'), and a total area of at least one hundred twenty (120) square feet.

* * *

Section 28. Subsection B of Section 23.45.060 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.060 Midrise-Parking and access.

* * *

B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions listed in subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an alley improved to the standards of Section 23.53.030C. Street access shall not be permitted.

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

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

b. The lot does not abut a platted alley;

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

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

a. Ground-related housing is proposed across the alley from a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;

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

c. The alley is not improved to the standards of Section 23.53.030C.

If such an alley is used for access, it shall be improved according to the standards of Section 23.53.030C;

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

* * *

Section 29. Subsection B of Section 23.45.076 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.076 Highrise-Parking and access.

* * *

B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions of subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an alley improved to the standards of Section 23.53.030C. Access from the street shall not be permitted.

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

a. The alley borders on a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;

b. The lot does not abut an alley;

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

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

a. Topography or designation of any portion of the site as environmentally critical makes alley access infeasible;

b. The alley is not improved to the standards of Section 23.53.030 C.

If such an alley is used for access, it shall be improved according to the standards of Section 23.53.030 C;

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

* * *

Section 30. The introductory paragraph of Section 23.45.112 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.112 Public schools.

Public Schools Meeting Development Standards. New public schools or additions to existing public schools and accessory uses including child care centers which meet the following development standards shall be permitted in all multifamily zones. Public schools in ((~~single-family attached~~)) Lowrise Duplex/Triplex (LDT) zones shall meet the development standards for public schools in Lowrise 1 (L1) zones. Departures from development standards of this section may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools.

* * *

Section 31. Section 23.45.154 of the Seattle Municipal Code, which Section was last amended by Ordinance110793, is amended as follows:

23.45.154 Open wet moorage for private pleasure craft.

Open wet moorage facilities for residential structures are permitted as an accessory use as regulated in ((~~Chapter 23.70 or~~)) Chapter 2((4))3.60, Shoreline Master Program, provided that only one (1) slip per residential unit is provided.

Section 32. Section 23.45.168 of the Seattle Municipal Code, which Section was last amended by Ordinance117202, is repealed.

Section 33. The Commercial Use Chart of Section 23.47.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended as follows:

COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

		ZONES				
		NC1	NC2	NC3	C1	C2
V.	HIGH IMPACT USES	X	X	X	X	X
VI.	INSTITUTIONS					
	A. Institute for Advanced Study	P	P	P	P	P
	B. Private Club	P	P	P	P	P
	C. Child Care Center	P	P	P	P	P
	D. Museum	P	P	P	P	P
	E. School, Elementary or Secondary	P	P	P	P	P
	F. College	P	P	P	P	P
	G. Community Center	P	P	P	P	P
	H. Community Club	P	P	P	P	P
	I. Vocational or Fine Arts School	P	P	P	P	P
	J. Hospital	P	P	P	P	P
	K. Religious Facility	P	P	P	P	P
	L. University	P	P	P	P	P
	M. Major Institutions within a Major Institution Overlay District subject to Chapter 23.69	P	P	P	P	P
VII.	PUBLIC FACILITIES					
	Jails	X	X	X	X	X
	Work-Release Centers[9]	CCU	CCU	CCU	CCU	CCU
VIII.	PARK AND POOL/RIDE LOT					
	A. Park and Pool Lots	P[10]	P	P	P	P
	B. Park and Ride Lots	X	X	CU	CU	CU
IX.	RESIDENTIAL[11]					
	A. Single-Family Dwelling Units	P/CU[12]	P/CU[12]	P/CU[12]	P/CU[12]	CU[12]
	B. Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
	C. Congregate Residences	P/CU	P/CU	P/CU	P/CU	CU
	D. Floating Homes	S	S	S	S	S
	E. Mobile Home Park	X	X	X	P	CU
	F. Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
	G. Caretaker's Quarters	P((/~~CU~~))	P((/~~CU~~))	P((/~~CU~~))	P((/~~CU~~))	P
	H. Adult Family Homes	P/CU	P/CU	P/CU	P/CU	P
	I. Home Occupations	P[13]	P[13]	P[13]	P[13]	P[13]
	J. Nursing Homes	P	P	P	P	P
X.	OPEN SPACE					
	A. Parks	P	P	P	P	P
	B. Playgrounds	P	P	P	P	P

COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
J. Transportation Facilities					
1. Personal transportation services	X	X	P	P	P
2. Passenger terminals	X	X	P	P	P
3. Cargo terminals	X	X	X	S	P
4. Transit vehicle base	X	X	X	CCU[6]	CCU[6]
5. Helistops	X	X	CCU[7]	CCU[7]	CCU[7]
6. Heliports	X	X	X	X	X
7. Airport, land-based	X	X	X	X	X
8. Airport, water-based	X	X	X	X	S
9. Railroad switchyard	X	X	X	X	X
10. Railroad switchyard with mechanized hump	X	X	X	X	X
K. Food Processing and Craft Work					
1. Food processing for human consumption	P	P	P	P	P
2. Custom and craft work	P	P	P	P	P
L. Research and Development Laboratories					
II. SALVAGE AND RECYCLING					
A. Recycling Collection Station	P	P	P	P	P
B. Recycling Center	X	X	X	P	P
C. Salvage Yard	X	X	X	X	X
III. UTILITIES					
A. Utility Service Uses	P	P	P	P	P
B. Major Communication Utility[8]	X	X	X	CCU	CCU
C. Minor Communication Utility[8]	P	P	P	P	P
D. Solid Waste Transfer Station	X	X	X	X	X
E. Power Plants	X	X	X	X	X
F. Sewage Treatment Plants	X	X	X	X	X
G. solid Waste Incineration Facility	X	X	X	X	X
H. Solid Waste Landfill	X	X	X	X	X
IV. MANUFACTURING					
A. Light Manufacturing	X	P	P	P	P
B. General Manufacturing	X	X	X	P	P
C. Heavy Manufacturing	X	X	X	X	X

COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
8. Mortuary Services	X	P	P	P	P
9. Existing Cemeteries	P	P	P	P	P
B. Principal Use Parking	X	P	P	P	P
C. Non-Household Sales and Service					
1. Business support services	P	P	P	P	P
2. Business incubator	P	P	P	P	P
3. Sales, service and rental of office equipment		X	P	P	P
4. Sales, service and rental of commercial equipment and construction materials	X	X	P	P	P
5. Sale of heating fuel	X	X	P	P	P
Heavy commercial services	X	X	X	P	P
- Construction services	X	X	X	P	P
- Commercial laundries	X	X	X	P	P
D. Offices					
1. Customer service office	P	P	P	P	P
2. Administrative	P	P	P	P	P
E. Entertainment					
1. Places of Public Assembly					
- Performing arts theater	X	P	P	P	P
- Spectator sports facility	X	P	P	P	P
- Lecture and meeting halls	X	P	P	P	P
- Motion picture theater	X	P	P	P	P
- Adult motion picture theater	X	X	X	X	X
- Adult panorams	X	X	X	X	X
2. Participant Sports and Recreation					
- Indoor	P	P	P	P	P
- Outdoor	X	X	X[4]	P	P
F. Wholesale Showroom	X	X	P	P	P
G. Mini-Warehouse	X	X	P	P	P
H. Warehouse	X	X	P	P	P
I. Outdoor Storage	X	X	X[5]	P	P

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COMMERCIAL USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	NC2	NC3	C1	C2
I. COMMERCIAL USE					
A. Retail Sales and Service					
1. Personal and Household Retail Sales and Services					
- Multipurpose convenience stores	P	P	P	P	P
- General retail sales and service	P	P	P	P	P
- Major durables sales, service and rental	P	P	P	P	P
- Specialty food stores	P	P	P	P	P
2. Medical Services	P	P/CU[1]	P/CU[1]	P/CU[1]	P/CU[1]
3. Animal Services[2]					
- Animal health services	P	P	P	P	P
- Kennels	X	X	X	X	X
- Animal shelters	X	X	X	X	X
4. Automotive Retail Sales and Services					
- Gas Stations	P	P	P	P	P
- Sales and rental of motorized vehicles	X	P	P	P	P
- Vehicle repair, minor	P	P	P	P	P
- Vehicle repair, major	X	P	P	P	P
- Car wash	X	P	P	P	P
- Towing services	X	X	X	P	P
- Automotive parts or accessory sales	P	P	P	P	P
5. Marine Retail Sales and Services					
- Sales and rental of large boats	X	P	P	P	P
- Vessel repair, minor	P	P	P	P	P
- Vessel repair, major	X	X	X	S	S
- Marine service station	P	P	P	P	P
- Dry storage of boats	X	P	P	P	P
- Recreational marinas	S	S	S	S	S
- Commercial moorage	S	S	S	S	S
- Sale of boat parts or accessories	P	P	P	P	P
6. Eating and Drinking Establishments					
- Restaurants without cocktail lounges	P	P	P	P	P
- Restaurants with cocktail lounges	X	P	P	P	P
- Fast-food restaurants (750 square feet and under)	P CU	P CU	P CU	P CU	P CU
- Fast-food restaurant (over 750 square feet)	CU	CU	P	P	P
- Tavern	CU	CU	P	P	P
- Brewpub					
7. Lodging					
- Hotel	X	X	P	P	P
- Motel	X	X	P	P	P
- Bed and breakfast	P[3]	P[3]	P	P	P

COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
XI. AGRICULTURAL USES					
A. Animal Husbandry	X[13]	X[13]	X[13]	X[13]	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

P - Permitted
X - Prohibited
CU - Administrative Conditional Use
CCU - Council Conditional Use
S - Permitted only in the Shoreline District, when permitted by the Seattle Shoreline Master Program

1. Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, shall required administrative conditional use approval, unless included in an adopted Major Institution Master Plan or located in a downtown zone. See Section 23.47.006.

2. The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.

3. In existing structures only.

4. Outdoor participant sports and recreation uses are permitted at the Seattle Center.

5. Outdoor storage is permitted at the Seattle Center, subject to the provisions of Section 23.47.011.

6. New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.

7. Permitted only as an accessory use according to Section 23.47.006.

8. See Chapter 23.57 for regulation of communication utilities.

9. Subject to dispersion criteria in Section 23.47.006

10. Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot.

11. Residential uses in mixed-use development are permitted outright in NC1, NC2, NC3 and C1 zones. Single-purpose residential structures, other than nursing homes, are permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use according to the provisions of Section 23.47.023, except where the height limit is 85 feet or higher. All residential uses other than nursing homes, in C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed use structure or as a single-purpose residential use, except in Pedestrian-Designated Zones (see Section 23.47.040).

12. An accessory dwelling unit added to a single-family residence shall be allowed outright and shall not require a separate conditional use permit. The unit shall be considered accessory to the single-family residences, shall meet the standards listed for accessory dwelling units in Section 23.44.025 and shall not be considered a separate dwelling unit for all development standard purposes in commercial zones.

13. Permitted only as an accessory use.

Section 34. Subsection B of Section 23.47.006 of the Seattle Municipal code, which Section was last amended by ordinance 117432, is amended as follows:

23.47.006 Conditional uses.

* * *

B. The following uses identified as administrative conditional uses on Chart A of Section 23.47.004, may be permitted by the Director when the provisions of this subsection and subsection A are met:

1. Fast-food restaurants which have a gross floor area greater than seven hundred fifty (750) square feet are identified as heavy traffic generators and may be permitted as a conditional use according to the following criteria:

a. The design of the structure, including architectural treatment, signage, landscaping and lighting, is compatible with other structures in the vicinity; and

b. Appropriate litter-control measures are provided; and

c. The applicant, if required by the Director, prepares an analysis of traffic, circulation and parking impacts, and demonstrates that the use does not:

(1) Cause significant additional traffic to circulate through adjacent residential neighborhoods; or

(2) Disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts; or

(3) Create traffic or access problems which will require the expenditure of City funds to mitigate; or

(4) Interfere with peak-hour transit operations, by causing auto traffic to cross a designated high-occupancy vehicle lane adjacent to the lot; or

(5) Cause cars waiting to use the facility to queue across the sidewalk or onto the street; or

(6) Interrupt established retail or service frontage designed to serve pedestrians.

d. In addition to the criteria in subsections B1a, B1b and B1c, in pedestrian-designated zones, the use shall not:

(1) Include a drive-in facility; or

(2) Provide any accessory parking; or

(3) Attract a significant number of customers who drive to the pedestrian district for the primary purpose of patronizing the business. This shall be determined by a transportation analysis of travel modes and patterns of customers of similar businesses in the same or similar commercial areas, which shall be prepared by a traffic consultant retained by the applicant.

e. Fast-food restaurants which are drive-in businesses shall also comply with the provisions of Section 23.47.028, Standards for drive-in businesses.

2. Taverns and brewpubs in NC1 and NC2 zones may be permitted as conditional uses. A tavern or brewpub in an NC1 or NC2 zone shall be evaluated according to the following criteria:

a. The size of the tavern or brewpub, design of the structure, signing and illumination shall be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.

b. The location, access and design of parking shall be compatible with adjacent residential zones.

c. Special consideration shall be given to the location and design of the doors and windows of taverns and brewpubs to ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings on lots which abut residential zones.

d. Taverns and brewpubs shall not generate traffic which creates traffic congestion or further aggravates spillover parking on residential streets.

3. Park-and-ride lots in NC3, C1 and C2 zones may be permitted as conditional uses.

a. Conditional Use Criteria.

(1) The park-and-ride lot shall have direct vehicular access to a designated arterial improved to City standards.

(2) If the proposed park-and-ride lot is located on a lot containing accessory parking for other uses, there shall be no substantial conflict in the principal operating hours of the park-and-ride lot and the other uses.

b. Mitigating Measures. Landscaping and screening in addition to that required for surface parking areas, noise mitigation, vehicular access controls, signage restrictions, and other measures may be required to provide comfort and safety for pedestrians and bicyclists and to insure the compatibility of the park-and-ride lot with the surrounding area.

4. Single-purpose Residential Structures in NC1, NC2, NC2/R, NC3, ((~~and~~)) NC3/R, and C1 zones. In order to conserve the limited amount of commercially zoned land for commercial uses, single-purpose residential structures shall generally not be allowed in commercial zones. However, additions to, or on-site accessory structures for, existing single-family structures are permitted outright. Single-purpose residential structures may be permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use only when the following circumstances exist:

a. Due to location or parcel size, the proposed site is not suited for commercial development; or

b. There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial

structures in disrepair, and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an "established commercial street front" may be intersected by streets or alleys, and some lots with no current commercial use.

5. Residential Uses in C2 Zones.

a. In order to conserve the limited amount of commercially zoned land for commercial uses, residential uses in single-purpose or mixed-use structures shall generally not be allowed in C2 zones. However, additions to, or on-site accessory structures for existing single family structures shall be permitted outright. Residential uses in single-purpose or mixed-use structures may be permitted in C2 zones as administrative conditional uses according to the following criteria:

(1) Availability of Suitable Land for C2 Activities. Residential uses shall generally be discouraged in areas which have limited vacant land and where, due to terrain and large parcel size, land is particularly suitable for commercial rather than residential development.

(2) Relationship to Transportation Systems. Residential uses shall generally be discouraged in areas with direct access to major transportation systems such as freeways, state routes and freight rail lines.

(3) Compatibility With Surrounding Areas. Residential uses shall not be allowed in close proximity to industrial areas and/or in areas where nonresidential uses may create a nuisance or adversely affect the desirability of the area for living purposes.

b. Residential uses required to obtain a shoreline conditional use shall not be required to obtain an administrative conditional use.

6. Residential Use in International Special Review District. Single-purpose residential structures shall be permitted outright in those parts of the International Special Review District east of the Interstate 5 Freeway as provided in Section 23.66.330.

7. Low-income Housing Projects. Single-purpose residential structures for low-income housing projects shall be permitted outright in all commercial zones if:

a. Applications for a reservation of tax credits for 1988 and 1989 under the low-income tax credit program administered by the Washington State Housing Finance Commission have been filed on or before March 15, 1988; or

b. A nonprofit corporation has purchased sites, signed options or entered into real estate purchase agreements prior to March 15, 1988.

8. Development of a medical service use over ten thousand (10,000) square feet, outside but within two thousand five hundred feet (2,500') of a medical Major Institution overlay district boundary, shall be subject to administrative conditional use approval, unless included in an adopted master plan. In making a determination whether to approve or deny a medical service use, the Director shall determine whether an adequate supply of commercially zoned land for businesses serving neighborhood residents will continue to exist. The following factors shall be used in making this determination:

a. Whether the amount of medical service use development existing and proposed in the vicinity would reduce the current viability or significantly impact the longer-term potential of the neighborhood-serving character of the commercial area; and

b. Whether medical service use development would displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of retail and personal services uses, or significantly detract from an area's overall neighborhood-serving commercial character.

9. Change of One (1) Nonconforming Use to Another.

a. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:

(1) New uses shall be limited to those first permitted in the next more intensive zone;

(2) The relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated.

b. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

* * *

Section 35. Chart B of Section 23.47.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 117919, is amended as follows:

CHART B
For Section 23.47.010
ZONE

Nonresidential Uses Subject to Maximum Size Limit	**NC1***	**NC2*[1]**	**NC3*[1]**	**C1**	**C2**
Nonresidential uses including institutions and public facilities unless otherwise specified	4,000 sq. ft.	15,000 sq. ft.	N.M.S.L.	~~((N.M.S.L.))~~ 35,000 sq. ft.[4]	~~((N.M.S.L.))~~ 35,000 sq. ft.[4]
Medical Services	10,000 sq. ft.	15,000 sq. ft	N.M.S.L.	N.M.S.L.	N.M.S.L.
Multi-purpose convenience store	10,000 sq. ft.	50,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Food processing and craft work	4,000 sq. ft.	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Light manufacturing	X	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Fast-food restaurant[2]	750 sq. ft. 4,000 sq. ft.	750 sq. ft. 8,000 sq. ft.	750 sq. ft N.M.S.L.	750 sq. ft. N.M.S.L.	750 sq. ft N.M.S.L.
Fuel Sales Sales, service and rental of commercial equipment and construction materials Passenger terminals	X	X	25,000 sq. ft.	N.M.S.L.	N.M.S.L.
Indoor participant sport and recreation	4,000 sq. ft.	15,000 sq. ft.	25,000 sq. ft.[3]	N.M.S.L.	N.M.S.L.
General manufacturing	X	X	X	15,000 sq. ft.	N.M.S.L.
Wholesale showroom warehouse	X	X	15,000 sq. ft.	25,000 sq. ft.	N.M.S.L.
Mini-warehouses	X	X	15,000 sq. ft.	40,000 sq. ft.	N.M.S.L.
Public schools	N.M.S.L.	N.M.S.L.	N.M.S.L.	N M.S.L.	N M.S.L.

N.M.S.L. — No Maximum Size Limitations
* — Increases in maximum size limits may be allowed for operating business establishments according to provisions of subsection G.
X — Does not apply, use not permitted in zone.
[1] — Maximum size for all nonresidential uses in NC2/R and NC3/R is described in Section 23.47.010 A2.
[2] — Fast-food restaurants larger than 750 square feet are conditional uses.
[3] — At the Seattle Center, maximum size limit does not apply.
[4] — Office uses in C1 and C2 zones shall be limited to the size of the lot area or thirty-five thousand (35,000) square feet, whichever is greater. Office uses in C1 and C2 zones may be exempt from this limit if the structure meets specified standards for NC zones as listed in subsection 23.47.010A3.

Section 36. Subsection E of Section 23.47.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.47.014 Setback requirements.

***

E. Structures in Required Setbacks.

1. Decks and balconies with open railings may extend into the required setback, but shall not be permitted within five feet (5') of a residentially zoned lot, except as provided in subsection ((C))E6.

2. Eaves, cornices and gutters projecting no more than eighteen inches (18") from the structure facade shall be permitted in required setbacks.

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

4. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five feet (5') in width, are permitted in required setbacks.

5. Fences, freestanding walls and other similar structures.

a. Fences, freestanding walls and other similar structures six feet (6') or less in height above existing or finished grade, whichever is lower, are permitted in required setbacks. The six foot (6') height may be averaged along sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

b. Bulkheads and retaining walls used to raise grade may be placed in any required setback when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined fence is limited to nine and one-half feet (91/2').

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

6. Decks which are accessory to residential uses and are no more than eighteen inches (18") above existing or finished grade, whichever is lower, may project into required setbacks.

7. Underground structures are permitted in all setbacks.

8. Detached solar collectors shall be permitted in required setbacks. 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 any lot line which abuts a residentially zoned lot.

9. Dumpster and other trash receptacles, except for trash compactors, located outside of structures shall not be permitted within ten feet (10') of any lot line which abuts a residentially zoned lot and shall be screened from the residential lot with a minimum six foot (6›) high screen fence.

* * *

Section 37. Subsection B of Section 23.47.024 of the SMC, which Section was last amended by Ordinance 118414, is further amended as follows:

Section 23.47.024 Open space standards.

* * *

B. Open Space Development Standards.

1. When permitted, required usable open space may be provided at ground level or may be provided above the ground in the form of balconies, decks, solaria, greenhouses, or roof gardens or decks.

2. Balconies and decks provided above the ground as open space shall have a minimum area of sixty (60) square feet and no horizontal dimension shall be less than six feet (6').

3. Usable open space at ground level, and roof gardens, solaria, and greenhouses provided above ground as open space shall have a minimum area of two hundred fifty (250) square feet. No horizontal dimension shall be less than ten feet (10').

4. Required usable open space is permitted at the front, sides, or rear of the structure.

5. Parking areas, driveways, and pedestrian access to the nonresidential or residential entrances, except for pedestrian access meeting the Washington State Building Code, Chapter 11—Accessibility, shall not be counted as open space.

6. Required open space shall be landscaped according to standards promulgated as open space.

7. Rooftop space within the following parameters shall not count toward meeting open space requirements: the area eight feet (8') from and in front of a directional antenna and at least two feet (2') from the back of a directional antenna, or, for an omnidirectional antenna, eight feet (8') away from the antenna in all directions. The Seattle-King County Public Health Department may require a greater distance for paging facilities after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

Section 38. Chart A of Section 23.50.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

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INDUSTRIAL USES
CHART A
for Section 23.50.012

Uses	Zones		
	IB	IC	IG1 and IG2
I. Manufacturing			
A. Light manufacturing	P	P	P
B. General manufacturing	P	P	P
C. Heavy manufacturing	CU	X or CU[1]	P or CU[2]
II. High-impact Uses.	X	X or CU[3]	X or CU[4]
III. Commercial			
A. Retail Sales and Service			
1. Personal and household sales and services	P	P	P
2. Medical services	P/CU[5]	P/CU[5]	P/CU[5]
3. Animal services			
a. Animal health services	P	P	P
b. Kennel	X	P	P
4. Automotive retail sales and service	P	P	P
5. Marine retail sales and service	P	P	P
6. Eating and drinking establishment			
a. Fast food restaurants over 750 square feet	CU	CU	CU
b. Fast food restaurants under 750 square feet	P	P	P
c. Restaurants with or without cocktail lounges	P	P	P
d. Tavern	P	P	P
e. Brewpub	CU	CU	CU
7. Lodging	P	P	P
8. Mortuary service	P	P	P
9. Existing cemeteries	P	P	P
10. New cemeteries	X	X	X
B. Principal use parking, surface area or garage	P	P	P
C. Nonhousehold sales and services	P	P	P
D. Office	P	P	P

INDUSTRIAL USES
CHART A
for Section 23.50.012 (continued)

Uses	Zones		
	IB	IC	IG1 and IG2
E. Entertainment			
1. Places of public assembly			
a. Performing arts theater	P	P	P
b. Spectator sports facility	P	P	P
c. Lecture and meeting halls	P	P	P
d. Motion picture theater	P	P	P
e. Motion picture theater, adult	X	X	X
f. Adult panorams	X	X	X
2. Participant sports and recreation			
a. Indoor	P	P	P
b. Outdoor	P	P	P
F. Wholesale showroom	P	P	P
G. Mini-warehouse	P	P	P
H. Warehouse	P	P	P
I. Outdoor storage	P	P	P
J. Transportation Facilities			
1. Personal transportation services	P	P	P
2. Passenger terminal	P	P	P
3. Cargo terminal/	P	P	P
4. Transit vehicle base	CU	CU	CU
5. Helistop	CCU	CCU	CCU
6. Heliport	X	CCU	CCU
7. Airport, land-based	X	CCU	CCU
8. Airport, water-based	X	CCU	CCU
9. Railroad switchyard	P	P	P
10. Railroad switchyard with mechanized hump	X	X	CU
K. Food processing and craft work	P	P	P
L. Research and development laboratory	P	P	P

INDUSTRIAL USES
CHART A
for Section 23.50.012 (continued)

Uses	Zones		
	IB	IC	IG2 and IG2
IV. Salvage and Recycling			
A. Recycling collection station	P	P	P
B. Recycling center	P	P	P
C. Salvage yard	X	X	P
V. Uti8lities			
A. Utility services use	P	P	P
B. Major communication utility[6]	CU	CU	CU
C. Minor communication utility[6]	P	P	P
D. Solid waste transfer station	X	CU	CU
E. Power plant	X	CCU	P
F. Sewage treatment plant	X	CCU	CCU
G. Solid waste incineration facility	X	CCU	CCU
H. Solid waste landfills	X	X	X
VI. Institutions			
A. Institute for advanced study	P	P	P
B. Private clubs	EB	EB	EB
C. Child care center	P	P	P
D. Museum	EB	EB	EB
E. School, elementary or secondary	EB	EB	EB
F. College	EB	EB	EB

INDUSTRIAL USES
CHART A
for Section 23.50.012 (continued)

Uses	Zones		
	IB	IC	IG1 and IG2
G. Community center	EB	EB	EB
H. Community club	EB	EB	EB
I. Vocational or fine arts school	P	P	P
J. Hospital	EB	CU[8]	EB
K. Religious facility	EB	EB	EB
L. University	EB	EB	EB
M. Major institutions., subject to the provisions of Chapter 23.69	EB	EB	EB
VII. Public Facilities			
A. Jails	X	X	X
B. Work-release centers	X	X	X
C. Other public facilities	CCU	CCU	CCU
VII. Park and Pool/Ride Lots			
A. Park and pool lots	P[7]	P[7]	P[7]
B. Park and ride lots	CU	CU	CU
IX. Residential			
A. Single-family dwelling units	X	X	X
B. Multi-family structures	X	X	X
C. Congregate residences	X	X	X
D. Adult family homes	X	X	X
E. Floating homes	X	X	X

INDUSTRIAL USES
CHART A
for Section 23.50.012 (continued)

Uses	Zones		
	IB	IC	IG1 and IG2
F. Mobil home park	X	X	X
G. Nursing homes	X	X	X
H. Artist's studio/dwelling	EB/CU	EB/CU	EB/CU
I. Caretaker's quarters	P	P	P
J. Residential use except artist's studio/dwelling and caretaker's quarters in a landmark structure or landmark district	CU	CU	CU
X. Open Space			
A. Parks	P	P	P
B. Playgrounds	P	P	P
XI. Agricultural Uses			
A. Animal husbandry	X	X	X
B. Horticultural use	X	X	X
C. Aquaculture	P	P	P

P = Permitted
X = Prohibited
CU = Administrative conditional use
CCU = Council conditional use
EB = Permitted only in a building existing on October 5, 1987

INDUSTRIAL USES
Chart A
for Section 23.50.012 (Continued)

1. The Heavy Manufacturing uses listed in subsection B10 of Section 23.50.014 may be permitted as conditional uses. All other Heavy Manufacturing uses are prohibited.

2. Heavy Manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at subsection C of Section 23.50.014.

3. The High-impact uses listed at subsection B ((~~11~~)) 10 of Section 23.50.014 may be permitted as conditional uses.

4. High-impact 1 uses may be permitted as a conditional use as provided at subsection B5 of Section 23.50.014.

5. Medical service uses over 10,000 square feet, within 2,500 feet of medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted major institution master plan or located in a downtown zone. See Section 23.50.014.

6. See Chapter 23.57 for regulation of major and minor communication utilities and accessory communication devices.

7. Park and pool lots are not permitted within three thousand feet (3,000') of downtown.

8. Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study as provided by subsection B15 of Section 23.50.014.

Section 39. Existing Exhibit 23.50.014A of subsection A of Section 23.50.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 116907, is repealed.

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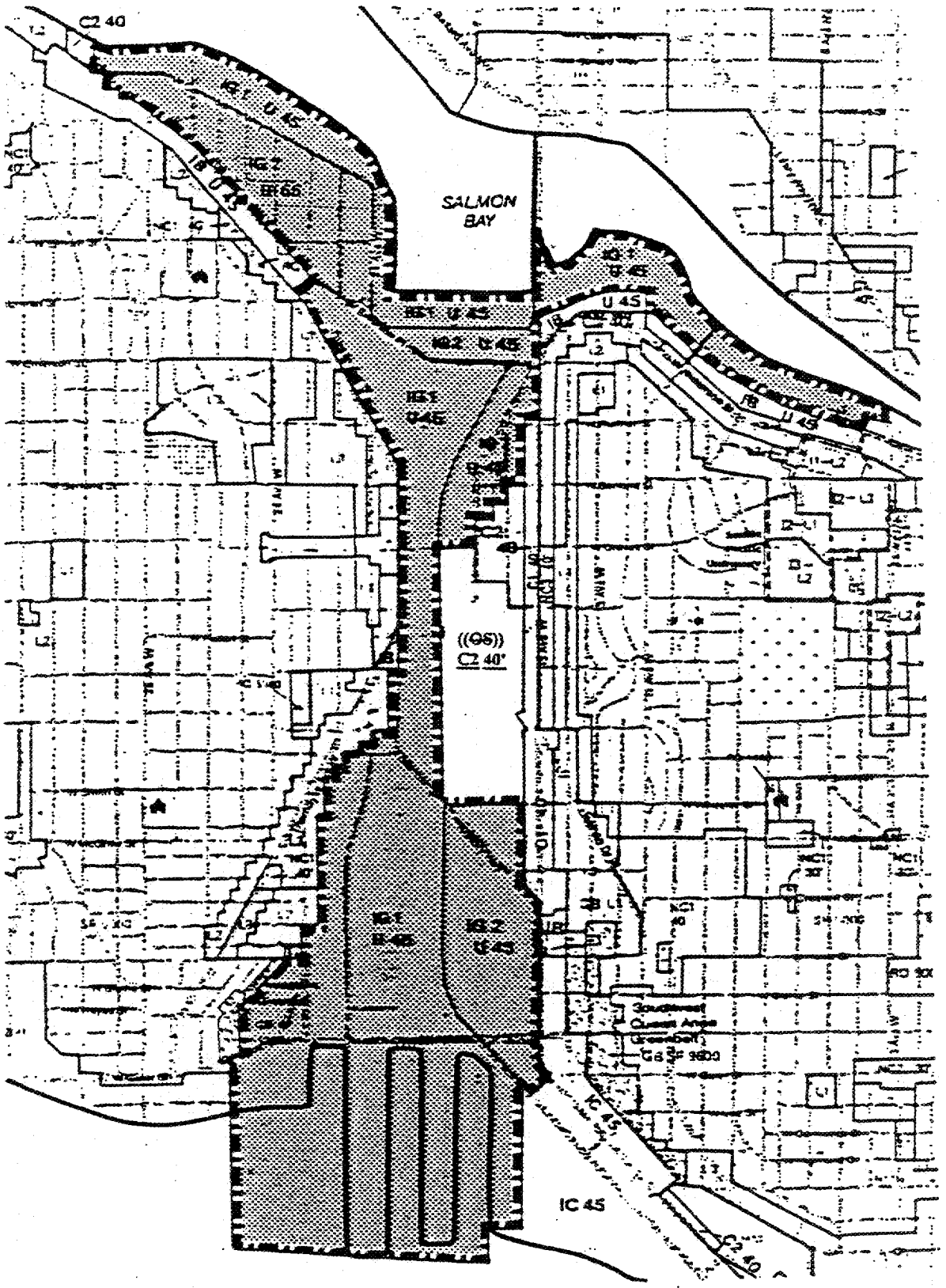
Exhibit 23.50.014 A Administrative Conditional Uses Queen Anne — Interbay Area



Section 40. A new Exhibit 23.50.014A of subsection A of Section 23.50.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 116907, is added.

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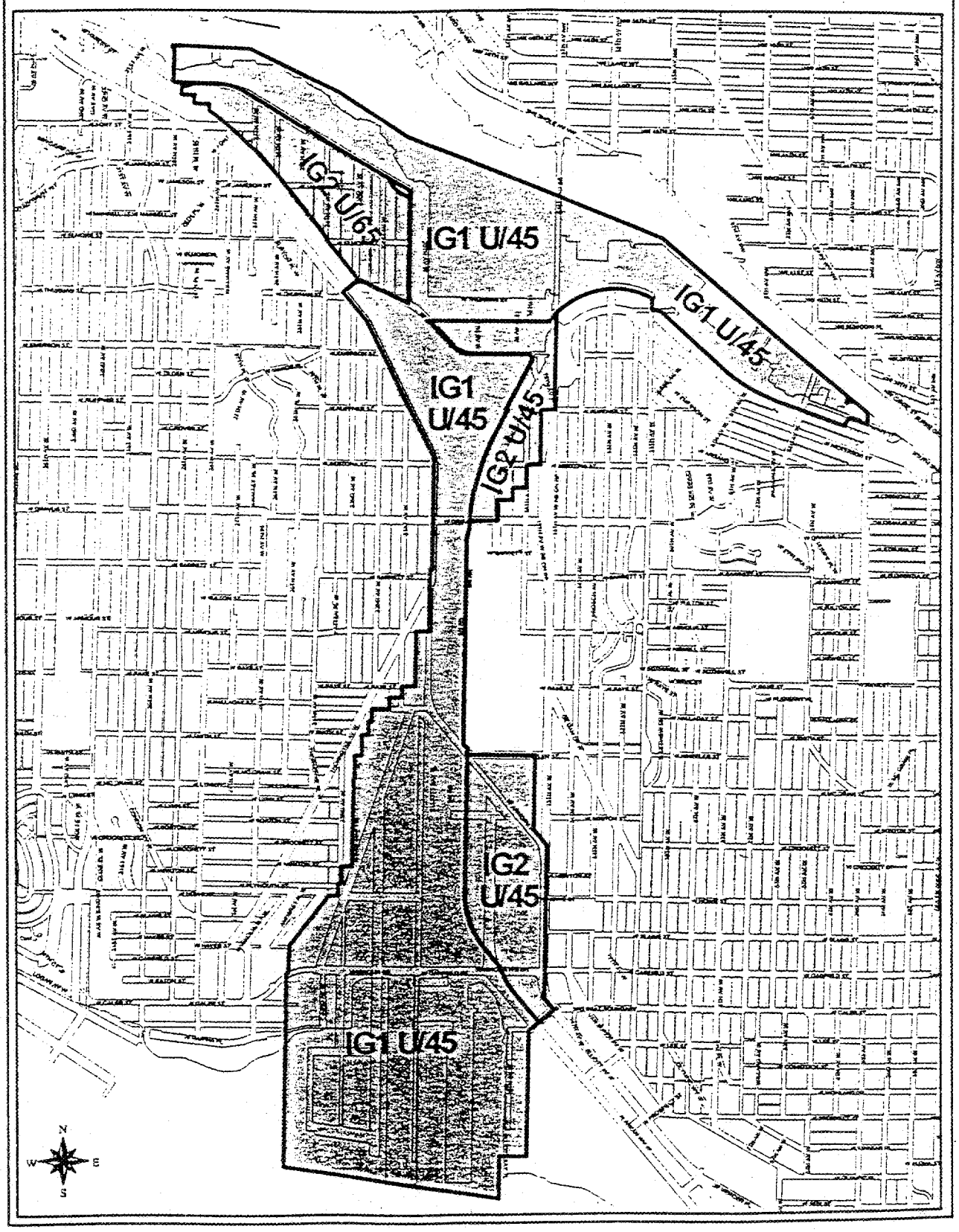
Exhibit 23.50.014 A Administrative Conditional Uses Queen Anne – Interbay Area



Section 41. Subsection A of Section 23.54.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended as follows:

23.54.020 Parking quantity exceptions.

The parking quantity exceptions set forth in this section shall apply in all zones except downtown zones, which are regulated by Section 23.49.016, and major institution zones, which are regulated by Section 23.((~~48.018~~))54.016.

A. Adding Units to Existing Structures in Multifamily and Neighborhood Commercial Zones.

1. For the purposes of this section, "existing structures" shall be those structures which were established under permit, or for which a permit has been granted and has not expired((~~, or are substantially underway in accordance with subsection D of Section 23.04.010,~~)) as of the effective date of the applicable chapter of this Land Use Code, as follows:

a. In multifamily zones, August 10, 1982;

b. In commercial zones, June 9, 1986.

2. If an existing residential structure in a multifamily or neighborhood commercial zone has parking which meets the development standards, and the lot area is not increased, one (1) unit may be added without additional parking. If two (2) units are added, one (1) space will be required; three (3) units will require two (2) spaces, etc. Additional parking must meet all development standards for the particular zone.

3. In a Lowrise Duplex/Triplex zone:

a. When an existing residential structure provides less than one (1) parking space per unit, one (1) parking space shall be required for each additional dwelling unit when dwelling units are added to the structure or the structure is altered to create additional dwelling units;

b. When an existing nonresidential structure is partially or completely converted to residential use, then no parking space shall be required for the first new dwelling unit, provided that the lot area is not increased and existing parking is screened and landscaped to the greatest extent practical.

Additional parking provided shall meet all development standards for the Lowrise Duplex/Triplex zone.

4. If an existing structure does not conform to the development standards for parking, or is occupied by a nonconforming use, when:

- Dwelling units are added to the structure; or
- The structure is altered to create additional dwelling units; or
- The structure is completely converted to residential use, then no parking space need be provided for the first new or added dwelling unit, provided that the lot area is not

increased and existing parking is screened and landscaped to the greatest extent practical. Additional parking provided shall meet all development standards for the particular zone. This exception shall not apply in Lowrise Duplex/Triplex zones.

***

Section 42. Subsection E of Section 23.69.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended as follows:

23.69.030 Contents of a master plan.

* * *

E. The development program component shall include the following:

1. A description of alternative proposals for physical development including an explanation of the reasons for considering each alternative, but only if an Environmental Impact Statement is not prepared for the master plan; and

2. Density as defined by total maximum developable gross floor area for the MIO District and an overall floor area ratio (FAR) for the MIO District. Limits on total gross floor area and floor area ratios may also be required for sub-areas within the MIO District but only when an MIO District is over four hundred (400) acres in size or when an MIO District has distinct geographical areas; and

3. The maximum number of parking spaces allowed for the MIO District; and

4. A description of existing and planned future physical development on a site plan which shall contain:

a. The height, description, gross floor area and location of existing and planned physical development, and

b. The location of existing open space landscaping and screening, and areas of the MIO District to be designated open space. Designated open space shall be open space within the MIO District that is significant and serves as a focal point for user of the Major Institution. Changes to the size or location of designated open space will require an amendment pursuant to Section 23.69.035, and

c. Existing public and private street layout, and

d. Existing and planned parking areas and structures; and

((~~5. A description and total square footage in gross floor area of uses permitted under Section 23.69.008 E and F; and~~))

((~~6~~))5. A site plan showing: property lines and ownership of all properties within the applicable MIO District, or areas proposed to be included in an expanded MIO

District, and all structures and properties a Major Institution is leasing or using or owns within two thousand five hundred feet (2,500') of the MIO District; and

((~~7~~))6. Three (3) dimensional drawings to illustrate the height, bulk and form of existing and planned physical development. Information on architectural detailing such as window placement and color and finish materials shall not be required; and

((~~8~~))7. A site plan showing any planned infrastructure improvements and the timing of those improvements; and

((~~9~~))8. A description of planned development phases and plans, including development priorities, the probable sequence for such planned development and estimated dates of construction and occupancy; and

((~~10~~))9.A description of any planned street or alley vacations or the abandonment of existing rights-of-way; and

((~~11~~))10.At the option of the Major Institution, a description of potential uses, development, parking areas and structures, infrastructure improvements or street or alley vacations. Information about potential projects is for the purpose of starting a dialogue with the City and the community about potential development, and changes to this information will not require an amendment to the master plan; and

((~~12~~))11.An analysis of the proposed master plan's consistency with the City's Major Institution policies in Section 23.12.120 and in the Land Use Element of the City of Seattle's Comprehensive Plan; and

((~~13~~))12.A discussion of the Major Institution's facility decentralization plans and/or options, including leasing space or otherwise locating uses off-campus; and

((~~14~~))13.A description of the following shall be provided for informational purposes only. The Advisory Committee, pursuant to Section 23.69.032 D1, may comment on the following but may not subject these elements to negotiation nor shall such review delay consideration of the master plan or the final recommendation to Council:

a. description of the ways in which the institution will address goals and applicable policies under Education and Employability and Health in the Human Development Element of the Comprehensive Plan, and

b. statement explaining the purpose of the development proposed in the master plan, including the public benefits resulting from the proposed new development and the way in which the proposed development will serve the public purpose mission of the Major Institution.

* * *

Section 43. Subsection E of Section 23.69.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.69.032 Master plan process.

* * *

E. Draft Report and Recommendation of the Director.

1. Within five (5) weeks of the publication of the final master plan and EIS, the Director shall prepare a draft report on the application for a master plan as provided in Section 23.76.050, Report of the Director.

2. In the Director's Report, a determination shall be made whether the planned development and changes of the Major Institution are consistent with the City's Major Institution policies in Section 23.12.120 and in the Land Use Element of the City of Seattle's Comprehensive Plan, and whether the planned development and changes represent a reasonable balance of the public benefits of development and change with the need to maintain livability and vitality of adjacent neighborhoods. Consideration shall be given to:

a. The reasons for institutional growth and change, the public benefits resulting from the planned new facilities and services, and the way in which the proposed development will serve the public purpose mission of the major institution; and

b. The extent to which the growth and change will significantly harm the livability and vitality of the surrounding neighborhood.

3. In the Director's Report, an assessment shall be made of the extent to which the Major Institution, with its proposed development and changes, will address the goals and applicable policies under Education and Employability and Health in the Human Development Element of the Comprehensive Plan.

4. The Director's analysis and recommendation on the proposed master plan's development program component shall consider the following:

a. The extent to which the Major Institution proposes to lease space or otherwise locate a use at street level in a commercial zone outside of, but within two thousand five hundred feet (2,500') of, the MIO District boundary that is not similar to a personal and household retail sales and service use, eating and drinking establishment, customer service office, entertainment use or child care center but is allowed in the zone. To approve such proposal, the Director shall consider the criteria in Section 23.69.035 D((4))3;

b. The extent to which proposed development is phased in a manner which minimizes adverse impacts on the surrounding area. When public improvements are anticipated in the vicinity of proposed Major Institution development or expansion, coordination between the Major Institution development schedule and timing of public improvements shall be required;

c. The extent to which historic structures which are designated on any federal, state or local historic or landmark register are proposed to be restored or reused. Any changes to designated Seattle Landmarks shall comply with the requirements of the Landmarks Preservation Ordinance.1 The Major Institution's Advisory Committee shall review any application to demolish a designated Seattle Landmark and shall submit comments to the Landmarks Preservation Board before any certificate of approval is issued;

d. The extent to which the proposed density of Major Institution development will affect vehicular and pedestrian circulation, adequacy of public facilities, capacity of public infrastructure, and amount of open space provided;

e. The extent to which the limit on the number of total parking spaces allowed will minimize the impacts of vehicular circulation, traffic volumes and parking in the area surrounding the MIO District.

5. The Director's analysis and recommendation on the proposed master plan's development standards component shall be based on the following:

a. The extent to which buffers such as topographic features, freeways or large open spaces are present or transitional height limits are proposed to mitigate the difference between the height and scale of existing or proposed Major Institution development and that of adjoining areas. Transition may also be achieved through the provision of increased setbacks, articulation of structure facades, limits on structure height or bulk or increased spacing between structures;

b. The extent to which any structure is permitted to achieve the height limit of the MIO District. The Director shall evaluate the specified limits on structure height in relationship to the amount of MIO District area permitted to be covered by structures, the impact of shadows on surrounding properties, the need for transition between the Major Institution and the surrounding area, and the need to protect views;

c. The extent to which setbacks of Major Institution development at ground level or upper levels of a structure from the boundary of the MIO District or along public rights-of-way are provided for and the extent to which these setbacks provide a transition between Major Institution development and development in adjoining areas;

d. The extent to which allowable lot coverage is consistent with permitted density and allows for adequate setbacks along public rights-of- way or boundaries of the MIO District. Coverage limits should insure that view corridors through Major Institution development are enhanced and that area for landscaping and open space is adequate to minimize the impact of Major Institution development within the MIO District and on the surrounding area;

e. The extent to which landscaping standards have been incorporated for required setbacks, for open space, along public rights-of-way, and for surface parking areas. Landscaping shall meet or exceed the amount of landscaping required by the underlying zoning. Trees shall be required along all public rights-of-way where feasible;

f. The extent to which access to planned parking, loading and service areas is provided from an arterial street;

g. The extent to which the provisions for pedestrian circulation maximize connections between public pedestrian rights-of-way within and adjoining the MIO District in a convenient manner. Pedestrian connections between neighborhoods separated by Major Institution development shall be emphasized and enhanced;

h. The extent to which designated open space maintains the patterns and character of the area in which the Major Institution is located and is desirable in location and access for use by patients, students, visitors and staff of the Major Institution;

i. The extent to which designated open space, though not required to be physically accessible to the public, is visually accessible to the public;

j. The extent to which the proposed development standards provide for the protection of scenic views and/or views of landmark structures. Scenic views and/or views of landmark structures along existing public rights-of- way or those proposed for vacation may be preserved. New view corridors shall be considered where potential enhancement of views through the Major Institution or of scenic amenities may be enhanced. To maintain or provide for view corridors the Director may require, but not be limited to, the alternate spacing or placement of planned structures or grade-level openings in planned structures. The institution shall not be required to reduce the combined gross floor area for the MIO District in order to protect views other than those protected under City laws of general applicability.

6. The Director's report shall specify all measures or actions necessary to be taken by the Major Institution to mitigate adverse impacts of Major Institution development that are specified in the proposed master plan.

* * *

Section 44. Section 23.72.004 of the Seattle Municipal Code, as established by Ordinance 118624, is amended as follows:

23.72.004 Sand Point Overlay District established.

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Sand Point Overlay District, comprised of two subareas A and B, as shown on the City's Official Land Use Map, Chapter 23.32, and Map A.

Section 45 Subsections A and B of Section 23.72.008 of the Seattle Municipal Code, as adopted by Ordinance 118624, is amended as follows:

23.72.008 Uses permitted in specified areas within the Sand Point Overlay District

A. Uses permitted within ((~~the area~~)) Subarea B as depicted on Map A zoned single family.

1. Principal uses permitted outright. In addition to the uses permitted by the provisions of Section 23.44.006, the following principal uses are permitted outright in structures existing as of the effective date of this Chapter:

a. Custom and craft work and accessory retail sales and services;

b. Institutions, except hospital;
c. Lecture and meeting halls;
d. Motion picture studio;
e. Participant Sports and Recreation;
f. Police training facility;
g. Research and development laboratories;
h. Storage of fleet vehicles and accessory service and repair; and
i. Warehouse.

2. When not in use as a motion picture studio, a structure may be used for participant sports and recreation.

3. Within Subarea A, ((~~the "~~))Park Area((~~"~~)) depicted on Map A, area not occupied by existing structures, existing paved parking areas ((~~and~~)) or rights-of-way shall be limited to open space uses, such as parks and playgrounds.

B. Uses permitted within ((~~areas~~)) Subarea B as depicted on Map A zoned Lowrise 3. Principal uses permitted outright. In addition to the uses permitted outright in accordance with Section 23.45.006, the following principal uses are permitted outright within structures existing as of the effective date of this Chapter:

1. Food processing for human consumption;
2. Horticultural use;
3. Institutions, except hospital;
4. Lecture and meeting halls;
5. Medical service uses;
6. Office; and
7. Restaurants without cocktail lounges.

* * *

Section 46 Subsection C of Section 23.72.010 of the Seattle Municipal Code, as adopted by Ordinance 118624, is amended as follows:

23.72.010 Development Standards

* * *

C. Density. A maximum of 200 dwelling units may be established within the boundaries of the Sand Point Overlay District. Residential uses provided by the University of Washington shall not count toward the maximum site density established in this subsection.

Section 47. Subsection D of Section 23.76.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

23.76.010 Applications for Master Use Permits.

* * *

D. All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures; SMC Chapter 25.09, Regulations for Environmentally Critical Areas, SMC Chapter 25.12, Landmark Preservation; SMC Chapter 25.16, Ballard Avenue Landmark District; SMC Chapter 25.20, Columbia City Landmark District; SMC Chapter 25.22, Harvard-Belmont Landmark District; SMC Chapter 25.24, Pike Place Market Historical District; and other codes as determined applicable by the Director. All shoreline substantial development, conditional use or variance applications shall also include applicable submittal information as specified in WAC 173-27-180. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines, unless the Director indicates in writing that specific information is not necessary for a particular application:

1. Property information including, but not limited to, address, legal description, Assessor's Parcel number, and project description;

((~~2. Evidence of ownership or authorization from the property owner to make the application;~~))

((~~3~~))2. A signed statement of financial responsibility from the applicant acknowledging financial responsibility for all applicable permit fees. If the application is made, in whole or in part, on behalf of the property's owner, lessee, and/or contract purchaser, then the statement of financial responsibility must also include a signed statement of the owner, lessee, and/or contract purchaser acknowledging financial responsibility for all applicable permit fees;

((4))3. Scale drawings with all dimensions shown that include, but are not limited to, the following information:

a. Existing site conditions showing adjacent streets (by name), alleys or other adjacent public property, existing street uses, such as street trees and sidewalk displays, buildings and structures, open space and landscape, access driveways and parking areas,

b. Elevations and sections of the proposed new features,

c. Floor plans showing the proposed new features,

d. Drainage plan,

e. Landscape plan,

f. Right-of-way information showing any work proposed in the public right-of-way,

g. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable,

h. Parking layout and vehicular access,

i. Vicinity map,

j. Topographic map, and

k. Open space plan;

((~~5~~))4. A statement whether the site includes or is adjacent to a nominated or designated City of Seattle landmark, or has been listed as eligible for landmark status by the state or federal governments, or is within a City of Seattle landmark or special review district. If the site includes a nominated or designated City of Seattle landmark, or is within a City of Seattle landmark or special review district, then the applicant must provide a copy of any application for any required certificate of approval that has been filed with the Department of Neighborhoods. If the site does not include a landmark and is not within a landmark or special review district, then the applicant must provide the following information:

a. Date the buildings on the site were constructed,

b. Name of the architect(s) or builder(s), and

c. For any building fifty (50) or more years old, clear exterior photos of all elevations of the building;

5. For all transmitting antennas, the applicant shall submit a signed copy of the "Applicant's Statement of Federal Communications Commission (FCC) Compliance. If the transmitting antenna requires Seattle-King County Public Health Department review, the applicant must also submit a letter from the Public Health Department certifying that the facility does not exceed radiofrequency radiation levels allowed by the FCC.

6. Confirmation that any required notification sign has been installed according to the Director's specifications;

7. Information including technical reports, drawings, models or text, necessary to evaluate the development proposal, project site and potential environmental affects related to the following:

a. Soils and geology,

b. Grading,

c. Drainage,

d. Construction impacts,

e. Air quality,

f. Water quality,

g. Water discharge,

h. View impairment,

i. Energy consumption,

j. Animal habitat impacts,

k. Plant ecology, botany and vegetation,

l. Noise,

m. Release and disposal of toxic and hazardous materials,

n. Soil contamination,

o. Dredging,

p. Land use,

q. Housing,

r. Light and glare,
s. Shadow,
t. Aesthetics,
u. Use and demand on recreation facilities,
v. Vehicular traffic and circulation,
w. Parking,
x. Pedestrian circulation,
y. Circulation and movement of goods,
z. Traffic hazard, and
aa. Demand on public service and utilities.

* * *

Section 48. Subsection D of Section 23.76.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 118181, is amended as follows:

23.76.012 Notice of application.

* * *

D. Comment Period. The Director shall provide a fourteen (14) day public comment period prior to making a threshold determination of nonsignificance (DNS) or issuing a decision on the project; provided, that the comment period shall be extended by fourteen (14) days if a written request for extension is submitted within the initial fourteen (14) day comment period; provided further that the comment period shall be thirty (30) days for applications requiring shoreline decisions except, that for limited utility extensions and bulkheads subject to Section 23.60.065 of Title 23, the comment period shall be twenty (20) days as specified in that Section. The comment period shall begin on the date notice is published in the General Mailed Release. Comments shall be filed with the Director by five p.m. (5:00 p.m.) of the last day of the comment period. When the last day of the comment period is a Saturday, Sunday or federal or City holiday, the comment period shall run until five p.m. (5:00 p.m.) the next business day. Any comments received after the end of the official comment period may be considered if material to review yet to be conducted.

* * *

Section 49. Subsection C of Section 23.76.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

23.76.020 Director's decisions.

* * *

C. Notice of Decisions.

1. Type I. No notice of decision is required for Type I decisions.

2. Type II. The Director shall provide notice of all Type II decisions as follows:

a. A list of all Type II decisions shall be compiled and published in the City official newspaper within seven (7) days of the date the decision is made. This list and the date of its publication shall also be posted in a conspicuous place in the Department and shall be included in the General Mailed Release. Notice shall also be mailed to the applicant and to interested persons who have requested specific notice in a timely manner or who have submitted substantive comments on the proposal, and shall be submitted in a timely manner to at least one (1) community newspaper in the area affected by the proposal.

b. DNSs shall also be filed with the SEPA Public Information Center.

c. If the Director's decision includes a mitigated DNS or other DNS requiring a fifteen (15) day comment period pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, the notice of decision shall include notice of the comment period. The Director shall distribute copies of the DNS as required by SMC Section 25.05.340.

d. Any shoreline decision in a Master Use Permit shall be filed with the Department of Ecology ((~~and the State Attorney General~~)) according to the requirements contained in WAC 173-27-130. A shoreline decision on limited utility extensions and bulkheads subject to Section 23.60.065 shall be issued within twenty-one (21) days of the last day of the comment period as specified in that Section.

e. The notice of the Director's decision shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decisions subject to appeal and shall describe the appropriate appeal procedure.

Section 50. Subsection B of Section 23.76.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

23.76.022 Administrative appeals.

* * *

B. Shoreline Appeal Procedures. Appeal of the Director's decision to issue, condition, or deny a shoreline substantial development permit, shoreline variance, or shoreline conditional use as a part of a Master Use Permit must be filed by the appellant with

the Shorelines Hearings Board in accordance with the provisions of the Shoreline Management Act of 1971, RCW Chapter 90.58, and the rules established under its authority, WAC 173-((~~14~~))27. Appeals of related environmental actions, including DNS's, determination that an EIS is adequate, and the decision to grant, condition or deny the shoreline proposal based on the City's SEPA Policies pursuant to SMC Section 25.05.660, shall be consolidated in the appeal to the Shorelines Hearing Board. Appeal of a decision for limited utility extensions and bulkheads subject to Section 23.60.065 of Title 23 shall be finally determined within thirty (30) days as specified in that Section.

* * *

Section 51. Subsection A of Section 23.76.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, is amended as follows:

23.76.032 Expiration and renewal of Type I and II Master Use Permits.

A. Expiration.

1. A Type I or II Master Use Permit shall expire eighteen (18) months from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. Expiration of a Master Use Permit with a shoreline component shall be governed by WAC 173-((~~14-060~~))27-090.

b. Expiration of a variance component of a Master Use Permit shall be governed by the following:

(1) Variances for access, yards, setback, open space, or lot area minimums granted as part of short plat or lot boundary adjustment shall run with the land in perpetuity as recorded with the Director of the King County Department of Records and Elections.

(2) Variances granted as separate Master Use Permits pursuant to Section 23.76.((~~010D~~))004G shall expire eighteen (18) months from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is granted within this period, the variance's expiration date shall be extended until the expiration date established for the use approval.

c. The time during which pendency of litigation related to the Master Use Permit made it reasonable not to submit an application for a building permit, or to establish a use where a building permit is not required, shall not be included in the eighteen (18) month term of the Master Use Permit.

((~~d. Master Use Permits entered in the competition for office space downtown established under Section 23.49.011 shall expire as follows:~~

~~(1) Eighteen (18) months from the date that the project is chosen to receive an office space allocation; or~~

~~(2) If the project is not chosen to receive an office space allocation in the first year that it is entered in the competition, it shall expire either:~~

~~(a) On the date that the opportunity to enter the next competition has passed, and the project has not been entered, or~~

~~(b) If it is chosen in the next competition to receive an office space allocation, eighteen (18) months from the date that the project is chosen, or~~

~~(c) On the date that it is not chosen to receive an office allocation in the next competition, or~~

~~(d) Eighteen (18) months from the date that the permit is approved for issuance as described in Section 23.76.028, whichever is greater;~~

~~(3) Master Use Permits entered in the competition for office space downtown may be renewed pursuant to subsection B.~~))

((e))d. Expiration of use approval to legalize previously unauthorized accessory dwelling units when final inspection approval for modifications required for Building or Housing Code compliance is not obtained within two (2) years from the date of application for the Master Use Permit is governed by Section 23.44.025B.

((f))e. Master Use Permits with a Major Phased Development component established under Section 23.47.007 or 23.50.015 shall expire as follows:

(1) For the first phase, twenty-four (24) months from the date the permit is approved for issuance, except as provided in subsection B;

(2) For subsequent phases, expiration shall be determined at the time of permit issuance.

((g))f. Master Use Permits with a Design Review Component are subject to Section 23.76.026C2. If the Land Use Code or other land use control ordinances change prior to publication of the Director's decision on a Master Use Permit that contains a design review component and qualifies for vesting pursuant to Section 23.76.026C2, such Master Use Permit shall expire one hundred twenty (120) days from the date the Master Use Permit is approved for issuance, unless a complete application for a building permit meeting the requirements of Section 106 of the Seattle Building Code1 is submitted within one hundred twenty (120) days of the date the Master Use Permit is approved for issuance.

2. At the end of the eighteen (18) month term, Master Use Permits shall expire unless:

a. A building permit is issued before the end of the eighteen (18) month term, or an application for a building permit is: (1) submitted at least sixty (60) days before the end of the eighteen (18) month term; (2) made sufficiently complete to meet the requirements of Section 106 of the Seattle Building Code1 before the end of the eighteen (18) month term; and (3) subsequently issued. In such cases, the Master Use Permit shall be extended for the same term as the building permit is issued. For highrise structures regulated under Section 403 of the Seattle Building Code,1 the building permit application may be a partial one, provided that it includes the complete structural frame of the building, and

schematic plans for the exterior shell of the building. If a building permit is issued and renewed within the original eighteen (18) month term of a Master Use Permit, the Master Use Permit shall be extended in the same manner; or

b. For projects which do not require a building permit, the use has been established prior to the expiration date of the Master Use Permit and is not terminated by abandonment or otherwise. In such cases the Master Use Permit shall not expire; or

c. The Master Use Permit is extended pursuant to subsection A3; or

d. The Master Use Permit is renewed as provided in subsection B; or

e. A Major Phased Development component is part of the Master Use Permit, in which case subsection A1f shall apply.

3. When a building permit has been issued and the conditions of Section 106.9.2 of the Seattle Building Code are met, the Master Use Permit shall be automatically extended for the life of the building permit and no Master Use Permit renewal shall be required.

* * *

Section 52. Section 23.84.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 117202, is amended to repeal one definition as follows:

23.84.004 "B."

* * *

((~~"Boarder" means a person who rents a room or rooms for lodging purposes within a dwelling unit on not less than a monthly basis.~~))

* * *

Section 53. Section 23.84.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, amends the definition for "dwelling unit" as follows:

23.84.008 "D."

* * *

"Dwelling unit" means a room or rooms located within a structure, designed, arranged, occupied or intended to be occupied by not more than one (1) household ((~~and permitted roomers or boarders,~~)) as living accommodations independent from any other household. The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

* * *

Section 54. Section 23.84.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 117929, is amended to repeal one definition and add two definitions in alphabetical order as follows:

23.84.024 "L."

* * *

((~~"Lodger." See "Boarder."~~))

* * *

"Lot, parent" means the initial lot from which unit lots are subdivided for the exclusive use of townhouses, cottage housing, clustered housing, single family residences in Lowrise zones, or any combination of the above types of residential development.

* * *

"Lot, unit" means one of the individual lots created from the subdivision of a parent lot for the exclusive use of townhouses, cottage housing, clustered housing, single family residences in Lowrise zones, or any combination of the above types of residential development.

* * *

Section 55. Section 23.84.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, is amended to repeal one definition as follows:

23.84.032 "R."

* * *

((~~"Roomer." See "Boarder."~~))

* * *

Section 56. The Official Land Use Map of The City of Seattle is amended to remove the Greenbelt ("GB") overlay designation from all plats on which it appears.

Section 57. Existing Exhibit 1 of Section 25.05.675 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is repealed.

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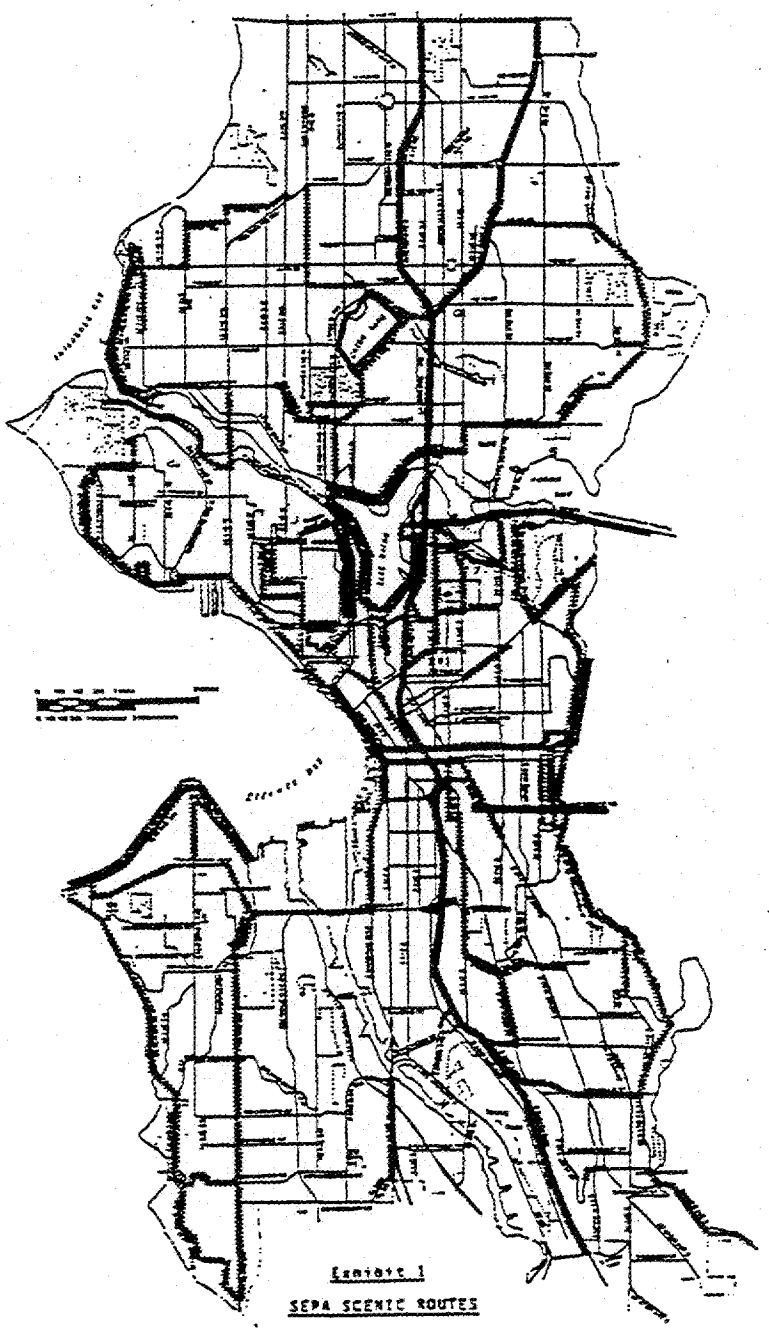

Exhibit 1

SEPA SCENIC ROUTES

LEGEND

— Scenic routes described by Seattle Engineering Department, Traffic Division map and designated by Ordinance 97027.

— Scenic routes identified as protected view rights of way in the Seattle Mayor's April 1987 Open Space Policies Recommendation.

Section 58. A new Exhibit 1 of Section 25.05.675 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is added.

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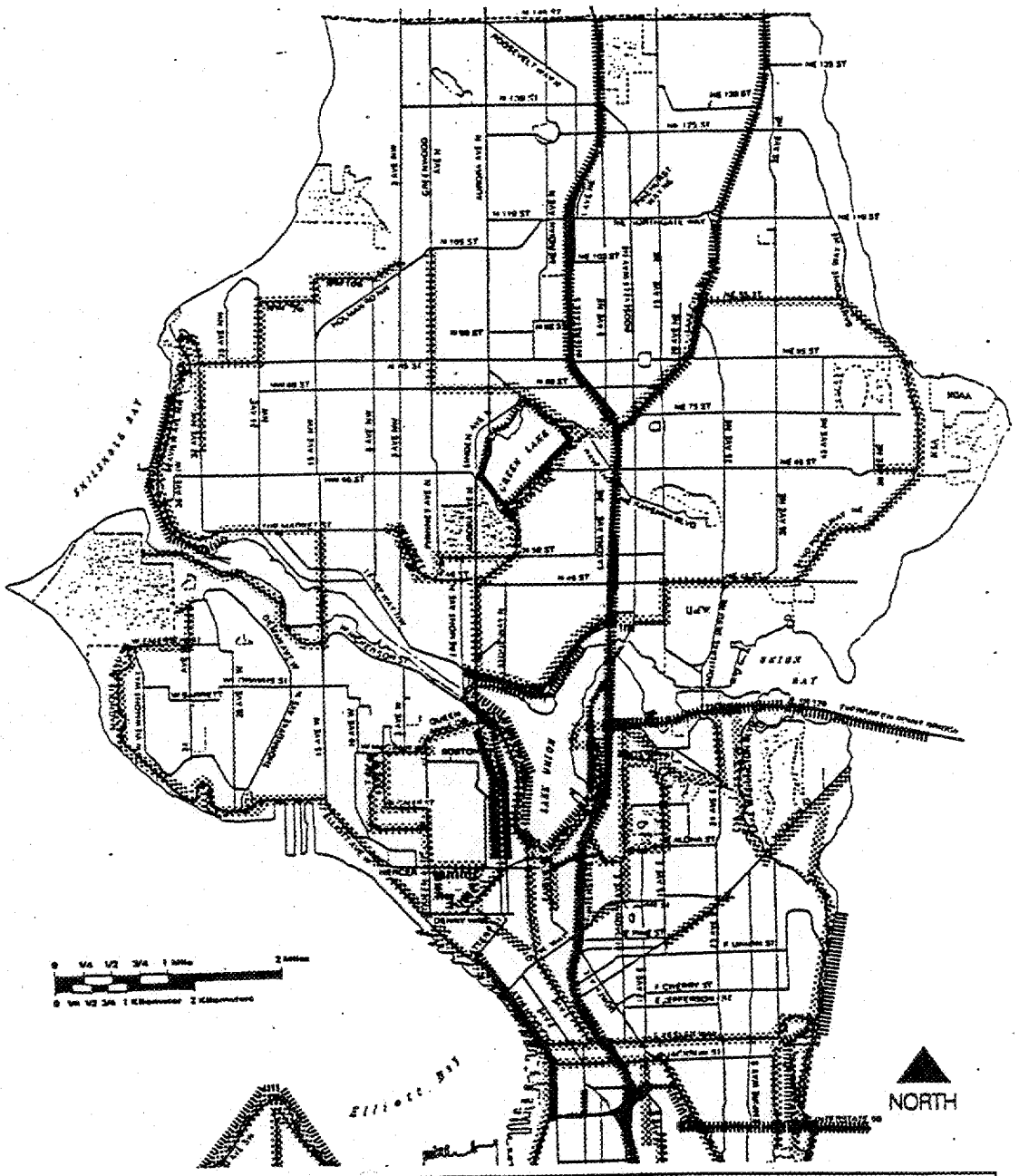

LEGEND

Scenic routes described by Seattle Engineering Department, Traffic Division map and designated by Ordinance 97027.

Scenic routes identified as protected view rights of way in the Seattle Mayor's April 1987 Open Space Policies Recommendation.

EXHIBIT 1—SEPA SCENIC ROUTES MAP
NORTH SEATTLE

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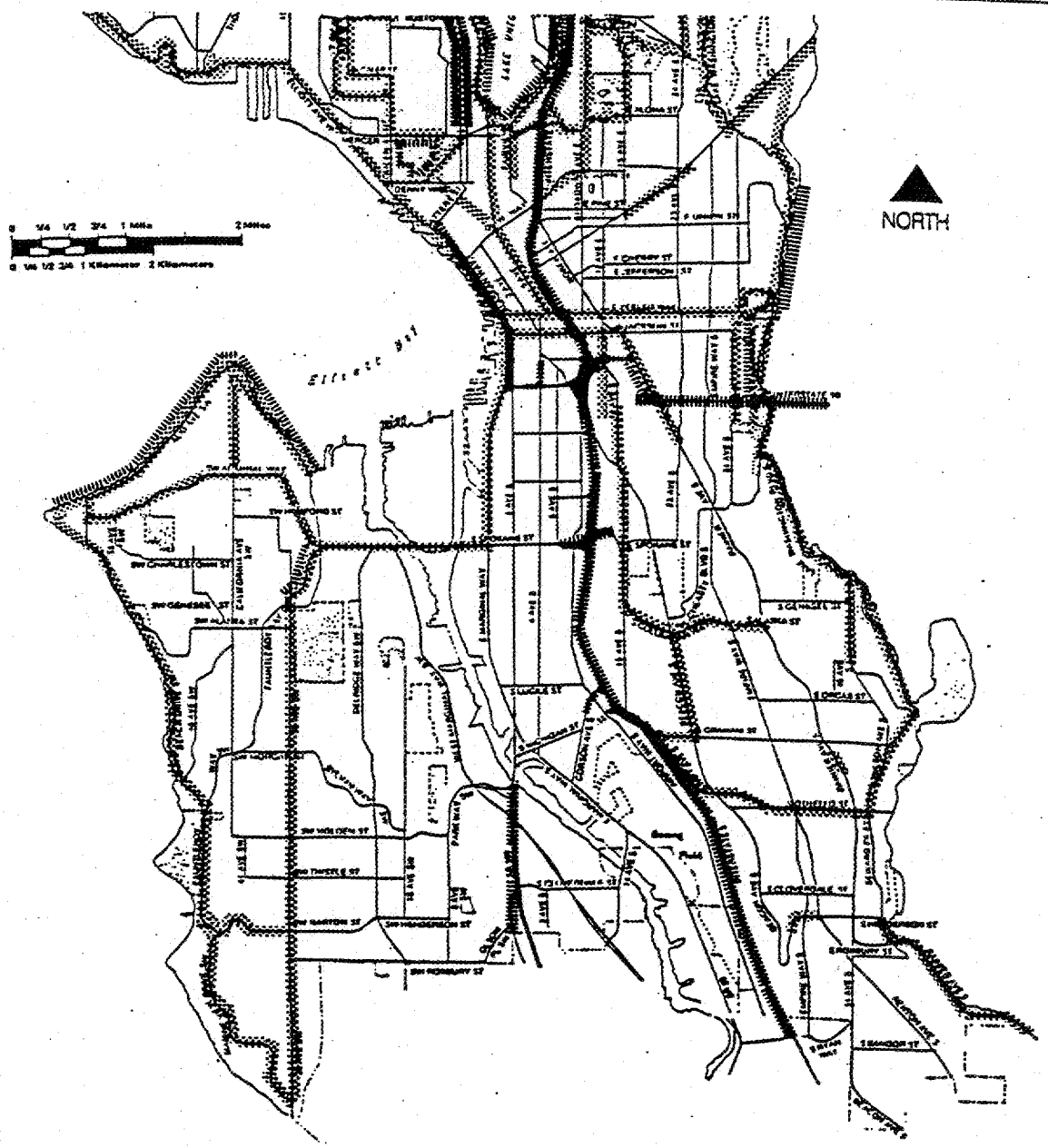

LEGEND

Scenic routes described by Seattle Engineering Department, Traffic Division map and designated by Ordinance 97027.

Scenic routes identified as protected view rights of way in the Seattle Mayor's April 1987 Open Space Policies Recommendation.

EXHIBIT 1—SEPA SCENIC ROUTES MAP
SOUTH SEATTLE

Section 59. Subsection B is amended and subsection C is repealed of Section 25.05.680 of the Seattle Municipal Code, which Section was last amended by Ordinance 118181, as follows:

25.05.680 Appeals.

* * *

B. Appeal to Hearing Examiner of Decisions Not Related to Master Use Permits or Council Land Use Decisions.

1. The following agency decisions on proposals not requiring a Master Use Permit shall be subject to appeal to the Hearing Examiner by any interested person as provided in this subsection:

a. Determination of Non((~~S~~))significance ((~~and, for a Public Project or Nonproject Action Only, a Determination of Nonsignificance~~)). On appeal of a threshold determination, a party may also challenge the preliminary determinations.

b. Adequacy of the final EIS as Filed in the SEPA Public Information Center. Notice of all decisions described in this subsection shall be filed promptly by the responsible official in the City's SEPA Public Information Center.

2. An appeal shall be commenced by the filing of a notice of appeal with the office of the Hearing Examiner no later than the fifteenth day following the filing of the decision in the SEPA Public Information Center or publication of the decision in the City official newspaper, whichever is later; provided that when a ((~~fifteen (15)~~)) fourteen (14) day DNS comment period is required pursuant to this chapter, appeals may be filed no later than the twenty-first day following such filing or publication. The appeal notice shall set forth in a clear and concise manner the alleged errors in the decision. Upon timely notice of appeal the Hearing Examiner shall set a date for hearing and send notice to the parties. Filing fees for appeals to the Hearing Examiner are established in Section 3.02.125.

3. Appeals shall be considered de novo and limited to the issues cited in the notice of appeal. The determination appealed from shall be accorded substantial weight and the burden of establishing the contrary shall be upon the appealing party. The Hearing Examiner shall have authority to affirm or reverse the administrative decisions below, to remand cases to the appropriate department with directions for further proceedings, and to grant other appropriate relief in the circumstances. Within fifteen (15) days after the hearing, the Hearing Examiner shall file and transmit to the parties written findings of fact, conclusions of law, and a decision.

4. The Hearing Examiner is authorized to promulgate rules and procedures to implement the provisions of this section. The rules shall be promulgated pursuant to Chapter 3.02 of this code.

5. If the agency has made a decision on a proposed action, the Hearing Examiner shall consolidate any allowed appeals of procedural and substantive determinations under SEPA. For example, an appeal of the adequacy of an EIS must be consolidated with an appeal of the agency's decision on the proposed action, if both appeals are allowed by ordinance.

((~~C. Appeal to the City Council of Decisions Not Related to Master Use Permits or Council Land Use Decisions.~~

~~1. Any decision of the Hearing Examiner or of any other authorized City official or body concerning the approval, conditioning or denial of proposals pursuant to Section 25.05.660 (substantive authority and mitigation) on proposals not requiring a Master Use Permit may be appealed to the City Council according to the procedures and criteria set forth in this subsection.~~

~~2. An appeal to the City Council may be filed only by a party to the hearing before the Hearing Examiner or other authorized official or body. The appeal shall be filed with the City Clerk no later than the fifteenth day after the date the decision appealed from is filed with the SEPA Public Information Center.~~

~~3. Any person who supports the responsible official's decision regarding the approval, conditioning, or denial of a proposal pursuant to Section 25.05.660 may become a party to the appeal hearing before the Hearing Examiner or other authorized official or body by requesting intervenor status. Written requests for intervenor status must be filed with the Hearing Examiner not less than five (5) days before the date of the hearing. In their written request, intervenors shall indicate the grounds for their support of the responsible official's decision, including grounds not relied upon by the responsible official. Intervenors may provide testimony at the hearing regarding the grounds for their support of the decision as specified in their written request. Individuals in support of the responsible official's decision who do not request intervenor status shall not have the right to appeal the Hearing Examiner's decision to the City Council pursuant to subsection C of this section.~~

~~4. The Council shall accept for review those appeals which raise issues regarding: (a) Council intent with respect to interpretation of the City's substantive SEPA policies; or (b) the sufficiency or appropriateness of mitigation or denial of a proposal.~~

~~5. The City Council's review on appeal shall be limited to the issues identified under subsection C4 including issues of factual dispute. The Council's review shall be based upon the record from the hearing below; provided however, that the City Council or the appropriate City Council committee may allow oral or written arguments and may permit the record to be supplemented; and provided further, that members of the committee or of the full Council may make a site visit.~~

~~6. Findings of fact in the Hearing Examiner's decision and discretionary determinations regarding the sufficiency of and appropriateness of mitigation or denial shall be accorded substantial weight and shall be accepted by the Council unless clearly erroneous. The burden of establishing the contrary shall be upon the appealing party.~~

~~7. The City Council may affirm or reverse the administrative decisions below, remand cases to the appropriate department with directions for further proceedings,~~

~~or grant other appropriate relief in the circumstances. The City Council is authorized to promulgate rules to implement the provisions of this section pursuant to the Administrative Code (SMC Chapter 3.02).~~))

* * *

Section 60. Subsections A and C of Section 25.05.908 of the Seattle Municipal Code, which Section was last amended by Ordinance 117789, is amended as follows:

25.05.908 Environmentally sensitive areas.

A. Environmentally sensitive areas are ((~~those~~)) the following environmentally critical areas located in the City as designated in The City of Seattle Environmentally Critical Areas Policies and regulated and mapped in Section 25.09.020 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, and other City codes((~~, located inside the city.~~)):

1. Landslide-prone Areas, including, but not limited to, known landslide areas, potential landslide areas, and steep slopes of forty percent (40%) average slope or greater;

2. Riparian Corridors;

3. Wetlands; and

4. Fish and Wildlife Habitat Conservation Areas.

Within these areas, certain categorically exempt activities listed in WAC 197-11-908(2) could have a significant adverse environmental impact, require additional environmental review to determine impacts, and may require mitigation beyond the development standards required by all applicable City codes. ((~~Those environmentally critical areas which require additional discretionary review and may require mitigation beyond that provided for in applicable City codes are designated environmentally sensitive areas and include:~~

~~1. Landslide-prone Areas. Landslide-prone areas are characterized by the following:~~

~~a. Known landslide areas identified by documented history, or any areas that have shown significant movement during the last ten thousand (10,000) years or are underlain by mass wastage debris that occurred during this period; or~~

~~b. Potential landslide areas based on documented geological characteristics, and based on a combination of geologic, topographic and hydrologic factors, including the following:~~

~~i. Areas over fifteen percent (15%) slope which have at least one (1) of the following characteristics:~~

~~(A) Impermeable soils (typically silt and clay) interbedded with permeable granular soils (predominantly sand and gravel); or impermeable~~

~~soils overlain with permeable soils. This includes the area within one hundred feet (100>) either side of the contact between Esperance Sand and either Lawton Clay or Pre-Lawton sediments as is shown on the area noted as Class Four (4) on the Slope Stability Map of Seattle, in Causes, Mechanisms and Prediction of Landsliding in Seattle, by Donald Willis Tubbs, Ph.D. Dissertation, University of Washington, 1975 ("Tubbs Map") or as otherwise mapped; or~~

~~(B) Identified relatively unstable soils such as either Lawton Clay or Pre-Lawton sediments, as is shown on the area noted as Class Three (3) of the Tubbs Map, or as otherwise mapped; or~~

~~(C) Springs or groundwater seepage.~~

~~ii. Steep slopes of forty percent (40%) average slope or greater as defined by the Director. A slope must have a vertical elevation change of at least ten feet (10') to be considered a steep slope, although the ten feet (10') may cross the boundaries of a site. Slopes that meet these characteristics shall be considered steep slope environmentally critical areas in addition to being classified as potential landslide areas.~~

~~iii. Areas that would be covered under either subsections A1bi or A1bii above, but where the slope has been previously modified through the provision of retaining walls or nonengineered cut-and-fill operations.~~

~~iv. Any slope area potentially unstable as a result of rapid stream incision or stream bank erosion.~~

~~2. Riparian Corridors. Riparian corridors include all areas within one hundred feet (100') measured horizontally from the top of the bank, or, if that cannot be determined, from the ordinary high water mark of the water body and watercourse, or a one hundred (100) year floodplain as mapped byFEMA, whichever is greater, and are classified as either a Class A Riparian Corridor or a Class B Riparian Corridor. Class A Riparian Corridors are stable, established streams and lakes that flow year-round and/or support salmonids, and include, but are not limited to, corridors that have an established floodplain as mapped by the FEMA Flood Insurance Program, which includes Longfellow, Thornton, Pipers, Venema, Mohlendorph, Fauntleroy, Ravenna, Mapes, DeadHorse/Mill, Maple Leaf and Little Brook Creeks, and Haller and Bitter Lakes. Class B Riparian Corridors are not mapped by FEMA and are intermittent streams without salmonids that still demonstrate a high water mark. Riparian corridors do not normally include those artificial drainage areas intentionally created from grass-lined swales, canals, detention facilities, wastewater treatment facilities, and landscape amenities.~~

~~3. Wetlands. Wetlands are those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally~~

~~created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.~~

~~(The method for delineating wetlands shall follow the 1989 Federal Manual for Delineating Jurisdictional Wetlands until the Washington State Department of Ecology adopts a new manual for the delineation of wetlands in conformance with Section 11 of Chapter 382 of the Laws of 1995, in which case the method for delineating wetlands shall follow such manual; however, if prior to that time the King County Countywide Planning Policies are amended to allow use of the 1987 U.S. Corps of Engineers Wetlands Delineation Manual in conjunction with the U.S. Corps of Engineers Washington Regional Guidance on the 1987 Wetland Delineation Manual, the method for delineating wetlands shall follow such manuals of the Corps of Engineers until the Department of Ecology's manual is adopted.~~

~~4. Fish and Wildlife Habitat Conservation Areas. Fish and wildlife habitat conservation areas include, but are not limited to, the following:~~

~~a. Areas identified by the Washington State Department of Wildlife as priority habitat and species areas or urban natural open space habitat areas;~~

~~(1) Corridors connecting other priority habitat areas, especially areas that would otherwise be isolated;~~

~~(2) Areas that remain an isolated remnant of natural habitat larger than ten (10) acres or more and surrounded by urban development, with local consideration given to areas smaller than ten (10) acres;~~

~~b. All bodies of water that provided migration corridors and habitat for fish, especially salmonids, and including Lake Washington, Lake Union and the Lake Washington Ship Canal, Duwamish River, and that portion of Elliott Bay within the City's jurisdiction;~~

~~c. Commercial and recreational shellfish areas and kelp and eelgrass beds; and~~

~~d. Areas which provide habitat for species of local importance.~~))

* * *

C. The ((~~Kroll Atlas~~)) Official Land Use Map of The City of Seattle contains overlays identifying the general boundaries of all known environmentally critical areas within the city, which reference The City of Seattle's Environmentally Critical Areas Maps to determine the general boundaries of each environmentally critical area. The Environmentally Critical Areas Maps specify those designated areas which are subject to SEPA pursuant to WAC 25.05.908. A copy of the maps shall be maintained in the SEPA Public Information Center.

The maps shall be used and amended as follows:

1. The maps shall be advisory and used by the Director of DCLU to provide guidance in determining applicability of SEPA to a property. Likewise,

environmentally sensitive areas which are incorrectly mapped may be exempted from SEPA by the Director of DCLU when the provisions of subsection D of Section 25.09.040 of the regulations for environmentally critical areas apply.

2. The boundaries and contents of these designated environmentally sensitive areas maps may be amended by the Director following the environmentally critical areas maps amendment process as set forth in subsection C of Section 25.09.020 of the regulations for environmentally critical areas.

* * *

Section 61. Subsection B of Section 25.09.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 117945, is amended as follows:

25.09.020 Environmentally critical areas.

* * *

B. The following shall constitute environmentally critical areas regulated by this chapter:

1. Geologic Hazard Areas.

a. Landslide-prone Areas. Landslide- prone areas are characterized by the following:

(1) Known landslide areas identified by documented history, or any areas that have shown significant movement during the last ten thousand (10,000) years or are underlain by mass wastage debris that occurred during this period; or

(2) Potential landslide areas based on documented geological characteristics, and based on a combination of geologic, topographic and hydrologic factors, including the following:

(a) Areas over fifteen percent (15%) slope which have at least one (1) of the following characteristics:

(i) Impermeable soils (typically silt and clay) interbedded with permeable granular soils (predominantly sand and gravel); or impermeable soils overlain with permeable soils. This includes the area within one hundred feet (100') either side of the contact between Esperance Sand and either Lawton Clay or Pre-Lawton sediments as is shown on the area noted as Class Four (4) on the Slope Stability Map of Seattle, in Causes, Mechanisms and Prediction of Landsliding in Seattle, by Donald Willis Tubbs, Ph.D. Dissertation, University of Washington, 1975 ("Tubbs Map"), or as otherwise mapped, or

(ii) Identified relatively unstable soils in either Lawton Clay or Pre-Lawton sediments, as is shown on the area noted as Class Three (3) of the Tubbs Map, or as otherwise mapped, or

(iii) Springs or groundwater seepage;

(b) Steep slopes of forty percent (40%) average slope or greater as defined by the Director. A slope must have a vertical elevation change of at least ten feet (10') to be considered a steep slope, although the ten feet (10') may cross the boundaries of a site. Slopes that meet these characteristics shall be considered steep- slope environmentally critical areas in addition to being classified as potential landslide areas;

(c) Areas that would be covered under either (a) or (b), but where the slope has been previously modified through the provision of retaining walls or nonengineered cut and fill operations;

(d) Any slope area potentially unstable as a result of rapid stream incision or stream bank erosion.

b. Liquefaction-prone Areas. Liquefaction-prone areas are areas underlain by cohesionless soils of low density usually in association with a shallow groundwater table which lose substantial strength during earthquakes.

2. Flood-prone Areas. Flood-prone areas are those areas that would likely be covered with or carry water as a result of a one hundred (100) year storm, or that would have a one percent (1%) or greater chance of being covered with or of carrying water in any given year based on current circumstances or maximum development permitted under existing zoning. This includes areas identified on the Seattle Floodplain Development Ordinance, FEMA maps, streams identified by the Washington State Department of Fisheries' Catalog of Washington Streams, and areas with drainage problems known to the Seattle Drainage and Wastewater Utility.

3. Riparian Corridors. Riparian corridors include all areas within one hundred feet (100') measured horizontally from the top of the bank, or if that cannot be determined, from the ordinary high water mark of the watercourse and water body, or a one-hundred (100) year floodplain as mapped by FEMA, as regulated by the Seattle Floodplain Development Ordinance,1 whichever is greater, and are classified as either a Class A Riparian Corridor or a Class B Riparian Corridor. Class A Riparian Corridors are stable, established streams and lakes that flow year-round and/or support salmonids, and include, but are not limited to, corridors that have an established floodplain as mapped by the FEMA Flood Insurance Program, and include Longfellow, Thornton, Pipers, Venema, Mohlendorph, Fauntleroy, Ravenna, Mapes, DeadHorse/Mill, Maple Leaf and Little Brook Creeks, and Haller and Bitter Lakes. Class B Riparian Corridors are not mapped by FEMA and are intermittent streams without salmonids that still demonstrate a high water mark. Riparian corridors do not normally include those artificial drainage areas intentionally created from grass-lined swales, canals, detention facilities, wastewater treatment facilities, and landscape amenities.

4. Wetlands. Wetlands are those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-

wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. (The method for delineating wetlands shall follow the ((~~1989 Federal Manual for Delineating Jurisdictional Wetlands until the Washington State Department of Ecology adopts a new manual for the delineation of wetlands in conformance with Section 11 of Chapter 382 of the Laws of 1995, in which case the methods for delineating wetlands shall follow such manual; however, if prior to that time the King County Countywide Planning Policies are amended to allow use of the 1987 U.S. Corps of Engineers Wetlands Delineation Manual in conjunction with the U.S. Corps of Engineers Washington Regional Guidance on the 1987 Wetland Delineation Manual, the method for delineating wetlands shall follow such manuals of the Corps of Engineers until the Department of Ecology's manual is adopted.~~)) most current version of the "Washington State Wetlands Identification and Delineation Manual" as adopted by the State Department of Ecology.)

5. Fish and Wildlife Habitat Conservation Areas. Fish and wildlife habitat conservation areas include, but are not limited to, the following:

a. Areas identified by the Washington State Department of Wildlife as priority habitat and species areas or urban natural open space habitat areas;

(1) Corridors connecting other priority habitat areas, especially areas that would otherwise be isolated;

(2) Areas that remain an isolated remnant of natural habitat of ten (10) acres or more and surrounded by urban development, with local consideration given to areas smaller than ten (10) acres;

b. All bodies of water that provide migration corridors and habitat for fish, especially salmonids, including Lake Washington, Lake Union and the Lake Washington Ship Canal, Duwamish River, and that portion of Elliott Bay within the City's jurisdiction;

c. Commercial and recreational shellfish areas and kelp and eelgrass beds; and

d. Areas which provide habitat for species of local importance.

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6. Abandoned Landfills. Abandoned landfills include those abandoned solid waste landfills identified by the Seattle-King County Health Department in their 1986 Abandoned Landfill Toxicity/Hazard Assessment Project, additional sites identified by public or historical research, and areas within one thousand feet (1,000') of methane-producing landfills.

* * *

Section 62. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 64. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 10th day of November, 1997, and signed by me in open session in authentication of its passage this 10th day of November, 1997.

President of the City Council

Approved by me this 21 day of November, 1997.

Norman B. Rice, Mayor

Filed by me this 21 day of November, 1997.

City Clerk

(SEAL)

Decision Agenda for BECD Committee
Consideration of DCLU Omnibus Legislation
Tuesday, November 4, 1997
9:30 am
DRAGO, PODLODOWSKI, BAGELER

1. (Item #2 in the staff memorandum) Should the rezone threshold criteria be retained, that permit consideration of zones already having a certain zone designation to be considered for that zone designation.

   Committee Decision:

   OK AMEND 3-0 STAFF REC

2. (Item #4 in staff memorandum) Should access to parking in multi-family structures across an alley from a single-family zone be permitted from the alley?

   Committee Decision:

   (3-0)

3. (Item #5 from staff memorandum) Should the staff recommended consent amendments be approved?

   Committee Decision:

   YES (3-0)

4. Action on CB 111909 (Shoreline Program Omnibus amendments Ordinance)

   Committee Decision:

   (3-0)

5. Action on CB 111910 (Land Use Code, SEPA, Critical Areas Ordinance Omnibus amendments Ordinance)

   Committee Decision:

   (3-0)

Bob Morgan
11/4/97

Legislative Department
Seattle City Council
Memorandum

Date: October 22, 1997

To: Jan Drago, Chair and Members
BECD Committee

Bob

From: Bob Morgan, Central Staff

Subject: Omnibus Ordinances, CB 111909 and CB 111910

In March of 1996 the City Council directed DCLU to establish an ongoing process for code maintenance and consideration of regulatory reform measures. That process includes twice annually submitting omnibus code amendment ordinances that include both housekeeping amendments, such as corrections of typographical errors, incorrect cross-references and text clarification, and amendments that are sufficiently minor as to not warrant a separate process, or are necessary to comply with state law.

I have reviewed, section by section, council bills 111909 and 111910 proposed by DCLU that would amend the Land Use, SEPA, Critical Areas, and Shorelines ordinances and present information and recommendations below. I have divided the information in this memo into two sections.

Section I below, "Issues" includes discussions of the more significant issues (including issues about which Councilmembers have asked for additional information), and "consent" changes to the proposed ordinance on which Council and Executive staff concur.

Section II below is information about all those provisions in the ordinances that have some, even minor, substantive effect. All changes to the proposed ordinances that are referred to in Section II are covered by the actions discussed in Section I.

Section I: Issues

(Section numbers refer to sections in CB 111910, except in the discussion of consent amendments to CB 111909, at the end of this Section I.)

1. Provision for Unit Subdivisions (Sections 6, 23, and 55)

These provisions permit the subdivision of a lot on which townhouses, cottage housing, clustered housing or, in lowrise zones, single family residences are constructed. The purpose is to allow sale of the land with each unit separately in such a development.

The amendments have been written so that their sole effect will be to permit the separate sale of the land under individual units.

The code amendments would not allow the construction of these types of housing in any zone where it is not already permitted. Nor would the amendments change the number of units that may be constructed on a given lot, the setback limitations, lot coverage limits, height, or any other development standard currently applied to the parent lot. Future redevelopment of the individual unit lots still would have to comply with regulations that apply to the parent lot.

The provision may make it more desirable to build the housing types affected in the zones in which they are allowed. This might have the effect of lowering number of units constructed in the higher density multi-family zones if these types of housing are constructed instead of apartments, or perhaps increasing the number of units constructed in townhouse zones, or small lot zones, if townhouses or cottage housing become more desirable relative to single-family dwellings in these zones.

Staff Recommendation: Council and Executive staff recommend, in the consent amendments, a clarification that reinforces the intent that any future development must meet the development standards of the parent lot.

2. Rezone Criteria Amendments: (Sections 8 - 13)

The term "area" is currently used in the rezone criteria to refer variously to the property to be rezoned, the immediate area in which the property to be rezoned is located, and a more extensive surrounding area, depending on which criterion one is reading.

The proposed changes would use the term "properties" when referring to the land proposed to be rezoned itself, and "area" to refer to the areas in which the properties are located, in order to be less ambiguous.

These changes are intended to make clear what is already the interpretation of the criteria used in rezone evaluations. They would not change the effect of the rezone criteria, with one exception discussed below. For instance, staff would not expect the outcome of the Svetich rezone to be different as a result of this change.

Mr. Don Svetich commented on the proposed amendments at the Council's public hearing. It should be noted that council and executive staff do not concur with Mr. Svetich's interpretation of the intent of the proposed amendments, or his suggested revisions. The L3 rezone criteria require that a property be located in an area which is developed predominantly to the permitted density and where the L3 scale is well established to meet the threshold criteria, not as Mr. Svetich suggests that a property proposed for rezone be developed to L3 density and scale. This is the existing interpretation of the rezone criteria, and the interpretation that the proposed amendments are meant to clarify.

One part of the change as drafted would have a substantive effect upon rezone evaluations. The change is to the criteria for the L3, L4, Midrise, and Highrise zones, that define minimum, threshold, standards that properties must meet to be considered for each designation. (Additional criteria are then able to be reviewed.) The first threshold criterion for each of these zones today allows properties already having the zone designation to be considered, even if they are neither in an urban village, nor in an area already developed to the scale of the zone. The reason for this criterion is to carry out a Comprehensive Plan policy to permit properties having zone designations intended for urban village zones to retain their existing designation even if they are outside of a village.

The change to the threshold criteria was proposed by Law Department because the criteria in question do not appear to be necessary, unless one is aware of the fairly obscure reason explained in the paragraph above.

Staff Recommendation: Restore the threshold criteria. Approve other amendments as proposed.

While it may be desirable to require the rezone of properties that do not fit other locational criteria for their current zone designation, this is contrary to a Comprehensive Plan policy, and would constitute a substantive change that has not been effectively publicized.

3. Change to Permit Extension of Eaves 18" into Side Yards (Section 16)

This change would allow eaves to extend 18" into required side yards in single-family zones. Other external architectural details such as chimneys, cornices, and columns are already permitted to protrude into side yards. Existing code language could be interpreted as permitting this as an "architectural feature;" the amendment makes it clear.

At Councilmember Pageler's request, the fire department has been consulted about this change. Russel Byrd of the Fire Department indicates that SFD is comfortable with the requirements of the Building Code. This provision is within the limitations of the building code (which prohibits protrusions within two feet of a property line).

Staff Recommendation: Approve the amendment as proposed.

4. Permitting Parking Access to Multi-family Structures Via Alleys Adjacent to Single-family zones. (Section 27)

The proposed amendment would allow access to multi-family structures via alleys adjacent to single-family zones. Today, access is required from the street side, if a multi-family structure abuts a single-family zone across an alley.

The amendment is proposed to make the multi-family zone provisions consistent with those of the Commercial zones where parking access is permitted via alleys. The further intent is to limit the number of curb cuts on the street side of structures to improve the pedestrian environment. The proposed change requires a trade-off between street pedestrian environment, and the impacts of traffic on adjacent single-family zones.

Under current regulations, a departure from the prohibition of alley access to parking is possible, but not guaranteed through the design review process.

Options include:

a) The proposed amendment that would make multi-family zones consistent with the provisions of commercial zones, by permitting access to parking from the alley even when adjacent to a single-family zone;

b) Retaining the status quo - requiring access to multi-family structure parking from the street, when the alley abuts a single-family zone, permitting exceptions through the design review process; and

c) Amending the commercial zone code to be consistent with the current multi-family code revisions, prohibiting alley access, except through the Design Review process.

Staff Recommendation: Option b, retain existing requirements. In my weighing of the tradeoff between impacts of traffic on adjacent single-family zones and promoting a pedestrian friendly street front, I prefer the former. The design review process allows for exceptions where circumstances would warrant access via the alley.

One might just as easily weigh pedestrian street character more highly, and prefer option a., the amendment as proposed.

I believe it is more important to maintain an environment friendly to pedestrians in commercial zones, than in multi-family zones, and so do not recommend option c.

5. **Consent Amendments.**

Council and executive staff recommend a number of minor changes to the amendments that were submitted in the omnibus council bills: CB 111910 and 111909. The amendments include the following:

CB 111910 (Land Use, SEPA, ECAs):

a) Language that ensures that what gets recorded on the plat for a unit subdivided lot indicates that it is not a separate buildable lot (Section 6);

b) Correction of an incorrect usage of the term "which" (Section 17);

c) Language to clarify the intent of amendments permitting minor structural work on conditional use structures in single family zones (Section 18)

d) A clarification of the provisions permitting certain accessory dwelling unit to exceed 1,000 square feet (Section 20);

e) Language to continue to apply the ground related housing open space standards from each separate lowrise zone to single-family structures in each respective zone (Section 22); and

f) A change that would continue to include in the definition of environmentally sensitive areas, in SEPA, areas that are identified as sensitive in City codes other than the ECA ordinance (Section 61).

CB 111909 (Shoreline Program):

a) Deleting certain language that would have been added from the state WAC. The language appears to require a case-by-case finding that "overriding considerations" that "the public interest will be served" exist before approving projects over 35' that obstruct the view of a substantial number of residences. When the City's shoreline program was adopted, it included zones that permit height greater than 35'. It was the City's position that the determination of overriding public interest was established at the time of adoption of the city Shoreline program for the areas where such heights are permitted. This shoreline program was accepted by the state, which implies acceptance of the City's interpretation of the WAC. (This WAC provision is an existing provision that was repeated in the new WAC. The Law Department indicates that, unlike the new WAC provisions, the language in question does not need to be included in the City's Shorelines Program.) (Section 3);

b) Including information about the license required, and permit needed from the State of Washington for the application of herbicides for aquatic noxious weed removal (Section 20); and

c) Adding text inadvertently omitted when transcribing State WAC language into 23.60.944 (Section 45).

Section II: Description of Substantive Amendments In DCLU Omnibus Council Bills 111909 and 111910

A. COUNCIL BILL 111910 Amending the Land Use, SEPA, and Environmentally Critical Areas Ordinances

1. Provision Regarding Cul de Sac Standards (Section 4)

This amendment replaces the standards for improvement of cul-de-sac turnarounds to reference the Street Improvement Manual, instead of requiring a minimum turnaround radius of forty feet and a minimum roadway radius of twenty-eight feet. DCLU staff indicate that the Street Improvement Manual Requirement is more stringent than the deleted requirement.

2. Provision for Unit Subdivisions (Sections 6, 23, and 55)

These provisions permit the subdivision of a lot on which townhouses, cottage housing, clustered housing or, in lowrise zones, single family residences are constructed. The purpose is to allow sale of the land with each unit separately in such a development.

The amendments have been written so that their sole effect will be to permit the separate sale of the land under individual units.

The code amendments would <u>not</u> allow the construction of these types of housing in any zone where it is not already permitted. Nor would the amendments change the number of units that may be constructed on a given lot, the setback limitations, lot coverage limits, height, or any other development standard currently applied to the parent lot. Future redevelopment of the individual unit lots still would have to comply with regulations that apply to the parent lot.

See issues Section I above for further discussion of this amendment.

3. Rezone Criteria Amendments: (Sections 8 - 13)

The term "area" is currently used in the rezone criteria to refer variously to the property to be rezoned, the immediate area in which the property to be rezoned is located, and a more extensive surrounding area, depending on which criterion one is reading.

The proposed changes would use the term "properties" when referring to the land proposed to be rezoned itself, and "area" to refer to the areas in which the properties are located, in order to be less ambiguous.

These changes are intended to make clear what is already the interpretation of the criteria used in rezone evaluations. They would not change the effect of the rezone

criteria, with one exception discussed below. For instance, staff would not expect the outcome of the Svetich rezone to be different as a result of this change.

One part of the change as drafted would have a substantive effect upon rezone evaluations. The change is to the criteria for the L3, L4, Midrise, and Highrise zones, that define minimum, threshold, standards that properties must meet to be considered for that each designation. (Additional criteria are then able to be reviewed.) The first threshold criterion for each of these zones today allows properties already having the zone designation to be considered, even if they are neither in an urban village, nor in an area already developed to the scale of the zone. The reason for this criterion is to carry out a Comprehensive Plan policy to permit properties having zone designations intended for urban village zones to retain their existing designation even if they are outside of a village.

Staff recommendation: Restore the threshold criteria that the amendment would delete. Approve other amendments as proposed. See Section I above for more information.

4. Change to Permit Extension of Eaves 18" into Side Yards (Section 16)

This change would allow eaves to extend 18" into required side yards in single-family zones. Other external architectural details such as chimneys, cornices, and columns are already permitted to protrude into side yards. Existing code language could be interpreted as permitting this as an "architectural feature;" the amendment makes it clear.

At Councilmember Pageler's request, the fire department has been consulted about this change. Russel Byrd of the Fire Department indicates that SFD is comfortable with the requirements of the Building Code. This provision is within the limitations of the building code (which prohibits protrusions within two feet of a property line).

5. Width of Bay Windows Limited to 8' (Sections 16, and 25)

Language is added to provide that bay windows in single-family and lowrise zones may not be wider than 8'. Bay windows are already permitted to protrude by 2' into required yards. The width limitation prevents this provision from permitting the extension of the entire building facade into the required yard.

6. Permitting Minor Structural Work on Conditional Use Structures in Single-Family Zones, without Conditional Use Approval. (Sections 18 and 19)

The provision would allow roof repair or replacement, or the construction of uncovered decks, porches, bay window, dormers, or eaves, that do not increase usable floor area or seating capacity, without considering them to be "expansions." Expansion of a conditional use requires a conditional use approval.

The proposed provision is already available to institutional uses.

Conditional uses in single-family zones are:

a) Institutions, including:
   i) community centers, child care centers, private schools, religious facilities, public or private libraries, existing institutes for advanced study, and other similar institutions;
b) Existing major institutions,
c) Public schools,
d) Clustered housing,
e) Use of landmark structures,
f) Existing structures unsuited to uses permitted in the zone,
g) Park and Pool lots,
h) Planned residential developments,
i) Communications utilities, and
j) Public projects and city facilities.

The structural work that would be permitted under the proposed amendment would be required to conform to the development standards applicable to the use. Some uses, such as public schools, clustered housing, planned residential developments, and existing major institutions with master plans are subject to different development standards than uses permitted outright. The proposed language, like the existing language that applies to institutions, would continue to consider the structural work in question an expansion, if it would exceed the basic height limit of the zone under the standards applicable to one of these conditional uses.

Recommendation: Council and executive staff recommend in the consent ordinance some edits to the proposed language intended to clarify its intent. Otherwise staff recommend approval of the proposed amendment.

7. Size of Accessory Dwelling Units (Section 20)

The proposed language was previously approved by the Council, but omitted from the ordinance. The current language in the code permits ADUs in existing structures to exceed 1000 sf, whereas ADUs in portions of structures permitted after May 31 1996 may not exceed 1000 sf. The effect of the change is to require that any accessory dwelling unit in an existing structure that exceeds 1000 sf must be located on one level in the structure.

Recommendation: Council and Executive staff recommends an editorial clarification of the language in the consent amendments.

8. Standards for Single-family Structures in Lowrise Zones (Section 22)

An amendment is proposed to apply the development standards of the Lowrise Duplex/Triplex (LDT) zone to single-family structures in all lowrise zones. Existing code language applies standards for "ground related housing" to single-family structures in lowrise zones. However, the provisions for ground related housing were removed from the code in the late 1980s, with the exception of provisions for open space.

The open space requirements of the other lowrise zones zones for ground related housing differ from LDT zone requirements for single-family residences. The effect of the language change would be to increase (from 200 or 300 sf, depending on the zone, to 600 sf) the amount of landscaped area required if a single-family structure is constructed in the L-1 - L4 zones. Also, the landscaped area required for single-family structures in LDT is not required to be "private usable" open space or directly accessible to each unit, as it is for ground related housing in the L1 zone. One of the permitted kinds of open space meeting the definition of "usable" is landscaping.

The effect on the open space requirement of the amendment is inadvertent.

Recommendation: Continue to apply the ground related housing open space standards for each separate lowrise zone to single-family structures in each respective zone, and, as proposed, that all other standards for single-family structures in the LDT zone apply to single-family structures in the other lowrise zones. Language for this recommendation is contained in the consent package.

9. Permitting a Lot Coverage Exception in Lowrise Zones for Decks and Parts of Decks less than 18" in Height (Section 24)

This change would extend to the lowrise zones a provision that currently applies in single-family zones: ground level decks (less than 18" in height) are exempt from lot coverage limits.

It is a matter of subjective judgment as to whether or not low level decks affect the impression of open space that lot coverage limits provide. Fences are already permitted that could obscure the ground level from view from adjacent streets or property. Also, lot coverage limits in lowrise zones are 40% - 50% of the lot. In single-family zones the limit is 35%.

Staff Recommendation: Approve the proposed amendment.

10. Permitting Parking Access to Multi-family Structures Via Alleys Adjacent to Single-family zones. (Section 27)

The proposed amendment would allow access to multi-family structures via alleys adjacent to single-family zones. Today, access is required from the street side, if a multi-family structure abuts a single-family zone across an alley.

The amendment is proposed to make the multi-family zone provisions consistent with those of the Commercial zones where parking access is permitted via an alley. The further intent is to limit the number of curb cuts on the street side of structures to improve the pedestrian environment. The proposed change requires a trade-off between street pedestrian environment, and the impacts of traffic on adjacent single-family zones.

Staff Recommendation: Do not approve proposed amendment.

Further discussion of this issue can be found in Section I of this memorandum, above.

11. Limitations on Location and Use of Rooftop Antennae as Open Space (Section 26 and Section 38)

These provisions would prohibit an area where a rooftop telecommunications antenna is located, from qualifying as a required open space area. The provisions also establish fencing and distance requirements between open space and such an antenna. Distance requirements were taken from FCC regulations and from DCLU's telecommunications consultants.

12. Allowing Modifications to Single-family Structures in Commercial 2 Zones (Section 35)

This is a substantive change that would allow modifications to existing single-family structures in Commercial 2 (C2) zones. Such modifications are already permitted in Neighborhood Commercial and Commercial 1 (C1) zones.

The different regulations in existence today are intended to discourage even the retention of single-family structures in the C2 zone, because it is a more commercially intense zone than the C1 zone.

Recommendation: Approve amendment as proposed. The change would have minimal effect on the functioning of the C2 zone.

13. Adding Inadvertently Omitted Language from the Density Provisions for the Sand Point Overlay District. (Section 47)

The proposed amendment would add language that provides that "Residential uses provided by the University of Washington shall not count toward the maximum density established in this subsection." The subsection otherwise limits dwelling units to a maximum of 200.

According to Executive and Council staff this provisions was part of the decision on the Sand Point overlay, and was publicly well known when the decision was made, but was inadvertently omitted.

14. Reporting Requirement for Proposed Transmitting Antennae (Section 48)

The proposed amendment would require that applicants for transmitting antennae submit a signed copy of compliance with FCC requirements, and, if an antenna is required to have Health Department review, a letter from the Department certifying that the facility does not exceed FCC radiation standards.

Staff Recommendation: Approve proposed amendment.

15. Cleanup of SEPA Environmentally Sensitive Areas Ordinance (Section 61)

Proposed amendments would eliminate language that repeats verbatim the provisions of the Environmentally Critical Areas ordinance, and instead, apply that language by reference.

The changes would also eliminate from the definition of environmentally sensitive areas under SEPA, any areas designated as sensitive in City codes other than the Environmentally Critical Areas (ECA) ordinance. The intent was not to change the definition environmentally sensitive areas, under the assumption that they would all be covered in the ECA ordinance. However, executive staff are not completely certain that other city codes do not refer to environmentally sensitive areas not included in the ECA definitions.

Staff Recommendation: Council and Executive recommend the restoration of the "other City codes" language, until such time as the impact of the change is known for certain. The Language is restored in the consent package.

B. COUNCIL BILL 111909 Amending the Shoreline Ordinance

1. Amendments Required by State Law

Most of the amendments in CB 111909 are required to bring the City's shoreline code into compliance with state regulatory reform law, including ESHB 1724 of 1995, and WAC 173-27. According to our Law Department the City does not have discretion with respect to incorporating those provisions of this bill that codify the WAC provisions.

There are a number of substantive provisions in this bill that result from the state requirements, including the following:

a) Adding more exemptions to the requirement for a substantial development permit including:
   - i) Exempting residential piers in fresh water that cost over $2,500, up to $10,000,
   - ii) limited site exploration and investigation activities,
   - iii) removing or controlling aquatic noxious weeds including approved chemical treatment,
   - iv) watershed restoration projects that implement a watershed restoration plan,
   - v) fish and wildlife habitat or fish passage projects ether approved by the state or consistent with the shoreline program, and
   - vi) hazardous substance remedial actions;

b) Shorter approval and appeal periods for limited utility extensions and bulkheads;

c) Granting greater authority to the DCLU Director to establish different permit life limits for a project upon a finding of good cause;

d) Permitting the use of limited herbicides or other chemical control of aquatic weeds. Seattle's current shoreline program prohibits these. The specific chemicals permitted were the subject of environmental review by the state. To apply these chemicals, a person must both be licensed by and receive a permit from the State.

2. Other Amendments: Housekeeping

The Shoreline program omnibus ordinance includes a number of additional housekeeping changes including the following:

a) Correction of an error that listed offices among prohibited uses on waterfront lots in the Urban Maritime environment - which are conditional uses in this environment;

b) Replacement of the defunct term "special residences" with the terms "congregate residences," and "nursing homes."

c) Miscellaneous corrections of cross references and text clarifications.

Council, executive, and Law Department staff recommend several "consent" changes to the shoreline omnibus ordinance text as introduced. They include the following:

a) Deleting certain language from the state WAC that would have been added in the proposed council bill. The language appears to require a case-by-case finding that "overriding considerations" that "the public interest will be served" exist before approving projects over 35' that obstruct the view of a substantial number of residences. When the City's shoreline program was adopted, it included zones that permit height greater than 35'. It was the City's position that the determination of overriding public interest was established at the time of adoption of the city Shoreline program for the areas where such heights are permitted. This shoreline program was accepted by the state, which implies acceptance of the City's interpretation of the WAC. (This WAC provision is an existing provision that was repeated in the new WAC. The Law Department indicates that, unlike the new WAC provisions, the language in question does not need to be included in the City's Shorelines Program.) (Section 3);

b) Including information about the license required, and permit needed from the State of Washington for the application of herbicides for aquatic noxious weed removal (Section 20); and

c) Adding text inadvertently omitted when transcribing State WAC language into 23.60.944 (Section 45).

LANGUAGE FOR NON-CONSENT AMENDMENTS TO OMNIBUS CODE BILLS

1. RESTORE THRESHOLD CRITERON:

Section 10. Subsection B of Section 23.34.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.020 Lowrise 3 (L3) zone, function and locational criteria.

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for an L3 designation are limited to the following:

a. ((~~Areas~~)) Properties already zoned L3;

b. ((~~Areas~~)) Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established; or

c. ((~~Areas~~)) Properties within an urban center or village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

2. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to an L3 designation, and may remain L3 only in areas predominantly developed to the intensity of the L3 zone.

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

a. Development Characteristics of the Area.

(1) Either:

(a) Areas that are already developed predominantly to the permitted L3 density and where L3 scale is well established, or

(b) Areas that are within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

(2) Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred.

Street widths should be sufficient for two (2) way traffic and parking along at least one (1) curbside.

b. Relationship to the Surrounding Areas.

(1) ((~~Areas~~)) Properties in areas that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones;

(2) ((~~Areas~~)) Properties in areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;

(3) ((~~Areas~~)) Properties in areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;

(4) ((~~Areas~~)) Properties that are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.

Section 11. Subsection B of Section 23.34.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.022 Lowrise 4 (L4) zone, function and locational criteria.

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for an L4 designation are limited to the following:

a. ((~~Areas~~)) **Properties already zoned L4;**

b. ((~~Areas~~)) Properties in areas already developed predominantly to the permitted L4 density and where L4 scale is well established; or

c. ((~~Areas~~)) Properties within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

2. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to an L4 designation, and may remain L4 only in areas predominantly developed to the intensity of the L4 zone.

3. Other Criteria. The Lowrise 4 zone designation is most appropriate in areas generally characterized by the following:

a. Development Characteristics of the Area.

(1) Either:

(a) Areas that are already developed predominantly to the permitted L4 density and where L4 scale is well established, or

(b) Areas that are within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

(2) Areas of sufficient size to promote a high quality, higher density residential environment where there is good pedestrian access to amenities;

(3) Areas generally platted with alleys that can provide access to parking, allowing the street frontage to remain uninterrupted by driveways, thereby promoting a street environment better suited to the level of pedestrian activity associated with higher density residential environments;

(4) Areas with good internal vehicular circulation, and good access to sites, preferably from alleys. Generally, the width of principal streets in the area should be sufficient to allow for two (2) way traffic and parking along at least one (1) curbside.

b. Relationship to the Surrounding Areas.

(1) ((~~Areas~~)) Properties in areas adjacent to concentrations of employment;

(2) ((~~Areas~~)) Properties in areas that are directly accessible to regional transportation facilities, especially transit, providing connections to major employment centers, including arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by higher density development. Vehicular access to the area should not require use of streets passing through less intensive residential areas;

(3) ((~~Areas~~)) Properties with close proximity and with good pedestrian connections to services in neighborhood commercial areas, public open spaces and other residential amenities;

(4) ((~~Areas~~)) Properties with well-defined edges providing sufficient separation from adjacent areas of small scale residential development, or where such areas are separated by zones providing a transition in the height, scale and density of development.

Section 12. Subsection B of Section 23.34.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

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

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for a Midrise designation are limited to the following:

a. ((~~Areas~~)) Properties **already zoned Midrise;**

b. ((~~Areas~~)) Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or

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

2. Environmentally Critical Areas. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone.

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

a. Either:

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

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

b. ((~~Areas~~)) Properties that are adjacent to business and commercial areas with comparable height and bulk;

c. ((~~Areas~~)) Properties in areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development;

d. ((~~Areas~~)) Properties in areas that are in close proximity to major employment centers;

e. ((~~Areas~~)) Properties in areas that are in close proximity to open space and recreational facilities;

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

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

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

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

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

Section 13. Subsection B of Section 23.34.028 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

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

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for a Highrise designation are limited to the following:

a. ((~~Areas~~)) Properties already zoned Highrise;

b. ((~~Areas~~)) Properties in areas already developed predominantly to the intensity permitted by the Highrise zone, or

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

2. Environmentally Critical Areas. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to a Highrise designation, and may remain Highrise only in areas predominantly developed to the intensity of the Highrise zone.

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

a. Either:

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

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

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

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

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

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

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

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

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

2. RESTORE MULTI-FAMILY PARKING STREET ACCESS REQUIREMENT ADJACENT TO SINGLE-FAMILY

Strike Section 27 from CB 111910, and renumber other sections. The restored section 23.45.018 would continue to read as follows:

23.45.018 Parking and access-Lowrise zones.

* * *

B. Access to Parking.

1. Alley Access Required. Except as provided in subsections B2 or B3, access to parking shall be from the alley when the site abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts. Street access shall not be permitted.

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

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

b. The lot does not abut a platted alley, or

c. In Lowrise 3 zones, apartments are proposed across an alley from a Single Family or Lowrise Duplex/Triplex zones, or

d. In Lowrise 4 zones apartments are proposed across an alley from a Single Family, Lowrise Duplex/Triplex or Lowrise 1 zone;

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

a. Topography makes alley access infeasable;

b. In all zones except Lowrise Duplex/Triplex, ground-related housing is proposed across an alley from a Single Family zone;

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

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

4. In Lowrise Duplex/Triplex zones, no more than fifty percent (50%) of the total area of the required front setback extended to side lot lines may be occupied by a driveway providing access to parking, except where the minimum required driveway standards will exceed fifty percent (50%) of the front setback.

* * *

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CONSENT CHANGES

TO CB 111910
Amending Land Use, SEPA and ECA Ordinances

Council and Executive Staff Recommendations

Changes from the bill as introduced are shown in bold type.

ORDINANCE _____

AN ORDINANCE relating to land use and environmental protection; amending Sections 23.22.028, 23.22.056, 23.22.058, 23.22.100, 23.22.106, 23.24.045, 23.24.060, 23.34.016, 23.34.018, 23.34.020, 23.34.022, 23.34.024, 23.34.028, 23.40.002, 23.42.010, 23.44.014, 23.44.016, 23.44.018, 23.44.022, 23.44.041, 23.45.005, 23.45.006, 23.45.010, 23.45.014, 23.45.016, 23.45.018, 23.45.058, 23.45.060, 23.45.076, 23.45.112, 23.45.154, 23.47.004, 23.47.006, 23.47.010, 23.47.014, 23.47.024, 23.50.012, 23.50.014, 23.54.020,.23.69.030, 23.69.032, 23.72.004, 23.72.008, 23.72.010, 23.76.010, 23.76.012, 23.76.020, 23.76.022, 23.76.032, 23.84.004, 23.84.008, 23.84.024, and 23.84.032, removing the Greenbelt (GB) Overlay from the Official Land Use Map of The City of Seattle, and repealing Sections 23.44.072 and 23.45.168 of the Seattle Municipal Code (Title 23, Land Use Code); amending Sections 25.05.675, 25.05.680 and 25.05.908 of the Seattle Municipal Code (Chapter 25.05, Environmental Policies and Procedures), and amending Section 25.09.020 of the Seattle Municipal Code (Chapter 25.09, Regulations for Environmentally Critical Areas).

***

Section 6. Section 23.24.045 of the Seattle Municipal Code, which Section was adopted by Ordinance 118414, is amended as follows:

23.24.045 ((~~Townhouses~~)) Unit Subdivisions.

A. The provisions of this Section apply exclusively to the unit subdivision of townhouses, cottage housing, clustered housing, or single family residences in Lowrise zones.

((~~A~~))B. Sites developed or proposed to be developed with dwelling units listed in subsection A above ((~~townhouse structures~~)), may be subdivided into individual ((~~townhouse~~)) unit lots. The ((~~proposed townhouse~~)) development as a whole shall meet development standards applicable at the time the permit application is vested. ((~~The subdivided townhouse unit shall be exempt from meeting development standards~~)) As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each ((~~unit~~)) dwelling unit shall be provided on the same lot as the ((~~unit~~)) dwelling unit it serves.

((~~B~~))C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the ((~~structure as a whole, when considered on the combined site~~)) parent lot.

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

((~~C~~))E. ((~~As a result of a townhouse subdivision, r~~)) Within the parent lot, required parking for a ((~~unit~~)) dwelling unit may be provided on a different unit lot than the ((~~unit~~)) lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

((~~D~~))F. The facts that **the unit lot is not a separate buildable lot, and that** additional development of the ((~~lots of~~)) individual unit((~~s~~)) lots may be limited as a result of the application of development standards to the ((~~combined site~~)) parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

***

Section 17. Subsection D of Section 23.44.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.44.016 Parking location and access.

Parking shall be required as provided in Chapter 23.54 and in accordance with the following:

***

D. Standards for Private Garages ((~~Located~~)) when Permitted in Required Yards. Private garages ~~which~~ **that** are either detached accessory structures or portions of a principal structure for the primary purpose of enclosing a two (2) axle or four (4) wheeled vehicle may be permitted in required yards according to the following conditions:

1. Maximum Coverage and Size.

a. In accordance with Section 23.44.014 D6, private garages, together with any other accessory structures and other portions of the principal structure, are limited to a maximum combined coverage of forty percent (40%) 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.

b. In accordance with Section 23.44.040, private garages located in side or rear yards shall not exceed one thousand (1,000) square feet in area.

c. In front yards, the area of private garages shall be limited to three hundred (300) square feet with fourteen foot (14') maximum width where one (1) space is allowed, and six hundred (600) square feet with twenty-four foot (24') maximum width where two (2) spaces are allowed. Access driveway bridges permitted under Section 23.44.016 C4f shall not be included in this calculation.

2. Height Limits.

a. Private garages shall be limited to twelve feet (12') in height as measured on the facade containing the entrance for the vehicle.

b. The ridge of a pitched roof on a private garage located in a required yard may extend up to three feet (3') above the twelve-foot (12') height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the twelve-foot (12') height limit under this provision.

c. Open rails around balconies or decks located on the roofs of private garages may exceed the twelve-foot (12') height limit by a maximum of three feet (3').

3. Separations.

a. Attached private garages are portions of principal structures. In accordance with Section 23.44.014 D6, 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.

b. If the facade of a private garage which contains the entrance for the vehicle faces an alley, the garage shall not be within twelve feet (12') of the centerline of the alley.

c. In accordance with Section 23.44.040 D, any private garage which is an accessory structure located in a required yard shall be separated from its principal structure by a minimum of five feet (5').

d. In accordance with Section 23.44.040 F, on a reversed corner lot, no private garage which is an accessory structure shall be located in that portion of the required rear yard which abuts the required front yard of the adjoining key lot, nor shall the private garage be located closer than five feet (5') from the key lot's side lot line unless the provisions of Section 23.44.014 D1 or 23.44.016 C3b apply.

e. In accordance with Section 23.44.014 D1, private garages which are accessory structures may extend into a required side yard which is either within thirty-five feet (35') of the centerline of an alley or within twenty-five feet (25') of any rear lot line which is not an alley lot line. Private garages which are accessory structures may extend into a required side yard which is more than thirty-five feet (35') from the centerline of an alley abutting the lot, or which is more than twenty-five feet (25') from the rear lot line of a lot which does not abut an alley, upon the recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties.

***

Section 18. A new subsection F is added to Section 23.44.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 113262, is amended as follows:

23.44.018 General provisions.

* * *

F. Minor structural work which does not increase usable floor area or seating capacity and does not exceed the **development standards applicable to the use** ~~**height limit of the zone**~~ shall not be considered an expansion, **unless the work would exceed the height limit of the zone for uses permitted outright.** Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, bay windows, dormers, and eaves.

Section 20. Subsection A of Section 23.44.041 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, is amended as follows:

23.44.041 Accessory dwelling units.

Accessory dwelling units may be permitted subject to the standards in subsection A until two thousand five hundred (2,500) applications for new (not for legalization of existing) accessory dwelling units are filed. If, prior to the occurrence of the foregoing condition, applications are filed for accessory dwelling units which would cause the concentration of single-family structures with new accessory dwelling units to exceed twenty percent (20%) of all single-family structures in single-family zones in any one census tract or in an area formed by a circle with a radius of one thousand feet (1,000') from

the point at which three (3) or more census tracts meet, no further applications may be accepted for accessory dwelling units in such census tract or area. The Master Use Permit process set forth in Chapter 23.76 shall be followed to authorize these uses.

A. The Director may authorize an accessory dwelling unit if the Director finds that the unit meets the following development and use standards:

1. A single-family dwelling may have no more than one (1) accessory dwelling unit, and only one (1) accessory dwelling unit shall be allowed per lot.

2. One (1) of the dwelling units in the structure shall be occupied by one or more owners of the property as the owner's(s') permanent and principal residence; provided that the Director may waive this requirement for temporary absences of less than one (1) year, where the accessory unit has been a permitted use for at least two (2) years and the owner submits proof of absence from the Puget Sound region.

3. Any number of related persons may occupy each unit in a single-family residence with an accessory dwelling unit provided that if unrelated persons occupy either unit, the total number of persons occupying both units together may not exceed eight (8).

4. Accessory dwelling units may not be located in any structure detached from the single-family dwelling.

5. The floor area of the accessory dwelling unit ((~~shall not~~)) may exceed one thousand (1,000) square feet **only** if a permit was filed to construct the portion of the structure in which the accessory dwelling unit is located ((~~on or after~~)) before May 31, 1996, and if the entire accessory dwelling unit is located on one level.

6. Only one (1) entrance may be located on each front or street side of the residence except where two (2) entrances on the front or street side existed on January 1, 1993.

7. A minimum of two (2) off-street parking spaces shall be provided, which spaces may be in tandem. The Director may waive the requirement for one (1) or both of the spaces if the accessory dwelling unit is not located in a residential parking zone (RPZ) or in the University District Parking Overlay Area or Alki Area, pursuant to Maps A and B, Section 23.54.015, and if topography or location of existing principal or accessory structures makes provision of one (1) or both of the parking spaces unduly burdensome. The applicant need not apply for a variance in order for the Director to waive this requirement. If the accessory dwelling unit is located in a RPZ and if topography or location of existing structures makes provision of one or both of the parking spaces unduly burdensome, the Director may waive the parking requirement if a parking study is completed and if adequate parking capacity exists. The parking waiver process cannot be used to eliminate existing parking spaces in order to create an accessory dwelling unit.

8. If the portion of the single-family dwelling in which the accessory dwelling unit is located was in existence prior to October 17, 1979, the minimum ceiling height shall be six feet eight inches (6'8") measured per Sections 310.6.1 and 3403 of the Seattle Building Code. The minimum ceiling height shall be six feet four inches (6' 4") if a

hard-wired smoke detector is located in the dwelling unit. If the portion of the single-family dwelling in which the accessory dwelling unit is located was constructed on or subsequent to October 17, 1979, the minimum ceiling height shall be seven feet six inches (7'6") measured per Sections 310.6.1 and 3403 of the Seattle Building Code.

* * *

Section 22. Subsection A of Section 23.45.005 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, is amended as follows:

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

A. Except for cottage housing developments, single((-)) family structures shall be subject to the development standards ((~~for ground-related housing~~)) of the Lowrise Duplex/Triplex (LDT) zone, **except that open space shall be provided according to the provisions for single-family strucures in each zone, in section 23.45.016 of this chapter**.

* * *

Section 61. Subsections A and C of Section 25.05.908 of the Seattle Municipal Code, which Section was last amended by Ordinance 117789, is amended as follows:

25.05.908 Environmentally sensitive areas.

A. Environmentally sensitive areas are ((~~those~~)) the following environmentally critical areas located in the City as designated in The City of Seattle Environmentally Critical Areas Policies and regulated and mapped in Section 25.09.020 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, **and other City codes**~~, located inside the city.~~)):

1. Landslide-prone Areas, including, but not limited to, known landslide areas, potential landslide areas, and steep slopes of forty percent (40%) average slope or greater;
2. Riparian Corridors;
3. Wetlands; and
4. Fish and Wildlife Habitat Conservation Areas.

Within these areas, certain categorically exempt activities listed in WAC 197-11-908(2) could have a significant adverse environmental impact, require additional environmental review to determine impacts, and may require mitigation beyond the development standards required by all applicable City codes. ((~~Those environmentally critical areas which require additional discretionary review and may require mitigation~~

~~beyond that provided for in applicable City codes are designated environmentally sensitive areas and include:~~

~~1. Landslide-prone Areas. Landslide-prone areas are characterized by the following:~~

~~a. Known landslide areas identified by documented history, or any areas that have shown significant movement during the last ten thousand (10,000) years or are underlain by mass wastage debris that occurred during this period; or~~

~~b. Potential landslide areas based on documented geological characteristics, and based on a combination of geologic, topographic and hydrologic factors, including the following:~~

~~i. Areas over fifteen percent (15%) slope which have at least one (1) of the following characteristics:~~

~~(A) Impermeable soils (typically silt and clay) interbedded with permeable granular soils (predominantly sand and gravel); or impermeable soils overlain with permeable soils. This includes the area within one hundred feet (100>) either side of the contact between Esperance Sand and either Lawton Clay or Pre-Lawton sediments as is shown on the area noted as Class Four (4) on the Slope Stability Map of Seattle, in Causes, Mechanisms and Prediction of Landsliding in Seattle, by Donald Willis Tubbs, Ph.D. Dissertation, University of Washington, 1975 ("Tubbs Map") or as otherwise mapped; or~~

~~(B) Identified relatively unstable soils such as either Lawton Clay or Pre-Lawton sediments, as is shown on the area noted as Class Three (3) of the Tubbs Map, or as otherwise mapped; or~~

~~(C) Springs or groundwater seepage.~~

~~ii. Steep slopes of forty percent (40%) average slope or greater as defined by the Director. A slope must have a vertical elevation change of at least ten feet (10') to be considered a steep slope, although the ten feet (10') may cross the boundaries of a site. Slopes that meet these characteristics shall be considered steep-slope environmentally critical areas in addition to being classified as potential landslide areas.~~

~~iii. Areas that would be covered under either subsections A1bi or A1bii above, but where the slope has been previously modified through the provision of retaining walls or nonengineered cut-and-fill operations.~~

~~iv. Any slope area potentially unstable as a result of rapid stream incision or stream bank erosion.~~

~~2. Riparian Corridors. Riparian corridors include all areas within one hundred feet (100') measured horizontally from the top of the bank, or, if that cannot be determined, from the ordinary high water mark of the water body and watercourse, or a one hundred (100) year floodplain as mapped byFEMA, whichever is greater, and are classified as either a Class A Riparian Corridor or a Class B Riparian Corridor. Class A Riparian Corridors are stable, established streams and lakes that flow year-round and/or support salmonids, and include, but are not limited to, corridors that have an established floodplain as mapped by the FEMA Flood Insurance Program, which includes Longfellow, Thornton,~~

~~Pipers, Venema, Mohlendorph, Fauntleroy, Ravenna, Mapes, DeadHorse/Mill, Maple Leaf and Little Brook Creeks, and Haller and Bitter Lakes. Class B Riparian Corridors are not mapped by FEMA and are intermittent streams without salmonids that still demonstrate a high water mark. Riparian corridors do not normally include those artificial drainage areas intentionally created from grass-lined swales, canals, detention facilities, wastewater treatment facilities, and landscape amenities.~~

~~3. Wetlands. Wetlands are those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.~~

~~(The method for delineating wetlands shall follow the 1989 Federal Manual for Delineating Jurisdictional Wetlands until the Washington State Department of Ecology adopts a new manual for the delineation of wetlands in conformance with Section 11 of Chapter 382 of the Laws of 1995, in which case the method for delineating wetlands shall follow such manual; however, if prior to that time the King County Countywide Planning Policies are amended to allow use of the 1987 U.S. Corps of Engineers Wetlands Delineation Manual in conjunction with the U.S. Corps of Engineers Washington Regional Guidance on the 1987 Wetland Delineation Manual, the method for delineating wetlands shall follow such manuals of the Corps of Engineers until the Department of Ecology's manual is adopted.~~

~~4. Fish and Wildlife Habitat Conservation Areas. Fish and wildlife habitat conservation areas include, but are not limited to, the following:~~

~~a. Areas identified by the Washington State Department of Wildlife as priority habitat and species areas or urban natural open space habitat areas;~~

~~(1) Corridors connecting other priority habitat areas, especially areas that would otherwise be isolated;~~

~~(2) Areas that remain an isolated remnant of natural habitat larger than ten (10) acres or more and surrounded by urban development, with local consideration given to areas smaller than ten (10) acres;~~

~~b. All bodies of water that provided migration corridors and habitat for fish, especially salmonids, and including Lake Washington, Lake Union and the Lake Washington Ship Canal, Duwamish River, and that portion of Elliott Bay within the City's jurisdiction;~~

~~c. Commercial and recreational shellfish areas and kelp and eelgrass beds; and~~

~~d. Areas which provide habitat for species of local importance.~~))

* * *

C. The ((~~Kroll Atlas~~)) Official Land Use Map of The City of Seattle contains overlays identifying the general boundaries of all known environmentally critical areas within the city, which reference The City of Seattle's Environmentally Critical Areas Maps to determine the general boundaries of each environmentally critical area. The Environmentally Critical Areas Maps specify those designated areas which are subject to SEPA pursuant to WAC 25.05.908. A copy of the maps shall be maintained in the SEPA Public Information Center.

The maps shall be used and amended as follows:

1. The maps shall be advisory and used by the Director of DCLU to provide guidance in determining applicability of SEPA to a property. Likewise, environmentally sensitive areas which are incorrectly mapped may be exempted from SEPA by the Director of DCLU when the provisions of subsection D of Section 25.09.040 of the regulations for environmentally critical areas apply.

2. The boundaries and contents of these designated environmentally sensitive areas maps may be amended by the Director following the environmentally critical areas maps amendment process as set forth in subsection C of Section 25.09.020 of the regulations for environmentally critical areas.

* * *

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Seattle City Clerk's Office

600 4th Avenue, Room 104

Seattle, WA 98104

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Document Title(s) (or transaction contained therein): (all areas applicable to your document must be filled .1ORDINANCE # 118794
Re _____ of document.
Grantor(s) (Last name first, then first name and initials) 1.N/A 2. 3. 4. ☐ Additional names on page _____ of document.
Grantee(s) (Last name first, then first name and initials) 1N/A 3 4
Legal description (abbreviated: i.e. lot, block, plat or section, township, range) ☐ Additional reference #'s on page of document/ N/A
Assessor's Property Tax Parcel/Account Number/ N/A ☐ Assessor Tax # not yet assigned.

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ORDINANCE 118794

AN ORDINANCE relating to land use and environmental protection; amending Sections 23.22.028, 23.22.056, 23.22.058, 23.22.100, 23.22.106, 23.24.045, 23.24.060, 23.34.016, 23.34.018, 23.34.020, 23.34.022, 23.34.024, 23.34.028, 23.40.002, 23.42.010, 23.44.014, 23.44.016, 23.44.018, 23.44.022, 23.44.041, 23.45.005, 23.45.006, 23.45.010, 23.45.014, 23.45.016, 23.45.018, 23.45.058, 23.45.060, 23.45.076, 23.45.112, 23.45.154, 23.47.004, 23.47.006, 23.47.010, 23.47.014, 23.47.024, 23.50.012, 23.50.014, 23.54.020,.23.69.030, 23.69.032, 23.72.004, 23.72.008, 23.72.010, 23.76.010, 23.76.012, 23.76.020, 23.76.022, 23.76.032, 23.84.004, 23.84.008, 23.84.024, and 23.84.032, removing the Greenbelt (GB) Overlay from the Official Land Use Map of The City of Seattle, and repealing Sections 23.44.072 and 23.45.168 of the Seattle Municipal Code (Title 23, Land Use Code); amending Sections 25.05.675, 25.05.680 and 25.05.908 of the Seattle Municipal Code (Chapter 25.05, Environmental Policies and Procedures), and amending Section 25.09.020 of the Seattle Municipal Code (Chapter 25.09, Regulations for Environmentally Critical Areas).

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.22.028 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.22.028 Effect of preliminary plat approval.

A. Approval of the preliminary plat shall constitute authorization for the subdivider to develop the subdivision facilities and improvements as required in the approved preliminary plat upon issuance of the final plat. Development shall be in strict accordance with the plans and specifications as prepared or approved by the Director of Transportation and subject to any conditions imposed by the ((~~Council~~)) Hearing Examiner.

B. No subdivision requirements which become effective after the approval of a preliminary plat for a subdivision shall apply to such subdivision unless the ((~~Council~~)) Hearing Examiner determines that a change in conditions created a serious threat to the public health or safety.

Section 2. Section 23.22.056 of the Seattle Municipal Code, which Section was adopted by Ordinance 110570, is amended as follows:

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23.22.056 Flood control zone.

No plat shall be approved by the ((~~Council~~)) Hearing Examiner covering any land situated in a flood control zone as provided in RCW Chapter 86.16 without the prior written approval of the State Department of Ecology.

Section 3. Section 23.22.058 of the Seattle Municipal Code, which Section was adopted by Ordinance 116262, is amended as follows:

23.22.058 Environmentally critical areas.

No plat shall be approved by the ((~~Council~~)) Hearing Examiner covering any land situated in a riparian corridor buffer, wetland and wetland buffer, or steep slope and steep slope buffer unless in compliance with the applicable provisions of SMC Section 25.09.((~~100~~))240, Short subdivisions and subdivisions, in environmentally critical areas.

Section 4. Subsection A of Section 23.22.100 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.22.100 Design standards.

Except as provided in Section 23.22.106, design of all subdivisions shall conform to the standards set forth in this subsection:

A. Streets and Alleys.

1. All subdivisions shall be served by one (1) or more streets providing adequate ingress and egress to and from the subdivision.

2. Major streets within each subdivision shall conform with the City's thoroughfare and circulation plans and shall provide for the continuation of major streets which serve property contiguous to the subdivision. Unless warranted by special physical circumstances, streets serving lots on two sides shall be at least sixty feet (60') wide.

3. Street intersections shall be as nearly at right angles as practicable and in no event shall the angle formed be less than thirty degrees (30°).

4. A cul-de-sac shall be ((~~so~~)) designed according to the Street Improvement Manual ((~~as~~)) to provide a circular turnaround at the closed end ((~~which has a minimum radius of forty feet (40') and a minimum roadway radius of twenty-eight feet (28')~~)). A tee or other reasonable alternative may be authorized by the ((~~Council~~)) Hearing Examiner in lieu of the turnaround. Cul-de-sac streets shall not exceed four hundred fifty feet (450') in length and the right-of-way shall be at least fifty feet (50') wide, except under special circumstances a lesser width will be permitted.

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5. Street networks shall provide ready access for fire and other emergency vehicles and equipment, and routes of escape for inhabitants.

6. Alleys shall be at least sixteen feet (16') wide plus such additional width as shall be necessary for an adequate turning radius.

* * *

Section 5. Section 23.22.106 of the Seattle Municipal Code, which Section was adopted by Ordinance 110570, is amended as follows:

23.22.106 Exceptions.

Exceptions from the design standards and improvement requirements set forth in this subchapter may be authorized by the ((~~Council~~)) Hearing Examiner in those instances where it is deemed that hardship, topography or other factual deterrent conditions prevail, and in such manner as it considers necessary to maintain the intent and purpose of the regulations and requirements. Approval by the ((~~Council~~)) Hearing Examiner of a preliminary plat on which variations and exceptions are clearly indicated shall constitute authorization of the variations and exceptions.

Section 6. Section 23.24.045 of the Seattle Municipal Code, which Section was adopted by Ordinance 118414, is amended as follows:

23.24.045 ((~~Townhouses~~)) Unit Subdivisions.

A. The provisions of this Section apply exclusively to the unit subdivision of townhouses, cottage housing, clustered housing, or single family residences in Lowrise zones.

((~~A~~))B. Sites developed or proposed to be developed with dwelling units listed in subsection A above ((~~townhouse structures~~)), may be subdivided into individual ((~~townhouse~~)) unit lots. The ((~~proposed townhouse~~)) development as a whole shall meet development standards applicable at the time the permit application is vested. ((~~The subdivided townhouse unit shall be exempt from meeting development standards~~)) As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each ((~~unit~~)) dwelling unit shall be provided on the same lot as the ((~~unit~~)) dwelling unit it serves.

((~~B~~))C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the ((~~structure as a whole, when considered on the combined site~~)) parent lot.

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D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

((~~C~~))E. ((~~As a result of a townhouse subdivision, r~~)) Within the parent lot, required parking for a ((~~unit~~)) dwelling unit may be provided on a different unit lot than the ((~~unit~~)) lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

((~~D~~))F. The facts that the unit lot is not a separate buildable lot, and that additional development of the ((~~lots of~~)) individual unit((~~s~~)) lots may be limited as a result of the application of development standards to the ((~~combined site~~)) parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

***

Section 7. Section 23.24.060 of the Seattle Municipal Code, adopted by Ordinance 110570, is amended as follows:

23.24.060 Redivision procedures.

((~~Land within a short subdivision may not be further divided within a five (5) year period immediately following approval and filing of a short plat unless a final plat for such subdivision is approved and filed for record in accordance with the provisions of Chapter 23.22.~~)) Within a five (5) year period following the filing of a short subdivision in accordance with the provisions of Chapter 23.22, property within that short subdivision may not be further divided through the short subdivision process if it would result in more than a total of nine (9) lots. However, any revision of the lot lines of an approved short ((~~plat~~)) subdivision in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter 23.28.

Section 8. Subsection B of Section 23.34.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.016 Lowrise 1 (L1) zone, function and locational criteria.

* * *

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B. Locational Criteria. Lowrise 1 zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area.

a. Areas where structures of low heights, generally less than thirty feet (30'), and small bulk establish the pattern of development;

b. Areas with:

(1) A mix of single-family structures, small multifamily structures and single family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to encourage new development opportunities, or

(2) Numerous or large vacant parcels suitable for family housing where densities greater than single family are desired; and

c. Areas where internal vehicular circulation is conducive to residential units that are oriented to the ground level and the street. Preferred locations are generally separated from principal arterials, as defined by the Seattle Comprehensive Transportation Program, which conflict with the desired ground-related character of L1 areas.

2. Relationship to the Surrounding Areas.

a. ((~~Areas~~)) Properties that are definable pockets within a larger, higher density multifamily area, where it is desirable to preserve a small-scale, ground-related character;

b. ((~~Areas~~)) Properties generally surrounded by a larger single-family area where variation and replacement in housing type could be accommodated without significant disruption of the pattern, character or livability of the surrounding development;

c. ((~~Areas~~)) Properties where a gradual transition is appropriate between single-family areas and more intensive multifamily or neighborhood commercial zones;

d. ((~~Areas~~)) Properties in areas where narrow streets, on-street parking congestion, local traffic congestion, or irregular street patterns restrict local access and circulation;

e. ((~~Areas~~)) Properties in areas close to facilities and services used by households with children, including schools, parks and community centers.

* * *

Section 9. Subsection B of Section 23.34.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.018 Lowrise 2 (L2) zone, function and locational criteria.

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* * *

B. Locational Criteria. Lowrise 2 zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area.

a. Areas that feature a mix of single-family structures and small to medium multifamily structures generally occupying one (1) or two (2) lots, with heights generally less than thirty feet (30');

b. Areas suitable for multifamily development where topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;

c. Areas occupied by a substantial amount of multifamily development where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make an intermediate intensity of development desirable.

2. Relationship to the Surrounding Areas.

a. ((~~Areas~~)) Properties that are well-suited to multifamily development, but where adjacent single-family areas make a transitional scale of development desirable. It is desirable that there be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature providing physical separation from the single-family area. However, this is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas;

b. ((~~Areas~~)) Properties that are definable pockets within a more intensive area, where it is desirable to preserve a smaller scale character and mix of densities;

c. ((~~Areas~~)) Properties in areas otherwise suitable for higher density multifamily development but where it is desirable to limit building height and bulk to protect views from uphill areas or from public open spaces and scenic routes;

d. ((~~Areas~~)) Properties where vehicular access to the area does not require travel on "residential access streets" in less intensive residential zones.

Section 10. Subsection B of Section 23.34.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.020 Lowrise 3 (L3) zone, function and locational criteria.

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for an L3 designation are limited to the following:

a. ((~~Areas~~)) Properties already zoned L3;

b. ((~~Areas~~)) Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established; or

c. ((~~Areas~~)) Properties within an urban center or village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

2. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to an L3 designation, and may remain L3 only in areas predominantly developed to the intensity of the L3 zone.

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

a. Development Characteristics of the Area.

(1) Either:

(a) Areas that are already developed predominantly to the permitted L3 density and where L3 scale is well established, or

(b) Areas that are within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

(2) Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient for two (2) way traffic and parking along at least one (1) curbside.

b. Relationship to the Surrounding Areas.

(1) ((~~Areas~~)) Properties in areas that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones;

(2) ((~~Areas~~)) Properties in areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;

(3) ((~~Areas~~)) Properties in areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;

(4) ((~~Areas~~)) Properties that are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between

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areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.

Section 11. Subsection B of Section 23.34.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.022 Lowrise 4 (L4) zone, function and locational criteria.

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for an L4 designation are limited to the following:

a. ((~~Areas~~)) Properties already zoned L4;

b. ((~~Areas~~)) Properties in areas already developed predominantly to the permitted L4 density and where L4 scale is well established; or

c. ((~~Areas~~)) Properties within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

2. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to an L4 designation, and may remain L4 only in areas predominantly developed to the intensity of the L4 zone.

3. Other Criteria. The Lowrise 4 zone designation is most appropriate in areas generally characterized by the following:

a. Development Characteristics of the Area.

(1) Either:

(a) Areas that are already developed predominantly to the permitted L4 density and where L4 scale is well established, or

(b) Areas that are within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

(2) Areas of sufficient size to promote a high quality, higher density residential environment where there is good pedestrian access to amenities;

(3) Areas generally platted with alleys that can provide access to parking, allowing the street frontage to remain uninterrupted by driveways, thereby promoting a street environment better suited to the level of pedestrian activity associated with higher density residential environments;

(4) Areas with good internal vehicular circulation, and good access to sites, preferably from alleys. Generally, the width of principal streets in the area should be sufficient to allow for two (2) way traffic and parking along at least one (1) curbside.

b. Relationship to the Surrounding Areas.

(1) ((~~Areas~~)) Properties in areas adjacent to concentrations of employment;

(2) ((~~Areas~~)) Properties in areas that are directly accessible to regional transportation facilities, especially transit, providing connections to major employment centers, including arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by higher density development. Vehicular access to the area should not require use of streets passing through less intensive residential areas;

(3) ((~~Areas~~)) Properties with close proximity and with good pedestrian connections to services in neighborhood commercial areas, public open spaces and other residential amenities;

(4) ((~~Areas~~)) Properties with well-defined edges providing sufficient separation from adjacent areas of small scale residential development, or where such areas are separated by zones providing a transition in the height, scale and density of development.

Section 12. Subsection B of Section 23.34.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

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

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for a Midrise designation are limited to the following:

a. ((~~Areas~~)) Properties already zoned Midrise;

b. ((~~Areas~~)) Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or

c. ((~~Areas~~)) Properties within an urban center, the village core of a hub urban village, or a residential urban village, where a neighborhood plan adopted or

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amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation.

2. Environmentally Critical Areas. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone.

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

a. Either:

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

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

b. ((~~Areas~~)) Properties that are adjacent to business and commercial areas with comparable height and bulk;

c. ((~~Areas~~)) Properties in areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development;

d. ((~~Areas~~)) Properties in areas that are in close proximity to major employment centers;

e. ((~~Areas~~)) Properties in areas that are in close proximity to open space and recreational facilities;

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

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

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

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

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

Section 13. Subsection B of Section 23.34.028 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

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

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for a Highrise designation are limited to the following:

a. ((~~Areas~~)) Properties already zoned Highrise;

b. ((~~Areas~~)) Properties in areas already developed predominantly to the intensity permitted by the Highrise zone, or

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

2. Environmentally Critical Areas. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to a Highrise designation, and may remain Highrise only in areas predominantly developed to the intensity of the Highrise zone.

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

a. Either:

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

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

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

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

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

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

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

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

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

Section 14. Section 23.40.002 of the Seattle Municipal Code, which Section was last amended by Ordinance 112522, is amended as follows:

23.40.002 Conformity with regulations required.

The establishment or change of use of any structures, buildings or premises, or any part thereof, shall require approval according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. No use of any structure or premises shall hereafter be ((~~used or occupied~~)) commenced, and no structure or part of a structure shall be erected, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations specified in ((~~Title 24 or~~)) this title for the zone and overlay district, if any, in which it is or will be located. Building and use permits on file shall be prima facie evidence of the time a building was built or modified, or a use commenced, and the burden of demonstrating to the contrary shall be upon the owner. Changes to existing structures may be permitted which make the structures nonconforming if the changes are required by law for reasons of health and safety.

Section 15. Section 23.42.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 113978, is amended as follows:

23.42.010 Identification of principal permitted uses.

Principal uses not listed in the respective zones of Subtitle IV, Division 2 of SMC Title 23, Land Use Code ((~~or of SMC Title 24, Zoning and Subdivisions,~~)) shall be prohibited in those zones. If a use is not ((~~identified in Title 23 or in Title 24~~)) listed, the Director may determine that a proposed use is substantially similar to other uses permitted or prohibited in the respective zones, therefore, and should also be permitted or prohibited.

Section 16. Subsection D of Section 23.44.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.44.014 Yards.

***

D. Exceptions from Standard Yard Requirements. No structure shall be placed in a required yard except pursuant to the following subsections:

1. Certain Accessory Structures. Any accessory structure may be constructed in a side yard which abuts the rear or side yard of another lot upon recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties. Any accessory structure which is a private garage may be located in that portion of a side yard which is either within thirty-five feet (35') of the centerline of an alley or within twenty-five feet (25') of any rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

2. A single-family structure may extend into one (1) side yard if an easement is provided along the side lot line of the abutting lot, sufficient to leave a ten-foot (10') separation between that structure and any principal structures on the abutting lot. Features and projections such as porches, eaves, and chimneys shall be permitted in the ten-foot (10') separation area as if the property line were five feet (5') from the wall of the house on the dominant lot, provided that no portion of either principal structure including eaves shall cross the actual property line. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side yard.

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, except as described below. 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 23.44.014 A):

a. Side yard: When the addition is a side wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than three feet (3') to the side lot line;

b. Rear yard: When the addition is a rear wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than twenty feet (20') to the rear lot line or centerline of an alley abutting the rear lot line;

c. Front yard: When the addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than fifteen feet (15') to the front lot line;

d. When the nonconforming wall of the single family structure is not parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the limit of the wall extension, except that the wall extension shall not be located closer than specified in subsections D3a - c above.

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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. Special features of a structure may extend into required yards subject to the following standards only, unless permitted elsewhere in this chapter:

a. External architectural details with no living area, such as chimneys, eaves, cornices and columns, may project no more than eighteen inches (18") into any required yard;

b. Bay windows shall be limited to eight feet (8') in width and may project no more than two feet (2') into a required front, rear, and street side yard; and

c. Other projections which include interior space, such as garden windows, may extend no more than eighteen inches (18") into any required yard, starting a minimum of thirty inches (30") above finished floor, and with maximum dimensions of six feet (6') tall and eight feet (8') wide.

d. The combined area of features permitted in subsections D5b and c above may comprise no more than thirty percent (30%) of the area of the facade.

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. Garages meeting the standards of Section 23.44.((~~1~~))016, and other accessory structures meeting the standards of Section 23.44.040, shall be permitted in required rear yards, subject to a maximum combined coverage of forty percent (40%) 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 (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

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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 pedestrian 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 Building Code, Chapter 11 are permitted in any required yards.

10. Freestanding Structures and Bulkheads.

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

b. The Director may allow variation from the development standards listed in subsection D10a above, according to the following:

i. No part of the structure may exceed eight feet (8'); and

ii. Any portion of the structure above six feet (6') shall be predominately open, such that there is free circulation of light and air.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half feet (9 ½').

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

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

11. Decks in Yards. Decks no greater than eighteen inches (18") above existing or finished grade, whichever is lower, may extend into required yards.

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

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

14. Front Yard Projections for Structures on Lots Thirty Feet (30') or Less in Width. For a structure on a lot which is thirty feet (30') or less in width, portions of the front facade which begin eight feet (8') or more above finished grade may project up to four feet (4') into the required front yard, provided that no portion of the facade, including eaves and gutters, shall be closer than five feet (5') to the front line (Exhibit 23.44.014 B).

15. Front and rear yards may be reduced by twenty-five percent (25%), but no more than five feet (5'), if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

16. Arbors. Arbors may be permitted in required yards under the following conditions:

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

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

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Section 17. Subsection D of Section 23.44.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.44.016 Parking location and access.

Parking shall be required as provided in Chapter 23.54 and in accordance with the following:

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D. Standards for Private Garages ((~~Located~~)) when Permitted in Required Yards. Private garages ((~~which~~)) that are either detached accessory structures or portions of a

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structure for the primary purpose of enclosing a two (2) axle or four (4) wheeled vehicle may be permitted in required yards according to the following conditions:

1. Maximum Coverage and Size.

a. In accordance with Section 23.44.014 D6, private garages, together with any other accessory structures and other portions of the principal structure, are limited to a maximum combined coverage of forty percent (40%) 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.

b. In accordance with Section 23.44.040, private garages located in side or rear yards shall not exceed one thousand (1,000) square feet in area.

c. In front yards, the area of private garages shall be limited to three hundred (300) square feet with fourteen foot (14') maximum width where one (1) space is allowed, and six hundred (600) square feet with twenty-four foot (24') maximum width where two (2) spaces are allowed. Access driveway bridges permitted under Section 23.44.016 C4f shall not be included in this calculation.

2. Height Limits.

a. Private garages shall be limited to twelve feet (12') in height as measured on the facade containing the entrance for the vehicle.

b. The ridge of a pitched roof on a private garage located in a required yard may extend up to three feet (3') above the twelve-foot (12') height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the twelve-foot (12') height limit under this provision.

c. Open rails around balconies or decks located on the roofs of private garages may exceed the twelve-foot (12') height limit by a maximum of three feet (3').

3. Separations.

a. Attached private garages are portions of principal structures. In accordance with Section 23.44.014 D6, 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.

b. If the facade of a private garage which contains the entrance for the vehicle faces an alley, the garage shall not be within twelve feet (12') of the centerline of the alley.

c. In accordance with Section 23.44.040 D, any private garage which is an accessory structure located in a required yard shall be separated from its principal structure by a minimum of five feet (5').

d. In accordance with Section 23.44.040 F, on a reversed corner lot, no private garage which is an accessory structure shall be located in that portion of the required rear yard which abuts the required front yard of the adjoining key lot, nor shall the

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private garage be located closer than five feet (5') from the key lot's side lot line unless the provisions of Section 23.44.014 D1 or 23.44.016 C3b apply.

e. In accordance with Section 23.44.014 D1, private garages which are accessory structures may extend into a required side yard which is either within thirty-five feet (35') of the centerline of an alley or within twenty-five feet (25') of any rear lot line which is not an alley lot line. Private garages which are accessory structures may extend into a required side yard which is more than thirty-five feet (35') from the centerline of an alley abutting the lot, or which is more than twenty-five feet (25') from the rear lot line of a lot which does not abut an alley, upon the recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties.

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Section 18. A new subsection F is added to Section 23.44.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 113262, is amended as follows:

23.44.018 General provisions.

* * *

F. Minor structural work which does not increase usable floor area or seating capacity and does not exceed the development standards applicable to the use shall not be considered an expansion, unless the work would exceed the height limit of the zone for uses permitted outright. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, bay windows, dormers, and eaves.

Section 19. Subsection D of Section 23.44.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.44.022 Institutions.

* * *

D. General Provisions.

1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution master plan.

1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution master plan.

2. The establishment of a child care center in a legally established institution devoted to the care or instruction of children which does not violate any condition of approval of the existing institutional use and does not require structural expansion shall not be considered a new use or an expansion of the institutional use.

((~~3. Structural work which does not increase usable floor area or seating capacity and does not exceed the height limit of the zone shall not be considered an expansion of the institution. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, bay windows, dormers, and eaves.~~))

((4))3. Institutions seeking to establish or expand on property which is developed with residential structures may expand their campus up to a maximum of two and one-half (21/2) acres. An institution campus may be established or expanded beyond two and one-half (21/2) acres if the property proposed for the expansion is substantially vacant land.

((~~5~~))4. An institution which finds that the development standards of the single-family zone classification are inadequate to its development needs may apply for reclassification to major institution status.

* * *

Section 20. Subsection A of Section 23.44.041 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, is amended as follows:

23.44.041 Accessory dwelling units.

Accessory dwelling units may be permitted subject to the standards in subsection A until two thousand five hundred (2,500) applications for new (not for legalization of existing) accessory dwelling units are filed. If, prior to the occurrence of the foregoing condition, applications are filed for accessory dwelling units which would cause the concentration of single-family structures with new accessory dwelling units to exceed twenty percent (20%) of all single-family structures in single-family zones in any one census tract or in an area formed by a circle with a radius of one thousand feet (1,000') from the point at which three (3) or more census tracts meet, no further applications may be accepted for accessory dwelling units in such census tract or area. The Master Use Permit process set forth in Chapter 23.76 shall be followed to authorize these uses.

A. The Director may authorize an accessory dwelling unit if the Director finds that the unit meets the following development and use standards:

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1. A single-family dwelling may have no more than one (1) accessory dwelling unit, and only one (1) accessory dwelling unit shall be allowed per lot.

2. One (1) of the dwelling units in the structure shall be occupied by one or more owners of the property as the owner's(s') permanent and principal residence; provided that the Director may waive this requirement for temporary absences of less than one (1) year, where the accessory unit has been a permitted use for at least two (2) years and the owner submits proof of absence from the Puget Sound region.

3. Any number of related persons may occupy each unit in a single-family residence with an accessory dwelling unit provided that if unrelated persons occupy either unit, the total number of persons occupying both units together may not exceed eight (8).

4. Accessory dwelling units may not be located in any structure detached from the single-family dwelling.

5. The floor area of the accessory dwelling unit ((~~shall not~~)) may exceed one thousand (1,000) square feet only if a permit was filed to construct the portion of the structure in which the accessory dwelling unit is located ((~~on or after~~)) before May 31, 1996, and if the entire accessory dwelling unit is located on one level.

6. Only one (1) entrance may be located on each front or street side of the residence except where two (2) entrances on the front or street side existed on January 1, 1993.

7. A minimum of two (2) off-street parking spaces shall be provided, which spaces may be in tandem. The Director may waive the requirement for one (1) or both of the spaces if the accessory dwelling unit is not located in a residential parking zone (RPZ) or in the University District Parking Overlay Area or Alki Area, pursuant to Maps A and B, Section 23.54.015, and if topography or location of existing principal or accessory structures makes provision of one (1) or both of the parking spaces unduly burdensome. The applicant need not apply for a variance in order for the Director to waive this requirement. If the accessory dwelling unit is located in a RPZ and if topography or location of existing structures makes provision of one or both of the parking spaces unduly burdensome, the Director may waive the parking requirement if a parking study is completed and if adequate parking capacity exists. The parking waiver process cannot be used to eliminate existing parking spaces in order to create an accessory dwelling unit.

8. If the portion of the single-family dwelling in which the accessory dwelling unit is located was in existence prior to October 17, 1979, the minimum ceiling height shall be six feet eight inches (6'8") measured per Sections 310.6.1 and 3403 of the Seattle Building Code. The minimum ceiling height shall be six feet four inches (6' 4") if a hard-wired smoke detector is located in the dwelling unit. If the portion of the single-family dwelling in which the accessory dwelling unit is located was constructed on or subsequent to October 17, 1979, the minimum ceiling height shall be seven feet six inches (7'6") measured per Sections 310.6.1 and 3403 of the Seattle Building Code.

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Section 22. Subsection A of Section 23.45.005 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, is amended as follows:

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

A. Except for cottage housing developments, single((-)) family structures shall be subject to the development standards ((~~for ground-related housing~~)) of the Lowrise Duplex/Triplex (LDT) zone, except that open space shall be provided according to the provisions for single-family structures in each zone, in section 23.45.016 of this chapter.

* * *

Section 23. Subsection I is hereby amended and new subsections J and K are hereby added to Section 23.45.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, as follows:

23.45.006 General development standards for structures in multifamily zones.

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I. When a subdivision is proposed for ((~~a~~)) townhouses ((~~development~~)), cottage housing, clustered housing, or single family residences in Lowrise zones, the ((~~development~~)) subdivision shall be subject to the provisions of Section 23.24.045, ((~~Townhouses~~)) Unit Subdivisions.

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

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

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

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

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

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

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Section 24. Subsection C of Section 23.45.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.010 Lot coverage -- Lowrise zones.

***

C. Lot Coverage Exceptions. The following structures or portions of structures shall be exempted from the measurement of lot coverage:

1. Pedestrian access bridges from alleys, streets or easements, and uncovered, unenclosed bridges of any height necessary for access and five feet (5') or less in width;

2. Ramps or other access for the disabled or elderly meeting Washington State Building Code, Chapter 11;

3. Fences, freestanding walls, bulkheads, signs and other similar structures;

4. An underground structure, or underground portion of a structure, on any part of the entire lot;

5. The first eighteen inches (18") of horizontal projection of eaves, cornices and gutters;

6. The first four feet (4') of horizontal projection from principal and accessory structures of unenclosed decks, balconies and porches;

7. Solar collectors meeting the provisions of Section 23.44.046 and swimming pools eighteen inches (18") or less above grade;

8. Decks or parts of a deck that are eighteen inches (18") or less above existing grade.

Section 25. Subsections D, F and G of Section 23.45.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, are amended as follows:

23.45.014 Setback requirements -- Lowrise zones.

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D. Required Setbacks for Cluster Developments.

1. In Lowrise Duplex/Triplex zones where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be ten feet (10') when the length of facing portions of facades is forty feet (40') or less and fifteen feet (15') when the length of facing portions of facades exceeds forty feet (40').

2. In Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 zones where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be as follows:

Table 23.45.014C
Required Setback Between Facing Facades
Lowrise Zones

Length of Facing Facades, in Feet	Average Setback Between Facing Facades	Minimum Setback
40' or less	10'	10'
41' to 60'	15'	10'
61' to 80'	20'	10'
81' to 100'	25'	10'
101' to 150'	30'	10'
151' or more	40'	10'

3. Setbacks shall apply only to portions of the facades that are directly across from each other. ((~~Where two (2) facades of unequal height face each other, the taller of the two (2) facades shall be used to determine the required setbacks.~~))

4. In Lowrise 2, Lowrise 3 and Lowrise 4 zones structures in cluster developments may be connected by elevated walkways, provided that:

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

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

c. All elevated walkways shall meet the following standards:

(1) The roof planes of elevated walkways shall be at different levels than the roofs or parapets of connected structures.

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

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(3) The design of the walkways and the materials used shall seek to achieve a sense of openness and transparency.

(4) Elevated walkways shall add to the effect of modulation rather than detract from it.

5. For structures connected by elevated walkways, the length of the facade shall be defined as the lengths of the facades connected by the elevated walkways and shall exclude the length of the elevated walkway.

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F. Projections into Required Setbacks.

1. Special Features of a Structure.

a. External architectural details with no living space including cornices, eaves, sunshades, gutters, and vertical architectural features which are less than eight feet (8') in width, may project a maximum of eighteen inches (18") into any required setback.

b. Bay windows shall be limited to eight feet (8') in width and may project no more than two feet (2') into a front, rear, or street side setback. In no case shall bay windows be closer than five feet (5') to any lot line.

c. Other projections which include interior space, such as garden windows, may extend no more than eighteen inches (18") into any required yard, starting a minimum of thirty inches (30") above finished floor, and with maximum dimensions of six feet (6') tall and eight feet (8') wide.

d. The combined area of features permitted in subsections E1b and c above may comprise no more than thirty percent (30%) of the area of the facade.

2. Unenclosed Decks and Balconies.

a. Unenclosed decks and balconies may project a maximum of four feet (4') into the required front setback provided they are a minimum of ten feet (10') from the front lot line in Lowrise Duplex/Triplex and Lowrise 1 zones and eight feet (8') from the front lot line in Lowrise 2, Lowrise 3 and Lowrise 4 zones.

b. Except as provided in subsection G5 of Section 23.45.014, unenclosed decks and balconies shall be permitted in side setbacks, provided they are a minimum of five feet (5') from a side lot line, and may project into the required rear setback a maximum of four feet (4') provided they are a minimum of five feet (5') from a rear lot line.

c. Unenclosed decks and balconies permitted in required setbacks shall be limited to a maximum width of twenty feet (20') and shall be separated by a distance equal to at least one-half (1/2) the width of the projection.

3. All permitted projections into required front and rear setbacks shall begin a minimum of eight feet (8') above finished grade except that an unenclosed porch or steps may extend a maximum of six feet (6') into the required front setback at ground level,

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provided that it is set back the same distance from the front lot line as that required for unenclosed decks and balconies.

G. Structures in Required Setbacks.

1. Detached garages, carports, or other accessory structures are permitted in the required rear setback, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure. (See Exhibit 23.45.014 A.)

All such accessory structures, including garages, shall be no greater than twelve feet (12') in height. The height of garages shall be measured on the facade containing the entrance for the vehicles, with open rails permitted above twelve feet (12').

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

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

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

a. Fences, freestanding walls, signs and other similar structures six feet (6') or less in height above existing or finished grade whichever is lower, are permitted in required front, side, or rear setbacks. The six foot (6') height may be averaged above sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

Architectural features may be added to the top of the fence or freestanding wall above the six foot (6') height when the following provisions are met: horizontal architectural feature(s), no more than ten inches (10") high and separated by a minimum of six inches (6") of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are no more than eight feet (8') high; averaging the eight foot (8') height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three feet (3') on center.

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

i. No part of the structure may exceed eight feet (8');

ii. Any portion of the structure above six feet (6') shall be predominately open, such that there is free circulation of light and air; and

iii. The design does not present a fire or other safety hazard.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is

placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half feet (91/2').

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

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

6. Underground structures are permitted in all setbacks.

7. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

* * *

Section 26. Subsection B of Section 23.45.016 of the SMC, which Section was last amended by Ordinance 118414, is further amended as follows:

Section 23.45.016 Open space requirements—Lowrise zones.

* * *

B. Development Standards.

1. Lowrise Duplex/Triplex Zones and Ground-related Housing in Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Lowrise Duplex/Triplex Zones—Private Usable Open Space.

(1) Private usable open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of four hundred (400) square feet, except that in cottage housing developments, the quantity per unit shall be a minimum of two hundred (200) square feet. No horizontal dimension of the open space shall be less that ten feet (10').

(2) Private usable open space shall be located a maximum of four feet (4') above or below a private entry to the unit it serves. The floor of the unit accessed by this entry shall have a minimum area of three hundred (300) square feet. This minimum area may include a private garage if habitable floor area of the same unit is located directly above.

b. Lowrise Duplex/Triplex Zones—Common Open Space. Required common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of six hundred (600) square feet, except that in cottage housing developments, the quantity per unit shall be a minimum of one hundred fifty (150) square

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feet. In cottage housing developments, each cottage shall abut the common open space. No horizontal dimension of open space shall be less than ten feet (10').

c. Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones—Ground-related Housing.

(1) In Lowrise 1 zones the required open space shall be provided in one (1) contiguous parcel, except that in cottage housing developments, the open space shall be allotted as described in subsections A2b above and B5 below. In Lowrise 2, Lowrise 3 and Lowrise 4 zones, the required open space for each ground-related dwelling unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet. No horizontal dimension of the open space shall be less than ten feet (10').

(2) Required open space may be located a maximum of ten feet (10') above or below the unit it serves, except as permitted in subsection B1c(4), provided that the access to such open space does not go through or over common circulation areas, common or public open spaces, or the open space serving another unit.

(3) At least fifty percent (50%) of the required open space for a unit shall be level, provided that:

i. The open space may be terraced; and

ii. Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two feet (2').

(4) For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet (10') where the following criteria are met:

i. Where the structure was constructed with floor-to-floor heights in excess of the feet (10'), the open space may be located a maximum of ten feet (10') plus the height between floors in excess of ten feet (10'), above or below the unit it serves; or

ii. Where the structure was constructed with the first floor in excess of two feet (2') above grade, the open space may be located a maximum of ten feet (10') plus the additional height of the first floor in excess of two feet (2') above grade, above or below the unit serves.

(5) Lowrise 1 Zone—Cottage Housing Developments.

i. At least fifty percent (50%) of the required total open space per unit shall be provided as private usable open space in one (1) contiguous parcel. No horizontal dimension of the open space shall be less than ten feet (10').

ii. Common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area per unit of one hundred fifty (150) square feet. No horizontal dimension of the open space shall be less than ten feet (10'). Each cottage shall abut the common open space ((~~a minimum of ten feet (10')~~)).

d. Required open space may be located in the front, sides or rear of the structure.

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e. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit, or common areas which directly face the open space of a different unit, are prohibited, unless such openings are screened by view-obscuring fences, freestanding walls or wingwalls.

f. Parking areas, driveways and pedestrian access other than pedestrian access required by Washington State Building Code, Chapter 11, shall not be counted as open space.

g. Required private usable open space shall be landscaped according to standards promulgated by the Director for ground-related dwelling units.

2. Lowrise 2, Lowrise 3 and Lowrise 4 Zones—Apartments.

a. No horizontal dimension for required ground-level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter ((~~3~~))11, shall not be counted as open space.

d. In order to qualify as above-ground level open space, balconies, decks, and in L3 and L4 zones, individual unit decks on roofs, shall all have a minimum horizontal dimension of six feet (6'), and a total area of at least sixty (60) square feet, while common roof gardens in L3 and L4 zones shall have a minimum area of two hundred fifty (250) square feet. Common roof garden open space shall be landscaped according to the rules promulgated by the Director.

e. For cluster development, at least twenty percent (20%) of the required open space shall be provided in one (1) contiguous area.

f. Terraced Housing on a Slope of Twenty-five Percent (25%) or More.

(1) No horizontal dimension for required ground-level open space shall be less than ten feet (10').

(2) Required open space is permitted in the front, sides or rear of the structure.

(3) Parking areas, driveways and pedestrian access, except pedestrian access meeting the Washington State Building Code Chapter ((~~3~~))11, shall not be counted as open space.

(4) In order to qualify as above-ground-level open space, rooftop areas shall have a minimum horizontal dimension of at least ten feet (10') and a total area of at least one hundred twenty (120) square feet.

g. Rooftop space within the following parameters shall not count toward meeting open space requirements: the area eight feet (8') from and in front of a directional antenna and at least two feet (2') from the back of a directional antenna, or, for an omnidirectional antenna, eight feet (8') away from the antenna in all directions. The Seattle-

King County Public Health Department may require a greater distance for paging facilities after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

3. Open Space Exception. When all parking and access to parking is uncovered and is surfaced in permeable material, except gravel, the quantity of required ground-level open space shall be reduced by five percent (5%).

Section 27. Subsection B of Section 23.45.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.058 Midrise-Open space requirements.

Open space shall be provided for all lots, subject to the following provisions:

* * *

B. Development Standards.

1. Required open space shall be landscaped according to standards promulgated by the Director.

2. Ground-related Housing.

a. The required open space for each unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet, and no horizontal dimension shall be less than ten feet (10').

b. Required open space may be located in the front, sides or rear of the structure.

c. Required open space may be located a maximum of ten feet (10') above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit, except as permitted in subsection B1d.

d. At least fifty percent (50%) of the required open space for a unit shall be level, provided that:

(1) The open space may be terraced; and

(2) Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two feet (2').

e. For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet (10') where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten feet (10'), the open space may be located a maximum of ten feet (10') plus the height between floors in excess of ten feet (10'), above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two feet (2') above grade, the open space may be located a maximum of ten feet (10') plus the additional height of the first floor in excess of two feet (2') above grade, above or below the unit it serves.

f. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited unless such openings are screened by view-obscuring fences, freestanding walls, or wingwalls. Fences, freestanding walls, or wingwalls located in setbacks shall be no more than six feet (6') in height in accordance with Section 23.45.((~~028D~~))014G.

g. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

3. Apartments.

a. No horizontal dimension for required ground level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

d. In order to qualify as above-ground open space, balconies and decks shall have a minimum horizontal dimension of at least six feet (6'), and minimum area shall be sixty (60) square feet.

e. For cluster development, at least twenty percent (20%) of the required open space shall be provided in one (1) contiguous area.

4. Terraced Housing on a Slope of Twenty-five Percent (25%) or More.

a. No horizontal dimension for required ground-level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

d. In order to qualify as above-ground open space, rooftop areas, balconies or decks shall have a minimum horizontal dimension of at least ten feet (10'), and a total area of at least one hundred twenty (120) square feet.

* * *

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Section 28. Subsection B of Section 23.45.060 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.060 Midrise-Parking and access.

* * *

B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions listed in subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an alley improved to the standards of Section 23.53.030C. Street access shall not be permitted.

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

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

b. The lot does not abut a platted alley;

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

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

a. Ground-related housing is proposed across the alley from a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;

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

c. The alley is not improved to the standards of Section 23.53.030C.

If such an alley is used for access, it shall be improved according to the standards of Section 23.53.030C;

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

* * *

Section 29. Subsection B of Section 23.45.076 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.076 Highrise-Parking and access.

* * *

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B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions of subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an alley improved to the standards of Section 23.53.030C. Access from the street shall not be permitted.

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

a. The alley borders on a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;

b. The lot does not abut an alley;

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

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

a. Topography or designation of any portion of the site as environmentally critical makes alley access infeasible;

b. The alley is not improved to the standards of Section 23.53.030 C.

If such an alley is used for access, it shall be improved according to the standards of Section 23.53.030 C;

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

* * *

Section 30. The introductory paragraph of Section 23.45.112 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.112 Public schools.

Public Schools Meeting Development Standards. New public schools or additions to existing public schools and accessory uses including child care centers which meet the following development standards shall be permitted in all multifamily zones. Public schools in ((~~single family attached~~)) Lowrise Duplex/Triplex (LDT) zones shall meet the development standards for public schools in Lowrise 1 (L1) zones. Departures from development standards of this section may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools.

* * *

Section 31. Section 23.45.154 of the Seattle Municipal Code, which Section was last amended by Ordinance110793, is amended as follows:

23.45.154 Open wet moorage for private pleasure craft.

Open wet moorage facilities for residential structures are permitted as an accessory use as regulated in ((~~Chapter 23.70 or~~)) Chapter 2((4))3.60, Shoreline Master Program, provided that only one (1) slip per residential unit is provided.

Section 32. Section 23.45.168 of the Seattle Municipal Code, which Section was last amended by Ordinance117202, is repealed.

Section 33. The Commercial Use Chart of Section 23.47.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended as follows:

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COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

		ZONES				
		NC1	NC2	NC3	C1	C2
V.	HIGH IMPACT USES	X	X	X	X	X
VI.	INSTITUTIONS					
	A. Institute for Advanced Study	P	P	P	P	P
	B. Private Club	P	P	P	P	P
	C. Child Care Center	P	P	P	P	P
	D. Museum	P	P	P	P	P
	E. School, Elementary or Secondary	P	P	P	P	P
	F. College	P	P	P	P	P
	G. Community Center	P	P	P	P	P
	H. Community Club	P	P	P	P	P
	I. Vocational or Fine Arts School	P	P	P	P	P
	J. Hospital	P	P	P	P	P
	K. Religious Facility	P	P	P	P	P
	L. University	P	P	P	P	P
	M. Major Institutions within a Major Institution Overlay District subject to Chapter 23.69	P	P	P	P	P
VII.	PUBLIC FACILITIES					
	Jails	X	X	X	X	X
	Work-Release Centers[9]	CCU	CCU	CCU	CCU	CCU
VIII.	PARK AND POOL/RIDE LOT					
	A. Park and Pool Lots	P[10]	P	P	P	P
	B. Park and Ride Lots	X	X	CU	CU	CU
IX.	RESIDENTIAL[11]					
	A. Single-Family Dwelling Units	P/CU[12]	P/CU[12]	P/CU[12]	P/CU[12]	CU[12]
	B. Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
	C. Congregate Residences	P/CU	P/CU	P/CU	P/CU	CU
	D. Floating Homes	S	S	S	S	S
	E. Mobile Home Park	X	X	X	P	CU
	F. Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
	G. Caretaker's Quarters	P((~~/CU~~))	P((~~/CU~~))	P((~~/CU~~))	P((~~/CU~~))	P
	H. Adult Family Homes	P/CU	P/CU	P/CU	P/CU	P
	I. Home Occupations	P[13]	P[13]	P[13]	P[13]	P[13]
	J. Nursing Homes	P	P	P	P	P
X.	OPEN SPACE					
	A. Parks	P	P	P	P	P
	B. Playgrounds	P	P	P	P	P

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COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
J. Transportation Facilities					
1. Personal transportation services	X	X	P	P	P
2. Passenger terminals	X	X	P	P	P
3. Cargo terminals	X	X	X	S	P
4. Transit vehicle base	X	X	X	CCU[6]	CCU[6]
5. Helistops	X	X	CCU[7]	CCU[7]	CCU[7]
6. Heliports	X	X	X	X	X
7. Airport, land-based	X	X	X	X	X
8. Airport, water-based	X	X	X	X	S
9. Railroad switchyard	X	X	X	X	X
10. Railroad switchyard with mechanized hump	X	X	X	X	X
K. Food Processing and Craft Work					
1. Food processing for human consumption	P	P	P	P	P
2. Custom and craft work	P	P	P	P	P
L. Research and Development Laboratories					
II. SALVAGE AND RECYCLING					
A. Recycling Collection Station	P	P	P	P	P
B. Recycling Center	X	X	X	P	P
C. Salvage Yard	X	X	X	X	X
III. UTILITIES					
A. Utility Service Uses	P	P	P	P	P
B. Major Communication Utility[8]	X	X	X	CCU	CCU
C. Minor Communication Utility[8]	P	P	P	P	P
D. Solid Waste Transfer Station	X	X	X	X	X
E. Power Plants	X	X	X	X	X
F. Sewage Treatment Plants	X	X	X	X	X
G. solid Waste Incineration Facility	X	X	X	X	X
H. Solid Waste Landfill	X	X	X	X	X
IV. MANUFACTURING					
A. Light Manufacturing	X	P	P	P	P
B. General Manufacturing	X	X	X	P	P
C. Heavy Manufacturing	X	X	X	X	X

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COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
8. Mortuary Services	X	P	P	P	P
9. Existing Cemeteries	P	P	P	P	P
B. Principal Use Parking	X	P	P	P	P
C. Non-Household Sales and Service					
1. Business support services	P	P	P	P	P
2. Business incubator	P	P	P	P	P
3. Sales, service and rental of office equipment		X	P	P	P
4. Sales, service and rental of commercial equipment and construction materials	X	X	P	P	P
5. Sale of heating fuel	X	X	P	P	P
Heavy commercial services	X	X	X	P	P
- Construction services	X	X	X	P	P
- Commercial laundries	X	X	X	P	P
D. Offices					
1. Customer service office	P	P	P	P	P
2. Administrative	P	P	P	P	P
E. Entertainment					
1. Places of Public Assembly					
- Performing arts theater	X	P	P	P	P
- Spectator sports facility	X	P	P	P	P
- Lecture and meeting halls	X	P	P	P	P
- Motion picture theater	X	P	P	P	P
- Adult motion picture theater	X	X	X	X	X
- Adult panorams	X	X	X	X	X
2. Participant Sports and Recreation					
- Indoor	P	P	P	P	P
- Outdoor	X	X	X[4]	P	P
F. Wholesale Showroom	X	X	P	P	P
G. Mini-Warehouse	X	X	P	P	P
H. Warehouse	X	X	P	P	P
I. Outdoor Storage	X	X	X[5]	P	P

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COMMERCIAL USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	NC2	NC3	C1	C2
I. COMMERCIAL USE					
A. Retail Sales and Service					
1. Personal and Household Retail Sales and Services					
- Multipurpose convenience stores	P	P	P	P	P
- General retail sales and service	P	P	P	P	P
- Major durables sales, service and rental	P	P	P	P	P
- Specialty food stores	P	P	P	P	P
2. Medical Services	P	P/CU[1]	P/CU[1]	P/CU[1]	P/CU[1]
3. Animal Services[2]					
- Animal health services	P	P	P	P	P
- Kennels	X	X	X	X	X
- Animal shelters	X	X	X	X	X
4. Automotive Retail Sales and Services					
- Gas Stations	P	P	P	P	P
- Sales and rental of motorized vehicles	X	P	P	P	P
- Vehicle repair, minor	P	P	P	P	P
- Vehicle repair, major	X	P	P	P	P
- Car wash	X	P	P	P	P
- Towing services	X	X	X	P	P
- Automotive parts or accessory sales	P	P	P	P	P
5. Marine Retail Sales and Services					
- Sales and rental of large boats	X	P	P	P	P
- Vessel repair, minor	P	P	P	P	P
- Vessel repair, major	X	X	X	S	S
- Marine service station	P	P	P	P	P
- Dry storage of boats	X	P	P	P	P
- Recreational marinas	S	S	S	S	S
- Commercial moorage	S	S	S	S	S
- Sale of boat parts or accessories	P	P	P	P	P
6. Eating and Drinking Establishments					
- Restaurants without cocktail lounges	P	P	P	P	P
- Restaurants with cocktail lounges	X	P	P	P	P
- Fast-food restaurants (750 square feet and under)	P CU	P CU	P CU	P CU	P CU
- Fast-food restaurant (over 750 square feet)	CU	CU	P	P	P
- Tavern	CU	CU	P	P	P
- Brewpub					
7. Lodging					
- Hotel	X	X	P	P	P
- Motel	X	X	P	P	P
- Bed and breakfast	P[3]	P[3]	P	P	P

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COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
XI. AGRICULTURAL USES					
A. Animal Husbandry	X[13]	X[13]	X[13]	X[13]	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

P - Permitted
X - Prohibited
CU - Administrative Conditional Use
CCU - Council Conditional Use
S - Permitted only in the Shoreline District, when permitted by the Seattle Shoreline Master Program

1. Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, shall required administrative conditional use approval, unless included in an adopted Major Institution Master Plan or located in a downtown zone. See Section 23.47.006.

2. The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.

3. In existing structures only.

4. Outdoor participant sports and recreation uses are permitted at the Seattle Center.

5. Outdoor storage is permitted at the Seattle Center, subject to the provisions of Section 23.47.011.

6. New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.

7. Permitted only as an accessory use according to Section 23.47.006.

8. See Chapter 23.57 for regulation of communication utilities.

9. Subject to dispersion criteria in Section 23.47.006

10. Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot.

11. Residential uses in mixed-use development are permitted outright in NC1, NC2, NC3 and C1 zones. Single-purpose residential structures, other than nursing homes, are permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use according to the provisions of Section 23.47.023, except where the height limit is 85 feet or higher. All residential uses other than nursing homes, in C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed use structure or as a single-purpose residential use, except in Pedestrian-Designated Zones (see Section 23.47.040).

12. An accessory dwelling unit added to a single-family residence shall be allowed outright and shall not require a separate conditional use permit. The unit shall be considered accessory to the single-family residences, shall meet the standards listed for accessory dwelling units in Section 23.44.025 and shall not be considered a separate dwelling unit for all development standard purposes in commercial zones.

13. Permitted only as an accessory use.

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Section 34. Subsection B of Section 23.47.006 of the Seattle Municipal code, which Section was last amended by ordinance 117432, is amended as follows:

23.47.006 Conditional uses.

* * *

B. The following uses identified as administrative conditional uses on Chart A of Section 23.47.004, may be permitted by the Director when the provisions of this subsection and subsection A are met:

1. Fast-food restaurants which have a gross floor area greater than seven hundred fifty (750) square feet are identified as heavy traffic generators and may be permitted as a conditional use according to the following criteria:

a. The design of the structure, including architectural treatment, signage, landscaping and lighting, is compatible with other structures in the vicinity; and

b. Appropriate litter-control measures are provided; and

c. The applicant, if required by the Director, prepares an analysis of traffic, circulation and parking impacts, and demonstrates that the use does not:

(1) Cause significant additional traffic to circulate through adjacent residential neighborhoods; or

(2) Disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts; or

(3) Create traffic or access problems which will require the expenditure of City funds to mitigate; or

(4) Interfere with peak-hour transit operations, by causing auto traffic to cross a designated high-occupancy vehicle lane adjacent to the lot; or

(5) Cause cars waiting to use the facility to queue across the sidewalk or onto the street; or

(6) Interrupt established retail or service frontage designed to serve pedestrians.

d. In addition to the criteria in subsections B1a, B1b and B1c, in pedestrian-designated zones, the use shall not:

(1) Include a drive-in facility; or

(2) Provide any accessory parking; or

(3) Attract a significant number of customers who drive to the pedestrian district for the primary purpose of patronizing the business. This shall be determined by a transportation analysis of travel modes and patterns of customers of similar businesses in the same or similar commercial areas, which shall be prepared by a traffic consultant retained by the applicant.

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e. Fast-food restaurants which are drive-in businesses shall also comply with the provisions of Section 23.47.028, Standards for drive-in businesses.

2. Taverns and brewpubs in NC1 and NC2 zones may be permitted as conditional uses. A tavern or brewpub in an NC1 or NC2 zone shall be evaluated according to the following criteria:

a. The size of the tavern or brewpub, design of the structure, signing and illumination shall be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.

b. The location, access and design of parking shall be compatible with adjacent residential zones.

c. Special consideration shall be given to the location and design of the doors and windows of taverns and brewpubs to ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings on lots which abut residential zones.

d. Taverns and brewpubs shall not generate traffic which creates traffic congestion or further aggravates spillover parking on residential streets.

3. Park-and-ride lots in NC3, C1 and C2 zones may be permitted as conditional uses.

a. Conditional Use Criteria.

(1) The park-and-ride lot shall have direct vehicular access to a designated arterial improved to City standards.

(2) If the proposed park-and-ride lot is located on a lot containing accessory parking for other uses, there shall be no substantial conflict in the principal operating hours of the park-and-ride lot and the other uses.

b. Mitigating Measures. Landscaping and screening in addition to that required for surface parking areas, noise mitigation, vehicular access controls, signage restrictions, and other measures may be required to provide comfort and safety for pedestrians and bicyclists and to insure the compatibility of the park-and-ride lot with the surrounding area.

4. Single-purpose Residential Structures in NC1, NC2, NC2/R, NC3, ((~~and~~)) NC3/R, and C1 zones. In order to conserve the limited amount of commercially zoned land for commercial uses, single-purpose residential structures shall generally not be allowed in commercial zones. However, additions to, or on-site accessory structures for, existing single-family structures are permitted outright. Single-purpose residential structures may be permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use only when the following circumstances exist:

a. Due to location or parcel size, the proposed site is not suited for commercial development; or

b. There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial

structures in disrepair, and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an "established commercial street front" may be intersected by streets or alleys, and some lots with no current commercial use.

5. Residential Uses in C2 Zones.

a. In order to conserve the limited amount of commercially zoned land for commercial uses, residential uses in single-purpose or mixed-use structures shall generally not be allowed in C2 zones. However, additions to, or on-site accessory structures for existing single family structures shall be permitted outright. Residential uses in single-purpose or mixed-use structures may be permitted in C2 zones as administrative conditional uses according to the following criteria:

(1) Availability of Suitable Land for C2 Activities. Residential uses shall generally be discouraged in areas which have limited vacant land and where, due to terrain and large parcel size, land is particularly suitable for commercial rather than residential development.

(2) Relationship to Transportation Systems. Residential uses shall generally be discouraged in areas with direct access to major transportation systems such as freeways, state routes and freight rail lines.

(3) Compatibility With Surrounding Areas. Residential uses shall not be allowed in close proximity to industrial areas and/or in areas where nonresidential uses may create a nuisance or adversely affect the desirability of the area for living purposes.

b. Residential uses required to obtain a shoreline conditional use shall not be required to obtain an administrative conditional use.

6. Residential Use in International Special Review District. Single-purpose residential structures shall be permitted outright in those parts of the International Special Review District east of the Interstate 5 Freeway as provided in Section 23.66.330.

7. Low-income Housing Projects. Single-purpose residential structures for low-income housing projects shall be permitted outright in all commercial zones if:

a. Applications for a reservation of tax credits for 1988 and 1989 under the low-income tax credit program administered by the Washington State Housing Finance Commission have been filed on or before March 15, 1988; or

b. A nonprofit corporation has purchased sites, signed options or entered into real estate purchase agreements prior to March 15, 1988.

8. Development of a medical service use over ten thousand (10,000) square feet, outside but within two thousand five hundred feet (2,500') of a medical Major Institution overlay district boundary, shall be subject to administrative conditional use approval, unless included in an adopted master plan. In making a determination whether to approve or deny a medical service use, the Director shall determine whether an adequate supply of commercially zoned land for businesses serving neighborhood residents will continue to exist. The following factors shall be used in making this determination:

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a. Whether the amount of medical service use development existing and proposed in the vicinity would reduce the current viability or significantly impact the longer-term potential of the neighborhood-serving character of the commercial area; and

b. Whether medical service use development would displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of retail and personal services uses, or significantly detract from an area's overall neighborhood-serving commercial character.

9. Change of One (1) Nonconforming Use to Another.

a. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:

(1) New uses shall be limited to those first permitted in the next more intensive zone;

(2) The relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated.

b. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

* * *

Section 35. Chart B of Section 23.47.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 117919, is amended as follows:

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CHART B
For Section 23.47.010
ZONE

Nonresidential Uses Subject to Maximum Size Limit	NC1*	NC2*[1]	NC3*[1]	C1	C2
Nonresidential uses including institutions and public facilities unless otherwise specified	4,000 sq. ft.	15,000 sq. ft.	N.M.S.L.	~~((N.M.S.L.))~~ 35,000 sq. ft.[4]	~~((N.M.S.L.))~~ 35,000 sq. ft.[4]
Medical Services	10,000 sq. ft.	15,000 sq. ft	N.M.S.L.	N.M.S.L.	N.M.S.L.
Multi-purpose convenience store	10,000 sq. ft.	50,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Food processing and craft work	4,000 sq. ft.	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Light manufacturing	X	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Fast-food restaurant[2]	750 sq. ft. 4,000 sq. ft.	750 sq. ft. 8,000 sq. ft.	750 sq. ft N.M.S.L.	750 sq. ft. N.M.S.L.	750 sq.-ft N.M.S.L.
Fuel Sales					
Sales, service and rental of commercial equipment and construction materials	X	X	25,000 sq. ft.	N.M.S.L.	N.M.S.L.
Passenger terminals					
Indoor participant sport and recreation	4,000 sq. ft.	15,000 sq. ft.	25,000 sq. ft.[3]	N.M.S.L.	N.M.S.L.
General manufacturing	X	X	X	15,000 sq. ft.	N.M.S.L.
Wholesale showroom warehouse	X	X	15,000 sq. ft.	25,000 sq. ft.	N.M.S.L.
Mini-warehouses	X	X	15,000 sq. ft.	40,000 sq. ft.	N.M.S.L.
Public schools	N.M.S.L.	N.M.S.L.	N.M.S.L.	N M.S.L.	N M.S.L.

N.M.S.L. — No Maximum Size Limitations
* — Increases in maximum size limits may be allowed for operating business establishments according to provisions of subsection G.
X — Does not apply, use not permitted in zone.
[1] — Maximum size for all nonresidential uses in NC2/R and NC3/R is described in Section 23.47.010 A2.
[2] — Fast-food restaurants larger than 750 square feet are conditional uses.
[3] — At the Seattle Center, maximum size limit does not apply.
[4] — Office uses in C1 and C2 zones shall be limited to the size of the lot area or thirty-five thousand (35,000) square feet, whichever is greater. Office uses in C1 and C2 zones may be exempt from this limit if the structure meets specified standards for NC zones as listed in subsection 23.47.010A3.

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Section 36. Subsection E of Section 23.47.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.47.014 Setback requirements.

***

E. Structures in Required Setbacks.

1. Decks and balconies with open railings may extend into the required setback, but shall not be permitted within five feet (5') of a residentially zoned lot, except as provided in subsection ((~~C~~))E6.

2. Eaves, cornices and gutters projecting no more than eighteen inches (18") from the structure facade shall be permitted in required setbacks.

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

4. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five feet (5') in width, are permitted in required setbacks.

5. Fences, freestanding walls and other similar structures.

a. Fences, freestanding walls and other similar structures six feet (6') or less in height above existing or finished grade, whichever is lower, are permitted in required setbacks. The six foot (6') height may be averaged along sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

b. Bulkheads and retaining walls used to raise grade may be placed in any required setback when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined fence is limited to nine and one-half feet (91/2').

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

6. Decks which are accessory to residential uses and are no more than eighteen inches (18") above existing or finished grade, whichever is lower, may project into required setbacks.

7. Underground structures are permitted in all setbacks.

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8. Detached solar collectors shall be permitted in required setbacks. 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 any lot line which abuts a residentially zoned lot.

9. Dumpster and other trash receptacles, except for trash compactors, located outside of structures shall not be permitted within ten feet (10') of any lot line which abuts a residentially zoned lot and shall be screened from the residential lot with a minimum six foot (6›) high screen fence.

* * *

Section 37. Subsection B of Section 23.47.024 of the SMC, which Section was last amended by Ordinance 118414, is further amended as follows:

Section 23.47.024 Open space standards.

* * *

B. Open Space Development Standards.

1. When permitted, required usable open space may be provided at ground level or may be provided above the ground in the form of balconies, decks, solaria, greenhouses, or roof gardens or decks.

2. Balconies and decks provided above the ground as open space shall have a minimum area of sixty (60) square feet and no horizontal dimension shall be less than six feet (6').

3. Usable open space at ground level, and roof gardens, solaria, and greenhouses provided above ground as open space shall have a minimum area of two hundred fifty (250) square feet. No horizontal dimension shall be less than ten feet (10').

4. Required usable open space is permitted at the front, sides, or rear of the structure.

5. Parking areas, driveways, and pedestrian access to the nonresidential or residential entrances, except for pedestrian access meeting the Washington State Building Code, Chapter 11—Accessibility, shall not be counted as open space.

6. Required open space shall be landscaped according to standards promulgated as open space.

7. Rooftop space within the following parameters shall not count toward meeting open space requirements: the area eight feet (8') from and in front of a directional antenna and at least two feet (2') from the back of a directional antenna, or, for an omnidirectional antenna, eight feet (8') away from the antenna in all directions. The Seattle-King County Public Health Department may require a greater distance for paging facilities after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

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Section 38. Chart A of Section 23.50.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

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INDUSTRIAL USES
CHART A
for Section 23.50.012

Uses	Zones		
	IB	IC	IG1 and IG2
I. Manufacturing			
A. Light manufacturing	P	P	P
B. General manufacturing	P	P	P
C. Heavy manufacturing	CU	X or CU[1]	P or CU[2]
II. High-impact Uses.	X	X or CU[3]	X or CU[4]
III. Commercial			
A. Retail Sales and Service			
1. Personal and household sales and services	P	P	P
2. Medical services	P/CU[5]	P/CU[5]	P/CU[5]
3. Animal services			
a. Animal health services	P	P	P
b. Kennel	X	P	P
4. Automotive retail sales and service	P	P	P
5. Marine retail sales and service	P	P	P
6. Eating and drinking establishment			
a. Fast food restaurants over 750 square feet	CU	CU	CU
b. Fast food restaurants under 750 square feet	P	P	P
c. Restaurants with or without cocktail lounges	P	P	P
d. Tavern	P	P	P
e. Brewpub	CU	CU	CU
7. Lodging	P	P	P
8. Mortuary service	P	P	P
9. Existing cemeteries	P	P	P
10. New cemeteries	X	X	X
B. Principal use parking, surface area or garage	P	P	P
C. Nonhousehold sales and services	P	P	P
D. Office	P	P	P

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INDUSTRIAL USES
CHART A
for Section 23.50.012 (continued)

Uses	Zones		
	IB	IC	IG1 and IG2
E. Entertainment			
1. Places of public assembly			
a. Performing arts theater	P	P	P
b. Spectator sports facility	P	P	P
c. Lecture and meeting halls	P	P	P
d. Motion picture theater	P	P	P
e. Motion picture theater, adult	X	X	X
f. Adult panorams	X	X	X
2. Participant sports and recreation			
a. Indoor	P	P	P
b. Outdoor	P	P	P
F. Wholesale showroom	P	P	P
G. Mini-warehouse	P	P	P
H. Warehouse	P	P	P
I. Outdoor storage	P	P	P
J. Transportation Facilities			
1. Personal transportation services	P	P	P
2. Passenger terminal	P	P	P
3. Cargo terminal/	P	P	P
4. Transit vehicle base	CU	CU	CU
5. Helistop	CCU	CCU	CCU
6. Heliport	X	CCU	CCU
7. Airport, land-based	X	CCU	CCU
8. Airport, water-based	X	CCU	CCU
9. Railroad switchyard	P	P	P
10. Railroad switchyard with mechanized hump	X	X	CU
K. Food processing and craft work	P	P	P
L. Research and development laboratory	P	P	P

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INDUSTRIAL USES
CHART A
for Section 23.50.012 (continued)

Uses	Zones		
	IB	IC	IG2 and IG2
IV. Salvage and Recycling			
A. Recycling collection station	P	P	P
B. Recycling center	P	P	P
C. Salvage yard	X	X	P
V. Uti8lities			
A. Utility services use	P	P	P
B. Major communication utility[6]	CU	CU	CU
C. Minor communication utility[6]	P	P	P
D. Solid waste transfer station	X	CU	CU
E. Power plant	X	CCU	P
F. Sewage treatment plant	X	CCU	CCU
G. Solid waste incineration facility	X	CCU	CCU
H. Solid waste landfills	X	X	X
VI. Institutions			
A. Institute for advanced study	P	P	P
B. Private clubs	EB	EB	EB
C. Child care center	P	P	P
D. Museum	EB	EB	EB
E. School, elementary or secondary	EB	EB	EB
F. College	EB	EB	EB

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INDUSTRIAL USES
CHART A
for Section 23.50.012 (continued)

Uses	Zones		
	IB	IC	IG1 and IG2
G. Community center	EB	EB	EB
H. Community club	EB	EB	EB
I. Vocational or fine arts school	P	P	P
J. Hospital	EB	CU[8]	EB
K. Religious facility	EB	EB	EB
L. University	EB	EB	EB
M. Major institutions., subject to the provisions of Chapter 23.69	EB	EB	EB
VII. Public Facilities			
A. Jails	X	X	X
B. Work-release centers	X	X	X
C. Other public facilities	CCU	CCU	CCU
VII. Park and Pool/Ride Lots			
A. Park and pool lots	P[7]	P[7]	P[7]
B. Park and ride lots	CU	CU	CU
IX. Residential			
A. Single-family dwelling units	X	X	X
B. Multi-family structures	X	X	X
C. Congregate residences	X	X	X
D. Adult family homes	X	X	X
E. Floating homes	X	X	X

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INDUSTRIAL USES
CHART A
for Section 23.50.012 (continued)

Uses	Zones		
	IB	IC	IG1 and IG2
F. Mobil home park	X	X	X
G. Nursing homes	X	X	X
H. Artist's studio/dwelling	EB/CU	EB/CU	EB/CU
I. Caretaker's quarters	P	P	P
J. Residential use except artist's studio/dwelling and caretaker's quarters in a landmark structure or landmark district	CU	CU	CU
X. Open Space			
A. Parks	P	P	P
B. Playgrounds	P	P	P
XI. Agricultural Uses			
A. Animal husbandry	X	X	X
B. Horticultural use	X	X	X
C. Aquaculture	P	P	P

P = Permitted
X = Prohibited
CU = Administrative conditional use
CCU = Council conditional use
EB = Permitted only in a building existing on October 5, 1987

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INDUSTRIAL USES
Chart A
for Section 23.50.012 (Continued)

1. The Heavy Manufacturing uses listed in subsection B10 of Section 23.50.014 may be permitted as conditional uses. All other Heavy Manufacturing uses are prohibited.

2. Heavy Manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at subsection C of Section 23.50.014.

3. The High-impact uses listed at subsection B ((~~11~~)) 10 of Section 23.50.014 may be permitted as conditional uses.

4. High-impact 1 uses may be permitted as a conditional use as provided at subsection B5 of Section 23.50.014.

5. Medical service uses over 10,000 square feet, within 2,500 feet of medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted major institution master plan or located in a downtown zone. See Section 23.50.014.

6. See Chapter 23.57 for regulation of major and minor communication utilities and accessory communication devices.

7. Park and pool lots are not permitted within three thousand feet (3,000') of downtown.

8. Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study as provided by subsection B15 of Section 23.50.014.

Section 39. Existing Exhibit 23.50.014A of subsection A of Section 23.50.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 116907, is repealed.

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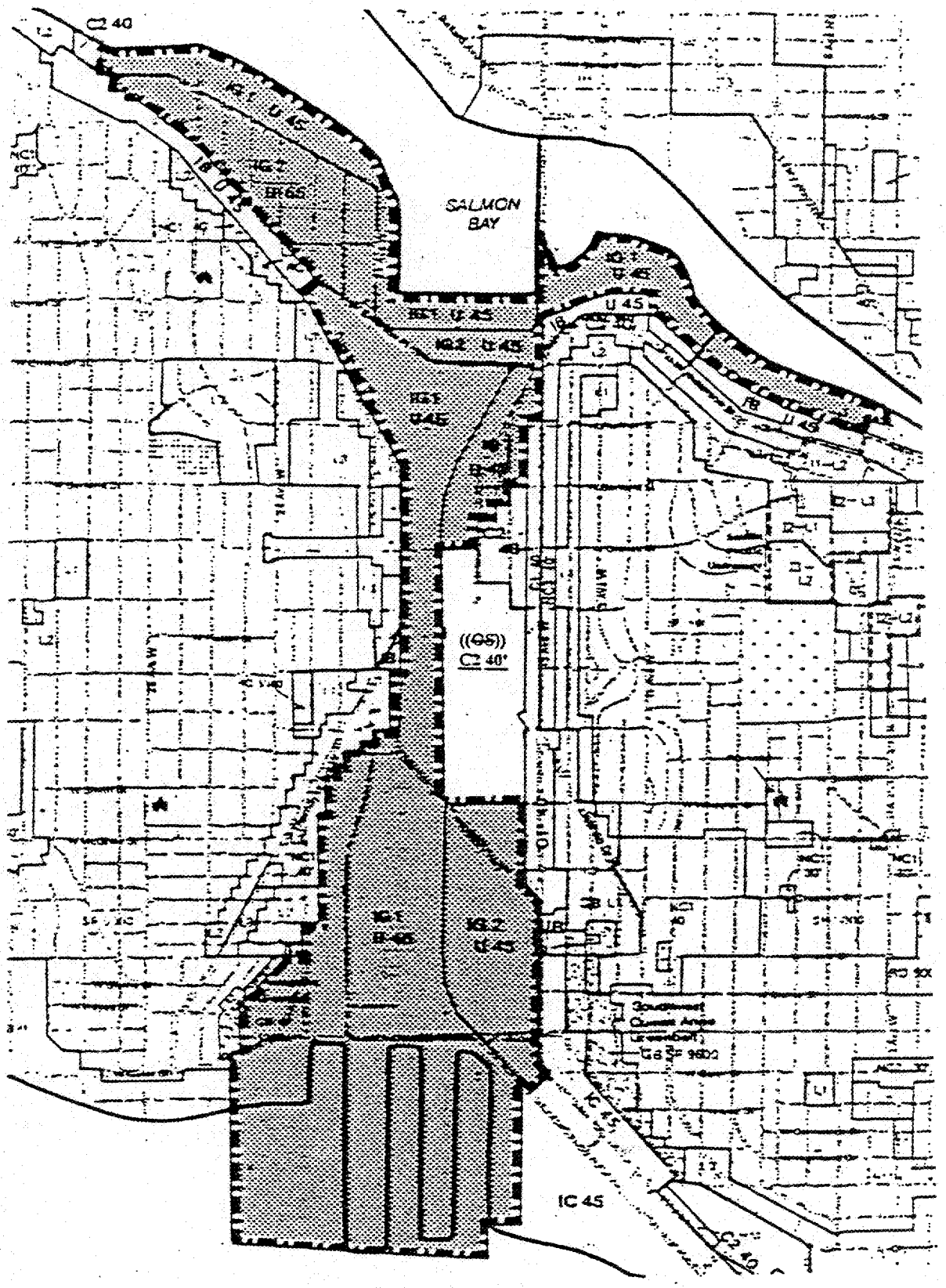
Exhibit 23.50.014 A Administrative Conditional Uses Queen Anne — Interbay Area



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Section 40. A new Exhibit 23.50.014A of subsection A of Section 23.50.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 116907, is added.

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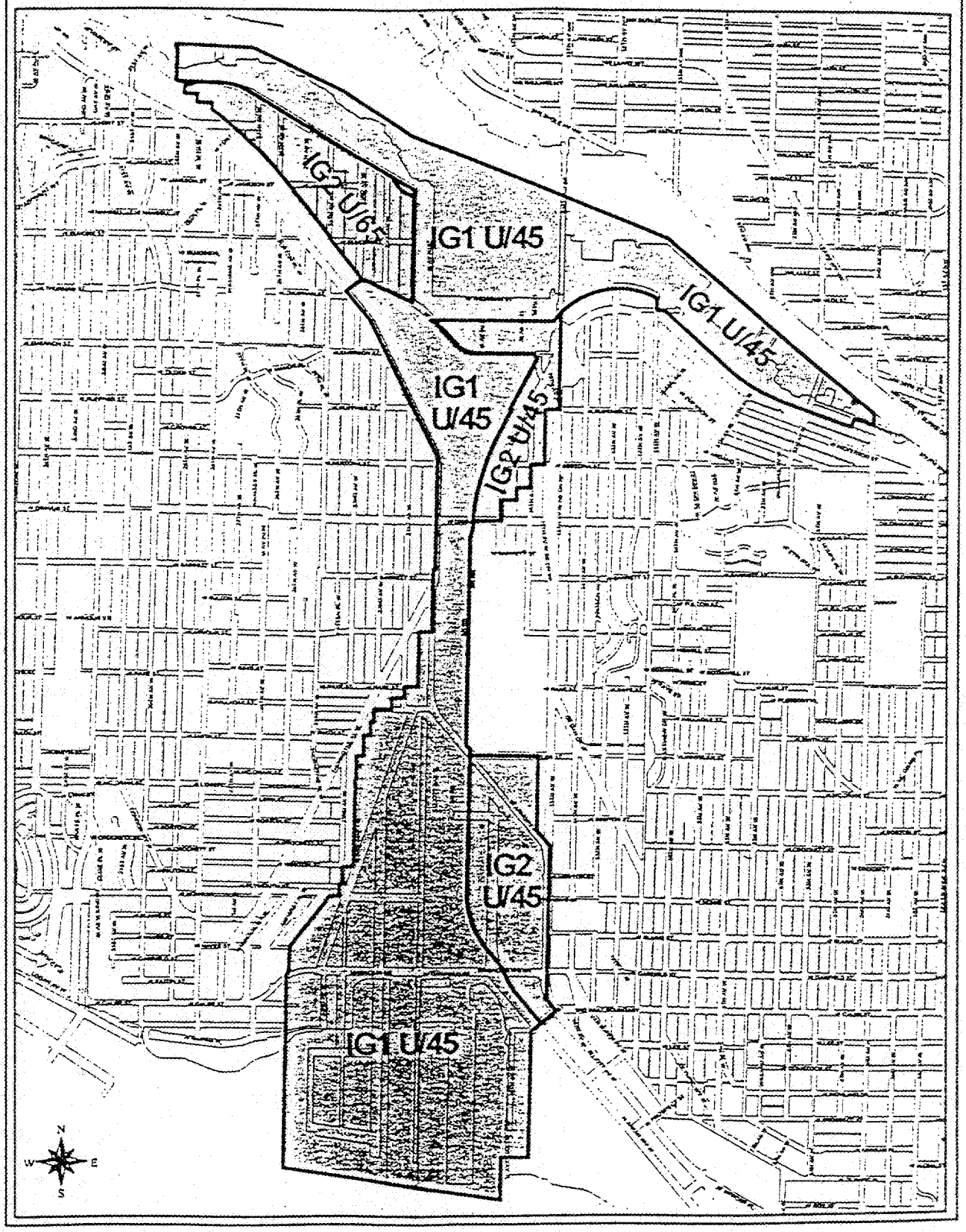
Exhibit 23.50.014 A Administrative Conditional Uses Queen Anne – Interbay Area



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Section 41. Subsection A of Section 23.54.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended as follows:

23.54.020 Parking quantity exceptions.

The parking quantity exceptions set forth in this section shall apply in all zones except downtown zones, which are regulated by Section 23.49.016, and major institution zones, which are regulated by Section 23.((~~48.018~~))54.016.

A. Adding Units to Existing Structures in Multifamily and Neighborhood Commercial Zones.

1. For the purposes of this section, "existing structures" shall be those structures which were established under permit, or for which a permit has been granted and has not expired((~~, or are substantially underway in accordance with subsection D of Section 23.04.010,~~)) as of the effective date of the applicable chapter of this Land Use Code, as follows:

a. In multifamily zones, August 10, 1982;

b. In commercial zones, June 9, 1986.

2. If an existing residential structure in a multifamily or neighborhood commercial zone has parking which meets the development standards, and the lot area is not increased, one (1) unit may be added without additional parking. If two (2) units are added, one (1) space will be required; three (3) units will require two (2) spaces, etc. Additional parking must meet all development standards for the particular zone.

3. In a Lowrise Duplex/Triplex zone:

a. When an existing residential structure provides less than one (1) parking space per unit, one (1) parking space shall be required for each additional dwelling unit when dwelling units are added to the structure or the structure is altered to create additional dwelling units;

b. When an existing nonresidential structure is partially or completely converted to residential use, then no parking space shall be required for the first new dwelling unit, provided that the lot area is not increased and existing parking is screened and landscaped to the greatest extent practical.

Additional parking provided shall meet all development standards for the Lowrise Duplex/Triplex zone.

4. If an existing structure does not conform to the development standards for parking, or is occupied by a nonconforming use, when:

- Dwelling units are added to the structure; or
- The structure is altered to create additional dwelling units; or
- The structure is completely converted to residential use, then no parking space need be provided for the first new or added dwelling unit, provided that the lot area is not

increased and existing parking is screened and landscaped to the greatest extent practical. Additional parking provided shall meet all development standards for the particular zone. This exception shall not apply in Lowrise Duplex/Triplex zones.

***

Section 42. Subsection E of Section 23.69.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended as follows:

23.69.030 Contents of a master plan.

* * *

E. The development program component shall include the following:

1. A description of alternative proposals for physical development including an explanation of the reasons for considering each alternative, but only if an Environmental Impact Statement is not prepared for the master plan; and

2. Density as defined by total maximum developable gross floor area for the MIO District and an overall floor area ratio (FAR) for the MIO District. Limits on total gross floor area and floor area ratios may also be required for sub-areas within the MIO District but only when an MIO District is over four hundred (400) acres in size or when an MIO District has distinct geographical areas; and

3. The maximum number of parking spaces allowed for the MIO District; and

4. A description of existing and planned future physical development on a site plan which shall contain:

a. The height, description, gross floor area and location of existing and planned physical development, and

b. The location of existing open space landscaping and screening, and areas of the MIO District to be designated open space. Designated open space shall be open space within the MIO District that is significant and serves as a focal point for user of the Major Institution. Changes to the size or location of designated open space will require an amendment pursuant to Section 23.69.035, and

c. Existing public and private street layout, and

d. Existing and planned parking areas and structures; and

((~~5. A description and total square footage in gross floor area of uses permitted under Section 23.69.008 E and F; and~~))

((~~6~~))5. A site plan showing: property lines and ownership of all properties within the applicable MIO District, or areas proposed to be included in an expanded MIO

District, and all structures and properties a Major Institution is leasing or using or owns within two thousand five hundred feet (2,500') of the MIO District; and

((~~7~~))6. Three (3) dimensional drawings to illustrate the height, bulk and form of existing and planned physical development. Information on architectural detailing such as window placement and color and finish materials shall not be required; and

((~~8~~))7. A site plan showing any planned infrastructure improvements and the timing of those improvements; and

((~~9~~))8. A description of planned development phases and plans, including development priorities, the probable sequence for such planned development and estimated dates of construction and occupancy; and

((~~10~~))9.A description of any planned street or alley vacations or the abandonment of existing rights-of-way; and

((~~11~~))10.At the option of the Major Institution, a description of potential uses, development, parking areas and structures, infrastructure improvements or street or alley vacations. Information about potential projects is for the purpose of starting a dialogue with the City and the community about potential development, and changes to this information will not require an amendment to the master plan; and

((~~12~~))11.An analysis of the proposed master plan's consistency with the City's Major Institution policies in Section 23.12.120 and in the Land Use Element of the City of Seattle's Comprehensive Plan; and

((~~13~~))12.A discussion of the Major Institution's facility decentralization plans and/or options, including leasing space or otherwise locating uses off-campus; and

((~~14~~))13.A description of the following shall be provided for informational purposes only. The Advisory Committee, pursuant to Section 23.69.032 D1, may comment on the following but may not subject these elements to negotiation nor shall such review delay consideration of the master plan or the final recommendation to Council:

a. description of the ways in which the institution will address goals and applicable policies under Education and Employability and Health in the Human Development Element of the Comprehensive Plan, and

b. statement explaining the purpose of the development proposed in the master plan, including the public benefits resulting from the proposed new development and the way in which the proposed development will serve the public purpose mission of the Major Institution.

* * *

Section 43. Subsection E of Section 23.69.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.69.032 Master plan process.

* * *

E. Draft Report and Recommendation of the Director.

1. Within five (5) weeks of the publication of the final master plan and EIS, the Director shall prepare a draft report on the application for a master plan as provided in Section 23.76.050, Report of the Director.

2. In the Director's Report, a determination shall be made whether the planned development and changes of the Major Institution are consistent with the City's Major Institution policies in Section 23.12.120 and in the Land Use Element of the City of Seattle's Comprehensive Plan, and whether the planned development and changes represent a reasonable balance of the public benefits of development and change with the need to maintain livability and vitality of adjacent neighborhoods. Consideration shall be given to:

a. The reasons for institutional growth and change, the public benefits resulting from the planned new facilities and services, and the way in which the proposed development will serve the public purpose mission of the major institution; and

b. The extent to which the growth and change will significantly harm the livability and vitality of the surrounding neighborhood.

3. In the Director's Report, an assessment shall be made of the extent to which the Major Institution, with its proposed development and changes, will address the goals and applicable policies under Education and Employability and Health in the Human Development Element of the Comprehensive Plan.

4. The Director's analysis and recommendation on the proposed master plan's development program component shall consider the following:

a. The extent to which the Major Institution proposes to lease space or otherwise locate a use at street level in a commercial zone outside of, but within two thousand five hundred feet (2,500') of, the MIO District boundary that is not similar to a personal and household retail sales and service use, eating and drinking establishment, customer service office, entertainment use or child care center but is allowed in the zone. To approve such proposal, the Director shall consider the criteria in Section 23.69.035 D((4))3;

b. The extent to which proposed development is phased in a manner which minimizes adverse impacts on the surrounding area. When public improvements are anticipated in the vicinity of proposed Major Institution development or expansion, coordination between the Major Institution development schedule and timing of public improvements shall be required;

c. The extent to which historic structures which are designated on any federal, state or local historic or landmark register are proposed to be restored or reused. Any changes to designated Seattle Landmarks shall comply with the requirements of the Landmarks Preservation Ordinance.1 The Major Institution's Advisory Committee shall review any application to demolish a designated Seattle Landmark and shall submit comments to the Landmarks Preservation Board before any certificate of approval is issued;

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d. The extent to which the proposed density of Major Institution development will affect vehicular and pedestrian circulation, adequacy of public facilities, capacity of public infrastructure, and amount of open space provided;

e. The extent to which the limit on the number of total parking spaces allowed will minimize the impacts of vehicular circulation, traffic volumes and parking in the area surrounding the MIO District.

5. The Director's analysis and recommendation on the proposed master plan's development standards component shall be based on the following:

a. The extent to which buffers such as topographic features, freeways or large open spaces are present or transitional height limits are proposed to mitigate the difference between the height and scale of existing or proposed Major Institution development and that of adjoining areas. Transition may also be achieved through the provision of increased setbacks, articulation of structure facades, limits on structure height or bulk or increased spacing between structures;

b. The extent to which any structure is permitted to achieve the height limit of the MIO District. The Director shall evaluate the specified limits on structure height in relationship to the amount of MIO District area permitted to be covered by structures, the impact of shadows on surrounding properties, the need for transition between the Major Institution and the surrounding area, and the need to protect views;

c. The extent to which setbacks of Major Institution development at ground level or upper levels of a structure from the boundary of the MIO District or along public rights-of-way are provided for and the extent to which these setbacks provide a transition between Major Institution development and development in adjoining areas;

d. The extent to which allowable lot coverage is consistent with permitted density and allows for adequate setbacks along public rights-of- way or boundaries of the MIO District. Coverage limits should insure that view corridors through Major Institution development are enhanced and that area for landscaping and open space is adequate to minimize the impact of Major Institution development within the MIO District and on the surrounding area;

e. The extent to which landscaping standards have been incorporated for required setbacks, for open space, along public rights-of-way, and for surface parking areas. Landscaping shall meet or exceed the amount of landscaping required by the underlying zoning. Trees shall be required along all public rights-of-way where feasible;

f. The extent to which access to planned parking, loading and service areas is provided from an arterial street;

g. The extent to which the provisions for pedestrian circulation maximize connections between public pedestrian rights-of-way within and adjoining the MIO District in a convenient manner. Pedestrian connections between neighborhoods separated by Major Institution development shall be emphasized and enhanced;

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h. The extent to which designated open space maintains the patterns and character of the area in which the Major Institution is located and is desirable in location and access for use by patients, students, visitors and staff of the Major Institution;

i. The extent to which designated open space, though not required to be physically accessible to the public, is visually accessible to the public;

j. The extent to which the proposed development standards provide for the protection of scenic views and/or views of landmark structures. Scenic views and/or views of landmark structures along existing public rights-of- way or those proposed for vacation may be preserved. New view corridors shall be considered where potential enhancement of views through the Major Institution or of scenic amenities may be enhanced. To maintain or provide for view corridors the Director may require, but not be limited to, the alternate spacing or placement of planned structures or grade-level openings in planned structures. The institution shall not be required to reduce the combined gross floor area for the MIO District in order to protect views other than those protected under City laws of general applicability.

6. The Director's report shall specify all measures or actions necessary to be taken by the Major Institution to mitigate adverse impacts of Major Institution development that are specified in the proposed master plan.

* * *

Section 44. Section 23.72.004 of the Seattle Municipal Code, as established by Ordinance 118624, is amended as follows:

23.72.004 Sand Point Overlay District established.

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Sand Point Overlay District, comprised of two subareas A and B, as shown on the City's Official Land Use Map, Chapter 23.32, and Map A.

Section 45 Subsections A and B of Section 23.72.008 of the Seattle Municipal Code, as adopted by Ordinance 118624, is amended as follows:

23.72.008 Uses permitted in specified areas within the Sand Point Overlay District

A. Uses permitted within ((~~the area~~)) Subarea B as depicted on Map A zoned single family.

1. Principal uses permitted outright. In addition to the uses permitted by the provisions of Section 23.44.006, the following principal uses are permitted outright in structures existing as of the effective date of this Chapter:

a. Custom and craft work and accessory retail sales and services;

b. Institutions, except hospital;
c. Lecture and meeting halls;
d. Motion picture studio;
e. Participant Sports and Recreation;
f. Police training facility;
g. Research and development laboratories;
h. Storage of fleet vehicles and accessory service and repair; and
i. Warehouse.

2. When not in use as a motion picture studio, a structure may be used for participant sports and recreation.

3. Within Subarea A, ((~~the "~~))Park Area((~~"~~)) depicted on Map A, area not occupied by existing structures, existing paved parking areas ((~~and~~)) or rights-of-way shall be limited to open space uses, such as parks and playgrounds.

B. Uses permitted within ((~~areas~~)) Subarea B as depicted on Map A zoned Lowrise 3. Principal uses permitted outright. In addition to the uses permitted outright in accordance with Section 23.45.006, the following principal uses are permitted outright within structures existing as of the effective date of this Chapter:

1. Food processing for human consumption;
2. Horticultural use;
3. Institutions, except hospital;
4. Lecture and meeting halls;
5. Medical service uses;
6. Office; and
7. Restaurants without cocktail lounges.

* * *

Section 46 Subsection C of Section 23.72.010 of the Seattle Municipal Code, as adopted by Ordinance 118624, is amended as follows:

23.72.010 Development Standards

* * *

C. Density. A maximum of 200 dwelling units may be established within the boundaries of the Sand Point Overlay District. Residential uses provided by the University of Washington shall not count toward the maximum site density established in this subsection.

Section 47. Subsection D of Section 23.76.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

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23.76.010 Applications for Master Use Permits.

* * *

D. All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures; SMC Chapter 25.09, Regulations for Environmentally Critical Areas, SMC Chapter 25.12, Landmark Preservation; SMC Chapter 25.16, Ballard Avenue Landmark District; SMC Chapter 25.20, Columbia City Landmark District; SMC Chapter 25.22, Harvard-Belmont Landmark District; SMC Chapter 25.24, Pike Place Market Historical District; and other codes as determined applicable by the Director. All shoreline substantial development, conditional use or variance applications shall also include applicable submittal information as specified in WAC 173-27-180. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines, unless the Director indicates in writing that specific information is not necessary for a particular application:

1. Property information including, but not limited to, address, legal description, Assessor's Parcel number, and project description;

((~~2. Evidence of ownership or authorization from the property owner to make the application;~~))

((~~3~~))2. A signed statement of financial responsibility from the applicant acknowledging financial responsibility for all applicable permit fees. If the application is made, in whole or in part, on behalf of the property's owner, lessee, and/or contract purchaser, then the statement of financial responsibility must also include a signed statement of the owner, lessee, and/or contract purchaser acknowledging financial responsibility for all applicable permit fees;

((4))3. Scale drawings with all dimensions shown that include, but are not limited to, the following information:

a. Existing site conditions showing adjacent streets (by name), alleys or other adjacent public property, existing street uses, such as street trees and sidewalk displays, buildings and structures, open space and landscape, access driveways and parking areas,

b. Elevations and sections of the proposed new features,

c. Floor plans showing the proposed new features,

d. Drainage plan,

e. Landscape plan,

f. Right-of-way information showing any work proposed in the public right-of-way,

g. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable,

h. Parking layout and vehicular access,

i. Vicinity map,

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j. Topographic map, and

k. Open space plan;

((~~5~~))4. A statement whether the site includes or is adjacent to a nominated or designated City of Seattle landmark, or has been listed as eligible for landmark status by the state or federal governments, or is within a City of Seattle landmark or special review district. If the site includes a nominated or designated City of Seattle landmark, or is within a City of Seattle landmark or special review district, then the applicant must provide a copy of any application for any required certificate of approval that has been filed with the Department of Neighborhoods. If the site does not include a landmark and is not within a landmark or special review district, then the applicant must provide the following information:

a. Date the buildings on the site were constructed,

b. Name of the architect(s) or builder(s), and

c. For any building fifty (50) or more years old, clear exterior photos of all elevations of the building;

5. For all transmitting antennas, the applicant shall submit a signed copy of the "Applicant's Statement of Federal Communications Commission (FCC) Compliance. If the transmitting antenna requires Seattle-King County Public Health Department review, the applicant must also submit a letter from the Public Health Department certifying that the facility does not exceed radiofrequency radiation levels allowed by the FCC.

6. Confirmation that any required notification sign has been installed according to the Director's specifications;

7. Information including technical reports, drawings, models or text, necessary to evaluate the development proposal, project site and potential environmental affects related to the following:

a. Soils and geology,

b. Grading,

c. Drainage,

d. Construction impacts,

e. Air quality,

f. Water quality,

g. Water discharge,

h. View impairment,

i. Energy consumption,

j. Animal habitat impacts,

k. Plant ecology, botany and vegetation,

l. Noise,

m. Release and disposal of toxic and hazardous materials,

n. Soil contamination,

o. Dredging,

p. Land use,

q. Housing,

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r. Light and glare,
s. Shadow,
t. Aesthetics,
u. Use and demand on recreation facilities,
v. Vehicular traffic and circulation,
w. Parking,
x. Pedestrian circulation,
y. Circulation and movement of goods,
z. Traffic hazard, and
aa. Demand on public service and utilities.

* * *

Section 48. Subsection D of Section 23.76.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 118181, is amended as follows:

23.76.012 Notice of application.

* * *

D. Comment Period. The Director shall provide a fourteen (14) day public comment period prior to making a threshold determination of nonsignificance (DNS) or issuing a decision on the project; provided, that the comment period shall be extended by fourteen (14) days if a written request for extension is submitted within the initial fourteen (14) day comment period; provided further that the comment period shall be thirty (30) days for applications requiring shoreline decisions <u>except, that for limited utility extensions and bulkheads subject to Section 23.60.065 of Title 23, the comment period shall be twenty (20) days as specified in that Section</u>. The comment period shall begin on the date notice is published in the General Mailed Release. Comments shall be filed with the Director by five p.m. (5:00 p.m.) of the last day of the comment period. When the last day of the comment period is a Saturday, Sunday or federal or City holiday, the comment period shall run until five p.m. (5:00 p.m.) the next business day. Any comments received after the end of the official comment period may be considered if material to review yet to be conducted.

* * *

Section 49. Subsection C of Section 23.76.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

23.76.020 Director's decisions.

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* * *

C. Notice of Decisions.

1. Type I. No notice of decision is required for Type I decisions.

2. Type II. The Director shall provide notice of all Type II decisions as follows:

a. A list of all Type II decisions shall be compiled and published in the City official newspaper within seven (7) days of the date the decision is made. This list and the date of its publication shall also be posted in a conspicuous place in the Department and shall be included in the General Mailed Release. Notice shall also be mailed to the applicant and to interested persons who have requested specific notice in a timely manner or who have submitted substantive comments on the proposal, and shall be submitted in a timely manner to at least one (1) community newspaper in the area affected by the proposal.

b. DNSs shall also be filed with the SEPA Public Information Center.

c. If the Director's decision includes a mitigated DNS or other DNS requiring a fifteen (15) day comment period pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, the notice of decision shall include notice of the comment period. The Director shall distribute copies of the DNS as required by SMC Section 25.05.340.

d. Any shoreline decision in a Master Use Permit shall be filed with the Department of Ecology ((~~and the State Attorney General~~)) according to the requirements contained in WAC 173-27-130. A shoreline decision on limited utility extensions and bulkheads subject to Section 23.60.065 shall be issued within twenty-one (21) days of the last day of the comment period as specified in that Section.

e. The notice of the Director's decision shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decisions subject to appeal and shall describe the appropriate appeal procedure.

Section 50. Subsection B of Section 23.76.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

23.76.022 Administrative appeals.

* * *

B. Shoreline Appeal Procedures. Appeal of the Director's decision to issue, condition, or deny a shoreline substantial development permit, shoreline variance, or shoreline conditional use as a part of a Master Use Permit must be filed by the appellant with

the Shorelines Hearings Board in accordance with the provisions of the Shoreline Management Act of 1971, RCW Chapter 90.58, and the rules established under its authority, WAC 173-((~~14~~))27. Appeals of related environmental actions, including DNS's, determination that an EIS is adequate, and the decision to grant, condition or deny the shoreline proposal based on the City's SEPA Policies pursuant to SMC Section 25.05.660, shall be consolidated in the appeal to the Shorelines Hearing Board. Appeal of a decision for limited utility extensions and bulkheads subject to Section 23.60.065 of Title 23 shall be finally determined within thirty (30) days as specified in that Section.

* * *

Section 51. Subsection A of Section 23.76.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, is amended as follows:

23.76.032 Expiration and renewal of Type I and II Master Use Permits.

A. Expiration.

1. A Type I or II Master Use Permit shall expire eighteen (18) months from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. Expiration of a Master Use Permit with a shoreline component shall be governed by WAC 173-((~~14-060~~))27-090.

b. Expiration of a variance component of a Master Use Permit shall be governed by the following:

(1) Variances for access, yards, setback, open space, or lot area minimums granted as part of short plat or lot boundary adjustment shall run with the land in perpetuity as recorded with the Director of the King County Department of Records and Elections.

(2) Variances granted as separate Master Use Permits pursuant to Section 23.76.((~~010D~~))004G shall expire eighteen (18) months from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is granted within this period, the variance's expiration date shall be extended until the expiration date established for the use approval.

c. The time during which pendency of litigation related to the Master Use Permit made it reasonable not to submit an application for a building permit, or to establish a use where a building permit is not required, shall not be included in the eighteen (18) month term of the Master Use Permit.

((~~d. Master Use Permits entered in the competition for office space downtown established under Section 23.49.011 shall expire as follows:~~

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~~(1) Eighteen (18) months from the date that the project is chosen to receive an office space allocation; or~~

~~(2) If the project is not chosen to receive an office space allocation in the first year that it is entered in the competition, it shall expire either:~~

~~(a) On the date that the opportunity to enter the next competition has passed, and the project has not been entered, or~~

~~(b) If it is chosen in the next competition to receive an office space allocation, eighteen (18) months from the date that the project is chosen, or~~

~~(c) On the date that it is not chosen to receive an office allocation in the next competition, or~~

~~(d) Eighteen (18) months from the date that the permit is approved for issuance as described in Section 23.76.028, whichever is greater;~~

~~(3) Master Use Permits entered in the competition for office space downtown may be renewed pursuant to subsection B.~~))

((e))d. Expiration of use approval to legalize previously unauthorized accessory dwelling units when final inspection approval for modifications required for Building or Housing Code compliance is not obtained within two (2) years from the date of application for the Master Use Permit is governed by Section 23.44.025B.

((f))e. Master Use Permits with a Major Phased Development component established under Section 23.47.007 or 23.50.015 shall expire as follows:

(1) For the first phase, twenty-four (24) months from the date the permit is approved for issuance, except as provided in subsection B;

(2) For subsequent phases, expiration shall be determined at the time of permit issuance.

((g))f. Master Use Permits with a Design Review Component are subject to Section 23.76.026C2. If the Land Use Code or other land use control ordinances change prior to publication of the Director's decision on a Master Use Permit that contains a design review component and qualifies for vesting pursuant to Section 23.76.026C2, such Master Use Permit shall expire one hundred twenty (120) days from the date the Master Use Permit is approved for issuance, unless a complete application for a building permit meeting the requirements of Section 106 of the Seattle Building Code1 is submitted within one hundred twenty (120) days of the date the Master Use Permit is approved for issuance.

2. At the end of the eighteen (18) month term, Master Use Permits shall expire unless:

a. A building permit is issued before the end of the eighteen (18) month term, or an application for a building permit is: (1) submitted at least sixty (60) days before the end of the eighteen (18) month term; (2) made sufficiently complete to meet the requirements of Section 106 of the Seattle Building Code1 before the end of the eighteen (18) month term; and (3) subsequently issued. In such cases, the Master Use Permit shall be extended for the same term as the building permit is issued. For highrise structures regulated under Section 403 of the Seattle Building Code,1 the building permit application may be a partial one, provided that it includes the complete structural frame of the building, and

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schematic plans for the exterior shell of the building. If a building permit is issued and renewed within the original eighteen (18) month term of a Master Use Permit, the Master Use Permit shall be extended in the same manner; or

b. For projects which do not require a building permit, the use has been established prior to the expiration date of the Master Use Permit and is not terminated by abandonment or otherwise. In such cases the Master Use Permit shall not expire; or

c. The Master Use Permit is extended pursuant to subsection A3; or

d. The Master Use Permit is renewed as provided in subsection B; or

e. A Major Phased Development component is part of the Master Use Permit, in which case subsection A1f shall apply.

3. When a building permit has been issued and the conditions of Section 106.9.2 of the Seattle Building Code are met, the Master Use Permit shall be automatically extended for the life of the building permit and no Master Use Permit renewal shall be required.

* * *

Section 52. Section 23.84.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 117202, is amended to repeal one definition as follows:

23.84.004 "B."

* * *

((~~"Boarder" means a person who rents a room or rooms for lodging purposes within a dwelling unit on not less than a monthly basis.~~))

* * *

Section 53. Section 23.84.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, amends the definition for "dwelling unit" as follows:

23.84.008 "D."

* * *

"Dwelling unit" means a room or rooms located within a structure, designed, arranged, occupied or intended to be occupied by not more than one (1) household ((~~and permitted roomers or boarders,~~)) as living accommodations independent from any other household. The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

* * *

Section 54. Section 23.84.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 117929, is amended to repeal one definition and add two definitions in alphabetical order as follows:

23.84.024 "L."

* * *

((~~"Lodger." See "Boarder."~~))

* * *

"Lot, parent" means the initial lot from which unit lots are subdivided for the exclusive use of townhouses, cottage housing, clustered housing, single family residences in Lowrise zones, or any combination of the above types of residential development.

* * *

"Lot, unit" means one of the individual lots created from the subdivision of a parent lot for the exclusive use of townhouses, cottage housing, clustered housing, single family residences in Lowrise zones, or any combination of the above types of residential development.

* * *

Section 55. Section 23.84.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, is amended to repeal one definition as follows:

23.84.032 "R."

* * *

((~~"Roomer." See "Boarder."~~))

* * *

Section 56. The Official Land Use Map of The City of Seattle is amended to remove the Greenbelt ("GB") overlay designation from all plats on which it appears.

Section 57. Existing Exhibit 1 of Section 25.05.675 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is repealed.

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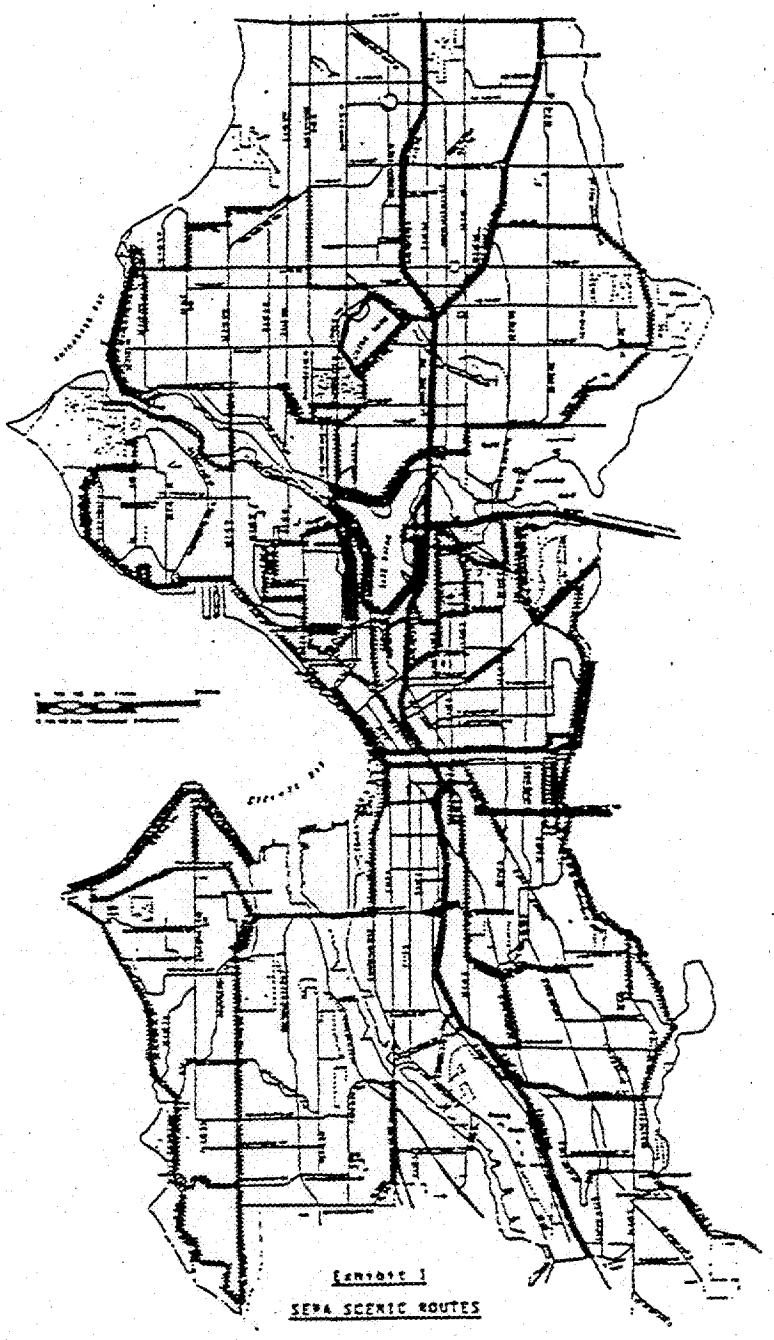

Exhibit 1

SEPA SCENIC ROUTES

LEGEND

— Scenic routes described by Seattle Engineering Department, Traffic Division map and designated by Ordinance 97027.

— Scenic routes identified as protected view rights of way in the Seattle Mayor's April 1997 Open Space Policies Recommendation.

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Section 58. A new Exhibit 1 of Section 25.05.675 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is added.

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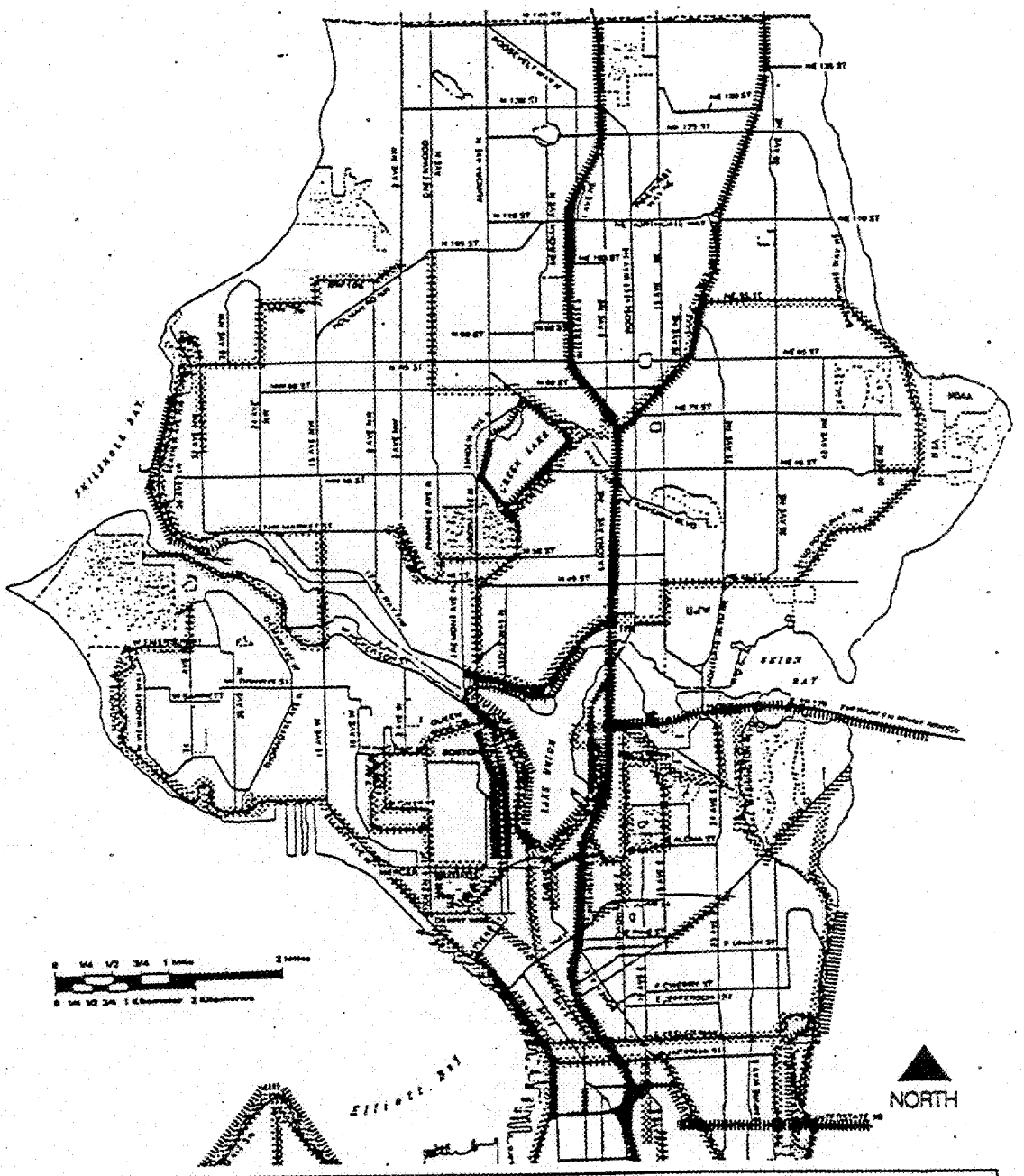

LEGEND

Scenic routes described by Seattle Engineering Department, Traffic Division map and designated by Ordinance 97027.

Scenic routes identified as protected view rights of way in the Seattle Mayor's April 1987 Open Space Policies Recommendation.

EXHIBIT 1—SEPA SCENIC ROUTES MAP
NORTH SEATTLE

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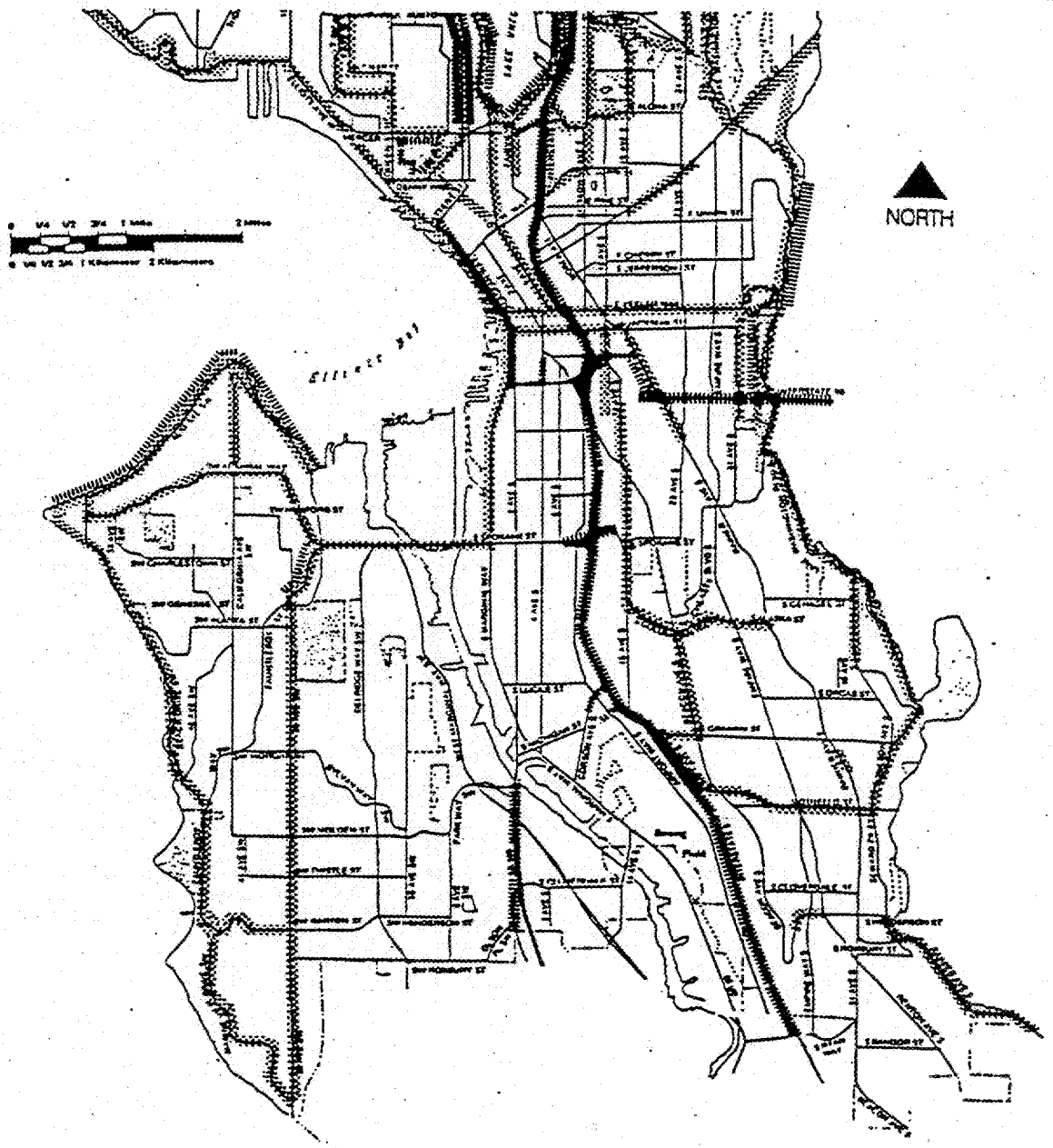

LEGEND

Scenic routes described by Seattle Engineering Department, Traffic Division map and designated by Ordinance 97027.

Scenic routes identified as protected view rights of way in the Seattle Mayor's April 1987 Open Space Policies Recommendation.

EXHIBIT 1—SEPA SCENIC ROUTES MAP
SOUTH SEATTLE

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Section 59. Subsection B is amended and subsection C is repealed of Section 25.05.680 of the Seattle Municipal Code, which Section was last amended by Ordinance 118181, as follows:

25.05.680 Appeals.

* * *

B. Appeal to Hearing Examiner of Decisions Not Related to Master Use Permits or Council Land Use Decisions.

1. The following agency decisions on proposals not requiring a Master Use Permit shall be subject to appeal to the Hearing Examiner by any interested person as provided in this subsection:

a. Determination of Non((~~S~~))significance ((~~and, for a Public Project or Nonproject Action Only, a Determination of Nonsignificance~~)). On appeal of a threshold determination, a party may also challenge the preliminary determinations.

b. Adequacy of the final EIS as Filed in the SEPA Public Information Center. Notice of all decisions described in this subsection shall be filed promptly by the responsible official in the City's SEPA Public Information Center.

2. An appeal shall be commenced by the filing of a notice of appeal with the office of the Hearing Examiner no later than the fifteenth day following the filing of the decision in the SEPA Public Information Center or publication of the decision in the City official newspaper, whichever is later; provided that when a ((~~fifteen (15)~~)) fourteen (14) day DNS comment period is required pursuant to this chapter, appeals may be filed no later than the twenty-first day following such filing or publication. The appeal notice shall set forth in a clear and concise manner the alleged errors in the decision. Upon timely notice of appeal the Hearing Examiner shall set a date for hearing and send notice to the parties. Filing fees for appeals to the Hearing Examiner are established in Section 3.02.125.

3. Appeals shall be considered de novo and limited to the issues cited in the notice of appeal. The determination appealed from shall be accorded substantial weight and the burden of establishing the contrary shall be upon the appealing party. The Hearing Examiner shall have authority to affirm or reverse the administrative decisions below, to remand cases to the appropriate department with directions for further proceedings, and to grant other appropriate relief in the circumstances. Within fifteen (15) days after the hearing, the Hearing Examiner shall file and transmit to the parties written findings of fact, conclusions of law, and a decision.

4. The Hearing Examiner is authorized to promulgate rules and procedures to implement the provisions of this section. The rules shall be promulgated pursuant to Chapter 3.02 of this code.

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5. If the agency has made a decision on a proposed action, the Hearing Examiner shall consolidate any allowed appeals of procedural and substantive determinations under SEPA. For example, an appeal of the adequacy of an EIS must be consolidated with an appeal of the agency's decision on the proposed action, if both appeals are allowed by ordinance.

((~~C. Appeal to the City Council of Decisions Not Related to Master Use Permits or Council Land Use Decisions.~~

~~1. Any decision of the Hearing Examiner or of any other authorized City official or body concerning the approval, conditioning or denial of proposals pursuant to Section 25.05.660 (substantive authority and mitigation) on proposals not requiring a Master Use Permit may be appealed to the City Council according to the procedures and criteria set forth in this subsection.~~

~~2. An appeal to the City Council may be filed only by a party to the hearing before the Hearing Examiner or other authorized official or body. The appeal shall be filed with the City Clerk no later than the fifteenth day after the date the decision appealed from is filed with the SEPA Public Information Center.~~

~~3. Any person who supports the responsible official's decision regarding the approval, conditioning, or denial of a proposal pursuant to Section 25.05.660 may become a party to the appeal hearing before the Hearing Examiner or other authorized official or body by requesting intervenor status. Written requests for intervenor status must be filed with the Hearing Examiner not less than five (5) days before the date of the hearing. In their written request, intervenors shall indicate the grounds for their support of the responsible official's decision, including grounds not relied upon by the responsible official. Intervenors may provide testimony at the hearing regarding the grounds for their support of the decision as specified in their written request. Individuals in support of the responsible official's decision who do not request intervenor status shall not have the right to appeal the Hearing Examiner's decision to the City Council pursuant to subsection C of this section.~~

~~4. The Council shall accept for review those appeals which raise issues regarding: (a) Council intent with respect to interpretation of the City's substantive SEPA policies; or (b) the sufficiency or appropriateness of mitigation or denial of a proposal.~~

~~5. The City Council's review on appeal shall be limited to the issues identified under subsection C4 including issues of factual dispute. The Council's review shall be based upon the record from the hearing below; provided however, that the City Council or the appropriate City Council committee may allow oral or written arguments and may permit the record to be supplemented; and provided further, that members of the committee or of the full Council may make a site visit.~~

~~6. Findings of fact in the Hearing Examiner's decision and discretionary determinations regarding the sufficiency of and appropriateness of mitigation or denial shall be accorded substantial weight and shall be accepted by the Council unless clearly erroneous. The burden of establishing the contrary shall be upon the appealing party.~~

~~7. The City Council may affirm or reverse the administrative decisions below, remand cases to the appropriate department with directions for further proceedings,~~

~~or grant other appropriate relief in the circumstances. The City Council is authorized to promulgate rules to implement the provisions of this section pursuant to the Administrative Code (SMC Chapter 3.02).~~))

* * *

Section 60. Subsections A and C of Section 25.05.908 of the Seattle Municipal Code, which Section was last amended by Ordinance 117789, is amended as follows:

25.05.908 Environmentally sensitive areas.

A. Environmentally sensitive areas are ((~~those~~)) the following environmentally critical areas located in the City as designated in The City of Seattle Environmentally Critical Areas Policies and regulated and mapped in Section 25.09.020 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, and other City codes((~~, located inside the city.~~)):

1. Landslide-prone Areas, including, but not limited to, known landslide areas, potential landslide areas, and steep slopes of forty percent (40%) average slope or greater;

2. Riparian Corridors;

3. Wetlands; and

4. Fish and Wildlife Habitat Conservation Areas.

Within these areas, certain categorically exempt activities listed in WAC 197-11-908(2) could have a significant adverse environmental impact, require additional environmental review to determine impacts, and may require mitigation beyond the development standards required by all applicable City codes. ((~~Those environmentally critical areas which require additional discretionary review and may require mitigation beyond that provided for in applicable City codes are designated environmentally sensitive areas and include:~~

~~1. Landslide-prone Areas. Landslide-prone areas are characterized by the following:~~

~~a. Known landslide areas identified by documented history, or any areas that have shown significant movement during the last ten thousand (10,000) years or are underlain by mass wastage debris that occurred during this period; or~~

~~b. Potential landslide areas based on documented geological characteristics, and based on a combination of geologic, topographic and hydrologic factors, including the following:~~

~~i. Areas over fifteen percent (15%) slope which have at least one (1) of the following characteristics:~~

~~(A) Impermeable soils (typically silt and clay) interbedded with permeable granular soils (predominantly sand and gravel); or impermeable~~

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~~soils overlain with permeable soils. This includes the area within one hundred feet (100>) either side of the contact between Esperance Sand and either Lawton Clay or Pre-Lawton sediments as is shown on the area noted as Class Four (4) on the Slope Stability Map of Seattle, in Causes, Mechanisms and Prediction of Landsliding in Seattle, by Donald Willis Tubbs, Ph.D. Dissertation, University of Washington, 1975 ("Tubbs Map") or as otherwise mapped; or~~

~~(B) Identified relatively unstable soils such as either Lawton Clay or Pre-Lawton sediments, as is shown on the area noted as Class Three (3) of the Tubbs Map, or as otherwise mapped; or~~

~~(C) Springs or groundwater seepage.~~

~~ii. Steep slopes of forty percent (40%) average slope or greater as defined by the Director. A slope must have a vertical elevation change of at least ten feet (10') to be considered a steep slope, although the ten feet (10') may cross the boundaries of a site. Slopes that meet these characteristics shall be considered steep-slope environmentally critical areas in addition to being classified as potential landslide areas.~~

~~iii. Areas that would be covered under either subsections A1bi or A1bii above, but where the slope has been previously modified through the provision of retaining walls or nonengineered cut and fill operations.~~

~~iv. Any slope area potentially unstable as a result of rapid stream incision or stream bank erosion.~~

~~2. Riparian Corridors. Riparian corridors include all areas within one hundred feet (100') measured horizontally from the top of the bank, or, if that cannot be determined, from the ordinary high water mark of the water body and watercourse, or a one hundred (100) year floodplain as mapped byFEMA, whichever is greater, and are classified as either a Class A Riparian Corridor or a Class B Riparian Corridor. Class A Riparian Corridors are stable, established streams and lakes that flow year-round and/or support salmonids, and include, but are not limited to, corridors that have an established floodplain as mapped by the FEMA Flood Insurance Program, which includes Longfellow, Thornton, Pipers, Venema, Mohlendorph, Fauntleroy, Ravenna, Mapes, DeadHorse/Mill, Maple Leaf and Little Brook Creeks, and Haller and Bitter Lakes. Class B Riparian Corridors are not mapped by FEMA and are intermittent streams without salmonids that still demonstrate a high water mark. Riparian corridors do not normally include those artificial drainage areas intentionally created from grass-lined swales, canals, detention facilities, wastewater treatment facilities, and landscape amenities.~~

~~3. Wetlands. Wetlands are those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally~~

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~~created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.~~

~~(The method for delineating wetlands shall follow the 1989 Federal Manual for Delineating Jurisdictional Wetlands until the Washington State Department of Ecology adopts a new manual for the delineation of wetlands in conformance with Section 11 of Chapter 382 of the Laws of 1995, in which case the method for delineating wetlands shall follow such manual; however, if prior to that time the King County Countywide Planning Policies are amended to allow use of the 1987 U.S. Corps of Engineers Wetlands Delineation Manual in conjunction with the U.S. Corps of Engineers Washington Regional Guidance on the 1987 Wetland Delineation Manual, the method for delineating wetlands shall follow such manuals of the Corps of Engineers until the Department of Ecology's manual is adopted.~~

~~4. Fish and Wildlife Habitat Conservation Areas. Fish and wildlife habitat conservation areas include, but are not limited to, the following:~~

~~a. Areas identified by the Washington State Department of Wildlife as priority habitat and species areas or urban natural open space habitat areas;~~

~~(1) Corridors connecting other priority habitat areas, especially areas that would otherwise be isolated;~~

~~(2) Areas that remain an isolated remnant of natural habitat larger than ten (10) acres or more and surrounded by urban development, with local consideration given to areas smaller than ten (10) acres;~~

~~b. All bodies of water that provided migration corridors and habitat for fish, especially salmonids, and including Lake Washington, Lake Union and the Lake Washington Ship Canal, Duwamish River, and that portion of Elliott Bay within the City's jurisdiction;~~

~~c. Commercial and recreational shellfish areas and kelp and eelgrass beds; and~~

~~d. Areas which provide habitat for species of local importance.~~))

* * *

C. The ((~~Kroll Atlas~~)) Official Land Use Map of The City of Seattle contains overlays identifying the general boundaries of all known environmentally critical areas within the city, which reference The City of Seattle's Environmentally Critical Areas Maps to determine the general boundaries of each environmentally critical area. The Environmentally Critical Areas Maps specify those designated areas which are subject to SEPA pursuant to WAC 25.05.908. A copy of the maps shall be maintained in the SEPA Public Information Center.

The maps shall be used and amended as follows:

1. The maps shall be advisory and used by the Director of DCLU to provide guidance in determining applicability of SEPA to a property. Likewise,

environmentally sensitive areas which are incorrectly mapped may be exempted from SEPA by the Director of DCLU when the provisions of subsection D of Section 25.09.040 of the regulations for environmentally critical areas apply.

2. The boundaries and contents of these designated environmentally sensitive areas maps may be amended by the Director following the environmentally critical areas maps amendment process as set forth in subsection C of Section 25.09.020 of the regulations for environmentally critical areas.

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Section 61. Subsection B of Section 25.09.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 117945, is amended as follows:

25.09.020 Environmentally critical areas.

* * *

B. The following shall constitute environmentally critical areas regulated by this chapter:

1. Geologic Hazard Areas.

a. Landslide-prone Areas. Landslide- prone areas are characterized by the following:

(1) Known landslide areas identified by documented history, or any areas that have shown significant movement during the last ten thousand (10,000) years or are underlain by mass wastage debris that occurred during this period; or

(2) Potential landslide areas based on documented geological characteristics, and based on a combination of geologic, topographic and hydrologic factors, including the following:

(a) Areas over fifteen percent (15%) slope which have at least one (1) of the following characteristics:

(i) Impermeable soils (typically silt and clay) interbedded with permeable granular soils (predominantly sand and gravel); or impermeable soils overlain with permeable soils. This includes the area within one hundred feet (100') either side of the contact between Esperance Sand and either Lawton Clay or Pre-Lawton sediments as is shown on the area noted as Class Four (4) on the Slope Stability Map of Seattle, in Causes, Mechanisms and Prediction of Landsliding in Seattle, by Donald Willis Tubbs, Ph.D. Dissertation, University of Washington, 1975 ("Tubbs Map"), or as otherwise mapped, or

(ii) Identified relatively unstable soils in either Lawton Clay or Pre-Lawton sediments, as is shown on the area noted as Class Three (3) of the Tubbs Map, or as otherwise mapped, or

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(iii) Springs or groundwater seepage;

(b) Steep slopes of forty percent (40%) average slope or greater as defined by the Director. A slope must have a vertical elevation change of at least ten feet (10') to be considered a steep slope, although the ten feet (10') may cross the boundaries of a site. Slopes that meet these characteristics shall be considered steep- slope environmentally critical areas in addition to being classified as potential landslide areas;

(c) Areas that would be covered under either (a) or (b), but where the slope has been previously modified through the provision of retaining walls or nonengineered cut and fill operations;

(d) Any slope area potentially unstable as a result of rapid stream incision or stream bank erosion.

b. Liquefaction-prone Areas. Liquefaction-prone areas are areas underlain by cohesionless soils of low density usually in association with a shallow groundwater table which lose substantial strength during earthquakes.

2. Flood-prone Areas. Flood-prone areas are those areas that would likely be covered with or carry water as a result of a one hundred (100) year storm, or that would have a one percent (1%) or greater chance of being covered with or of carrying water in any given year based on current circumstances or maximum development permitted under existing zoning. This includes areas identified on the Seattle Floodplain Development Ordinance, FEMA maps, streams identified by the Washington State Department of Fisheries' Catalog of Washington Streams, and areas with drainage problems known to the Seattle Drainage and Wastewater Utility.

3. Riparian Corridors. Riparian corridors include all areas within one hundred feet (100') measured horizontally from the top of the bank, or if that cannot be determined, from the ordinary high water mark of the watercourse and water body, or a one-hundred (100) year floodplain as mapped by FEMA, as regulated by the Seattle Floodplain Development Ordinance,1 whichever is greater, and are classified as either a Class A Riparian Corridor or a Class B Riparian Corridor. Class A Riparian Corridors are stable, established streams and lakes that flow year-round and/or support salmonids, and include, but are not limited to, corridors that have an established floodplain as mapped by the FEMA Flood Insurance Program, and include Longfellow, Thornton, Pipers, Venema, Mohlendorph, Fauntleroy, Ravenna, Mapes, DeadHorse/Mill, Maple Leaf and Little Brook Creeks, and Haller and Bitter Lakes. Class B Riparian Corridors are not mapped by FEMA and are intermittent streams without salmonids that still demonstrate a high water mark. Riparian corridors do not normally include those artificial drainage areas intentionally created from grass-lined swales, canals, detention facilities, wastewater treatment facilities, and landscape amenities.

4. Wetlands. Wetlands are those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-

wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. (The method for delineating wetlands shall follow the ((~~1989 Federal Manual for Delineating Jurisdictional Wetlands until the Washington State Department of Ecology adopts a new manual for the delineation of wetlands in conformance with Section 11 of Chapter 382 of the Laws of 1995, in which case the methods for delineating wetlands shall follow such manual; however, if prior to that time the King County Countywide Planning Policies are amended to allow use of the 1987 U.S. Corps of Engineers Wetlands Delineation Manual in conjunction with the U.S. Corps of Engineers Washington Regional Guidance on the 1987 Wetland Delineation Manual, the method for delineating wetlands shall follow such manuals of the Corps of Engineers until the Department of Ecology's manual is adopted.~~)) most current version of the "Washington State Wetlands Identification and Delineation Manual" as adopted by the State Department of Ecology.)

5. Fish and Wildlife Habitat Conservation Areas. Fish and wildlife habitat conservation areas include, but are not limited to, the following:

a. Areas identified by the Washington State Department of Wildlife as priority habitat and species areas or urban natural open space habitat areas;

(1) Corridors connecting other priority habitat areas, especially areas that would otherwise be isolated;

(2) Areas that remain an isolated remnant of natural habitat of ten (10) acres or more and surrounded by urban development, with local consideration given to areas smaller than ten (10) acres;

b. All bodies of water that provide migration corridors and habitat for fish, especially salmonids, including Lake Washington, Lake Union and the Lake Washington Ship Canal, Duwamish River, and that portion of Elliott Bay within the City's jurisdiction;

c. Commercial and recreational shellfish areas and kelp and eelgrass beds; and

d. Areas which provide habitat for species of local importance.

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6. Abandoned Landfills. Abandoned landfills include those abandoned solid waste landfills identified by the Seattle-King County Health Department in their 1986 Abandoned Landfill Toxicity/Hazard Assessment Project, additional sites identified by public or historical research, and areas within one thousand feet (1,000') of methane-producing landfills.

* * *

Section 62. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 64. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 10th day of November, 1997, and signed by me in open session in authentication of its passage this 10th day of November, 1997.

Jan Drago
President of the City Council

Approved by me this 21 day of November, 1997.

Norman B. Rice
Norman B. Rice, Mayor

Filed by me this 21 day of November, 1997.

Judith E. Pippin
City Clerk

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ORDINANCE _____

AN ORDINANCE relating to land use and environmental protection; amending Sections 23.22.028, 23.22.056, 23.22.058, 23.22.100, 23.22.106, 23.24.045, 23.24.060, 23.34.016, 23.34.018, 23.34.020, 23.34.022, 23.34.024, 23.34.028, 23.40.002, 23.42.010, 23.44.014, 23.44.016, 23.44.018, 23.44.022, 23.44.041, 23.45.005, 23.45.006, 23.45.010, 23.45.014, 23.45.016, 23.45.018, 23.45.058, 23.45.060, 23.45.076, 23.45.112, 23.45.154, 23.47.004, 23.47.006, 23.47.010, 23.47.014, 23.47.024, 23.50.012, 23.50.014, 23.54.020,.23.69.030, 23.69.032, 23.72.004, 23.72.008, 23.72.010, 23.76.010, 23.76.012, 23.76.020, 23.76.022, 23.76.032, 23.84.004, 23.84.008, 23.84.024, and 23.84.032, removing the Greenbelt (GB) Overlay from the Official Land Use Map of The City of Seattle, and repealing Sections 23.44.072 and 23.45.168 of the Seattle Municipal Code (Title 23, Land Use Code); amending Sections 25.05.675, 25.05.680 and 25.05.908 of the Seattle Municipal Code (Chapter 25.05, Environmental Policies and Procedures), and amending Section 25.09.020 of the Seattle Municipal Code (Chapter 25.09, Regulations for Environmentally Critical Areas).

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.22.028 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.22.028 Effect of preliminary plat approval.

A. Approval of the preliminary plat shall constitute authorization for the subdivider to develop the subdivision facilities and improvements as required in the approved preliminary plat upon issuance of the final plat. Development shall be in strict accordance with the plans and specifications as prepared or approved by the Director of Transportation and subject to any conditions imposed by the ((~~Council~~)) Hearing Examiner.

B. No subdivision requirements which become effective after the approval of a preliminary plat for a subdivision shall apply to such subdivision unless the ((~~Council~~)) Hearing Examiner determines that a change in conditions created a serious threat to the public health or safety.

Section 2. Section 23.22.056 of the Seattle Municipal Code, which Section was adopted by Ordinance 110570, is amended as follows:

23.22.056 Flood control zone.

No plat shall be approved by the ((~~Council~~)) Hearing Examiner covering any land situated in a flood control zone as provided in RCW Chapter 86.16 without the prior written approval of the State Department of Ecology.

Section 3. Section 23.22.058 of the Seattle Municipal Code, which Section was adopted by Ordinance 116262, is amended as follows:

23.22.058 Environmentally critical areas.

No plat shall be approved by the ((~~Council~~)) Hearing Examiner covering any land situated in a riparian corridor buffer, wetland and wetland buffer, or steep slope and steep slope buffer unless in compliance with the applicable provisions of SMC Section 25.09.((~~100~~))240, Short subdivisions and subdivisions, in environmentally critical areas.

Section 4. Subsection A of Section 23.22.100 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.22.100 Design standards.

Except as provided in Section 23.22.106, design of all subdivisions shall conform to the standards set forth in this subsection:

A. Streets and Alleys.

1. All subdivisions shall be served by one (1) or more streets providing adequate ingress and egress to and from the subdivision.

2. Major streets within each subdivision shall conform with the City's thoroughfare and circulation plans and shall provide for the continuation of major streets which serve property contiguous to the subdivision. Unless warranted by special physical circumstances, streets serving lots on two sides shall be at least sixty feet (60') wide.

3. Street intersections shall be as nearly at right angles as practicable and in no event shall the angle formed be less than thirty degrees (30°).

4. A cul-de-sac shall be ((~~so~~)) designed according to the Street Improvement Manual ((~~as~~)) to provide a circular turnaround at the closed end ((~~which has a minimum radius of forty feet (40') and a minimum roadway radius of twenty-eight feet (28')~~)). A tee or other reasonable alternative may be authorized by the ((~~Council~~)) Hearing Examiner in lieu of the turnaround. Cul-de-sac streets shall not exceed four hundred fifty feet (450') in length and the right-of-way shall be at least fifty feet (50') wide, except under special circumstances a lesser width will be permitted.

5. Street networks shall provide ready access for fire and other emergency vehicles and equipment, and routes of escape for inhabitants.

6. Alleys shall be at least sixteen feet (16') wide plus such additional width as shall be necessary for an adequate turning radius.

* * *

Section 5. Section 23.22.106 of the Seattle Municipal Code, which Section was adopted by Ordinance 110570, is amended as follows:

23.22.106 Exceptions.

Exceptions from the design standards and improvement requirements set forth in this subchapter may be authorized by the ((~~Council~~)) Hearing Examiner in those instances where it is deemed that hardship, topography or other factual deterrent conditions prevail, and in such manner as it considers necessary to maintain the intent and purpose of the regulations and requirements. Approval by the ((~~Council~~)) Hearing Examiner of a preliminary plat on which variations and exceptions are clearly indicated shall constitute authorization of the variations and exceptions.

Section 6. Section 23.24.045 of the Seattle Municipal Code, which Section was adopted by Ordinance 118414, is amended as follows:

23.24.045 ((~~Townhouses~~)) Unit Subdivisions.

A. The provisions of this Section apply exclusively to the unit subdivision of townhouses, cottage housing, clustered housing, or single family residences in Lowrise zones.

((~~A~~))B. Sites developed or proposed to be developed with dwelling units listed in subsection A above ((~~townhouse structures~~)), may be subdivided into individual ((~~townhouse~~)) unit lots. The ((~~proposed townhouse~~)) development as a whole shall meet development standards applicable at the time the permit application is vested. ((~~The subdivided townhouse unit shall be exempt from meeting development standards~~)) As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each ((~~unit~~)) dwelling unit shall be provided on the same lot as the ((~~unit~~)) dwelling unit it serves.

((~~B~~))C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the ((~~structure as a whole, when considered on the combined site~~)) parent lot.

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

((~~C~~))E. ((~~As a result of a townhouse subdivision, r~~)) Within the parent lot, required parking for a ((~~unit~~)) dwelling unit may be provided on a different unit lot than the ((~~unit~~)) lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

((~~D~~))F. The fact that additional development of the ((~~lots of~~)) individual unit((~~s~~)) lots may be limited as a result of the application of development standards to the ((~~combined site~~)) parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

Section 7. Section 23.24.060 of the Seattle Municipal Code, adopted by Ordinance 110570, is amended as follows:

23.24.060 Redivision procedures.

((~~Land within a short subdivision may not be further divided within a five (5) year period immediately following approval and filing of a short plat unless a final plat for such subdivision is approved and filed for record in accordance with the provisions of Chapter 23.22.~~)) Within a five (5) year period following the filing of a short subdivision in accordance with the provisions of Chapter 23.22, property within that short subdivision may not be further divided through the short subdivision process if it would result in more than a total of nine (9) lots. However, any revision of the lot lines of an approved short ((~~plat~~)) subdivision in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter 23.28.

Section 8. Subsection B of Section 23.34.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.016 Lowrise 1 (L1) zone, function and locational criteria.

* * *

B. Locational Criteria. Lowrise 1 zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area.

a. Areas where structures of low heights, generally less than thirty feet (30'), and small bulk establish the pattern of development;

b. Areas with:

(1) A mix of single-family structures, small multifamily structures and single family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to encourage new development opportunities, or

(2) Numerous or large vacant parcels suitable for family housing where densities greater than single family are desired; and

c. Areas where internal vehicular circulation is conducive to residential units that are oriented to the ground level and the street. Preferred locations are generally separated from principal arterials, as defined by the Seattle Comprehensive Transportation Program, which conflict with the desired ground-related character of L1 areas.

2. Relationship to the Surrounding Areas.

a. ((~~Areas~~)) Properties that are definable pockets within a larger, higher density multifamily area, where it is desirable to preserve a small-scale, ground-related character;

b. ((~~Areas~~)) Properties generally surrounded by a larger single-family area where variation and replacement in housing type could be accommodated without significant disruption of the pattern, character or livability of the surrounding development;

c. ((~~Areas~~)) Properties where a gradual transition is appropriate between single-family areas and more intensive multifamily or neighborhood commercial zones;

d. ((~~Areas~~)) Properties in areas where narrow streets, on-street parking congestion, local traffic congestion, or irregular street patterns restrict local access and circulation;

e. ((~~Areas~~)) Properties in areas close to facilities and services used by households with children, including schools, parks and community centers.

* * *

Section 9. Subsection B of Section 23.34.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.018 Lowrise 2 (L2) zone, function and locational criteria.

* * *

B. Locational Criteria. Lowrise 2 zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area.

a. Areas that feature a mix of single-family structures and small to medium multifamily structures generally occupying one (1) or two (2) lots, with heights generally less than thirty feet (30');

b. Areas suitable for multifamily development where topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;

c. Areas occupied by a substantial amount of multifamily development where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make an intermediate intensity of development desirable.

2. Relationship to the Surrounding Areas.

a. ((~~Areas~~)) Properties that are well-suited to multifamily development, but where adjacent single-family areas make a transitional scale of development desirable. It is desirable that there be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature providing physical separation from the single-family area. However, this is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas;

b. ((~~Areas~~)) Properties that are definable pockets within a more intensive area, where it is desirable to preserve a smaller scale character and mix of densities;

c. ((~~Areas~~)) Properties in areas otherwise suitable for higher density multifamily development but where it is desirable to limit building height and bulk to protect views from uphill areas or from public open spaces and scenic routes;

d. ((~~Areas~~)) Properties where vehicular access to the area does not require travel on "residential access streets" in less intensive residential zones.

Section 10. Subsection B of Section 23.34.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.020 Lowrise 3 (L3) zone, function and locational criteria.

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for an L3 designation are limited to the following:

((~~a. Areas already zoned L3;~~))

((~~b~~))a. ((~~Areas~~)) Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established; or

((~~c~~))b. ((~~Areas~~)) Properties within an urban center or village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

2. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to an L3 designation, and may remain L3 only in areas predominantly developed to the intensity of the L3 zone.

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

a. Development Characteristics of the Area.

(1) Either:

(a) Areas that are already developed predominantly to the permitted L3 density and where L3 scale is well established, or

(b) Areas that are within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

(2) Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient for two (2) way traffic and parking along at least one (1) curbside.

b. Relationship to the Surrounding Areas.

(1) ((~~Areas~~)) Properties in areas that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones;

(2) ((~~Areas~~)) Properties in areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;

(3) ((~~Areas~~)) Properties in areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;

(4) ((~~Areas~~)) Properties that are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.

Section 11. Subsection B of Section 23.34.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.022 Lowrise 4 (L4) zone, function and locational criteria.

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for an L4 designation are limited to the following:

((~~a. Areas already zoned L4;~~))

((~~b~~))a. ((~~Areas~~)) Properties in areas already developed predominantly to the permitted L4 density and where L4 scale is well established; or

((~~c~~))b. ((~~Areas~~)) Properties within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

2. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to an L4 designation, and may remain L4 only in areas predominantly developed to the intensity of the L4 zone.

3. Other Criteria. The Lowrise 4 zone designation is most appropriate in areas generally characterized by the following:

a. Development Characteristics of the Area.

(1) Either:

(a) Areas that are already developed predominantly to the permitted L4 density and where L4 scale is well established, or

(b) Areas that are within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

(2) Areas of sufficient size to promote a high quality, higher density residential environment where there is good pedestrian access to amenities;

(3) Areas generally platted with alleys that can provide access to parking, allowing the street frontage to remain uninterrupted by driveways, thereby promoting a street environment better suited to the level of pedestrian activity associated with higher density residential environments;

(4) Areas with good internal vehicular circulation, and good access to sites, preferably from alleys. Generally, the width of principal streets in the area should be sufficient to allow for two (2) way traffic and parking along at least one (1) curbside.

b. Relationship to the Surrounding Areas.

(1) ((~~Areas~~)) Properties in areas adjacent to concentrations of employment;

(2) ((~~Areas~~)) Properties in areas that are directly accessible to regional transportation facilities, especially transit, providing connections to major employment centers, including arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by higher density development. Vehicular access to the area should not require use of streets passing through less intensive residential areas;

(3) ((~~Areas~~)) Properties with close proximity and with good pedestrian connections to services in neighborhood commercial areas, public open spaces and other residential amenities;

(4) ((~~Areas~~)) Properties with well-defined edges providing sufficient separation from adjacent areas of small scale residential development, or where such areas are separated by zones providing a transition in the height, scale and density of development.

Section 12. Subsection B of Section 23.34.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

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

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for a Midrise designation are limited to the following:

((~~a. Areas already zoned Midrise;~~))

((~~b~~))a. ((~~Areas~~)) Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or

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

2. Environmentally Critical Areas. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone.

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

a. Either:

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

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

b. ((~~Areas~~)) Properties that are adjacent to business and commercial areas with comparable height and bulk;

c. ((~~Areas~~)) Properties in areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development;

d. ((~~Areas~~)) Properties in areas that are in close proximity to major employment centers;

e. ((~~Areas~~)) Properties in areas that are in close proximity to open space and recreational facilities;

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

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

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

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

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

Section 13. Subsection B of Section 23.34.028 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

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

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((~~areas~~)) properties that may be considered for a Highrise designation are limited to the following:

((~~a. Areas already zoned Highrise;~~))

((~~b~~))a. ((~~Areas~~)) Properties in areas already developed predominantly to the intensity permitted by the Highrise zone, or

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

2. Environmentally Critical Areas. ((~~Areas~~)) Properties designated as environmentally critical may not be rezoned to a Highrise designation, and may remain Highrise only in areas predominantly developed to the intensity of the Highrise zone.

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

a. Either:

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

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

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

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

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

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

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

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

h. Properties in ((~~S~~))sloping areas with views oblique or parallel to the slope where the height and bulk of existing buildings have already limited or blocked

views from within the multifamily area and upland areas where the hillform has already been obscured by development.

Section 14. Section 23.40.002 of the Seattle Municipal Code, which Section was last amended by Ordinance 112522, is amended as follows:

23.40.002 Conformity with regulations required.

The establishment or change of use of any structures, buildings or premises, or any part thereof, shall require approval according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. No use of any structure or premises shall hereafter be ((~~used or occupied~~)) commenced, and no structure or part of a structure shall be erected, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations specified in ((~~Title 24 or~~)) this title for the zone and overlay district, if any, in which it is or will be located. Building and use permits on file shall be prima facie evidence of the time a building was built or modified, or a use commenced, and the burden of demonstrating to the contrary shall be upon the owner. Changes to existing structures may be permitted which make the structures nonconforming if the changes are required by law for reasons of health and safety.

Section 15. Section 23.42.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 113978, is amended as follows:

23.42.010 Identification of principal permitted uses.

Principal uses not listed in the respective zones of Subtitle IV, Division 2 of SMC Title 23, Land Use Code ((~~or of SMC Title 24, Zoning and Subdivisions,~~)) shall be prohibited in those zones. If a use is not ((~~identified in Title 23 or in Title 24~~)) listed, the Director may determine that a proposed use is substantially similar to other uses permitted or prohibited in the respective zones, therefore, and should also be permitted or prohibited.

Section 16. Subsection D of Section 23.44.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.44.014 Yards.

***

D. Exceptions from Standard Yard Requirements. No structure shall be placed in a required yard except pursuant to the following subsections:

1. Certain Accessory Structures. Any accessory structure may be constructed in a side yard which abuts the rear or side yard of another lot upon recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties. Any accessory structure which is a private garage may be located in that portion of a side yard which is either within thirty-five feet (35') of the centerline of an alley or within twenty-five feet (25') of any rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

2. A single-family structure may extend into one (1) side yard if an easement is provided along the side lot line of the abutting lot, sufficient to leave a ten-foot (10') separation between that structure and any principal structures on the abutting lot. Features and projections such as porches, eaves, and chimneys shall be permitted in the ten-foot (10') separation area as if the property line were five feet (5') from the wall of the house on the dominant lot, provided that no portion of either principal structure including eaves shall cross the actual property line. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side yard.

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, except as described below. 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 23.44.014 A):

a. Side yard: When the addition is a side wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than three feet (3') to the side lot line;

b. Rear yard: When the addition is a rear wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than twenty feet (20') to the rear lot line or centerline of an alley abutting the rear lot line;

c. Front yard: When the addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than fifteen feet (15') to the front lot line;

d. When the nonconforming wall of the single family structure is not parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the limit of the wall extension, except that the wall extension shall not be located closer than specified in subsections D3a - c above.

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. Special features of a structure may extend into required yards subject to the following standards only, unless permitted elsewhere in this chapter:

a. External architectural details with no living area, such as chimneys, eaves, cornices and columns, may project no more than eighteen inches (18") into any required yard;

b. Bay windows shall be limited to eight feet (8') in width and may project no more than two feet (2') into a required front, rear, and street side yard; and

c. Other projections which include interior space, such as garden windows, may extend no more than eighteen inches (18") into any required yard, starting a minimum of thirty inches (30") above finished floor, and with maximum dimensions of six feet (6') tall and eight feet (8') wide.

d. The combined area of features permitted in subsections D5b and c above may comprise no more than thirty percent (30%) of the area of the facade.

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. Garages meeting the standards of Section 23.44.((~~1~~))016, and other accessory structures meeting the standards of Section 23.44.040, shall be permitted in required rear yards, subject to a maximum combined coverage of forty percent (40%) 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 (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 pedestrian 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 Building Code, Chapter 11 are permitted in any required yards.

10. Freestanding Structures and Bulkheads.

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

b. The Director may allow variation from the development standards listed in subsection D10a above, according to the following:

i. No part of the structure may exceed eight feet (8'); and

ii. Any portion of the structure above six feet (6') shall be predominately open, such that there is free circulation of light and air.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half feet (9 ½').

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

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

11. Decks in Yards. Decks no greater than eighteen inches (18") above existing or finished grade, whichever is lower, may extend into required yards.

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

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

14. Front Yard Projections for Structures on Lots Thirty Feet (30') or Less in Width. For a structure on a lot which is thirty feet (30') or less in width, portions of the front facade which begin eight feet (8') or more above finished grade may project up to four feet (4') into the required front yard, provided that no portion of the facade, including eaves and gutters, shall be closer than five feet (5') to the front line (Exhibit 23.44.014 B).

15. Front and rear yards may be reduced by twenty-five percent (25%), but no more than five feet (5'), if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

16. Arbors. Arbors may be permitted in required yards under the following conditions:

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

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

***

Section 17. Subsection D of Section 23.44.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.44.016 Parking location and access.

Parking shall be required as provided in Chapter 23.54 and in accordance with the following:

***

D. Standards for Private Garages ((~~Located~~)) when Permitted in Required Yards. Private garages which are either detached accessory structures or portions of a principal

structure for the primary purpose of enclosing a two (2) axle or four (4) wheeled vehicle may be permitted in required yards according to the following conditions:

1. Maximum Coverage and Size.

a. In accordance with Section 23.44.014 D6, private garages, together with any other accessory structures and other portions of the principal structure, are limited to a maximum combined coverage of forty percent (40%) 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.

b. In accordance with Section 23.44.040, private garages located in side or rear yards shall not exceed one thousand (1,000) square feet in area.

c. In front yards, the area of private garages shall be limited to three hundred (300) square feet with fourteen foot (14') maximum width where one (1) space is allowed, and six hundred (600) square feet with twenty-four foot (24') maximum width where two (2) spaces are allowed. Access driveway bridges permitted under Section 23.44.016 C4f shall not be included in this calculation.

2. Height Limits.

a. Private garages shall be limited to twelve feet (12') in height as measured on the facade containing the entrance for the vehicle.

b. The ridge of a pitched roof on a private garage located in a required yard may extend up to three feet (3') above the twelve-foot (12') height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the twelve-foot (12') height limit under this provision.

c. Open rails around balconies or decks located on the roofs of private garages may exceed the twelve-foot (12') height limit by a maximum of three feet (3').

3. Separations.

a. Attached private garages are portions of principal structures. In accordance with Section 23.44.014 D6, 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.

b. If the facade of a private garage which contains the entrance for the vehicle faces an alley, the garage shall not be within twelve feet (12') of the centerline of the alley.

c. In accordance with Section 23.44.040 D, any private garage which is an accessory structure located in a required yard shall be separated from its principal structure by a minimum of five feet (5').

d. In accordance with Section 23.44.040 F, on a reversed corner lot, no private garage which is an accessory structure shall be located in that portion of the required rear yard which abuts the required front yard of the adjoining key lot, nor shall the

private garage be located closer than five feet (5') from the key lot's side lot line unless the provisions of Section 23.44.014 D1 or 23.44.016 C3b apply.

e. In accordance with Section 23.44.014 D1, private garages which are accessory structures may extend into a required side yard which is either within thirty-five feet (35') of the centerline of an alley or within twenty-five feet (25') of any rear lot line which is not an alley lot line. Private garages which are accessory structures may extend into a required side yard which is more than thirty-five feet (35') from the centerline of an alley abutting the lot, or which is more than twenty-five feet (25') from the rear lot line of a lot which does not abut an alley, upon the recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties.

***

Section 18. A new subsection F is added to Section 23.44.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 113262, is amended as follows:

23.44.018 General provisions.

* * *

F. Minor structural work which does not increase usable floor area or seating capacity and does not exceed the height limit of the zone shall not be considered an expansion. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, bay windows, dormers, and eaves.

Section 19. Subsection D of Section 23.44.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.44.022 Institutions.

* * *

D. General Provisions.

1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution master plan.

2. The establishment of a child care center in a legally established institution devoted to the care or instruction of children which does not violate any condition

of approval of the existing institutional use and does not require structural expansion shall not be considered a new use or an expansion of the institutional use.

((~~3. Structural work which does not increase usable floor area or seating capacity and does not exceed the height limit of the zone shall not be considered an expansion of the institution. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, bay windows, dormers, and eaves.~~))

((~~4~~))3. Institutions seeking to establish or expand on property which is developed with residential structures may expand their campus up to a maximum of two and one-half (21/2) acres. An institution campus may be established or expanded beyond two and one-half (21/2) acres if the property proposed for the expansion is substantially vacant land.

((~~5~~))4. An institution which finds that the development standards of the single-family zone classification are inadequate to its development needs may apply for reclassification to major institution status.

* * *

Section 20. Subsection A of Section 23.44.041 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, is amended as follows:

23.44.041 Accessory dwelling units.

Accessory dwelling units may be permitted subject to the standards in subsection A until two thousand five hundred (2,500) applications for new (not for legalization of existing) accessory dwelling units are filed. If, prior to the occurrence of the foregoing condition, applications are filed for accessory dwelling units which would cause the concentration of single-family structures with new accessory dwelling units to exceed twenty percent (20%) of all single-family structures in single-family zones in any one census tract or in an area formed by a circle with a radius of one thousand feet (1,000') from the point at which three (3) or more census tracts meet, no further applications may be accepted for accessory dwelling units in such census tract or area. The Master Use Permit process set forth in Chapter 23.76 shall be followed to authorize these uses.

A. The Director may authorize an accessory dwelling unit if the Director finds that the unit meets the following development and use standards:

1. A single-family dwelling may have no more than one (1) accessory dwelling unit, and only one (1) accessory dwelling unit shall be allowed per lot.

2. One (1) of the dwelling units in the structure shall be occupied by one or more owners of the property as the owner's(s') permanent and principal residence; provided that the Director may waive this requirement for temporary absences of less than

one (1) year, where the accessory unit has been a permitted use for at least two (2) years and the owner submits proof of absence from the Puget Sound region.

3. Any number of related persons may occupy each unit in a single-family residence with an accessory dwelling unit provided that if unrelated persons occupy either unit, the total number of persons occupying both units together may not exceed eight (8).

4. Accessory dwelling units may not be located in any structure detached from the single-family dwelling.

5. The floor area of the accessory dwelling unit ((~~shall not~~)) may exceed one thousand (1,000) square feet if a permit was filed to construct the portion of the structure in which the accessory dwelling unit is located ((~~on or after~~)) before May 31, 1996, and if the entire accessory dwelling unit is located on one level.

6. Only one (1) entrance may be located on each front or street side of the residence except where two (2) entrances on the front or street side existed on January 1, 1993.

7. A minimum of two (2) off-street parking spaces shall be provided, which spaces may be in tandem. The Director may waive the requirement for one (1) or both of the spaces if the accessory dwelling unit is not located in a residential parking zone (RPZ) or in the University District Parking Overlay Area or Alki Area, pursuant to Maps A and B, Section 23.54.015, and if topography or location of existing principal or accessory structures makes provision of one (1) or both of the parking spaces unduly burdensome. The applicant need not apply for a variance in order for the Director to waive this requirement. If the accessory dwelling unit is located in a RPZ and if topography or location of existing structures makes provision of one or both of the parking spaces unduly burdensome, the Director may waive the parking requirement if a parking study is completed and if adequate parking capacity exists. The parking waiver process cannot be used to eliminate existing parking spaces in order to create an accessory dwelling unit.

8. If the portion of the single-family dwelling in which the accessory dwelling unit is located was in existence prior to October 17, 1979, the minimum ceiling height shall be six feet eight inches (6'8") measured per Sections 310.6.1 and 3403 of the Seattle Building Code. The minimum ceiling height shall be six feet four inches (6' 4") if a hard-wired smoke detector is located in the dwelling unit. If the portion of the single-family dwelling in which the accessory dwelling unit is located was constructed on or subsequent to October 17, 1979, the minimum ceiling height shall be seven feet six inches (7'6") measured per Sections 310.6.1 and 3403 of the Seattle Building Code.

* * *

Section 21. Section 23.44.072 of the Seattle Municipal Code, which Section was last amended by Ordinance 117202, is repealed.

Section 22. Subsection A of Section 23.45.005 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, is amended as follows:

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

A. Except for cottage housing developments, single((-)) family structures shall be subject to the development standards ((~~for ground-related housing~~)) of the Lowrise Duplex/Triplex (LDT) zone.

* * *

Section 23. Subsection I is hereby amended and new subsections J and K are hereby added to Section 23.45.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, as follows:

23.45.006 General development standards for structures in multifamily zones.

***

I. When a subdivision is proposed for ((~~a~~)) townhouses ((~~development~~)), cottage housing, clustered housing, or single family residences in Lowrise zones, the ((~~development~~)) subdivision shall be subject to the provisions of Section 23.24.045, ((~~Townhouses~~)) Unit Subdivisions.

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

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

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

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

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

***

Section 24. Subsection C of Section 23.45.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.010 Lot coverage -- Lowrise zones.

***

C. Lot Coverage Exceptions. The following structures or portions of structures shall be exempted from the measurement of lot coverage:

1. Pedestrian access bridges from alleys, streets or easements, and uncovered, unenclosed bridges of any height necessary for access and five feet (5') or less in width;

2. Ramps or other access for the disabled or elderly meeting Washington State Building Code, Chapter 11;

3. Fences, freestanding walls, bulkheads, signs and other similar structures;

4. An underground structure, or underground portion of a structure, on any part of the entire lot;

5. The first eighteen inches (18") of horizontal projection of eaves, cornices and gutters;

6. The first four feet (4') of horizontal projection from principal and accessory structures of unenclosed decks, balconies and porches;

7. Solar collectors meeting the provisions of Section 23.44.046 and swimming pools eighteen inches (18") or less above grade;

8. Decks or parts of a deck that are eighteen inches (18") or less above existing grade.

Section 25. Subsections D, F and G of Section 23.45.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, are amended as follows:

23.45.014 Setback requirements -- Lowrise zones.

***

D. Required Setbacks for Cluster Developments.

1. In Lowrise Duplex/Triplex zones where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be ten feet (10') when the length of facing portions of

facades is forty feet (40') or less and fifteen feet (15') when the length of facing portions of facades exceeds forty feet (40').

2. In Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 zones where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be as follows:

Table 23.45.014C
Required Setback Between Facing Facades
Lowrise Zones

Length of Facing Facades, in Feet	Average Setback Between Facing Facades	Minimum Setback
40' or less	10'	10'
41' to 60'	15'	10'
61' to 80'	20'	10'
81' to 100'	25'	10'
101' to 150'	30'	10'
151' or more	40'	10'

3. Setbacks shall apply only to portions of the facades that are directly across from each other. ((~~Where two (2) facades of unequal height face each other, the taller of the two (2) facades shall be used to determine the required setbacks.~~))

4. In Lowrise 2, Lowrise 3 and Lowrise 4 zones structures in cluster developments may be connected by elevated walkways, provided that:

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

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

c. All elevated walkways shall meet the following standards:

(1) The roof planes of elevated walkways shall be at different levels than the roofs or parapets of connected structures.

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

(3) The design of the walkways and the materials used shall seek to achieve a sense of openness and transparency.

(4) Elevated walkways shall add to the effect of modulation rather than detract from it.

5. For structures connected by elevated walkways, the length of the facade shall be defined as the lengths of the facades connected by the elevated walkways and shall exclude the length of the elevated walkway.

***

F. Projections into Required Setbacks.

1. Special Features of a Structure.

a. External architectural details with no living space including cornices, eaves, sunshades, gutters, and vertical architectural features which are less than eight feet (8') in width, may project a maximum of eighteen inches (18") into any required setback.

b. Bay windows shall be limited to eight feet (8') in width and may project no more than two feet (2') into a front, rear, or street side setback. In no case shall bay windows be closer than five feet (5') to any lot line.

c. Other projections which include interior space, such as garden windows, may extend no more than eighteen inches (18") into any required yard, starting a minimum of thirty inches (30") above finished floor, and with maximum dimensions of six feet (6') tall and eight feet (8') wide.

d. The combined area of features permitted in subsections E1b and c above may comprise no more than thirty percent (30%) of the area of the facade.

2. Unenclosed Decks and Balconies.

a. Unenclosed decks and balconies may project a maximum of four feet (4') into the required front setback provided they are a minimum of ten feet (10') from the front lot line in Lowrise Duplex/Triplex and Lowrise 1 zones and eight feet (8') from the front lot line in Lowrise 2, Lowrise 3 and Lowrise 4 zones.

b. Except as provided in subsection G5 of Section 23.45.014, unenclosed decks and balconies shall be permitted in side setbacks, provided they are a minimum of five feet (5') from a side lot line, and may project into the required rear setback a maximum of four feet (4') provided they are a minimum of five feet (5') from a rear lot line.

c. Unenclosed decks and balconies permitted in required setbacks shall be limited to a maximum width of twenty feet (20') and shall be separated by a distance equal to at least one-half (1/2) the width of the projection.

3. All permitted projections into required front and rear setbacks shall begin a minimum of eight feet (8') above finished grade except that an unenclosed porch or steps may extend a maximum of six feet (6') into the required front setback at ground level, provided that it is set back the same distance from the front lot line as that required for unenclosed decks and balconies.

G. Structures in Required Setbacks.

1. Detached garages, carports, or other accessory structures are permitted in the required rear setback, provided that any accessory structure located between a

principal structure and the side lot line shall provide the setback required for the principal structure. (See Exhibit 23.45.014 A.)

All such accessory structures, including garages, shall be no greater than twelve feet (12') in height. The height of garages shall be measured on the facade containing the entrance for the vehicles, with open rails permitted above twelve feet (12').

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

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

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

a. Fences, freestanding walls, signs and other similar structures six feet (6') or less in height above existing or finished grade whichever is lower, are permitted in required front, side, or rear setbacks. The six foot (6') height may be averaged above sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

Architectural features may be added to the top of the fence or freestanding wall above the six foot (6') height when the following provisions are met: horizontal architectural feature(s), no more than ten inches (10") high and separated by a minimum of six inches (6") of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are no more than eight feet (8') high; averaging the eight foot (8') height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three feet (3') on center.

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

i. No part of the structure may exceed eight feet (8');

ii. Any portion of the structure above six feet (6') shall be predominately open, such that there is free circulation of light and air; and

iii. The design does not present a fire or other safety hazard.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half feet (91/2').

d. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six feet (6'), whichever is greater. When the bulkhead is measured from the low side and it exceeds six feet (6'), an open guardrail of no more than forty- two inches (42") meeting Building

Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three feet (3') from such a bulkhead or retaining wall.

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

6. Underground structures are permitted in all setbacks.

7. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

* * *

Section 26. Subsection B of Section 23.45.016 of the SMC, which Section was last amended by Ordinance 118414, is further amended as follows:

Section 23.45.016 Open space requirements—Lowrise zones.

* * *

B. Development Standards.

1. Lowrise Duplex/Triplex Zones and Ground-related Housing in Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Lowrise Duplex/Triplex Zones—Private Usable Open Space.

(1) Private usable open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of four hundred (400) square feet, except that in cottage housing developments, the quantity per unit shall be a minimum of two hundred (200) square feet. No horizontal dimension of the open space shall be less that ten feet (10').

(2) Private usable open space shall be located a maximum of four feet (4') above or below a private entry to the unit it serves. The floor of the unit accessed by this entry shall have a minimum area of three hundred (300) square feet. This minimum area may include a private garage if habitable floor area of the same unit is located directly above.

b. Lowrise Duplex/Triplex Zones—Common Open Space. Required common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of six hundred (600) square feet, except that in cottage housing developments, the quantity per unit shall be a minimum of one hundred fifty (150) square feet. In cottage housing developments, each cottage shall abut the common open space. No horizontal dimension of open space shall be less than ten feet (10').

c. Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones—Ground-related Housing.

(1) In Lowrise 1 zones the required open space shall be provided in one (1) contiguous parcel, except that in cottage housing developments, the open

space shall be allotted as described in subsections A2b above and B5 below. In Lowrise 2, Lowrise 3 and Lowrise 4 zones, the required open space for each ground-related dwelling unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet. No horizontal dimension of the open space shall be less than ten feet (10').

(2) Required open space may be located a maximum of ten feet (10') above or below the unit it serves, except as permitted in subsection B1c(4), provided that the access to such open space does not go through or over common circulation areas, common or public open spaces, or the open space serving another unit.

(3) At least fifty percent (50%) of the required open space for a unit shall be level, provided that:

i. The open space may be terraced; and

ii. Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two feet (2').

(4) For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet (10') where the following criteria are met:

i. Where the structure was constructed with floor-to-floor heights in excess of the feet (10'), the open space may be located a maximum of ten feet (10') plus the height between floors in excess of ten feet (10'), above or below the unit it serves; or

ii. Where the structure was constructed with the first floor in excess of two feet (2') above grade, the open space may be located a maximum of ten feet (10') plus the additional height of the first floor in excess of two feet (2') above grade, above or below the unit serves.

(5) Lowrise 1 Zone—Cottage Housing Developments.

i. At least fifty percent (50%) of the required total open space per unit shall be provided as private usable open space in one (1) contiguous parcel. No horizontal dimension of the open space shall be less than ten feet (10').

ii. Common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area per unit of one hundred fifty (150) square feet. No horizontal dimension of the open space shall be less than ten feet (10'). Each cottage shall abut the common open space ((~~a minimum of ten feet (10')~~)).

d. Required open space may be located in the front, sides or rear of the structure.

e. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit, or common areas which directly face the open space of a different unit, are prohibited, unless such openings are screened by view-obscuring fences, freestanding walls or wingwalls.

f. Parking areas, driveways and pedestrian access other than pedestrian access required by Washington State Building Code, Chapter 11, shall not be counted as open space.

g. Required private usable open space shall be landscaped according to standards promulgated by the Director for ground-related dwelling units.

2. Lowrise 2, Lowrise 3 and Lowrise 4 Zones—Apartments.

a. No horizontal dimension for required ground-level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter ((~~3~~))11, shall not be counted as open space.

d. In order to qualify as above-ground level open space, balconies, decks, and in L3 and L4 zones, individual unit decks on roofs, shall all have a minimum horizontal dimension of six feet (6'), and a total area of at least sixty (60) square feet, while common roof gardens in L3 and L4 zones shall have a minimum area of two hundred fifty (250) square feet. Common roof garden open space shall be landscaped according to the rules promulgated by the Director.

e. For cluster development, at least twenty percent (20%) of the required open space shall be provided in one (1) contiguous area.

f. Terraced Housing on a Slope of Twenty-five Percent (25%) or More.

(1) No horizontal dimension for required ground-level open space shall be less than ten feet (10').

(2) Required open space is permitted in the front, sides or rear of the structure.

(3) Parking areas, driveways and pedestrian access, except pedestrian access meeting the Washington State Building Code Chapter ((~~3~~))11, shall not be counted as open space.

(4) In order to qualify as above-ground-level open space, rooftop areas shall have a minimum horizontal dimension of at least ten feet (10') and a total area of at least one hundred twenty (120) square feet.

g. Rooftop space within the following parameters shall not count toward meeting open space requirements: the area eight feet (8') from and in front of a directional antenna and at least two feet (2') from the back of a directional antenna, or, for an omnidirectional antenna, eight feet (8') away from the antenna in all directions. The Seattle-King County Public Health Department may require a greater distance for paging facilities after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

3. Open Space Exception. When all parking and access to parking is uncovered and is surfaced in permeable material, except gravel, the quantity of required ground-level open space shall be reduced by five percent (5%).

Section 27. Subsection B of Section 23.45.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.018 Parking and access-Lowrise zones.

* * *

B. Access to Parking.

1. Alley Access Required. Except as provided in subsections B2 or B3, access to parking shall be from the alley when the site abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts. Street access shall not be permitted.

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

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

b. The lot does not abut a platted alley((~~, or~~));

((~~c. In Lowrise 3 zones, apartments are proposed across an alley from a Single Family or Lowrise Duplex/Triplex zones, or~~

~~d. In Lowrise 4 zones apartments are proposed across an alley from a Single Family, Lowrise Duplex/Triplex or Lowrise 1 zone;~~))

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

a. Topography makes alley access infeasable;

b. In all zones except Lowrise Duplex/Triplex, ground-related housing is proposed across an alley from a Single Family zone;

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

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

4. In Lowrise Duplex/Triplex zones, no more than fifty percent (50%) of the total area of the required front setback extended to side lot lines may be occupied by a driveway providing access to parking, except where the minimum required driveway standards will exceed fifty percent (50%) of the front setback.

* * *

Section 28. Subsection B of Section 23.45.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.058 Midrise-Open space requirements.

Open space shall be provided for all lots, subject to the following provisions:

* * *

B. Development Standards.

1. Required open space shall be landscaped according to standards promulgated by the Director.

2. Ground-related Housing.

a. The required open space for each unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet, and no horizontal dimension shall be less than ten feet (10').

b. Required open space may be located in the front, sides or rear of the structure.

c. Required open space may be located a maximum of ten feet (10') above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit, except as permitted in subsection B1d.

d. At least fifty percent (50%) of the required open space for a unit shall be level, provided that:

(1) The open space may be terraced; and

(2) Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two feet (2').

e. For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten feet (10') where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten feet (10'), the open space may be located a maximum of ten feet (10') plus the height between floors in excess of ten feet (10'), above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two feet (2') above grade, the open space may be located a maximum of ten feet (10') plus the additional height of the first floor in excess of two feet (2') above grade, above or below the unit it serves.

f. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly

faces the open space of a different unit are prohibited unless such openings are screened by view-obscuring fences, freestanding walls, or wingwalls. Fences, freestanding walls, or wingwalls located in setbacks shall be no more than six feet (6') in height in accordance with Section 23.45.((~~028D~~))014G.

g. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

3. Apartments.

a. No horizontal dimension for required ground level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

d. In order to qualify as above-ground open space, balconies and decks shall have a minimum horizontal dimension of at least six feet (6'), and minimum area shall be sixty (60) square feet.

e. For cluster development, at least twenty percent (20%) of the required open space shall be provided in one (1) contiguous area.

4. Terraced Housing on a Slope of Twenty-five Percent (25%) or More.

a. No horizontal dimension for required ground-level open space shall be less than ten feet (10').

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

d. In order to qualify as above-ground open space, rooftop areas, balconies or decks shall have a minimum horizontal dimension of at least ten feet (10'), and a total area of at least one hundred twenty (120) square feet.

* * *

Section 29. Subsection B of Section 23.45.060 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.060 Midrise-Parking and access.

* * *

B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions listed in subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an alley improved to the standards of Section 23.53.030C. Street access shall not be permitted.

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

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

b. The lot does not abut a platted alley;

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

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

a. Ground-related housing is proposed across the alley from a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;

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

c. The alley is not improved to the standards of Section 23.53.030C.

If such an alley is used for access, it shall be improved according to the standards of Section 23.53.030C;

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

* * *

Section 30. Subsection B of Section 23.45.076 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.076 Highrise-Parking and access.

* * *

B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions of subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an alley improved to the standards of Section 23.53.030C. Access from the street shall not be permitted.

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

a. The alley borders on a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;

b. The lot does not abut an alley;

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

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

a. Topography or designation of any portion of the site as environmentally critical makes alley access infeasible;

b. The alley is not improved to the standards of Section 23.53.030 C.

If such an alley is used for access, it shall be improved according to the standards of Section 23.53.030 C;

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

* * *

Section 31. The introductory paragraph of Section 23.45.112 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.112 Public schools.

Public Schools Meeting Development Standards. New public schools or additions to existing public schools and accessory uses including child care centers which meet the following development standards shall be permitted in all multifamily zones. Public schools in ((~~single family attached~~)) Lowrise Duplex/Triplex (LDT) zones shall meet the development standards for public schools in Lowrise 1 (L1) zones. Departures from development standards of this section may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools.

* * *

Section 32. Section 23.45.154 of the Seattle Municipal Code, which Section was last amended by Ordinance110793, is amended as follows:

23.45.154 Open wet moorage for private pleasure craft.

Open wet moorage facilities for residential structures are permitted as an accessory use as regulated in ((~~Chapter 23.70 or~~)) Chapter 2((4))3.60, Shoreline Master Program, provided that only one (1) slip per residential unit is provided.

Section 33. Section 23.45.168 of the Seattle Municipal Code, which Section was last amended by Ordinance117202, is repealed.

Section 34. The Commercial Use Chart of Section 23.47.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended as follows:

COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

		ZONES				
		NC1	NC2	NC3	C1	C2
V.	HIGH IMPACT USES	X	X	X	X	X
VI.	INSTITUTIONS					
	A. Institute for Advanced Study	P	P	P	P	P
	B. Private Club	P	P	P	P	P
	C. Child Care Center	P	P	P	P	P
	D. Museum	P	P	P	P	P
	E. School, Elementary or Secondary	P	P	P	P	P
	F. College	P	P	P	P	P
	G. Community Center	P	P	P	P	P
	H. Community Club	P	P	P	P	P
	I. Vocational or Fine Arts School	P	P	P	P	P
	J. Hospital	P	P	P	P	P
	K. Religious Facility	P	P	P	P	P
	L. University	P	P	P	P	P
	M. Major Institutions within a Major Institution Overlay District subject to Chapter 23.69	P	P	P	P	P
VII.	PUBLIC FACILITIES					
	Jails	X	X	X	X	X
	Work-Release Centers[9]	CCU	CCU	CCU	CCU	CCU
VIII.	PARK AND POOL/RIDE LOT					
	A. Park and Pool Lots	P[10]	P	P	P	P
	B. Park and Ride Lots	X	X	CU	CU	CU
IX.	RESIDENTIAL[11]					
	A. Single-Family Dwelling Units	P/CU[12]	P/CU[12]	P/CU[12]	P/CU[12]	CU[12]
	B. Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
	C. Congregate Residences	P/CU	P/CU	P/CU	P/CU	CU
	D. Floating Homes	S	S	S	S	S
	E. Mobile Home Park	X	X	X	P	CU
	F. Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
	G. Caretaker's Quarters	P((/~~CU~~))	P((/~~CU~~))	P((/~~CU~~))	P((/~~CU~~))	P
	H. Adult Family Homes	P/CU	P/CU	P/CU	P/CU	P
	I. Home Occupations	P[13]	P[13]	P[13]	P[13]	P[13]
	J. Nursing Homes	P	P	P	P	P
X.	OPEN SPACE					
	A. Parks	P	P	P	P	P
	B. Playgrounds	P	P	P	P	P

COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
J. Transportation Facilities					
1. Personal transportation services	X	X	P	P	P
2. Passenger terminals	X	X	P	P	P
3. Cargo terminals	X	X	X	S	P
4. Transit vehicle base	X	X	X	CCU[6]	CCU[6]
5. Helistops	X	X	CCU[7]	CCU[7]	CCU[7]
6. Heliports	X	X	X	X	X
7. Airport, land-based	X	X	X	X	X
8. Airport, water-based	X	X	X	X	S
9. Railroad switchyard	X	X	X	X	X
10. Railroad switchyard with mechanized hump	X	X	X	X	X
K. Food Processing and Craft Work					
1. Food processing for human consumption	P	P	P	P	P
2. Custom and craft work	P	P	P	P	P
L. Research and Development Laboratories					
II. SALVAGE AND RECYCLING					
A. Recycling Collection Station	P	P	P	P	P
B. Recycling Center	X	X	X	P	P
C. Salvage Yard	X	X	X	X	X
III. UTILITIES					
A. Utility Service Uses	P	P	P	P	P
B. Major Communication Utility[8]	X	X	X	CCU	CCU
C. Minor Communication Utility[8]	P	P	P	P	P
D. Solid Waste Transfer Station	X	X	X	X	X
E. Power Plants	X	X	X	X	X
F. Sewage Treatment Plants	X	X	X	X	X
G. solid Waste Incineration Facility	X	X	X	X	X
H. Solid Waste Landfill	X	X	X	X	X
IV. MANUFACTURING					
A. Light Manufacturing	X	P	P	P	P
B. General Manufacturing	X	X	X	P	P
C. Heavy Manufacturing	X	X	X	X	X

COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
8. Mortuary Services	X	P	P	P	P
9. Existing Cemeteries	P	P	P	P	P
B. Principal Use Parking	X	P	P	P	P
C. Non-Household Sales and Service					
1. Business support services	P	P	P	P	P
2. Business incubator	P	P	P	P	P
3. Sales, service and rental of office equipment		X	P	P	P
4. Sales, service and rental of commercial equipment and construction materials	X	X	P	P	P
5. Sale of heating fuel	X	X	P	P	P
Heavy commercial services	X	X	X	P	P
- Construction services	X	X	X	P	P
- Commercial laundries	X	X	X	P	P
D. Offices					
1. Customer service office	P	P	P	P	P
2. Administrative	P	P	P	P	P
E. Entertainment					
1. Places of Public Assembly					
- Performing arts theater	X	P	P	P	P
- Spectator sports facility	X	P	P	P	P
- Lecture and meeting halls	X	P	P	P	P
- Motion picture theater	X	P	P	P	P
- Adult motion picture theater	X	X	X	X	X
- Adult panorams	X	X	X	X	X
2. Participant Sports and Recreation					
- Indoor	P	P	P	P	P
- Outdoor	X	X	X[4]	P	P
F. Wholesale Showroom	X	X	P	P	P
G. Mini-Warehouse	X	X	P	P	P
H. Warehouse	X	X	P	P	P
I. Outdoor Storage	X	X	X[5]	P	P

COMMERCIAL USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	NC2	NC3	C1	C2
I. COMMERCIAL USE					
A. Retail Sales and Service					
1. Personal and Household Retail Sales and Services					
- Multipurpose convenience stores	P	P	P	P	P
- General retail sales and service	P	P	P	P	P
- Major durables sales, service and rental	P	P	P	P	P
- Specialty food stores	P	P	P	P	P
2. Medical Services	P	P/CU[1]	P/CU[1]	P/CU[1]	P/CU[1]
3. Animal Services[2]					
- Animal health services	P	P	P	P	P
- Kennels	X	X	X	X	X
- Animal shelters	X	X	X	X	X
4. Automotive Retail Sales and Services					
- Gas Stations	P	P	P	P	P
- Sales and rental of motorized vehicles	X	P	P	P	P
- Vehicle repair, minor	P	P	P	P	P
- Vehicle repair, major	X	P	P	P	P
- Car wash	X	P	P	P	P
- Towing services	X	X	X	P	P
- Automotive parts or accessory sales	P	P	P	P	P
5. Marine Retail Sales and Services					
- Sales and rental of large boats	X	P	P	P	P
- Vessel repair, minor	P	P	P	P	P
- Vessel repair, major	X	X	X	S	S
- Marine service station	P	P	P	P	P
- Dry storage of boats	X	P	P	P	P
- Recreational marinas	S	S	S	S	S
- Commercial moorage	S	S	S	S	S
- Sale of boat parts or accessories	P	P	P	P	P
6. Eating and Drinking Establishments					
- Restaurants without cocktail lounges	P	P	P	P	P
- Restaurants with cocktail lounges	X	P	P	P	P
- Fast-food restaurants (750 square feet and under)	P CU	P CU	P CU	P CU	P CU
- Fast-food restaurant (over 750 square feet)	CU	CU	P	P	P
- Tavern	CU	CU	P	P	P
- Brewpub					
7. Lodging					
- Hotel	X	X	P	P	P
- Motel	X	X	P	P	P
- Bed and breakfast	P[3]	P[3]	P	P	P

COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
XI. AGRICULTURAL USES					
A. Animal Husbandry	X[13]	X[13]	X[13]	X[13]	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

P - Permitted
X - Prohibited
CU - Administrative Conditional Use
CCU - Council Conditional Use
S - Permitted only in the Shoreline District, when permitted by the Seattle Shoreline Master Program

1. Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, shall required administrative conditional use approval, unless included in an adopted Major Institution Master Plan or located in a downtown zone. See Section 23.47.006.

2. The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.

3. In existing structures only.

4. Outdoor participant sports and recreation uses are permitted at the Seattle Center.

5. Outdoor storage is permitted at the Seattle Center, subject to the provisions of Section 23.47.011.

6. New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.

7. Permitted only as an accessory use according to Section 23.47.006.

8. See Chapter 23.57 for regulation of communication utilities.

9. Subject to dispersion criteria in Section 23.47.006

10. Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot.

11. Residential uses in mixed-use development are permitted outright in NC1, NC2, NC3 and C1 zones. Single-purpose residential structures, other than nursing homes, are permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use according to the provisions of Section 23.47.023, except where the height limit is 85 feet or higher. All residential uses other than nursing homes, in C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed use structure or as a single-purpose residential use, except in Pedestrian-Designated Zones (see Section 23.47.040).

12. An accessory dwelling unit added to a single-family residence shall be allowed outright and shall not require a separate conditional use permit. The unit shall be considered accessory to the single-family residences, shall meet the standards listed for accessory dwelling units in Section 23.44.025 and shall not be considered a separate dwelling unit for all development standard purposes in commercial zones.

13. Permitted only as an accessory use.

Section 35. Subsection B of Section 23.47.006 of the Seattle Municipal code, which Section was last amended by ordinance 117432, is amended as follows:

23.47.006 Conditional uses.

* * *

B. The following uses identified as administrative conditional uses on Chart A of Section 23.47.004, may be permitted by the Director when the provisions of this subsection and subsection A are met:

1. Fast-food restaurants which have a gross floor area greater than seven hundred fifty (750) square feet are identified as heavy traffic generators and may be permitted as a conditional use according to the following criteria:

a. The design of the structure, including architectural treatment, signage, landscaping and lighting, is compatible with other structures in the vicinity; and

b. Appropriate litter-control measures are provided; and

c. The applicant, if required by the Director, prepares an analysis of traffic, circulation and parking impacts, and demonstrates that the use does not:

(1) Cause significant additional traffic to circulate through adjacent residential neighborhoods; or

(2) Disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts; or

(3) Create traffic or access problems which will require the expenditure of City funds to mitigate; or

(4) Interfere with peak-hour transit operations, by causing auto traffic to cross a designated high-occupancy vehicle lane adjacent to the lot; or

(5) Cause cars waiting to use the facility to queue across the sidewalk or onto the street; or

(6) Interrupt established retail or service frontage designed to serve pedestrians.

d. In addition to the criteria in subsections B1a, B1b and B1c, in pedestrian-designated zones, the use shall not:

(1) Include a drive-in facility; or

(2) Provide any accessory parking; or

(3) Attract a significant number of customers who drive to the pedestrian district for the primary purpose of patronizing the business. This shall be determined by a transportation analysis of travel modes and patterns of customers of similar businesses in the same or similar commercial areas, which shall be prepared by a traffic consultant retained by the applicant.

e. Fast-food restaurants which are drive-in businesses shall also comply with the provisions of Section 23.47.028, Standards for drive-in businesses.

2. Taverns and brewpubs in NC1 and NC2 zones may be permitted as conditional uses. A tavern or brewpub in an NC1 or NC2 zone shall be evaluated according to the following criteria:

a. The size of the tavern or brewpub, design of the structure, signing and illumination shall be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.

b. The location, access and design of parking shall be compatible with adjacent residential zones.

c. Special consideration shall be given to the location and design of the doors and windows of taverns and brewpubs to ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings on lots which abut residential zones.

d. Taverns and brewpubs shall not generate traffic which creates traffic congestion or further aggravates spillover parking on residential streets.

3. Park-and-ride lots in NC3, C1 and C2 zones may be permitted as conditional uses.

a. Conditional Use Criteria.

(1) The park-and-ride lot shall have direct vehicular access to a designated arterial improved to City standards.

(2) If the proposed park-and-ride lot is located on a lot containing accessory parking for other uses, there shall be no substantial conflict in the principal operating hours of the park-and-ride lot and the other uses.

b. Mitigating Measures. Landscaping and screening in addition to that required for surface parking areas, noise mitigation, vehicular access controls, signage restrictions, and other measures may be required to provide comfort and safety for pedestrians and bicyclists and to insure the compatibility of the park-and-ride lot with the surrounding area.

4. Single-purpose Residential Structures in NC1, NC2, NC2/R, NC3, ((~~and~~)) NC3/R, <u>and</u> <u>C1</u> <u>zones</u>. In order to conserve the limited amount of commercially zoned land for commercial uses, single-purpose residential structures shall generally not be allowed in commercial zones. However, additions to, or on-site accessory structures for, existing single-family structures are permitted outright. Single-purpose residential structures may be permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use only when the following circumstances exist:

a. Due to location or parcel size, the proposed site is not suited for commercial development; or

b. There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial

structures in disrepair, and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an "established commercial street front" may be intersected by streets or alleys, and some lots with no current commercial use.

5. Residential Uses in C2 Zones.

a. In order to conserve the limited amount of commercially zoned land for commercial uses, residential uses in single-purpose or mixed-use structures shall generally not be allowed in C2 zones. However, additions to, or on-site accessory structures for existing single family structures shall be permitted outright. Residential uses in single-purpose or mixed-use structures may be permitted in C2 zones as administrative conditional uses according to the following criteria:

(1) Availability of Suitable Land for C2 Activities. Residential uses shall generally be discouraged in areas which have limited vacant land and where, due to terrain and large parcel size, land is particularly suitable for commercial rather than residential development.

(2) Relationship to Transportation Systems. Residential uses shall generally be discouraged in areas with direct access to major transportation systems such as freeways, state routes and freight rail lines.

(3) Compatibility With Surrounding Areas. Residential uses shall not be allowed in close proximity to industrial areas and/or in areas where nonresidential uses may create a nuisance or adversely affect the desirability of the area for living purposes.

b. Residential uses required to obtain a shoreline conditional use shall not be required to obtain an administrative conditional use.

6. Residential Use in International Special Review District. Single-purpose residential structures shall be permitted outright in those parts of the International Special Review District east of the Interstate 5 Freeway as provided in Section 23.66.330.

7. Low-income Housing Projects. Single-purpose residential structures for low-income housing projects shall be permitted outright in all commercial zones if:

a. Applications for a reservation of tax credits for 1988 and 1989 under the low-income tax credit program administered by the Washington State Housing Finance Commission have been filed on or before March 15, 1988; or

b. A nonprofit corporation has purchased sites, signed options or entered into real estate purchase agreements prior to March 15, 1988.

8. Development of a medical service use over ten thousand (10,000) square feet, outside but within two thousand five hundred feet (2,500') of a medical Major Institution overlay district boundary, shall be subject to administrative conditional use approval, unless included in an adopted master plan. In making a determination whether to approve or deny a medical service use, the Director shall determine whether an adequate supply of commercially zoned land for businesses serving neighborhood residents will continue to exist. The following factors shall be used in making this determination:

a. Whether the amount of medical service use development existing and proposed in the vicinity would reduce the current viability or significantly impact the longer-term potential of the neighborhood-serving character of the commercial area; and

b. Whether medical service use development would displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of retail and personal services uses, or significantly detract from an area's overall neighborhood-serving commercial character.

9. Change of One (1) Nonconforming Use to Another.

a. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:

(1) New uses shall be limited to those first permitted in the next more intensive zone;

(2) The relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated.

b. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

* * *

Section 36. Chart B of Section 23.47.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 117919, is amended as follows:

CHART B
For Section 23.47.010
ZONE

Nonresidential Uses Subject to Maximum Size Limit	NC1*	NC2*[1]	NC3*[1]	C1	C2
Nonresidential uses including institutions and public facilities unless otherwise specified	4,000 sq. ft.	15,000 sq. ft.	N.M.S.L.	~~((N.M.S.L.))~~ 35, 000 sq. ft.[4]	~~((N.M.S.L.))~~ 35, 000 sq. ft.[4]
Medical Services	10,000 sq. ft.	15,000 sq. ft	N.M.S.L.	N.M.S.L.	N.M.S.L.
Multi-purpose convenience store	10,000 sq. ft.	50,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Food processing and craft work	4,000 sq. ft.	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Light manufacturing	X	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Fast-food restaurant[2]	750 sq. ft. 4,000 sq. ft.	750 sq. ft. 8,000 sq. ft.	750 sq. ft N.M.S.L.	750 sq. ft. N.M.S.L.	750 sq. ft N.M.S.L.
Fuel Sales Sales, service and rental of commercial equipment and construction materials Passenger terminals	X	X	25,000 sq. ft.	N.M.S.L.	N.M.S.L.
Indoor participant sport and recreation	4,000 sq. ft.	15,000 sq. ft.	25,000 sq. ft.[3]	N.M.S.L.	N.M.S.L.
General manufacturing	X	X	X	15,000 sq. ft.	N.M.S.L.
Wholesale showroom warehouse	X	X	15,000 sq. ft.	25,000 sq. ft.	N.M.S.L.
Mini-warehouses	X	X	15,000 sq. ft.	40,000 sq. ft.	N.M.S.L.
Public schools	N.M.S.L.	N.M.S.L.	N.M.S.L.	N M.S.L.	N M.S.L.

N.M.S.L. — No Maximum Size Limitations
* — Increases in maximum size limits may be allowed for operating business establishments according to provisions of subsection G.
X — Does not apply, use not permitted in zone.
[1] — Maximum size for all nonresidential uses in NC2/R and NC3/R is described in Section 23.47.010 A2.
[2] — Fast-food restaurants larger than 750 square feet are conditional uses.
[3] — At the Seattle Center, maximum size limit does not apply.
[4] — Office uses in C1 and C2 zones shall be limited to the size of the lot area or thirty-five thousand (35,000) square feet, whichever is greater. Office uses in C1 and C2 zones may be exempt from this limit if the structure meets specified standards for NC zones as listed in subsection 23.47.010A3.

Section 37. Subsection E of Section 23.47.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.47.014 Setback requirements.

***

E. Structures in Required Setbacks.

1. Decks and balconies with open railings may extend into the required setback, but shall not be permitted within five feet (5') of a residentially zoned lot, except as provided in subsection ((~~C~~))E6.

2. Eaves, cornices and gutters projecting no more than eighteen inches (18") from the structure facade shall be permitted in required setbacks.

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

4. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five feet (5') in width, are permitted in required setbacks.

5. Fences, freestanding walls and other similar structures.

a. Fences, freestanding walls and other similar structures six feet (6') or less in height above existing or finished grade, whichever is lower, are permitted in required setbacks. The six foot (6') height may be averaged along sloping grade for each six foot (6') long segment of the fence, but in no case may any portion of the fence exceed eight feet (8').

b. Bulkheads and retaining walls used to raise grade may be placed in any required setback when limited to six feet (6') in height, measured above existing grade. A guardrail no higher than forty-two inches (42") may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined fence is limited to nine and one-half feet (91/2').

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

6. Decks which are accessory to residential uses and are no more than eighteen inches (18") above existing or finished grade, whichever is lower, may project into required setbacks.

7. Underground structures are permitted in all setbacks.

8. Detached solar collectors shall be permitted in required setbacks. 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 any lot line which abuts a residentially zoned lot.

9. Dumpster and other trash receptacles, except for trash compactors, located outside of structures shall not be permitted within ten feet (10') of any lot line which abuts a residentially zoned lot and shall be screened from the residential lot with a minimum six foot (6›) high screen fence.

* * *

Section 38. Subsection B of Section 23.47.024 of the SMC, which Section was last amended by Ordinance 118414, is further amended as follows:

Section 23.47.024 Open space standards.

* * *

B. Open Space Development Standards.

1. When permitted, required usable open space may be provided at ground level or may be provided above the ground in the form of balconies, decks, solaria, greenhouses, or roof gardens or decks.

2. Balconies and decks provided above the ground as open space shall have a minimum area of sixty (60) square feet and no horizontal dimension shall be less than six feet (6').

3. Usable open space at ground level, and roof gardens, solaria, and greenhouses provided above ground as open space shall have a minimum area of two hundred fifty (250) square feet. No horizontal dimension shall be less than ten feet (10').

4. Required usable open space is permitted at the front, sides, or rear of the structure.

5. Parking areas, driveways, and pedestrian access to the nonresidential or residential entrances, except for pedestrian access meeting the Washington State Building Code, Chapter 11—Accessibility, shall not be counted as open space.

6. Required open space shall be landscaped according to standards promulgated as open space.

7. Rooftop space within the following parameters shall not count toward meeting open space requirements: the area eight feet (8') from and in front of a directional antenna and at least two feet (2') from the back of a directional antenna, or, for an omnidirectional antenna, eight feet (8') away from the antenna in all directions. The Seattle-King County Public Health Department may require a greater distance for paging facilities after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

Section 39. Chart A of Section 23.50.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

INDUSTRIAL USES
CHART A
for Section 23.50.012

Uses	Zones		
	IB	IC	IG1 and IG2
I. Manufacturing			
A. Light manufacturing	P	P	P
B. General manufacturing	P	P	P
C. Heavy manufacturing	CU	X or CU[1]	P or CU[2]
II. High-impact Uses.	X	X or CU[3]	X or CU[4]
III. Commercial			
A. Retail Sales and Service			
1. Personal and household sales and services	P	P	P
2. Medical services	P/CU[5]	P/CU[5]	P/CU[5]
3. Animal services			
a. Animal health services	P	P	P
b. Kennel	X	P	P
4. Automotive retail sales and service	P	P	P
5. Marine retail sales and service	P	P	P
6. Eating and drinking establishment			
a. Fast food restaurants over 750 square feet	CU	CU	CU
b. Fast food restaurants under 750 square feet	P	P	P
c. Restaurants with or without cocktail lounges	P	P	P
d. Tavern	P	P	P
e. Brewpub	CU	CU	CU
7. Lodging	P	P	P
8. Mortuary service	P	P	P
9. Existing cemeteries	P	P	P
10. New cemeteries	X	X	X
B. Principal use parking, surface area or garage	P	P	P
C. Nonhousehold sales and services	P	P	P
D. Office	P	P	P

INDUSTRIAL USES
CHART A
for Section 23.50.012 (continued)

Uses	Zones		
	IB	IC	IG1 and IG2
E. Entertainment			
1. Places of public assembly			
a. Performing arts theater	P	P	P
b. Spectator sports facility	P	P	P
c. Lecture and meeting halls	P	P	P
d. Motion picture theater	P	P	P
e. Motion picture theater, adult	X	X	X
f. Adult panorams	X	X	X
2. Participant sports and recreation			
a. Indoor	P	P	P
b. Outdoor	P	P	P
F. Wholesale showroom	P	P	P
G. Mini-warehouse	P	P	P
H. Warehouse	P	P	P
I. Outdoor storage	P	P	P
J. Transportation Facilities			
1. Personal transportation services	P	P	P
2. Passenger terminal	P	P	P
3. Cargo terminal/	P	P	P
4. Transit vehicle base	CU	CU	CU
5. Helistop	CCU	CCU	CCU
6. Heliport	X	CCU	CCU
7. Airport, land-based	X	CCU	CCU
8. Airport, water-based	X	CCU	CCU
9. Railroad switchyard	P	P	P
10. Railroad switchyard with mechanized hump	X	X	CU
K. Food processing and craft work	P	P	P
L. Research and development laboratory	P	P	P

INDUSTRIAL USES
CHART A
for Section 23.50.012 (continued)

Uses	Zones		
	IB	IC	IG2 and IG2
IV. Salvage and Recycling			
A. Recycling collection station	P	P	P
B. Recycling center	P	P	P
C. Salvage yard	X	X	P
V. Uti8lities			
A. Utility services use	P	P	P
B. Major communication utility[6]	CU	CU	CU
C. Minor communication utility[6]	P	P	P
D. Solid waste transfer station	X	CU	CU
E. Power plant	X	CCU	P
F. Sewage treatment plant	X	CCU	CCU
G. Solid waste incineration facility	X	CCU	CCU
H. Solid waste landfills	X	X	X
VI. Institutions			
A. Institute for advanced study	P	P	P
B. Private clubs	EB	EB	EB
C. Child care center	P	P	P
D. Museum	EB	EB	EB
E. School, elementary or secondary	EB	EB	EB
F. College	EB	EB	EB

INDUSTRIAL USES
CHART A
for Section 23.50.012 (continued)

Uses	Zones		
	IB	IC	IG1 and IG2
G. Community center	EB	EB	EB
H. Community club	EB	EB	EB
I. Vocational or fine arts school	P	P	P
J. Hospital	EB	CU[8]	EB
K. Religious facility	EB	EB	EB
L. University	EB	EB	EB
M. Major institutions., subject to the provisions of Chapter 23.69	EB	EB	EB
VII. Public Facilities			
A. Jails	X	X	X
B. Work-release centers	X	X	X
C. Other public facilities	CCU	CCU	CCU
VII. Park and Pool/Ride Lots			
A. Park and pool lots	P[7]	P[7]	P[7]
B. Park and ride lots	CU	CU	CU
IX. Residential			
A. Single-family dwelling units	X	X	X
B. Multi-family structures	X	X	X
C. Congregate residences	X	X	X
D. Adult family homes	X	X	X
E. Floating homes	X	X	X

INDUSTRIAL USES
CHART A
for Section 23.50.012 (continued)

Uses	Zones		
	IB	IC	IG1 and IG2
F. Mobil home park	X	X	X
G. Nursing homes	X	X	X
H. Artist's studio/dwelling	EB/CU	EB/CU	EB/CU
I. Caretaker's quarters	P	P	P
J. Residential use except artist's studio/dwelling and caretaker's quarters in a landmark structure or landmark district	CU	CU	CU
X. Open Space			
A. Parks	P	P	P
B. Playgrounds	P	P	P
XI. Agricultural Uses			
A. Animal husbandry	X	X	X
B. Horticultural use	X	X	X
C. Aquaculture	P	P	P

P = Permitted
X = Prohibited
CU = Administrative conditional use
CCU = Council conditional use
EB = Permitted only in a building existing on October 5, 1987

INDUSTRIAL USES
Chart A
for Section 23.50.012 (Continued)

1. The Heavy Manufacturing uses listed in subsection B10 of Section 23.50.014 may be permitted as conditional uses. All other Heavy Manufacturing uses are prohibited.

2. Heavy Manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at subsection C of Section 23.50.014.

3. The High-impact uses listed at subsection B ((~~11~~)) 10 of Section 23.50.014 may be permitted as conditional uses.

4. High-impact 1 uses may be permitted as a conditional use as provided at subsection B5 of Section 23.50.014.

5. Medical service uses over 10,000 square feet, within 2,500 feet of medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted major institution master plan or located in a downtown zone. See Section 23.50.014.

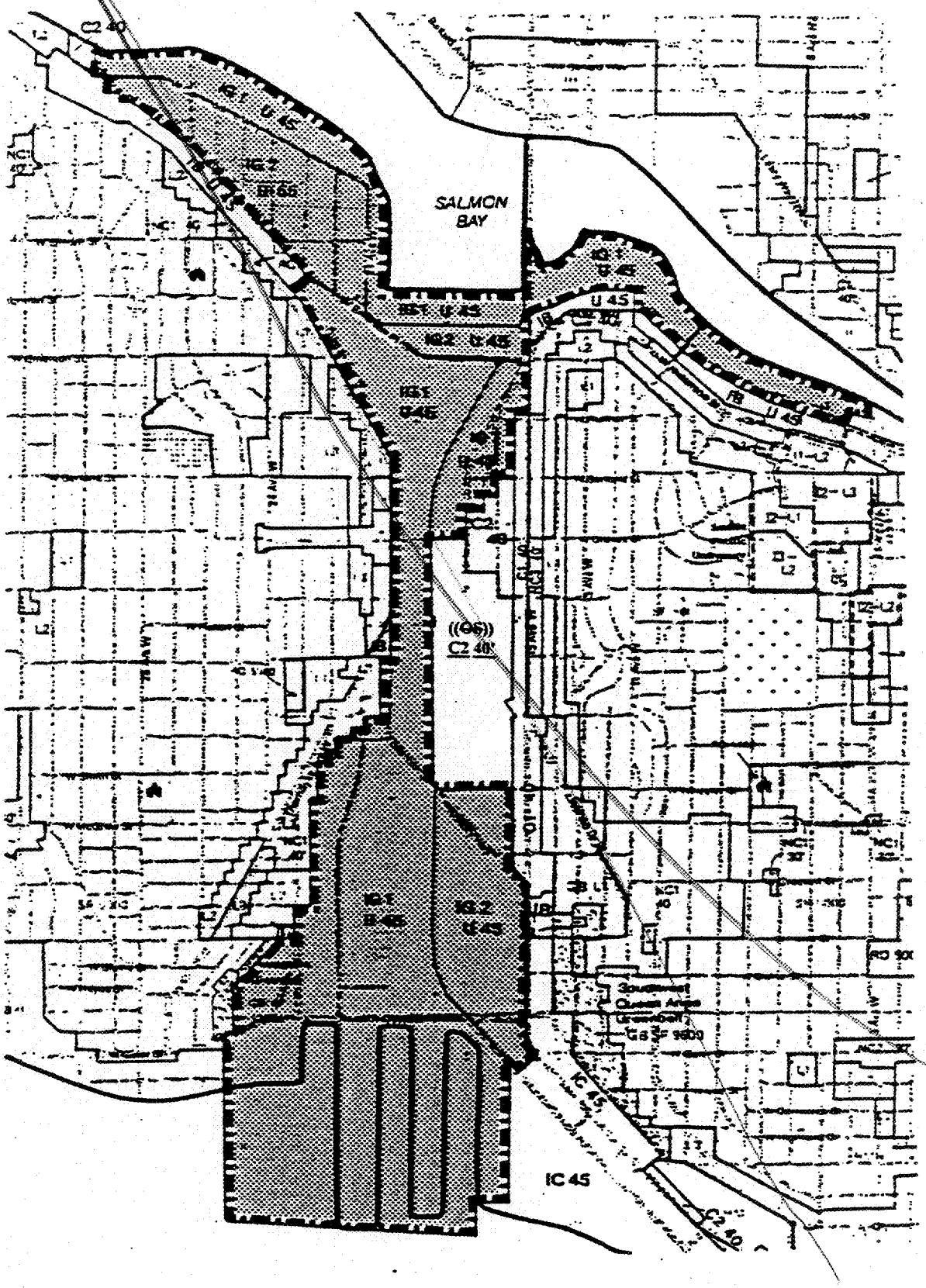
6. See Chapter 23.57 for regulation of major and minor communication utilities and accessory communication devices.

7. Park and pool lots are not permitted within three thousand feet (3,000') of downtown.

8. Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study as provided by subsection B15 of Section 23.50.014.

Section 40. Existing Exhibit 23.50.014A of subsection A of Section 23.50.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 116907, is repealed.

Exhibit 23.50.014 A Administrative Conditional Uses Queen Anne — Interbay Area



Section 41. A new Exhibit 23.50.014A of subsection A of Section 23.50.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 116907, is added.

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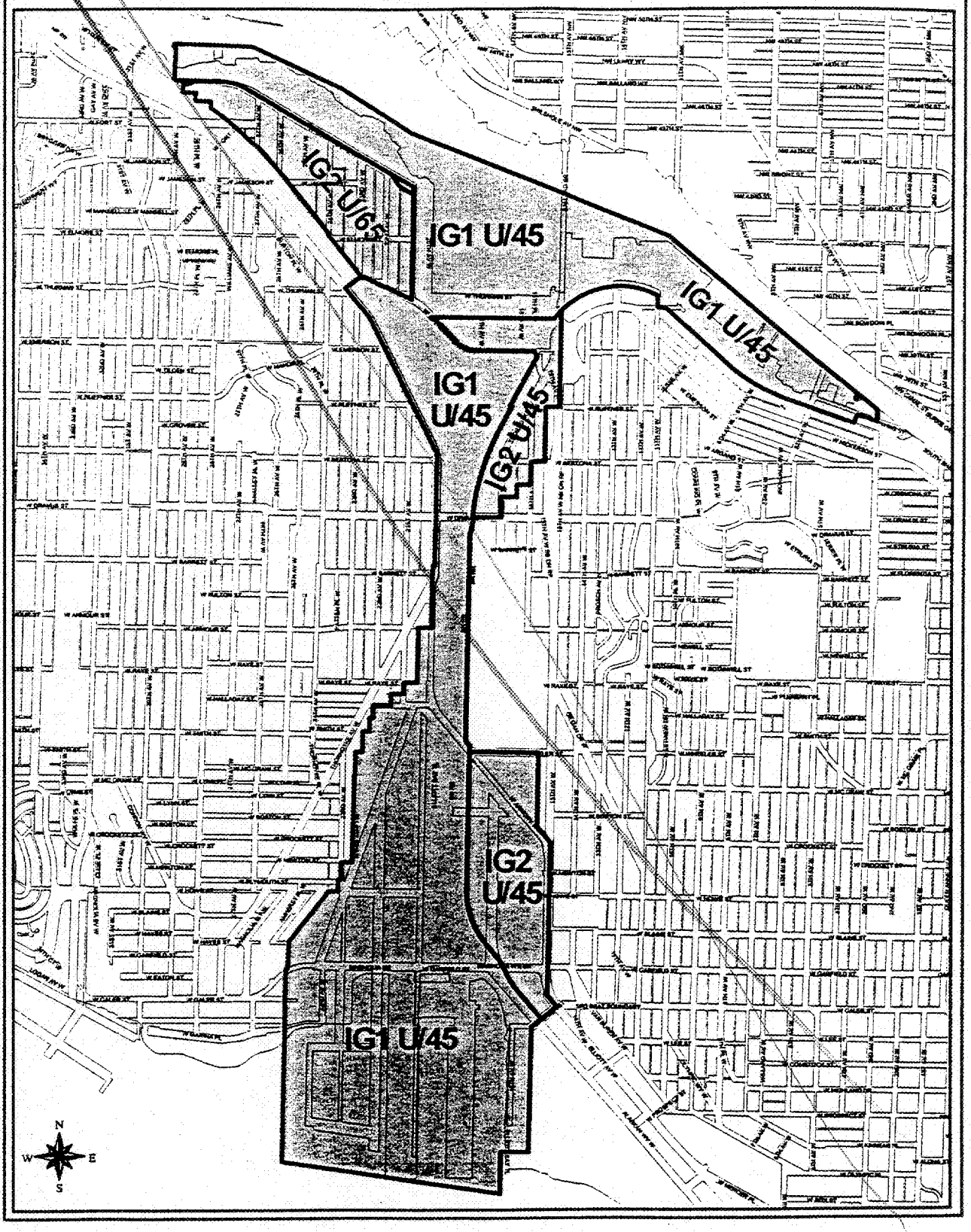
Exhibit 23.50.014 A Administrative Conditional Uses Queen Anne – Interbay Area



Section 42. Subsection A of Section 23.54.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended as follows:

23.54.020 Parking quantity exceptions.

The parking quantity exceptions set forth in this section shall apply in all zones except downtown zones, which are regulated by Section 23.49.016, and major institution zones, which are regulated by Section 23.((~~48.018~~))54.016.

A. Adding Units to Existing Structures in Multifamily and Neighborhood Commercial Zones.

1. For the purposes of this section, "existing structures" shall be those structures which were established under permit, or for which a permit has been granted and has not expired((~~, or are substantially underway in accordance with subsection D of Section 23.04.010,~~)) as of the effective date of the applicable chapter of this Land Use Code, as follows:

a. In multifamily zones, August 10, 1982;

b. In commercial zones, June 9, 1986.

2. If an existing residential structure in a multifamily or neighborhood commercial zone has parking which meets the development standards, and the lot area is not increased, one (1) unit may be added without additional parking. If two (2) units are added, one (1) space will be required; three (3) units will require two (2) spaces, etc. Additional parking must meet all development standards for the particular zone.

3. In a Lowrise Duplex/Triplex zone:

a. When an existing residential structure provides less than one (1) parking space per unit, one (1) parking space shall be required for each additional dwelling unit when dwelling units are added to the structure or the structure is altered to create additional dwelling units;

b. When an existing nonresidential structure is partially or completely converted to residential use, then no parking space shall be required for the first new dwelling unit, provided that the lot area is not increased and existing parking is screened and landscaped to the greatest extent practical.

Additional parking provided shall meet all development standards for the Lowrise Duplex/Triplex zone.

4. If an existing structure does not conform to the development standards for parking, or is occupied by a nonconforming use, when:

- Dwelling units are added to the structure; or
- The structure is altered to create additional dwelling units; or
- The structure is completely converted to residential use, then no parking space need be provided for the first new or added dwelling unit, provided that the lot area is not

increased and existing parking is screened and landscaped to the greatest extent practical. Additional parking provided shall meet all development standards for the particular zone. This exception shall not apply in Lowrise Duplex/Triplex zones.

***

Section 43. Subsection E of Section 23.69.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended as follows:

23.69.030 Contents of a master plan.

* * *

E. The development program component shall include the following:

1. A description of alternative proposals for physical development including an explanation of the reasons for considering each alternative, but only if an Environmental Impact Statement is not prepared for the master plan; and

2. Density as defined by total maximum developable gross floor area for the MIO District and an overall floor area ratio (FAR) for the MIO District. Limits on total gross floor area and floor area ratios may also be required for sub-areas within the MIO District but only when an MIO District is over four hundred (400) acres in size or when an MIO District has distinct geographical areas; and

3. The maximum number of parking spaces allowed for the MIO District; and

4. A description of existing and planned future physical development on a site plan which shall contain:

a. The height, description, gross floor area and location of existing and planned physical development, and

b. The location of existing open space landscaping and screening, and areas of the MIO District to be designated open space. Designated open space shall be open space within the MIO District that is significant and serves as a focal point for user of the Major Institution. Changes to the size or location of designated open space will require an amendment pursuant to Section 23.69.035, and

c. Existing public and private street layout, and

d. Existing and planned parking areas and structures; and

((~~5. A description and total square footage in gross floor area of uses permitted under Section 23.69.008 E and F; and~~))

((~~6~~))5. A site plan showing: property lines and ownership of all properties within the applicable MIO District, or areas proposed to be included in an expanded MIO

District, and all structures and properties a Major Institution is leasing or using or owns within two thousand five hundred feet (2,500') of the MIO District; and

((~~7~~))6. Three (3) dimensional drawings to illustrate the height, bulk and form of existing and planned physical development. Information on architectural detailing such as window placement and color and finish materials shall not be required; and

((~~8~~))7. A site plan showing any planned infrastructure improvements and the timing of those improvements; and

((~~9~~))8. A description of planned development phases and plans, including development priorities, the probable sequence for such planned development and estimated dates of construction and occupancy; and

((~~10~~))9.A description of any planned street or alley vacations or the abandonment of existing rights-of-way; and

((~~11~~))10.At the option of the Major Institution, a description of potential uses, development, parking areas and structures, infrastructure improvements or street or alley vacations. Information about potential projects is for the purpose of starting a dialogue with the City and the community about potential development, and changes to this information will not require an amendment to the master plan; and

((~~12~~))11.An analysis of the proposed master plan's consistency with the City's Major Institution policies in Section 23.12.120 and in the Land Use Element of the City of Seattle's Comprehensive Plan; and

((~~13~~))12.A discussion of the Major Institution's facility decentralization plans and/or options, including leasing space or otherwise locating uses off-campus; and

((~~14~~))13.A description of the following shall be provided for informational purposes only. The Advisory Committee, pursuant to Section 23.69.032 D1, may comment on the following but may not subject these elements to negotiation nor shall such review delay consideration of the master plan or the final recommendation to Council:

a. description of the ways in which the institution will address goals and applicable policies under Education and Employability and Health in the Human Development Element of the Comprehensive Plan, and

b. statement explaining the purpose of the development proposed in the master plan, including the public benefits resulting from the proposed new development and the way in which the proposed development will serve the public purpose mission of the Major Institution.

* * *

Section 44. Subsection E of Section 23.69.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.69.032 Master plan process.

* * *

E. Draft Report and Recommendation of the Director.

1. Within five (5) weeks of the publication of the final master plan and EIS, the Director shall prepare a draft report on the application for a master plan as provided in Section 23.76.050, Report of the Director.

2. In the Director's Report, a determination shall be made whether the planned development and changes of the Major Institution are consistent with the City's Major Institution policies in Section 23.12.120 and in the Land Use Element of the City of Seattle's Comprehensive Plan, and whether the planned development and changes represent a reasonable balance of the public benefits of development and change with the need to maintain livability and vitality of adjacent neighborhoods. Consideration shall be given to:

a. The reasons for institutional growth and change, the public benefits resulting from the planned new facilities and services, and the way in which the proposed development will serve the public purpose mission of the major institution; and

b. The extent to which the growth and change will significantly harm the livability and vitality of the surrounding neighborhood.

3. In the Director's Report, an assessment shall be made of the extent to which the Major Institution, with its proposed development and changes, will address the goals and applicable policies under Education and Employability and Health in the Human Development Element of the Comprehensive Plan.

4. The Director's analysis and recommendation on the proposed master plan's development program component shall consider the following:

a. The extent to which the Major Institution proposes to lease space or otherwise locate a use at street level in a commercial zone outside of, but within two thousand five hundred feet (2,500') of, the MIO District boundary that is not similar to a personal and household retail sales and service use, eating and drinking establishment, customer service office, entertainment use or child care center but is allowed in the zone. To approve such proposal, the Director shall consider the criteria in Section 23.69.035 D((4))3;

b. The extent to which proposed development is phased in a manner which minimizes adverse impacts on the surrounding area. When public improvements are anticipated in the vicinity of proposed Major Institution development or expansion, coordination between the Major Institution development schedule and timing of public improvements shall be required;

c. The extent to which historic structures which are designated on any federal, state or local historic or landmark register are proposed to be restored or reused. Any changes to designated Seattle Landmarks shall comply with the requirements of the Landmarks Preservation Ordinance.1 The Major Institution's Advisory Committee shall review any application to demolish a designated Seattle Landmark and shall submit comments to the Landmarks Preservation Board before any certificate of approval is issued;

d. The extent to which the proposed density of Major Institution development will affect vehicular and pedestrian circulation, adequacy of public facilities, capacity of public infrastructure, and amount of open space provided;

e. The extent to which the limit on the number of total parking spaces allowed will minimize the impacts of vehicular circulation, traffic volumes and parking in the area surrounding the MIO District.

5. The Director's analysis and recommendation on the proposed master plan's development standards component shall be based on the following:

a. The extent to which buffers such as topographic features, freeways or large open spaces are present or transitional height limits are proposed to mitigate the difference between the height and scale of existing or proposed Major Institution development and that of adjoining areas. Transition may also be achieved through the provision of increased setbacks, articulation of structure facades, limits on structure height or bulk or increased spacing between structures;

b. The extent to which any structure is permitted to achieve the height limit of the MIO District. The Director shall evaluate the specified limits on structure height in relationship to the amount of MIO District area permitted to be covered by structures, the impact of shadows on surrounding properties, the need for transition between the Major Institution and the surrounding area, and the need to protect views;

c. The extent to which setbacks of Major Institution development at ground level or upper levels of a structure from the boundary of the MIO District or along public rights-of-way are provided for and the extent to which these setbacks provide a transition between Major Institution development and development in adjoining areas;

d. The extent to which allowable lot coverage is consistent with permitted density and allows for adequate setbacks along public rights-of- way or boundaries of the MIO District. Coverage limits should insure that view corridors through Major Institution development are enhanced and that area for landscaping and open space is adequate to minimize the impact of Major Institution development within the MIO District and on the surrounding area;

e. The extent to which landscaping standards have been incorporated for required setbacks, for open space, along public rights-of-way, and for surface parking areas. Landscaping shall meet or exceed the amount of landscaping required by the underlying zoning. Trees shall be required along all public rights-of-way where feasible;

f. The extent to which access to planned parking, loading and service areas is provided from an arterial street;

g. The extent to which the provisions for pedestrian circulation maximize connections between public pedestrian rights-of-way within and adjoining the MIO District in a convenient manner. Pedestrian connections between neighborhoods separated by Major Institution development shall be emphasized and enhanced;

h. The extent to which designated open space maintains the patterns and character of the area in which the Major Institution is located and is desirable in location and access for use by patients, students, visitors and staff of the Major Institution;

i. The extent to which designated open space, though not required to be physically accessible to the public, is visually accessible to the public;

j. The extent to which the proposed development standards provide for the protection of scenic views and/or views of landmark structures. Scenic views and/or views of landmark structures along existing public rights-of- way or those proposed for vacation may be preserved. New view corridors shall be considered where potential enhancement of views through the Major Institution or of scenic amenities may be enhanced. To maintain or provide for view corridors the Director may require, but not be limited to, the alternate spacing or placement of planned structures or grade-level openings in planned structures. The institution shall not be required to reduce the combined gross floor area for the MIO District in order to protect views other than those protected under City laws of general applicability.

6. The Director's report shall specify all measures or actions necessary to be taken by the Major Institution to mitigate adverse impacts of Major Institution development that are specified in the proposed master plan.

* * *

Section 45. Section 23.72.004 of the Seattle Municipal Code, as established by Ordinance 118624, is amended as follows:

23.72.004 Sand Point Overlay District established.

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Sand Point Overlay District, comprised of two subareas A and B, as shown on the City's Official Land Use Map, Chapter 23.32, and Map A.

Section 46. Subsections A and B of Section 23.72.008 of the Seattle Municipal Code, as adopted by Ordinance 118624, is amended as follows:

23.72.008 Uses permitted in specified areas within the Sand Point Overlay District

A. Uses permitted within ((~~the area~~)) Subarea B as depicted on Map A zoned single family.

1. Principal uses permitted outright. In addition to the uses permitted by the provisions of Section 23.44.006, the following principal uses are permitted outright in structures existing as of the effective date of this Chapter:

a. Custom and craft work and accessory retail sales and services;

b. Institutions, except hospital;
c. Lecture and meeting halls;
d. Motion picture studio;
e. Participant Sports and Recreation;
f. Police training facility;
g. Research and development laboratories;
h. Storage of fleet vehicles and accessory service and repair; and
i. Warehouse.

2. When not in use as a motion picture studio, a structure may be used for participant sports and recreation.

3. Within Subarea A, ((~~the "~~))Park Area((~~"~~)) depicted on Map A, area not occupied by existing structures, existing paved parking areas ((~~and~~)) or rights-of-way shall be limited to open space uses, such as parks and playgrounds.

B. Uses permitted within ((~~areas~~)) Subarea B as depicted on Map A zoned Lowrise 3. Principal uses permitted outright. In addition to the uses permitted outright in accordance with Section 23.45.006, the following principal uses are permitted outright within structures existing as of the effective date of this Chapter:

1. Food processing for human consumption;
2. Horticultural use;
3. Institutions, except hospital;
4. Lecture and meeting halls;
5. Medical service uses;
6. Office; and
7. Restaurants without cocktail lounges.

* * *

Section 47. Subsection C of Section 23.72.010 of the Seattle Municipal Code, as adopted by Ordinance 118624, is amended as follows:

23.72.010 Development Standards

* * *

C. Density. A maximum of 200 dwelling units may be established within the boundaries of the Sand Point Overlay District. Residential uses provided by the University of Washington shall not count toward the maximum site density established in this subsection.

Section 48. Subsection D of Section 23.76.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

23.76.010 Applications for Master Use Permits.

* * *

D. All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures; SMC Chapter 25.09, Regulations for Environmentally Critical Areas, SMC Chapter 25.12, Landmark Preservation; SMC Chapter 25.16, Ballard Avenue Landmark District; SMC Chapter 25.20, Columbia City Landmark District; SMC Chapter 25.22, Harvard-Belmont Landmark District; SMC Chapter 25.24, Pike Place Market Historical District; and other codes as determined applicable by the Director. All shoreline substantial development, conditional use or variance applications shall also include applicable submittal information as specified in WAC 173-27-180. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines, unless the Director indicates in writing that specific information is not necessary for a particular application:

1. Property information including, but not limited to, address, legal description, Assessor's Parcel number, and project description;

((~~2. Evidence of ownership or authorization from the property owner to make the application;~~))

((~~3~~))2. A signed statement of financial responsibility from the applicant acknowledging financial responsibility for all applicable permit fees. If the application is made, in whole or in part, on behalf of the property's owner, lessee, and/or contract purchaser, then the statement of financial responsibility must also include a signed statement of the owner, lessee, and/or contract purchaser acknowledging financial responsibility for all applicable permit fees;

((4))3. Scale drawings with all dimensions shown that include, but are not limited to, the following information:

a. Existing site conditions showing adjacent streets (by name), alleys or other adjacent public property, existing street uses, such as street trees and sidewalk displays, buildings and structures, open space and landscape, access driveways and parking areas,

b. Elevations and sections of the proposed new features,

c. Floor plans showing the proposed new features,

d. Drainage plan,

e. Landscape plan,

f. Right-of-way information showing any work proposed in the public right-of-way,

g. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable,

h. Parking layout and vehicular access,

i. Vicinity map,

j. Topographic map, and
k. Open space plan;

((5))4. A statement whether the site includes or is adjacent to a nominated or designated City of Seattle landmark, or has been listed as eligible for landmark status by the state or federal governments, or is within a City of Seattle landmark or special review district. If the site includes a nominated or designated City of Seattle landmark, or is within a City of Seattle landmark or special review district, then the applicant must provide a copy of any application for any required certificate of approval that has been filed with the Department of Neighborhoods. If the site does not include a landmark and is not within a landmark or special review district, then the applicant must provide the following information:

a. Date the buildings on the site were constructed,
b. Name of the architect(s) or builder(s), and
c. For any building fifty (50) or more years old, clear exterior photos of all elevations of the building;

5. For all transmitting antennas, the applicant shall submit a signed copy of the "Applicant's Statement of Federal Communications Commission (FCC) Compliance. If the transmitting antenna requires Seattle-King County Public Health Department review, the applicant must also submit a letter from the Public Health Department certifying that the facility does not exceed radiofrequency radiation levels allowed by the FCC.

6. Confirmation that any required notification sign has been installed according to the Director's specifications;

7. Information including technical reports, drawings, models or text, necessary to evaluate the development proposal, project site and potential environmental affects related to the following:

a. Soils and geology,
b. Grading,
c. Drainage,
d. Construction impacts,
e. Air quality,
f. Water quality,
g. Water discharge,
h. View impairment,
i. Energy consumption,
j. Animal habitat impacts,
k. Plant ecology, botany and vegetation,
l. Noise,
m. Release and disposal of toxic and hazardous materials,
n. Soil contamination,
o. Dredging,
p. Land use,
q. Housing,

r. Light and glare,
s. Shadow,
t. Aesthetics,
u. Use and demand on recreation facilities,
v. Vehicular traffic and circulation,
w. Parking,
x. Pedestrian circulation,
y. Circulation and movement of goods,
z. Traffic hazard, and
aa. Demand on public service and utilities.

* * *

Section 49. Subsection D of Section 23.76.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 118181, is amended as follows:

23.76.012 Notice of application.

* * *

D. Comment Period. The Director shall provide a fourteen (14) day public comment period prior to making a threshold determination of nonsignificance (DNS) or issuing a decision on the project; provided, that the comment period shall be extended by fourteen (14) days if a written request for extension is submitted within the initial fourteen (14) day comment period; provided further that the comment period shall be thirty (30) days for applications requiring shoreline decisions <u>except, that for limited utility extensions and bulkheads subject to Section 23.60.065 of Title 23, the comment period shall be twenty (20) days as specified in that Section</u>. The comment period shall begin on the date notice is published in the General Mailed Release. Comments shall be filed with the Director by five p.m. (5:00 p.m.) of the last day of the comment period. When the last day of the comment period is a Saturday, Sunday or federal or City holiday, the comment period shall run until five p.m. (5:00 p.m.) the next business day. Any comments received after the end of the official comment period may be considered if material to review yet to be conducted.

* * *

Section 50. Subsection C of Section 23.76.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

23.76.020 Director's decisions.

* * *

C. Notice of Decisions.

1. Type I. No notice of decision is required for Type I decisions.

2. Type II. The Director shall provide notice of all Type II decisions as follows:

a. A list of all Type II decisions shall be compiled and published in the City official newspaper within seven (7) days of the date the decision is made. This list and the date of its publication shall also be posted in a conspicuous place in the Department and shall be included in the General Mailed Release. Notice shall also be mailed to the applicant and to interested persons who have requested specific notice in a timely manner or who have submitted substantive comments on the proposal, and shall be submitted in a timely manner to at least one (1) community newspaper in the area affected by the proposal.

b. DNSs shall also be filed with the SEPA Public Information Center.

c. If the Director's decision includes a mitigated DNS or other DNS requiring a fifteen (15) day comment period pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, the notice of decision shall include notice of the comment period. The Director shall distribute copies of the DNS as required by SMC Section 25.05.340.

d. Any shoreline decision in a Master Use Permit shall be filed with the Department of Ecology ((~~and the State Attorney General~~)) according to the requirements contained in WAC 173-27-130. A shoreline decision on limited utility extensions and bulkheads subject to Section 23.60.065 shall be issued within twenty-one (21) days of the last day of the comment period as specified in that Section.

e. The notice of the Director's decision shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decisions subject to appeal and shall describe the appropriate appeal procedure.

Section 51. Subsection B of Section 23.76.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

23.76.022 Administrative appeals.

* * *

B. Shoreline Appeal Procedures. Appeal of the Director's decision to issue, condition, or deny a shoreline substantial development permit, shoreline variance, or shoreline conditional use as a part of a Master Use Permit must be filed by the appellant with

the Shorelines Hearings Board in accordance with the provisions of the Shoreline Management Act of 1971, RCW Chapter 90.58, and the rules established under its authority, WAC 173-((~~14~~))27. Appeals of related environmental actions, including DNS's, determination that an EIS is adequate, and the decision to grant, condition or deny the shoreline proposal based on the City's SEPA Policies pursuant to SMC Section 25.05.660, shall be consolidated in the appeal to the Shorelines Hearing Board. Appeal of a decision for limited utility extensions and bulkheads subject to Section 23.60.065 of Title 23 shall be finally determined within thirty (30) days as specified in that Section.

* * *

Section 52. Subsection A of Section 23.76.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, is amended as follows:

23.76.032 Expiration and renewal of Type I and II Master Use Permits.

A. Expiration.

1. A Type I or II Master Use Permit shall expire eighteen (18) months from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. Expiration of a Master Use Permit with a shoreline component shall be governed by WAC 173-((~~14-060~~))27-090.

b. Expiration of a variance component of a Master Use Permit shall be governed by the following:

(1) Variances for access, yards, setback, open space, or lot area minimums granted as part of short plat or lot boundary adjustment shall run with the land in perpetuity as recorded with the Director of the King County Department of Records and Elections.

(2) Variances granted as separate Master Use Permits pursuant to Section 23.76.((~~010D~~))004G shall expire eighteen (18) months from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is granted within this period, the variance's expiration date shall be extended until the expiration date established for the use approval.

c. The time during which pendency of litigation related to the Master Use Permit made it reasonable not to submit an application for a building permit, or to establish a use where a building permit is not required, shall not be included in the eighteen (18) month term of the Master Use Permit.

((~~d. Master Use Permits entered in the competition for office space downtown established under Section 23.49.011 shall expire as follows:~~

~~(1) Eighteen (18) months from the date that the project is chosen to receive an office space allocation; or~~

~~(2) If the project is not chosen to receive an office space allocation in the first year that it is entered in the competition, it shall expire either:~~

~~(a) On the date that the opportunity to enter the next competition has passed, and the project has not been entered, or~~

~~(b) If it is chosen in the next competition to receive an office space allocation, eighteen (18) months from the date that the project is chosen, or~~

~~(c) On the date that it is not chosen to receive an office allocation in the next competition, or~~

~~(d) Eighteen (18) months from the date that the permit is approved for issuance as described in Section 23.76.028, whichever is greater;~~

~~(3) Master Use Permits entered in the competition for office space downtown may be renewed pursuant to subsection B.~~))

((e))d. Expiration of use approval to legalize previously unauthorized accessory dwelling units when final inspection approval for modifications required for Building or Housing Code compliance is not obtained within two (2) years from the date of application for the Master Use Permit is governed by Section 23.44.025B.

((f))e. Master Use Permits with a Major Phased Development component established under Section 23.47.007 or 23.50.015 shall expire as follows:

(1) For the first phase, twenty-four (24) months from the date the permit is approved for issuance, except as provided in subsection B;

(2) For subsequent phases, expiration shall be determined at the time of permit issuance.

((g))f. Master Use Permits with a Design Review Component are subject to Section 23.76.026C2. If the Land Use Code or other land use control ordinances change prior to publication of the Director's decision on a Master Use Permit that contains a design review component and qualifies for vesting pursuant to Section 23.76.026C2, such Master Use Permit shall expire one hundred twenty (120) days from the date the Master Use Permit is approved for issuance, unless a complete application for a building permit meeting the requirements of Section 106 of the Seattle Building Code1 is submitted within one hundred twenty (120) days of the date the Master Use Permit is approved for issuance.

2. At the end of the eighteen (18) month term, Master Use Permits shall expire unless:

a. A building permit is issued before the end of the eighteen (18) month term, or an application for a building permit is: (1) submitted at least sixty (60) days before the end of the eighteen (18) month term; (2) made sufficiently complete to meet the requirements of Section 106 of the Seattle Building Code1 before the end of the eighteen (18) month term; and (3) subsequently issued. In such cases, the Master Use Permit shall be extended for the same term as the building permit is issued. For highrise structures regulated under Section 403 of the Seattle Building Code,1 the building permit application may be a partial one, provided that it includes the complete structural frame of the building, and

schematic plans for the exterior shell of the building. If a building permit is issued and renewed within the original eighteen (18) month term of a Master Use Permit, the Master Use Permit shall be extended in the same manner; or

b. For projects which do not require a building permit, the use has been established prior to the expiration date of the Master Use Permit and is not terminated by abandonment or otherwise. In such cases the Master Use Permit shall not expire; or

c. The Master Use Permit is extended pursuant to subsection A3; or

d. The Master Use Permit is renewed as provided in subsection B; or

e. A Major Phased Development component is part of the Master Use Permit, in which case subsection A1f shall apply.

3. When a building permit has been issued and the conditions of Section 106.9.2 of the Seattle Building Code are met, the Master Use Permit shall be automatically extended for the life of the building permit and no Master Use Permit renewal shall be required.

* * *

Section 53. Section 23.84.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 117202, is amended to repeal one definition as follows:

23.84.004 "B."

* * *

((~~"Boarder" means a person who rents a room or rooms for lodging purposes within a dwelling unit on not less than a monthly basis.~~))

* * *

Section 54. Section 23.84.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, amends the definition for "dwelling unit" as follows:

23.84.008 "D."

* * *

"Dwelling unit" means a room or rooms located within a structure, designed, arranged, occupied or intended to be occupied by not more than one (1) household ((~~and permitted roomers or boarders,~~)) as living accommodations independent from any other household. The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

* * *

Section 55. Section 23.84.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 117929, is amended to repeal one definition and add two definitions in alphabetical order as follows:

23.84.024 "L."

* * *

((~~"Lodger." See "Boarder."~~))

* * *

"Lot, parent" means the initial lot from which unit lots are subdivided for the exclusive use of townhouses, cottage housing, clustered housing, single family residences in Lowrise zones, or any combination of the above types of residential development.

* * *

"Lot, unit" means one of the individual lots created from the subdivision of a parent lot for the exclusive use of townhouses, cottage housing, clustered housing, single family residences in Lowrise zones, or any combination of the above types of residential development.

* * *

Section 56. Section 23.84.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, is amended to repeal one definition as follows:

23.84.032 "R."

* * *

((~~"Roomer." See "Boarder."~~))

* * *

Section 57. The Official Land Use Map of The City of Seattle is amended to remove the Greenbelt ("GB") overlay designation from all plats on which it appears.

Section 58. Existing Exhibit 1 of Section 25.05.675 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is repealed.

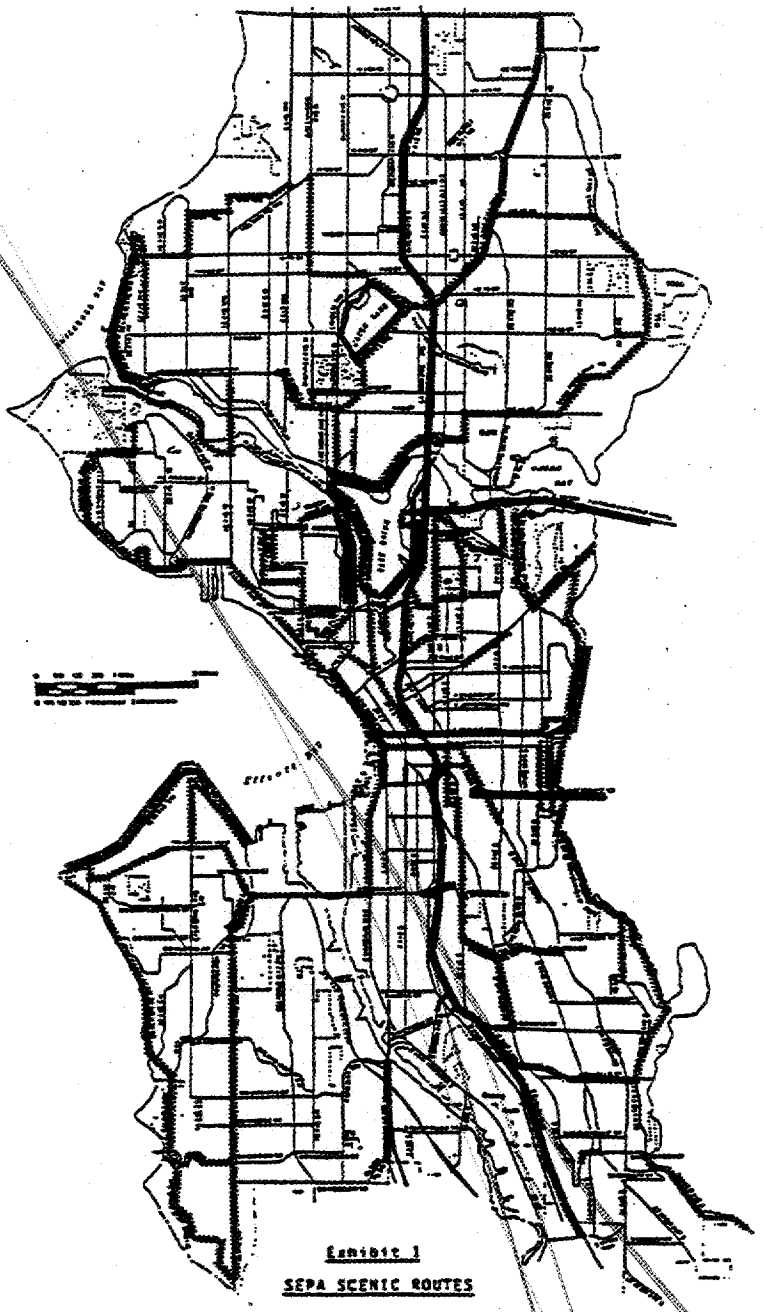


Exhibit 1

SEPA SCENIC ROUTES

LEGEND

—Scenic routes described by Seattle Engineering Department, Traffic Division map and designated by Ordinance 97027.

—Scenic routes identified as protected view rights of way in the Seattle Mayor's April 1987 Open Space Policies Recommendation.

Section 59. A new Exhibit 1 of Section 25.05.675 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is added.

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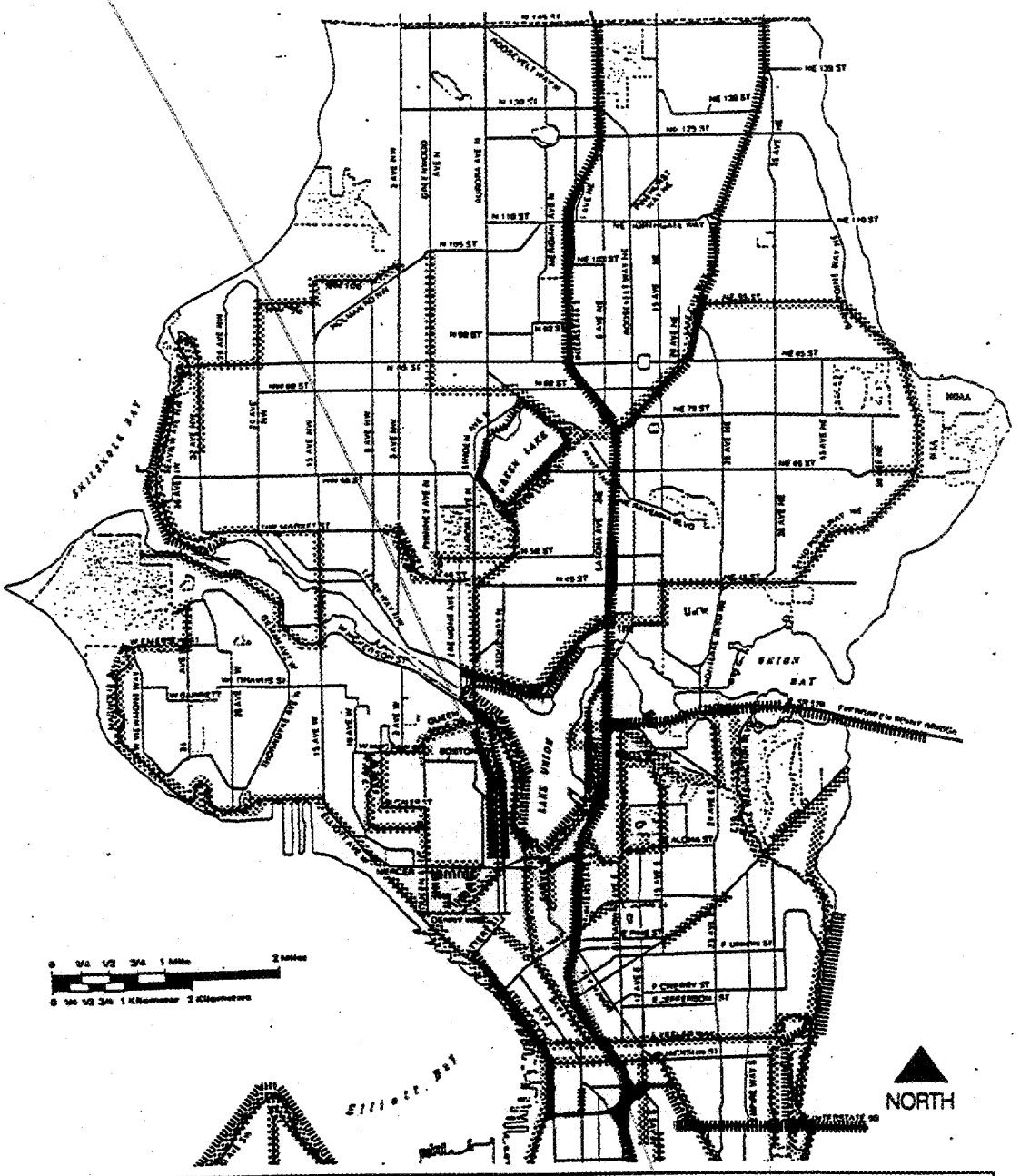


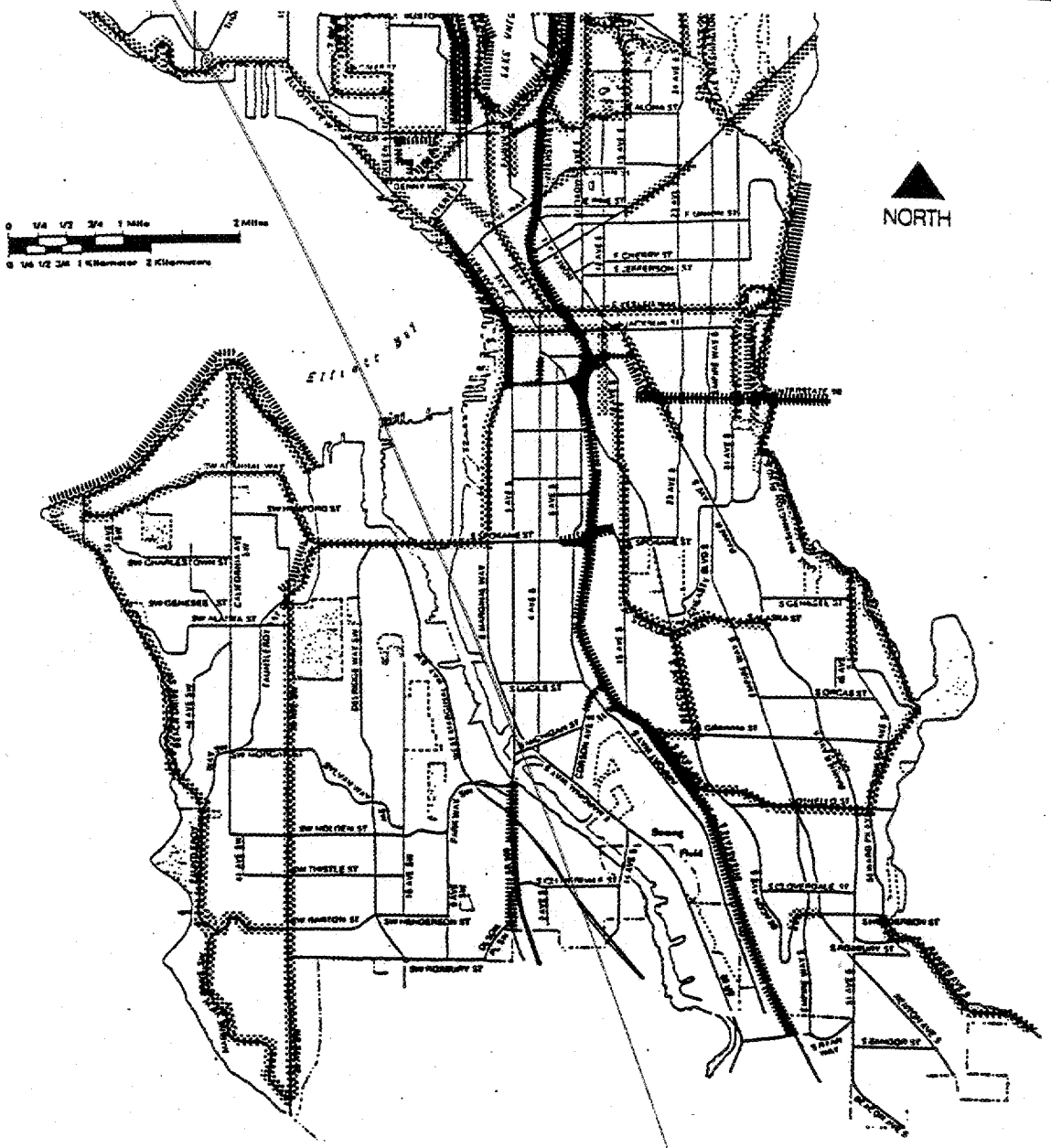
LEGEND

Scenic routes described by Seattle Engineering Department, Traffic Division map and designated by Ordinance 97027.

Scenic routes identified as protected view rights of way in the Seattle Mayor's April 1987 Open Space Policies Recommendation.

EXHIBIT 1—SEPA SCENIC ROUTES MAP
NORTH SEATTLE

kd
9/18/97
omord-v1



LEGEND

Scenic routes described by Seattle Engineering Department, Traffic Division map and designated by Ordinance 97027.

Scenic routes identified as protected view rights of way in the Seattle Mayor's April 1987 Open Space Policies Recommendation.

EXHIBIT 1—SEPA SCENIC ROUTES MAP
SOUTH SEATTLE

Section 60. Subsection B is amended and subsection C is repealed of Section 25.05.680 of the Seattle Municipal Code, which Section was last amended by Ordinance 118181, as follows:

25.05.680 Appeals.

* * *

B. Appeal to Hearing Examiner of Decisions Not Related to Master Use Permits or Council Land Use Decisions.

1. The following agency decisions on proposals not requiring a Master Use Permit shall be subject to appeal to the Hearing Examiner by any interested person as provided in this subsection:

a. Determination of Non((~~S~~))significance ((~~and, for a Public Project or Nonproject Action Only, a Determination of Nonsignificance~~)). On appeal of a threshold determination, a party may also challenge the preliminary determinations.

b. Adequacy of the final EIS as Filed in the SEPA Public Information Center. Notice of all decisions described in this subsection shall be filed promptly by the responsible official in the City's SEPA Public Information Center.

2. An appeal shall be commenced by the filing of a notice of appeal with the office of the Hearing Examiner no later than the fifteenth day following the filing of the decision in the SEPA Public Information Center or publication of the decision in the City official newspaper, whichever is later; provided that when a ((~~fifteen (15)~~)) fourteen (14) day DNS comment period is required pursuant to this chapter, appeals may be filed no later than the twenty-first day following such filing or publication. The appeal notice shall set forth in a clear and concise manner the alleged errors in the decision. Upon timely notice of appeal the Hearing Examiner shall set a date for hearing and send notice to the parties. Filing fees for appeals to the Hearing Examiner are established in Section 3.02.125.

3. Appeals shall be considered de novo and limited to the issues cited in the notice of appeal. The determination appealed from shall be accorded substantial weight and the burden of establishing the contrary shall be upon the appealing party. The Hearing Examiner shall have authority to affirm or reverse the administrative decisions below, to remand cases to the appropriate department with directions for further proceedings, and to grant other appropriate relief in the circumstances. Within fifteen (15) days after the hearing, the Hearing Examiner shall file and transmit to the parties written findings of fact, conclusions of law, and a decision.

4. The Hearing Examiner is authorized to promulgate rules and procedures to implement the provisions of this section. The rules shall be promulgated pursuant to Chapter 3.02 of this code.

5. If the agency has made a decision on a proposed action, the Hearing Examiner shall consolidate any allowed appeals of procedural and substantive determinations under SEPA. For example, an appeal of the adequacy of an EIS must be consolidated with an appeal of the agency's decision on the proposed action, if both appeals are allowed by ordinance.

((~~C. Appeal to the City Council of Decisions Not Related to Master Use Permits or Council Land Use Decisions.~~

~~1. Any decision of the Hearing Examiner or of any other authorized City official or body concerning the approval, conditioning or denial of proposals pursuant to Section 25.05.660 (substantive authority and mitigation) on proposals not requiring a Master Use Permit may be appealed to the City Council according to the procedures and criteria set forth in this subsection.~~

~~2. An appeal to the City Council may be filed only by a party to the hearing before the Hearing Examiner or other authorized official or body. The appeal shall be filed with the City Clerk no later than the fifteenth day after the date the decision appealed from is filed with the SEPA Public Information Center.~~

~~3. Any person who supports the responsible official's decision regarding the approval, conditioning, or denial of a proposal pursuant to Section 25.05.660 may become a party to the appeal hearing before the Hearing Examiner or other authorized official or body by requesting intervenor status. Written requests for intervenor status must be filed with the Hearing Examiner not less than five (5) days before the date of the hearing. In their written request, intervenors shall indicate the grounds for their support of the responsible official's decision, including grounds not relied upon by the responsible official. Intervenors may provide testimony at the hearing regarding the grounds for their support of the decision as specified in their written request. Individuals in support of the responsible official's decision who do not request intervenor status shall not have the right to appeal the Hearing Examiner's decision to the City Council pursuant to subsection C of this section.~~

~~4. The Council shall accept for review those appeals which raise issues regarding: (a) Council intent with respect to interpretation of the City's substantive SEPA policies; or (b) the sufficiency or appropriateness of mitigation or denial of a proposal.~~

~~5. The City Council's review on appeal shall be limited to the issues identified under subsection C4 including issues of factual dispute. The Council's review shall be based upon the record from the hearing below; provided however, that the City Council or the appropriate City Council committee may allow oral or written arguments and may permit the record to be supplemented; and provided further, that members of the committee or of the full Council may make a site visit.~~

~~6. Findings of fact in the Hearing Examiner's decision and discretionary determinations regarding the sufficiency of and appropriateness of mitigation or denial shall be accorded substantial weight and shall be accepted by the Council unless clearly erroneous. The burden of establishing the contrary shall be upon the appealing party.~~

~~7. The City Council may affirm or reverse the administrative decisions below, remand cases to the appropriate department with directions for further proceedings,~~

~~or grant other appropriate relief in the circumstances. The City Council is authorized to promulgate rules to implement the provisions of this section pursuant to the Administrative Code (SMC Chapter 3.02).~~))

* * *

Section 61. Subsections A and C of Section 25.05.908 of the Seattle Municipal Code, which Section was last amended by Ordinance 117789, is amended as follows:

25.05.908 Environmentally sensitive areas.

A. Environmentally sensitive areas are ((~~those~~)) the following environmentally critical areas located in the City as designated in The City of Seattle Environmentally Critical Areas Policies and regulated and mapped in Section 25.09.020 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas ((~~, and other City codes, located inside the city.~~)):

1. Landslide-prone Areas, including, but not limited to, known landslide areas, potential landslide areas, and steep slopes of forty percent (40%) average slope or greater;

2. Riparian Corridors;

3. Wetlands; and

4. Fish and Wildlife Habitat Conservation Areas.

Within these areas, certain categorically exempt activities listed in WAC 197-11-908(2) could have a significant adverse environmental impact, require additional environmental review to determine impacts, and may require mitigation beyond the development standards required by all applicable City codes. ((~~Those environmentally critical areas which require additional discretionary review and may require mitigation beyond that provided for in applicable City codes are designated environmentally sensitive areas and include:~~

~~1. Landslide-prone Areas. Landslide-prone areas are characterized by the following:~~

~~a. Known landslide areas identified by documented history, or any areas that have shown significant movement during the last ten thousand (10,000) years or are underlain by mass wastage debris that occurred during this period; or~~

~~b. Potential landslide areas based on documented geological characteristics, and based on a combination of geologic, topographic and hydrologic factors, including the following:~~

~~i. Areas over fifteen percent (15%) slope which have at least one (1) of the following characteristics:~~

~~(A) Impermeable soils (typically silt and clay) interbedded with permeable granular soils (predominantly sand and gravel); or impermeable~~

~~soils overlain with permeable soils. This includes the area within one hundred feet (100>) either side of the contact between Esperance Sand and either Lawton Clay or Pre-Lawton sediments as is shown on the area noted as Class Four (4) on the Slope Stability Map of Seattle, in Causes, Mechanisms and Prediction of Landsliding in Seattle, by Donald Willis Tubbs, Ph.D. Dissertation, University of Washington, 1975 ("Tubbs Map") or as otherwise mapped; or~~

~~(B) Identified relatively unstable soils such as either Lawton Clay or Pre-Lawton sediments, as is shown on the area noted as Class Three (3) of the Tubbs Map, or as otherwise mapped; or~~

~~(C) Springs or groundwater seepage.~~

~~ii. Steep slopes of forty percent (40%) average slope or greater as defined by the Director. A slope must have a vertical elevation change of at least ten feet (10') to be considered a steep slope, although the ten feet (10') may cross the boundaries of a site. Slopes that meet these characteristics shall be considered steep-slope environmentally critical areas in addition to being classified as potential landslide areas.~~

~~iii. Areas that would be covered under either subsections A1bi or A1bii above, but where the slope has been previously modified through the provision of retaining walls or nonengineered cut-and-fill operations.~~

~~iv. Any slope area potentially unstable as a result of rapid stream incision or stream bank erosion.~~

~~2. Riparian Corridors. Riparian corridors include all areas within one hundred feet (100') measured horizontally from the top of the bank, or, if that cannot be determined, from the ordinary high water mark of the water body and watercourse, or a one hundred (100) year floodplain as mapped byFEMA, whichever is greater, and are classified as either a Class A Riparian Corridor or a Class B Riparian Corridor. Class A Riparian Corridors are stable, established streams and lakes that flow year-round and/or support salmonids, and include, but are not limited to, corridors that have an established floodplain as mapped by the FEMA Flood Insurance Program, which includes Longfellow, Thornton, Pipers, Venema, Mohlendorph, Fauntleroy, Ravenna, Mapes, DeadHorse/Mill, Maple Leaf and Little Brook Creeks, and Haller and Bitter Lakes. Class B Riparian Corridors are not mapped by FEMA and are intermittent streams without salmonids that still demonstrate a high water mark. Riparian corridors do not normally include those artificial drainage areas intentionally created from grass-lined swales, canals, detention facilities, wastewater treatment facilities, and landscape amenities.~~

~~3. Wetlands. Wetlands are those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally~~

~~created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.~~

~~(The method for delineating wetlands shall follow the 1989 Federal Manual for Delineating Jurisdictional Wetlands until the Washington State Department of Ecology adopts a new manual for the delineation of wetlands in conformance with Section 11 of Chapter 382 of the Laws of 1995, in which case the method for delineating wetlands shall follow such manual; however, if prior to that time the King County Countywide Planning Policies are amended to allow use of the 1987 U.S. Corps of Engineers Wetlands Delineation Manual in conjunction with the U.S. Corps of Engineers Washington Regional Guidance on the 1987 Wetland Delineation Manual, the method for delineating wetlands shall follow such manuals of the Corps of Engineers until the Department of Ecology's manual is adopted.~~

~~4. Fish and Wildlife Habitat Conservation Areas. Fish and wildlife habitat conservation areas include, but are not limited to, the following:~~

~~a. Areas identified by the Washington State Department of Wildlife as priority habitat and species areas or urban natural open space habitat areas;~~

~~(1) Corridors connecting other priority habitat areas, especially areas that would otherwise be isolated;~~

~~(2) Areas that remain an isolated remnant of natural habitat larger than ten (10) acres or more and surrounded by urban development, with local consideration given to areas smaller than ten (10) acres;~~

~~b. All bodies of water that provided migration corridors and habitat for fish, especially salmonids, and including Lake Washington, Lake Union and the Lake Washington Ship Canal, Duwamish River, and that portion of Elliott Bay within the City's jurisdiction;~~

~~c. Commercial and recreational shellfish areas and kelp and eelgrass beds; and~~

~~d. Areas which provide habitat for species of local importance.~~))

* * *

C. The ((~~Kroll Atlas~~)) Official Land Use Map of The City of Seattle contains overlays identifying the general boundaries of all known environmentally critical areas within the city, which reference The City of Seattle's Environmentally Critical Areas Maps to determine the general boundaries of each environmentally critical area. The Environmentally Critical Areas Maps specify those designated areas which are subject to SEPA pursuant to WAC 25.05.908. A copy of the maps shall be maintained in the SEPA Public Information Center.

The maps shall be used and amended as follows:

1. The maps shall be advisory and used by the Director of DCLU to provide guidance in determining applicability of SEPA to a property. Likewise,

environmentally sensitive areas which are incorrectly mapped may be exempted from SEPA by the Director of DCLU when the provisions of subsection D of Section 25.09.040 of the regulations for environmentally critical areas apply.

2. The boundaries and contents of these designated environmentally sensitive areas maps may be amended by the Director following the environmentally critical areas maps amendment process as set forth in subsection C of Section 25.09.020 of the regulations for environmentally critical areas.

* * *

Section 62. Subsection B of Section 25.09.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 117945, is amended as follows:

25.09.020 Environmentally critical areas.

* * *

B. The following shall constitute environmentally critical areas regulated by this chapter:

1. Geologic Hazard Areas.

a. Landslide-prone Areas. Landslide- prone areas are characterized by the following:

(1) Known landslide areas identified by documented history, or any areas that have shown significant movement during the last ten thousand (10,000) years or are underlain by mass wastage debris that occurred during this period; or

(2) Potential landslide areas based on documented geological characteristics, and based on a combination of geologic, topographic and hydrologic factors, including the following:

(a) Areas over fifteen percent (15%) slope which have at least one (1) of the following characteristics:

(i) Impermeable soils (typically silt and clay) interbedded with permeable granular soils (predominantly sand and gravel); or impermeable soils overlain with permeable soils. This includes the area within one hundred feet (100') either side of the contact between Esperance Sand and either Lawton Clay or Pre-Lawton sediments as is shown on the area noted as Class Four (4) on the Slope Stability Map of Seattle, in Causes, Mechanisms and Prediction of Landsliding in Seattle, by Donald Willis Tubbs, Ph.D. Dissertation, University of Washington, 1975 ("Tubbs Map"), or as otherwise mapped, or

(ii) Identified relatively unstable soils in either Lawton Clay or Pre-Lawton sediments, as is shown on the area noted as Class Three (3) of the Tubbs Map, or as otherwise mapped, or

(iii) Springs or groundwater seepage;

(b) Steep slopes of forty percent (40%) average slope or greater as defined by the Director. A slope must have a vertical elevation change of at least ten feet (10') to be considered a steep slope, although the ten feet (10') may cross the boundaries of a site. Slopes that meet these characteristics shall be considered steep- slope environmentally critical areas in addition to being classified as potential landslide areas;

(c) Areas that would be covered under either (a) or (b), but where the slope has been previously modified through the provision of retaining walls or nonengineered cut and fill operations;

(d) Any slope area potentially unstable as a result of rapid stream incision or stream bank erosion.

b. Liquefaction-prone Areas. Liquefaction-prone areas are areas underlain by cohesionless soils of low density usually in association with a shallow groundwater table which lose substantial strength during earthquakes.

2. Flood-prone Areas. Flood-prone areas are those areas that would likely be covered with or carry water as a result of a one hundred (100) year storm, or that would have a one percent (1%) or greater chance of being covered with or of carrying water in any given year based on current circumstances or maximum development permitted under existing zoning. This includes areas identified on the Seattle Floodplain Development Ordinance, FEMA maps, streams identified by the Washington State Department of Fisheries' Catalog of Washington Streams, and areas with drainage problems known to the Seattle Drainage and Wastewater Utility.

3. Riparian Corridors. Riparian corridors include all areas within one hundred feet (100') measured horizontally from the top of the bank, or if that cannot be determined, from the ordinary high water mark of the watercourse and water body, or a one-hundred (100) year floodplain as mapped by FEMA, as regulated by the Seattle Floodplain Development Ordinance,1 whichever is greater, and are classified as either a Class A Riparian Corridor or a Class B Riparian Corridor. Class A Riparian Corridors are stable, established streams and lakes that flow year-round and/or support salmonids, and include, but are not limited to, corridors that have an established floodplain as mapped by the FEMA Flood Insurance Program, and include Longfellow, Thornton, Pipers, Venema, Mohlendorph, Fauntleroy, Ravenna, Mapes, DeadHorse/Mill, Maple Leaf and Little Brook Creeks, and Haller and Bitter Lakes. Class B Riparian Corridors are not mapped by FEMA and are intermittent streams without salmonids that still demonstrate a high water mark. Riparian corridors do not normally include those artificial drainage areas intentionally created from grass-lined swales, canals, detention facilities, wastewater treatment facilities, and landscape amenities.

4. Wetlands. Wetlands are those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-

wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. (The method for delineating wetlands shall follow the ((~~1989 Federal Manual for Delineating Jurisdictional Wetlands until the Washington State Department of Ecology adopts a new manual for the delineation of wetlands in conformance with Section 11 of Chapter 382 of the Laws of 1995, in which case the methods for delineating wetlands shall follow such manual; however, if prior to that time the King County Countywide Planning Policies are amended to allow use of the 1987 U.S. Corps of Engineers Wetlands Delineation Manual in conjunction with the U.S. Corps of Engineers Washington Regional Guidance on the 1987 Wetland Delineation Manual, the method for delineating wetlands shall follow such manuals of the Corps of Engineers until the Department of Ecology's manual is adopted.~~)) most current version of the "Washington State Wetlands Identification and Delineation Manual" as adopted by the State Department of Ecology.)

5. Fish and Wildlife Habitat Conservation Areas. Fish and wildlife habitat conservation areas include, but are not limited to, the following:

a. Areas identified by the Washington State Department of Wildlife as priority habitat and species areas or urban natural open space habitat areas;

(1) Corridors connecting other priority habitat areas, especially areas that would otherwise be isolated;

(2) Areas that remain an isolated remnant of natural habitat of ten (10) acres or more and surrounded by urban development, with local consideration given to areas smaller than ten (10) acres;

b. All bodies of water that provide migration corridors and habitat for fish, especially salmonids, including Lake Washington, Lake Union and the Lake Washington Ship Canal, Duwamish River, and that portion of Elliott Bay within the City's jurisdiction;

c. Commercial and recreational shellfish areas and kelp and eelgrass beds; and

d. Areas which provide habitat for species of local importance.

6. Abandoned Landfills. Abandoned landfills include those abandoned solid waste landfills identified by the Seattle-King County Health Department in their 1986 Abandoned Landfill Toxicity/Hazard Assessment Project, additional sites identified by public or historical research, and areas within one thousand feet (1,000') of methane-producing landfills.

* * *

Section 63. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 64. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 1997, and signed by me in open session in authentication of its passage this _____ day of _____, 1997.

_____
President of the City Council

Approved by me this _____ day of _____, 1997.

_____
Norman B. Rice, Mayor

Filed by me this _____ day of _____, 1997.

_____
City Clerk

(SEAL)

Seattle
Department of Construction and Land Use

R. F. Krochalis, Director
Norman B. Rice, Mayor

MEMORANDUM

TO: Jan Drago, City Council President, via
Judy Bunnell, Acting Director, Office of Management and Planning

FROM: Rick Krochalis, Director

DATE: September 18, 1997

SUBJECT: Omnibus Code Amendment Legislation

With this memorandum, the Department of Construction and Land Use (DCLU) is transmitting legislation proposing amendments to the Seattle Municipal Code (SMC) Title 23, Land Use Code, SMC Chapter 23.60, Seattle Shoreline Master Program, SMC Chapter 25.05, SEPA (State Environmental Policy Act) Ordinance, and SMC Chapter 25.09, Environmentally Critical Areas (ECA) Regulations, as part of the department's commitment to regulatory reform through a biannual omnibus code amendment cycle.

BACKGROUND AND SUMMARY OF RECOMMENDATIONS

This legislation responds to Council Resolution #29316 adopted on March 18, 1996, in which the City Council directed DCLU to establish an on-going process for code maintenance and consideration of further regulatory reform measures.

Generally, amendments in this proposed omnibus code amendment package fall into two categories. First, there are "clean-up" amendments which correct inadvertent typographical errors and incorrect cross-references or clarify existing code provisions. The second type are amendments proposed to address substantive regulatory reform issues but whose nature and/or breadth of application do not warrant an individual amendment process. The need for the proposed amendments has been identified by citizens, elected officials and City staff and, in many instances, required by state legislation.

Two ordinances are enclosed for your consideration. The first ordinance amends the Land Use Code, SEPA Ordinance and ECA Regulations, and the second ordinance amends the Seattle Shoreline Master Program (SSMP). A separate SSMP ordinance is necessary because shoreline amendments are also subject to approval by the Washington State Department of Ecology and, therefore have a separate process for approval. The following list includes the more substantive amendments included in the two ordinances:

- Revision of the townhouse subdivision provisions, retitled Unit Subdivisions, and extended to apply to cottage housing, clustered housing, single family residences in Lowrise zones, or any combination of these types of housing;
- Revision of the Redivision Procedures to comply with state law limiting the total number of lots that can be created through the short subdivision process over a five year period after the initial filing of a short subdivision on the same property;
- Clarification of the multifamily rezone locational criteria by selectively replacing the term "areas" with either "properties" or "properties in areas;"
- Addition of "eaves" to the list of external architectural details allowed to extend 18" into any required yards in single family zones;
- Explanation of the type of minor structural work that would not be considered an expansion, as included as a general provision for all conditional uses in single family zones;
- Deletion of the section on Roomers, Boarders, Lodgers in both single family and multifamily zones to be consistent with the definition for household;
- Addition of a provision in multifamily zones to clarify how townhouses, cottage housing, clustered housing, and single family residences in Lowrise zones would be treated if individual residential units are constructed within existing boundaries of legally platted lots;
- Addition of a provision in multifamily zones to allow decks or parts of a decks which are 18" or less above the ground to be exempted from the measurement of lot coverage, similar to a provision allowed in single family zones;
- Addition of an open space provision that restricts location of a telecommunications transmitting antenna to a specified distance from usable open space areas;
- Deletion of the prohibition against alley access for multifamily developments in Lowrise 3 and 4 zones when across from single family and other lower density multifamily zones;
- Addition of a provision in Commercial 2 zones allowing modification of existing single family structures;
- Revision and clarification of an application submission requirement for transmitting antennas;
- Revision of the definition for "Dwelling unit" removing the reference to "roomers or boarders;"
- Addition of two new definitions for "Parent lot" and "Unit lot" related to unit subdivisions;
- Revision of the definition for "wetland" in the Land Use Code and Shoreline Master Program to correctly reference the newly adopted Washington State Wetland Identification and Delineation Manual; and
- Various amendments to the Seattle Shoreline Master Program required to bring it into compliance with the newly adopted Department of Ecology rule, WAC 173-27, including:
    - Addition of an expanded number of possible shoreline substantial development exemptions;
    - Addition of special procedures for limited utility extensions and bulkheads;

- Revision and clarification of the section on the Effective date of substantial development permits and time limits for permit validity, to reflect both changes in state law clarifying "effective date" and requirements of WAC 173-27;
- Addition of new treatment methods to control aquatic noxious weeds;
- Correction of an error that prohibited "offices" on waterfront lots in the UM environment; "offices" are correctly listed elsewhere as a conditional use on waterfront lots in the UM environment;
- Addition of a new definition for "Average grade level," which conforms with the way it's used in the shoreline measurement section;
- Addition of a new definition for "Fair market value;"
- Clarification of the definition for "Pier, accessory to residential structures;" and
- Addition of definitions for "Watershed restoration plan" and "Watershed restoration project."

SEPA

DCLU has completed environmental review and issued a Determination of Non-Significance (no environmental impact statement required) on September 4, 1997. The appeal period runs through September 25, 1997; no appeals have been received as of this date.

COST OF IMPLEMENTATION

The costs of implementing the proposed legislation will be primarily for staff training and codification of the amendments. One staff person will provide training at three regularly scheduled staff meetings. Costs of training, including copying, training time and preparation would be approximately $500. The cost of copying the ordinance for DCLU staff would be approximately $654. Printing new Land Use Code pages by the Book Publishing company would cost approximately $972. Implementation costs for training, code publication and purchase will total approximately $2,126.

These amendments are consistent with the spirit of regulatory reform. With implementation of this legislation, it can be anticipated that there will be some time and cost savings for applicants. Internally, the amendments are anticipated to save DCLU staff time and money by clarifying and streamlining a number of regulations in the codes amended.

If you have any questions about the recommended changes, please call Ken Davis at 233-3884.

Attachments

City of Seattle

97-268
COPY RECEIVED
97 SEP 22 AM 9:24
SEATTLE CITY ATTORNEY

Norman B. Rice, Mayor
Executive Department - Office of Management and Planning
Judy Bunnell, Director
September 19, 1997

OK as submitted
JBS 9-25-97

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT:	Contruction and Land Use
SUBJECT	AN ORDINANCE relating to land use and environmental protection; amending Sections 23.22.028, 23.22.056, 23.22.058, 23.22.100, 23.22.106, 23.24.045, 23.24.060, 23.34.016, 23.34.018, 23.34.020, 23.34.022, 23.34.024, 23.34.028, 23.40.002, 23.42.010, 23.44.014, 23.44.016, 23.44.018, 23.44.022, 23.44.041, 23.45.005, 23.45.006, 23.45.010, 23.45.014, 23.45.016, 23.45.018, 23.45.058, 23.45.060, 23.45.076, 23.45.112, 23.45.154, 23.47.004, 23.47.006, 23.47.010, 23.47.014, 23.47.024, 23.50.012, 23.50.014, 23.54.020,.23.69.030, 23.69.032, 23.72.004, 23.72.008, 23.72.010, 23.76.010, 23.76.012, 23.76.020, 23.76.022, 23.76.032, 23.84.004, 23.84.008, 23.84.024, and 23.84.032, removing the Greenbelt (GB) Overlay from the Official Land Use Map of The City of Seattle, and repealing Sections 23.44.072 and 23.45.168 of the Seattle Municipal Code (Title 23, Land Use Code); amending Sections 25.05.675, 25.05.680 and 25.05.908 of the Seattle Municipal Code (Chapter 25.05, Environmental Policies and Procedures), and amending Section 25.09.020 of the Seattle Municipal Code (Chapter 25.09, Regulations for Environmentally Critical Areas).

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Pascal St. Gerard at 684-8085.

Sincerely,

Norman B. Rice
Mayor

by

JUDY BUNNELL
Director

h:\legis\lawltr\g[illegible]

Enclosure

STATE OF WASHINGTON - KING COUNTY

87389
City of Seattle,City Clerk

—ss.

No. ORD IN FULL

Affidavit of Publication

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

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

CT:ORD 118794

was published on

12/11/97

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

R. Patterson

Subscribed and sworn to before me on

12/16/97

Notary Public for the State of Washington, residing in Seattle

of the bank, or if that cannot be determined, from the ordinary high water mark of the watercourse and water body, or a one-hundred (100) year floodplain as mapped by FEMA, as regulated by the

AN ORDINANCE relating to land use and environmental protection; amending Sections 23.22.028, 23.22.056, 23.22.058, 23.22.100, 23.22.106, 23.24.045, 23.24.080, 23.34.016, 23.34.018, 23.34.020, 23.34.022, 23.34.024, 23.34.028, 23.40.002, 23.42.010, 23.44.014, 23.44.016, 23.44.016, 23.44.024, 23.44.041, 23.45.006, 23.45.006, 23.45.010, 23.45.014, 23.45.016, 23.45.018, 23.45.058, 23.45.060, 23.45.076, 23.45.112, 23.45.154, 23.47.004, 23.47.006, 23.47.010, 23.47.014, 23.47.024, 23.50.012, 23.50.014, 23.84.020, 23.69.030, 23.69.032, 23.72.004, 23.72.008, 23.72.010, 23.76.010, 23.76.012, 23.76.020, 23.76.022, 23.76.032, 23.84.004, 23.84.008, 23.84.024, and 23.84.032, removing the Greenbelt (GB) Overlay from the Official Land Use Map of The City of Seattle, and repealing Sections 23.44.072 and 23.45.168 of the Seattle Municipal Code (Title 23, Land Use Code); amending Sections 25.05.-675, 25.05.680 and 25.05.908 of the Seattle Municipal Code (Chapter 25.05, Environmental Policies and Procedures), and amending Section 25.09.020 of the Seattle Municipal Code (Chapter 25.09, Regulations for Environmentally Critical Areas).

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Section 23.22.028 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.22.028 EFFECT OF PRELIMINARY PLAT APPROVAL.

A. Approval of the preliminary plat shall constitute authorization for the subdivider to develop the subdivision facilities and improvements as required in the approved preliminary plat upon issuance of the final plat. Development shall be in strict accordance with the plans and specifications as prepared or approved by the Director of Transportation and subject to any conditions imposed by the ((Council)) Hearing Examiner.

B. No subdivision requirements which become effective after the approval of a preliminary plat for a subdivision shall apply to such subdivision unless the ((Council)) Hearing Examiner determines that a change in conditions created a serious threat to the public health or safety.

SECTION 2. Section 23.22.056 of the Seattle Municipal Code, which Section was adopted by Ordinance 110570, is amended as follows:

23.22.056 FLOOD CONTROL ZONE.

No plat shall be approved by the ((Council)) Hearing Examiner covering any land situated in a flood control zone as provided in RCW Chapter 86.16 without the prior written approval of the State Department of Ecology.

SECTION 3. Section 23.22.058 of the Seattle Municipal Code, which Section was adopted by Ordinance 116262, is amended as follows:

23.22.058 ENVIRONMENTALLY CRITICAL AREAS.

No plat shall be approved by the ((Council)) Hearing Examiner covering any land situated in a riparian corridor buffer, wetland and wetland buffer, or steep slope and steep slope buffer unless in compliance with the applicable provisions of SMC Section 25.09.((100))240, Short subdivisions and subdivisions, in environmentally critical areas.

SECTION 4. Subsection A of Section 23.22.100 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.22.100 DESIGN STANDARDS.

Except as provided in Section 23.22.106, design of all subdivisions shall conform to the standards set forth in this subsection:

A. Streets and Alleys.

1. All subdivisions shall be served by one (1) or more streets providing adequate ingress and egress to and from the subdivision.

2. Major streets within each subdivision shall conform with the City's thoroughfare and circulation plans and shall provide for the continuation of major streets which serve property contiguous to the subdivision. Unless warranted by special physical circumstances, streets serving lots on two sides shall be at least sixty feet (60') wide.

3. Street intersections shall be as nearly at right angles as practicable and in no event shall the angle formed be less than thirty degrees (30°).

4. A cul-de-sac shall be ((so)) designed according to the Street Improvement Manual ((as)) to provide a circular turnaround at the closed end ((which has a [illegible]

dinance 110570, is amended as follows:

23.24.060 REDIVISION PROCEDURES

((Land within a short subdivision may not be further divided within a five (5) year period immediately following approval and filing of a short plat unless a final plat for such subdivision is approved and filed for record in accordance with the provisions of Chapter 23.22.)) Within a five (5) year period following the filing of a short subdivision in accordance with the provisions of Chapter 23.22, property within that short subdivision may not be further divided through the short subdivision process if it would result in more than a total of nine (9) lots. However, any revision of the lot lines of an approved short ((plat)) subdivision in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter 23.28.

SECTION 8. Subsection B of Section 23.34.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.016 LOWRISE 1 (L1) ZONE, FUNCTION AND LOCATIONAL CRITERIA.

* * *

B. Locational Criteria. Lowrise 1 zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area.

a. Areas where structures of low heights, generally less than thirty feet (30'), and small bulk establish the pattern of development;

b. Areas with:

(1) A mix of single-family structures, small multifamily structures and single family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to encourage new development opportunities, or

(2) Numerous or large vacant parcels suitable for family housing where densities greater than single family are desired; and

c. Areas where internal vehicular circulation is conducive to residential units that are oriented to the ground level and the street. Preferred locations are generally separated from principal arterials, as defined by the Seattle Comprehensive Transportation Program, which conflict with the desired ground-related character of L1 areas.

2. Relationship to the Surrounding Areas.

a. ((Areas)) Properties that are definable pockets within a larger, higher density multifamily area, where it is desirable to preserve a small-scale, ground-related character;

b. ((Areas)) Properties generally surrounded by a larger single-family area where variation and replacement in housing type could be accommodated without significant disruption of the pattern, character or livability of the surrounding development;

c. ((Areas)) Properties where a gradual transition is appropriate between single-family areas and more intensive multifamily or neighborhood commercial zones;

d. ((Areas)) Properties in areas where narrow streets, on-street parking congestion, local traffic congestion, or irregular street patterns restrict local access and circulation;

e. ((Areas)) Properties in areas close to facilities and services used by households with children, including schools, parks and community centers.

* * *

SECTION 9. Subsection B of Section 23.34.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.018 LOWRISE 2 (L2) ZONE, FUNCTION AND LOCATIONAL CRITERIA.

* * *

B. Locational Criteria. Lowrise 2 zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area.

a. Areas that feature a mix of single-family structures and small to medium multifamily structures generally occupying one (1) or two (2) lots, with heights generally less than thirty feet (30').

b. Areas suitable for multifamily development where topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;

terials or open space that provide sufficient transition to LDT or L1 multifamily development;

(3) ((Areas)) Properties in areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;

(4) ((Areas)) Properties that are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.

SECTION 11. Subsection B of Section 23.34.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.022 LOWRISE 4 (L4) ZONE, FUNCTION AND LOCATIONAL CRITERIA.

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, ((areas)) properties that may be considered for an L4 designation are limited to the following:

a. ((Areas)) Properties already zoned L4;

b. ((Areas)) Properties in areas already developed predominantly to the permitted L4 density and where L4 scale is well established; or

c. ((Areas)) Properties within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

2. ((Areas)) Properties designated as environmentally critical may not be rezoned to an L4 designation, and may remain L4 only in areas predominantly developed to the intensity of the L4 zone.

3. Other Criteria. The Lowrise 4 zone designation is most appropriate in areas generally characterized by the following:

a. Development Characteristics of the Area.

(1) Either:

(a) Areas that are already developed predominantly to the permitted L4 density and where L4 scale is well established, or

(b) Areas that are within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

(2) Areas of sufficient size to promote a high quality, higher density residential environment where there is good pedestrian access to amenities;

(3) Areas generally platted with alleys that can provide access to parking, allowing the street frontage to remain uninterrupted by driveways, thereby promoting a street environment better suited to the level of pedestrian activity associated with higher density residential environments;

(4) Areas with good internal vehicular circulation, and good access to sites, preferably from alleys. Generally, the width of principal streets in the area should be sufficient to allow for two (2) way traffic and parking along at least one (1) curbside.

b. Relationship to the Surrounding Areas.

(1) ((Areas)) Properties in areas adjacent to concentrations of employment;

(2) ((Areas)) Properties in areas that are directly accessible to regional transportation facilities, especially transit, providing connections to major employment centers, including arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by higher density development. Vehicular access to the area should not require use of streets passing through less intensive residential areas;

(3) ((Areas)) Properties with close proximity and with good pedestrian connections to services in neighborhood commercial areas, public open spaces and other residential amenities;

(4) ((Areas)) Properties with well-defined edges providing sufficient separation from adjacent areas of small scale residential development, or where such areas are separated by zones providing a transition in the height, scale and d[illegible] of development.

SECTION 12. Subsection B of Section 23.34.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

neighborhood plan adopted or amended b the City Council after January 1, 1995 in dicates that the area is appropriate for Highrise zone designation.

2. Environmentally Critical Areas ((Areas)) Properties designated as environ mentally critical may not be rezoned to Highrise designation, and may remai Highrise only in areas predominantly de veloped to the intensity of the Highris zone.

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

a. Either:

(1) Areas that are developed predom nantly to the intensity permitted by th Highrise zone, or

(2) Areas that are within an urban cen ter, the village core of a hub urban villag or a residential urban village, where neighborhood plan adopted or amended b the City Council after January 1, 1995 in dicates that the area is appropriate for Highrise zone designation.

b. ((Areas)) Properties in areas that ar served by arterials where transit service good to excellent and street capacity is su ficient to accommodate traffic generated b highrise development;

c. ((Areas)) Properties in areas that ar adjacent to a concentration of residenti services or a major employment center;

d. ((Areas)) Properties in areas that hav excellent pedestrian or transit access downtown;

e. ((Areas)) Properties in areas that hav close proximity to open space, parks an recreational facilities;

f. ((Areas)) Properties in areas where n uniform scale of structures establishes th character and where highrise developmen would create a point and help define th character;

g. Properties in ((F))flat areas on the top of hills or in lowland areas away from hill where views would not be blocked by high rise structures;

h. Properties in ((S))sloping areas wit views oblique or parallel to the slope, wher the height and bulk of existing building have already limited or blocked views fro within the multifamily area and uplan areas where the hillform has already bee obscured by development.

SECTION 14. Section 23.40.002 of th Seattle Municipal Code, which Section wa last amended by Ordinance 112632, amended as follows:

23.40.002 CONFORMITY WITH REGU LATIONS REQUIRED.

The establishment or change of use any structures, buildings or premises, any part thereof, shall require approval ac cording to the procedures set forth in Chap ter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. No use of any structure or premises sha hereafter be ((used or occupied commenced, and no structure or part of structure shall be erected, moved, reco structed, extended, enlarged or altered, e cept in conformity with the regulation specified in ((Title 24 or)) this title for th zone and overlay district, if any, in which is or will be located. Building and us permits on file shall be prima facie ev dence of the time a building was built modified, or a use commenced, and the bu den of demonstrating to the contrary sha be upon the owner. Changes to existin structures may be permitted which mak the structures nonconforming if th changes are required by law for reasons health and safety.

SECTION 15. Section 23.42.010 of th Seattle Municipal Code, which Section wa last amended by Ordinance 113978, amended as follows:

23.42.010 IDENTIFICATION OF PRIN CIPAL PERMITTED USES.

Principal uses not listed in the respectiv zones of Subtitle IV, Division 2 of SMC Title 23, Land Use Code ((or of SMC Tit 24, Zoning and Subdivisions,)) shall b prohibited in those zones. If a use is n ((identified in Title 23 or in Title 24 listed, the Director may determine that proposed use is substantially similar other uses permitted or prohibited in th respective zones, therefore, and should al be permitted or prohibited.

SECTION 16. Subsection D of Sectio 23.44.014 of the Seattle Municipal Co which Section was last amended by O dinance 118414, is amended as follows:

23.44.014 YARDS.

* * *

D. Exceptions from Standard Yard Re quirements. No structure shall be placed a required yard except pursuant to the fo lowing subsections:

1. Certain Accessory Structures. Any a cessary structure may be constructed in side yard which abuts the rear or side yar of another lot upon recording with the Kin County Department of Records and Ele tions an agreement to this effect betwe the owners of record of the abutti properties. Any accessory structure whic