

Ordinance No. 119242

*W*

The City of Seattle  
Council Bill/Ordinance

Council Bill No. 112457

AN ORDINANCE related to land use and zoning, amending Sections 23.12.060, 23.34.016, 23.44.080, 23.45.006, 23.45.008, 23.45.009, 23.45.014, 23.45.016, 23.45.182, 23.45.184, and 23.86.002 of the Seattle Municipal Code to implement amendments to the Land Use Code in support of housing production.

11-30-98 Full  
(Execu

CF No. \_\_\_\_\_

Date Introduced: <u>NOV 2 - 1998</u>	
Date 1st Referred: <u>NOV 2 - 1998</u>	To: (committee) <u>Business, Economic &amp; Community Development Committee</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>11-30-98</u>	Full Council Vote: <u>6-0</u>
Date Presented to Mayor: <u>11-30-98</u>	Date Approved: <u>DEC 2 1998</u>
Date Returned to City Clerk: <u>DEC 2 1998</u>	Date Published: <u>17 APR</u>
Date Vetoes by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:
	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>

This file is complete and ready

*Law Department*

Law Dept. Review

R

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: DRAGO  
Councilmember

## Committee Action:

BBGD Do approve as amended 30  
11-30-98 Full Council: Passed ~~5-1~~ (No: Licata)  
(Excused: Conlin, McIver, Fogarty)

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_  
(Initial/date)

## Law Department

Law Dept. Review

OMP  
Review

City Clerk  
Review

Electronic  
Copy Loaded

Indexed

ORDINANCE

119242

1  
2  
3  
4  
5 AN ORDINANCE related to land use and zoning, amending Sections 23.12.060,  
6 23.34.016, 23.44.080, 23.45.006, 23.45.008, 23.45.009, 23.45.014, 23.45.016,  
7 23.45.182, 23.45.184, and 23.86.002 of the Seattle Municipal Code to implement  
8 amendments to the Land Use Code in support of housing production.  
9

10  
11 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:  
12

13  
14 Section 1. Policies 2 and 3 of Section 23.12.060 of the Seattle Municipal Code  
15 (SMC), which Section was last amended by Ordinance 118414, are amended as follows:  
16

17 **23.12.060 Multifamily land use policies.**  
18

19 \* \* \*

20  
21 **Policy 2: Multifamily Residential Classifications**  
22

23 The multifamily classifications specify the types of housing permitted in the different  
24 multifamily areas. The housing types are defined in terms of: 1) height, bulk and setbacks, 2)  
25 the amount of usable open space and the physical relationship of the open space to  
26 individual units, and 3) the location and appearance of parking and access to parking.  
27 Development standards regulating these elements are intended to provide for a transition in  
28 scale between multifamily and single family areas, facilitate an attractive pedestrian  
29 environment at the street level, conform with the topography to maintain natural hills and  
30 valleys and preserve views, encourage new development which is compatible with existing  
31 neighborhood character, and enhance the livability of new housing. Cluster development is  
32 also encouraged in all classifications. A greater variety of housing types is encouraged,  
33 particularly in the lower classifications. Each of the multifamily classifications allows all  
34 housing types permitted in a less intense classification.  
35

36 **Lowrise Duplex/Triplex (LDT)**  
37

38 **Purpose of the Zone:** The intent of the Lowrise Duplex/Triplex (LDT) zone is to provide  
39 opportunities for limited infill housing development, both through new construction and the  
40 conversion of existing single-family structures to duplexes and triplexes, in areas that do not  
41 meet the single-family criteria, but where, in order to preserve the character of the  
42 neighborhood, the recycling of existing structures to a slightly higher density and small-  
43 scale infill development is preferable to single-family zoning or to the development of  
44 townhouses or higher density apartments. Areas appropriate for designation as Lowrise

1 Duplex/Triplex maintain a single-family character, but do not meet the criteria for  
2 designation as a single-family area under the Single-family Policies, and include a mix of  
3 single-family dwellings, duplexes, triplexes, and single-family structures already converted  
4 to multiple units. Council-adopted neighborhood plans may allow locating the LDT zone in  
5 an area otherwise meeting the criteria for designation as a single family zone in limited  
6 circumstances. Development standards for the zone are intended to ensure that new and  
7 converted structures are not only compatible with existing development, but are also  
8 reflective of the character of that development in terms of scale, open space, setbacks, siting,  
9 unit orientation, and provision of ground-level open space.

10  
11 **Lowrise 1 (L1)**

12  
13 **Purpose of the Zone:** The intent of the Lowrise 1 zone is to provide areas for multifamily  
14 development of low height and small bulk where units generally have direct access to  
15 private, landscaped yards, thereby increasing housing opportunities for families with  
16 children and others seeking ground-related housing. The primary objective is the  
17 development of (~~townhouses~~) housing units that are generally compatible in scale, siting,  
18 and landscaping with single family areas. Council-adopted neighborhood plans may allow  
19 locating the L1 zone in an area otherwise meeting the criteria for designation as a single  
20 family zone under limited circumstances. This zone is intended to provide a transition in  
21 intensity (~~(, rather than)~~) and scale(;) between single-family and other multifamily areas.

22  
23 **Lowrise 2 (L2)**

24  
25 **Purpose of the Zone:** The intent of the Lowrise 2 zone is to encourage a variety of  
26 multifamily housing types with less emphasis on ground-related units, while remaining at a  
27 scale compatible with single-family structures. Limits on height and bulk ensure a building  
28 scale that is consistent with the development of single lots and with the lower building  
29 heights characteristic of most lower density residential areas.

30  
31 **Lowrise 3 (L3)**

32  
33 **Purpose of the Zone:** The intent of the Lowrise 3 zone is to provide additional housing  
34 opportunities in multifamily neighborhoods where it is desirable to limit development to  
35 infill projects and conversions compatible with the existing mix of houses and small to  
36 moderate scale apartments. To accommodate greater density allowed in the zone, L3  
37 designations should be located in areas with adequate alley access and on-street parking.

1  
2 **Lowrise 4 (L4)**  
3

4 **Purpose of the Zone:** The intent of the Lowrise 4 zone is to provide for higher density  
5 infill development in residential neighborhoods already characterized by larger, high density  
6 residential structures. To accommodate greater density allowed in the zone, L4 should be  
7 located in areas with good vehicular circulation, adequate alley access and on-street parking.  
8 In addition to housing types permitted in less intensive zones((;)), new housing types  
9 appropriate for Lowrise 4 are four-story apartments.  
10

11 **Midrise (MR)**  
12

13 **Purpose of the Zone:** The intent of the Midrise zone is to allow for higher density  
14 residential development in neighborhoods where significant concentrations of housing are  
15 desired and where services are available to accommodate such growth. This classification  
16 allows multifamily housing of a medium to large scale, fairly high density and heights  
17 greater than those in the lowrise zones. The development standards for the Midrise zone are  
18 intended to provide for larger scale structures while maintaining the livability of these high  
19 density residential areas. Development standards should include measures which minimize  
20 the appearance of bulk. Ground floor commercial use in apartment buildings is allowed in  
21 blocks adjacent to healthy commercial areas.  
22

23 **Highrise (HR)**  
24

25 **Purpose of the Zone:** The intent of the Highrise zone is to allow very high-density  
26 residential development in areas where concentrations of such housing are desired and can  
27 be accommodated. This most intense residential classification allows development of  
28 highrise structures. In order to add activity and visual interest to the street environment and  
29 contribute to the neighborhood's livability, ground floor commercial use in residential  
30 buildings is permitted throughout Highrise areas and greater bulk may be permitted in the  
31 base of highrise structures. In order to provide public open spaces, preserve or provide low  
32 and moderate cost housing, preserve historically or architecturally significant buildings, or  
33 provide more space between towers to decrease view blockage and shadows on adjacent  
34 structures and open spaces, additional height beyond the height limit may be granted to  
35 structures in the Highrise zone.  
36

37 **Policy 3: Density Limits**  
38

39 The purpose of establishing limits on density is to provide greater predictability about the  
40 allowed intensity of development by specifying a maximum number of units achievable on  
41 sites in each lowrise multifamily classification. The density limits shall provide for a wide  
42 range of housing types and achieve development that is compatible with the predominant  
43 character of multifamily areas. Permitted density shall be determined on a lot area per  
44 dwelling unit basis. Each Lowrise zone classification shall establish the minimum amount

1 of lot area required for each permitted unit. Density limits for housing for low-income  
2 elderly and low-income disabled persons shall be established to provide for the special needs  
3 of these ~~((families))~~ households. ~~((In the Lowrise Duplex/Triplex zone, new lots created for  
4 the construction of single family dwelling units shall comply with the minimum lot area  
5 requirements for Single Family 5000 zones.))~~  
6

7 **Implementation Guideline: Density Limits for Housing for Low-income**  
8 **Elderly or Low-income Disabled Persons**  
9

10 In order to reduce costs and provide sufficient density to make the development of housing  
11 for low-income elderly and low-income disabled persons feasible, maximum density limits  
12 shall be increased for such housing in the L3 and L4 zones. The density limits reflect the  
13 fact that low-income elderly and low-income disabled ~~((families))~~ households create less  
14 impacts than the general population, and that it is the City's policy to facilitate the  
15 development of housing for these ~~((families))~~ households.  
16

17  
18 \* \* \*  
19

20  
21 **Section 2.** Subsections A and B of Section 23.34.016 of the SMC, which Section  
22 was last amended by Ordinance 118794, are amended as follows:  
23

24 **23.34.016 Lowrise 1 (L1) zone, function and locational criteria.**

25 A. Function. An area that provides low density, primarily ground-related multifamily  
26 housing opportunities.

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

29 1. Development Characteristics of the Area.

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

32 b. Areas with:

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

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

39 c. Areas where internal vehicular circulation is conducive to  
40 residential units that are oriented to the ground level and the street. Preferred locations are  
41 generally separated from principal arterials, as defined by the Seattle Comprehensive  
42 Transportation Program, which conflict with the desired ~~((ground-related))~~ character of L1  
43 areas.  
44

2. Relationship to the Surrounding Areas.

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

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

7 c. Properties where a gradual transition is appropriate between single-  
8 family areas and more intensive multifamily or neighborhood commercial zones;

9 d. Properties in areas where narrow streets, on-street parking  
10 congestion, local traffic congestion, or irregular street patterns restrict local access and  
11 circulation;

12 e. Properties in areas close to facilities and services used by  
13 households with children, including schools, parks and community centers.

14 \* \* \*

15  
16  
17  
18 **Section 3.** Subsection D of Section 23.44.080 of the Seattle Municipal Code  
19 (SMC), which Section was last amended by Ordinance \_\_\_\_\_, is amended as follows:

20  
21 **23.44.080 Nonconforming uses.**

22 \* \* \*

23  
24  
25 **D. Alterations to nonconforming residential uses.**

26 **1. The number of dwelling units in a ((A)) nonconforming residential use**  
27 **((shall not be expanded or extended nor shall the number of dwelling units be increased))**  
28 **shall not be increased.** For a nonconforming residential use that was not a multifamily use,  
29 the number of residents may not be increased beyond the maximum number that was  
30 allowed by the standards of the zone at the time of approval or, if permitted by conditional  
31 use, the number shall not be allowed to increase above that number permitted by the  
32 conditional use approval.

33 **2. A structure occupied by a nonconforming residential use may be**  
34 **maintained, repaired, renovated, or structurally altered; ((but shall not be expanded or**  
35 **extended except as otherwise required by law,))**

36 **a. as necessary to improve access for the elderly and disabled ((, or as**  
37 **specifically permitted for noneonforming uses and noneonforming structures elsewhere in**  
38 **this Code. S));**

39 **b. to construct structural features including, but not limited to,**  
40 **exterior decks and balconies, bay windows, dormers, eaves and solar collectors ((may be))**  
41 **added to a principal structure, or a new or expanded accessory structure may be constructed,**  
42 **provided that the addition or new structure conforms to the development standards of the**  
43 **zone ((,));**



1 standards for residential uses in the multifamily zones. One (1) unit may be added without a  
2 parking space according to provisions of Section 23.54.020. If the only use of the structure  
3 will be residential and if two (2) or more units are being created and there is no feasible way  
4 to provide the required parking, then the Director may authorize reduction or waiver of  
5 parking as a special exception according to the standards of Section 23.54.020 E.  
6 Expansions of nonconforming converted structures and conversions of structures occupied  
7 by nonconforming uses shall be regulated by Subchapter IV, Nonconforming Uses and  
8 Structures, of this Chapter.

9 H. ((F.)) When a subdivision is proposed for townhouses, cottage housing, clustered  
10 housing, or single family residences in Lowrise zones, the subdivision shall be subject to the  
11 provisions of Section 23.24.045, Unit Subdivisions.

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

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

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

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

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

27  
28  
29 **Section 5.** Subsection C and E of Section 23.45.008 of the SMC, which Section  
30 was last amended by Ordinance 117173, are amended as follows:

31  
32 **23.45.008 Density -- Lowrise zones.**

33  
34 \* \* \*

35 C. In the Lowrise Duplex/Triplex ((and Lowrise 1)) zone((s)), the minimum lot area  
36 per dwelling unit for cottage housing developments shall be one (1) dwelling unit per one  
37 thousand six hundred (1,600) square feet of lot area. In Lowrise Duplex/Triplex and  
38 Lowrise 1 zones, the minimum lot area for cottage housing developments shall be six  
39 thousand four hundred (6,400) square feet.

40  
41 \* \* \*  
42

1 E. (~~In calculating the number of dwelling units permitted on a lot, the rounding up~~  
2 ~~of fractions of a unit to a whole unit shall not be permitted.~~) When dedication of right -of-  
3 way is required, permitted density shall be calculated before the dedication is made.  
4

5  
6 **Section 6.** A new subsection E is hereby added to Section 23.45.009 of the SMC,  
7 which Section was last amended by Ordinance 117173, as follows:  
8

9 **23.45.009 Structure height -- Lowrise zones.**

10 \* \* \*

11  
12  
13 E. Sloped Lots. Additional height shall be permitted for sloped lots, at the rate of  
14 one (1) foot for each six (6) percent of slope, to a maximum of five (5) feet. The additional  
15 height shall be permitted on the downhill side of the structure only, as described in  
16 subsection 23.86.006 C.  
17

18  
19 **Section 7.** Subsections B and C of Section 23.45.014 of the SMC, which Section  
20 was last amended by Ordinance \_\_\_\_\_, is amended as follows:  
21

22 **23.45.014 Setback requirements -- Lowrise zones.**

23 \* \* \*

24  
25  
26 B. Rear Setbacks. Rear setbacks shall be provided as follows:  
27

28 1. Zones. Lowrise Duplex/Triplex and Lowrise 1 - Twenty (20) feet or  
29 twenty (20) percent of lot depth, whichever is less, but in no case less than fifteen (15) feet,  
30 except for cottage housing developments, which shall provide a minimum ten (10) foot rear  
31 setback.

32 Lowrise 2 - Twenty-five (25) feet or twenty (20) percent of  
33 lot depth, whichever is less, but in no case less than fifteen (15) feet.

34 Lowrise 3 and Lowrise 4 -- Twenty-five (25) feet or fifteen  
35 (15) percent of lot depth, whichever is less, but in no case less than fifteen (15) feet.

36 2. Alleys. When a property abuts upon an alley along a rear lot line, the  
37 centerline of the alley between the side lot lines extended shall be used as the rear lot line for  
38 purposes of measuring a rear setback; provided that at no point shall the principal structure  
39 be closer than ten (10) feet to the actual property line at the alley. If the provisions of  
40 subsection H are used, this subsection may not be used.

41 C. Side Setbacks.

42 1. The required side setback for structures in Lowrise zones shall be  
43 determined by structure depth and height, according to the following Table 23.45.014A:  
44

1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9

Table 23.45.014A  
 Side Setbacks --- Lowrise Zones

Height of Side Facade  
 at Highest Point in Feet

0 — 25'      26 — 30'      31 — 37'

Structure Depth in Feet	Average Side Setback in Feet			Minimum Side Setback
	0 — 25'	26 — 30'	31 — 37'	
65' or less	5'	6'	7'	5'
66' to 80'	6'	6'	8'	5'
81' to 100'	8'	9'	11'	6'
101' to 120'	11'	12'	14'	7'
121' to 140'	14'	15'	17'	7'
141' to 160'	17'	18'	20'	8'
161' to 180'	19'	21'	23'	8'
Greater than 180'				1' in addition to 8' for every 50' in depth

10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27

The pattern established in the table shall be continued for structures greater than one hundred eighty (180) feet in depth.

2. When there is a principal entrance along a side facade not facing a street or alley, the following shall apply except for cottage housing developments: ((a ten (10)) foot setback shall be required along that side for the length of the pedestrian route. This ten (10) foot setback))

a. In addition to the setback required in Table 23.45.014A, the principal entrance door(s) shall be recessed three (3) feet. This requirement for a recessed entrance shall apply only to a height necessary to accommodate the entrance ((of eight (8) feet above the access route)).

b. Screening along the side property line that faces the principal entrance(s) shall be provided in the form of a wall or fence that meets the standard in subsection G. In order to ensure adequate access width, this screening shall supercede the landscape requirement along property lines that abut single family zoned lots contained in 23.45.015B1b.

3. The side street setback of reversed corner lot shall be ten (10) feet or as provided in Table 23.45.014A, whichever is greater.

\* \* \*

Section 8. Section 23.45.016 of the SMC, which Section was last amended by Ordinance 119242, is amended as follows:

**23.45.016 Open space requirements—Lowrise zones.**

A. Quantity of Open Space.

1. Lowrise Duplex/Triplex Zones.

a. Single-family Structures. A minimum of six hundred (600) square feet of landscaped area shall be provided, except for cottage housing developments.

b. Cottage Housing Developments. A minimum of four hundred (400) square feet per unit of landscaped area is required. This quantity shall be allotted as follows:

(1) A minimum of two hundred (200) square feet per unit shall be private usable open space; and

(2) A minimum of one hundred fifty (150) square feet per unit shall be provided as common open space.

c. Structures with Two (2) Dwelling Units. At least one (1) unit shall have direct access to a minimum of four hundred (400) square feet of private, usable open space. The second unit shall also have direct access to four hundred (400) square feet of private, usable open space; or six hundred (600) square feet of common open space shall be provided on the lot.

d. Structures with Three (3) Dwelling Units. At least two (2) units shall have direct access to a minimum of four hundred (400) square feet of private, usable open space per unit. The third unit shall have direct access to four hundred (400) square feet of private, usable open space; or six hundred (600) square feet of common open space shall be provided on the lot.

2. Lowrise 1 Zones.

a. Ground-related Housing.

(1) ~~((A minimum))~~ An average of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required, except for cottage housing developments. No unit shall have less than two hundred (200) square feet of private, usable open space. When a new unit that is not a ground-related unit is added to an existing structure, ~~((a minimum of three hundred (300) square feet of))~~ common open space at ground level shall be provided for the new unit((s)). As long as the average per unit amount of open space is maintained at three hundred (300) square feet on the lot, a minimum of ~~((three hundred (300)))~~ two hundred (200) square feet of common open space at ground level shall be provided for the unit but it does not have to be directly accessible to the unit.

(e) (2) On lots with slopes of twenty (20) percent or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover

1 the open space of another unit, nor be above the living space of any unit. Decks may project  
2 into setbacks in accordance with subsection F of Section 23.45.014.

3 b. Apartments. An average of three hundred (300) square feet per  
4 unit of common open space, with a minimum of two hundred (200) square feet, shall be  
5 provided at ground level, but it does not have to be directly accessible to the unit.

6 ((b))c. Cottage Housing Developments. A minimum of three  
7 hundred (300) square feet per unit of landscaped area is required. This quantity shall be  
8 allotted as follows:

9 (1) A minimum of one hundred fifty (150) square feet per unit  
10 shall be private, usable open space; and

11 (2) A minimum of one hundred fifty (150) square feet per unit  
12 shall be provided as common open space.

13 3. Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

14 a. Ground-related Housing.

15 (1) In Lowrise 2 and Lowrise 3 zones (~~(a minimum)~~) an  
16 average of three hundred (300) square feet per unit of private, usable open space, at ground  
17 level and directly accessible to each unit, shall be required. No unit shall have less than two  
18 hundred (200) square feet of private, usable open space.

19 (2) In Lowrise 4 zones a minimum of fifteen (15) percent of  
20 lot area, plus two hundred (200) square feet per unit of private usable open space, at ground  
21 level and directly accessible to each unit, shall be required.

22 (3) On lots with slopes of twenty (20) percent or more, decks  
23 of the same size as the required ground-level open space may be built over the sloping  
24 ground-level open space. In order to qualify for this provision, such decks shall not cover  
25 the open space of another unit, nor be above the living space of any unit. Decks may project  
26 into setbacks in accordance with subsection F of Section 23.45.014

27 b. Apartments.

28 (1) Lowrise 2 Zones. A minimum of thirty (30) percent of the  
29 lot area shall be provided as usable open space at ground level.

30 (2) Lowrise 3 and Lowrise 4 Zones.

31 i. A minimum of twenty-five (25) percent of the lot  
32 area shall be provided as usable open space at ground level, except as provided in subsection  
33 A3b(2)ii.

34 ii. A maximum of one-third (1/3) of the required open  
35 space may be provided above ground in the form of balconies, decks, individual unit decks  
36 on roofs or common roof gardens if the total amount of required open space is increased to  
37 thirty (30) percent of lot area.

38 B. Development Standards.

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

41 a. Lowrise Duplex/Triplex Zones-Private Usable Open Space.

42 (1) Private usable open space shall be provided at ground  
43 level in one (1) contiguous parcel with a minimum area of four hundred (400) square feet,  
44 except that in cottage housing developments, the quantity per unit shall be a minimum of

1 two hundred (200) square feet. No horizontal dimension of the open space shall be less than  
2 ten (10) feet.

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

8 b. Lowrise Duplex/Triplex Zones--Common Open Space. Required  
9 common open space shall be provided at ground level in one (1) contiguous parcel with a  
10 minimum area of six hundred (600) square feet, except that in cottage housing  
11 developments, the quantity per unit shall be a minimum of one hundred fifty (150) square  
12 feet. In cottage housing developments, each cottage shall abut the common open space. No  
13 horizontal dimension of open space shall be less than ten (10) feet.

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

16 (1) In Lowrise 1 zones the required open space shall be  
17 provided in one (1) contiguous parcel, except that in cottage housing developments, the open  
18 space shall be allotted as described in subsections A2((b))c above and B1c(5) below. In  
19 Lowrise 2, Lowrise 3 and Lowrise 4 zones, the required open space for each ground-related  
20 dwelling unit is not required to be in one (1) contiguous area, but no open space area shall be  
21 less than one hundred twenty (120) square feet. No horizontal dimension of the open space  
22 shall be less than ten (10) feet.

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

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

29 i. The open space may be terraced; and  
30 ii. Minor adjustments in level shall be permitted as  
31 long as the difference in elevation between the highest and lowest point does not exceed two  
32 (2) feet.

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

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

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

44 (5) Lowrise 1 Zone--Cottage Housing Developments.

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

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

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

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

14 f. Parking areas, driveways and pedestrian access, except for  
15 pedestrian access meeting the Washington State Building Code, Chapter 11, shall not be  
16 counted as open space.

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

19 2. Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones--Apartments.

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

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

24 c. Parking areas, driveways and pedestrian access, except pedestrian  
25 access meeting the Washington State Building Code, Chapter 11, shall not be counted as  
26 open space.

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

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

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

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

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

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

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

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

10 3. Open Space Exception. When all parking and access to parking is  
11 uncovered and is surfaced in permeable material, except gravel, the quantity of required  
12 ground-level open space shall be reduced by five (5) percent of the total lot area.  
13  
14  
15

16 **Section 9.** Subsections C and E of Section 23.45.182 of the SMC, which Section  
17 was last amended by Ordinance 117570, are amended as follows:  
18

19 **23.45.182 Extensions, expansions and structural alterations of nonconforming uses.**

20 \* \* \*

21  
22  
23 C. ~~((A structure containing a n))~~ Nonconforming apartment ~~((use))~~ structures in  
24 Lowrise 1 Zones may be expanded or extended provided that the expansion or extension  
25 shall conform to the development standards of the Lowrise 1 Zone and shall not cause an  
26 already nonconforming structure to become more nonconforming to development standards.  
27 ~~((Open space shall not be reduced to less than three hundred (300) square feet per unit and  
28 no horizontal dimension of open space shall be less than ten (10) feet. Existing ground-  
29 related units shall be maintained as ground related.))~~

30 \* \* \*

31  
32  
33 E. Additional ground-related dwelling units may be added to a nonconforming  
34 apartment structure ~~((occupied by a nonconforming apartment use))~~ in Lowrise 1 Zones;  
35 provided, that the addition shall conform to the development standards of the Lowrise 1  
36 Zone and shall not cause an already nonconforming structure to become more  
37 nonconforming to development standards. ~~((Open space for additional dwelling units shall  
38 be provided in addition to that required by subsection C of this section.))~~

39 \* \* \*

40  
41  
42  
43 **Section 10.** Subsections C, D and E of Section 23.45.184 of the SMC, which  
44 Section was last amended by Ordinance 117263, are amended as follows:

1  
2 **23.45.184 Changes to and from nonconforming uses.**  
3

4 \* \* \*

5  
6 ~~((C) A nonconforming apartment use in a Lowrise 1 zone may not be converted to~~  
7 ~~any nonresidential use which is not otherwise permitted in the Lowrise 1 zone. Conversion~~  
8 ~~to a permitted use shall conform to the development standards for the new use.))~~

9 ((D)) C. Except as provided in subsection((s)) B ((and C)) of this ((s))Section, a  
10 nonconforming use may be converted by an administrative conditional use authorization to a  
11 use not otherwise permitted in the zone, subject to the following conditions:

12 1. The Director must find that the new use is no more detrimental to property  
13 in the zone and vicinity than the existing use. This determination shall be based on the  
14 following factors:

- 15 a. The zones in which both the existing use and the new use are  
16 allowed;  
17 b. The number of employees and clients associated with the proposed  
18 use; and  
19 c. The relative parking, traffic, light, glare, noise, odor and similar  
20 impacts of the two (2) uses.

21 2. A single residential unit accessory to the nonconforming use, such as a  
22 caretaker's or proprietor's unit, may be converted along with the rest of the nonconforming  
23 use provided that it is the only residential use in the structure and comprises less than half of  
24 the total floor area of the structure.

25 3. Parking requirements for the use permitted under this subchapter shall be  
26 those listed in Section 23.54.015 listing parking requirements by use or, if not listed, as  
27 determined under Section 23.54.015 B authorizing the Director's determination of the  
28 requirement. If the number of spaces required for the new use is greater than the number of  
29 spaces specified for the existing use at Section 23.54.015 or, if not specified, as determined  
30 under Section 23.54.015B, then the number of spaces provided shall be the difference of the  
31 two (2) requirements, except as provided in subsection D4.

32 4. If the new use is permitted, the Director may require additional mitigating  
33 measures including, but not limited to, landscaping, sound barriers or fences, mounding or  
34 berming, adjustments to yards or parking standards, design modification or setting hours of  
35 operation.

36 ((E)) D. A nonconforming use which was permitted outright under prior regulations  
37 but which is permitted under this chapter only as a conditional use shall be governed by the  
38 provisions of Sections 23.45.116 through 23.45.126.

39  
40  
41 **Section 11.** Subsection B of Section 23.86.002 of the SMC, which Section was last  
42 amended by Ordinance 117263, is further amended as follows:

43 **23.86.002 General provisions.**  
44

\* \* \*

B. Fractions.

1. When any measurement technique for determining the number of items required or allowed, including but not limited to parking or bicycle spaces, or required trees or shrubs, results in fractional requirements, any fraction up to and including one-half (1/2) of the applicable unit of measurement shall be disregarded and fractions over one-half (1/2) shall require the next higher full unit of measurement.

2. When any measurement technique for determining required minimum or allowed maximum dimensions, including but not limited to height, yards, setbacks, lot coverage, open space, building depth, parking space size or curb cut width, results in fractional requirements, the dimension should be measured to the nearest inch. Any fraction up to and including one-half of an inch (1/2") shall be disregarded and fractions over one-half of an inch (1/2") shall ~~((be included in the measurement))~~ require the next higher unit.

3. When density calculations result in a fraction, any fraction up to and including one-half (1/2) shall be disregarded and any fraction over one-half (1/2) shall allow the next higher number.

**Section 12.** 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.

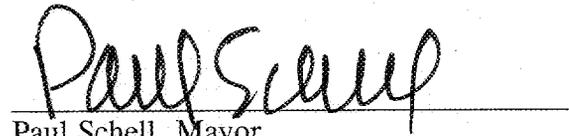
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**Section 13.** 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.

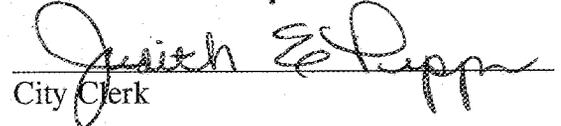
Passed by the City Council the 30<sup>th</sup> day of November, 1998, and signed by me in open session in authentication of its passage this 30<sup>th</sup> day of November, 1998.

  
\_\_\_\_\_  
President of the City Council

Approved by me this 2nd day of December, 1998.

  
\_\_\_\_\_  
Paul Schell, Mayor

Filed by me this 2nd day of December, 1998.

  
\_\_\_\_\_  
City Clerk

(SEAL)

ORDINANCE \_\_\_\_\_

1  
2  
3  
4  
5 AN ORDINANCE related to land use and zoning, amending Sections 23.12.060,  
6 23.34.016, 23.44.080, 23.45.006, 23.45.008, 23.45.009, 23.45.014, 23.45.016,  
7 23.45.182, 23.45.184, and 23.86.002 of the Seattle Municipal Code to implement  
8 amendments to the Land Use Code in support of housing production. Now,  
9 Therefore,

10  
11  
12 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

13  
14  
15 Section 1. Policies 2 and 3 of Section 23.12.060 of the Seattle Municipal Code  
16 (SMC), which Section was last amended by Ordinance 118414, are amended as follows:

17  
18 **23.12.060 Multifamily land use policies.**

19  
20 \* \* \*

21  
22 **Policy 2: Multifamily Residential Classifications**

23  
24 The multifamily classifications specify the types of housing permitted in the different  
25 multifamily areas. The housing types are defined in terms of: 1) height, bulk and setbacks, 2)  
26 the amount of usable open space and the physical relationship of the open space to  
27 individual units, and 3) the location and appearance of parking and access to parking.  
28 Development standards regulating these elements are intended to provide for a transition in  
29 scale between multifamily and single family areas, facilitate an attractive pedestrian  
30 environment at the street level, conform with the topography to maintain natural hills and  
31 valleys and preserve views, encourage new development which is compatible with existing  
32 neighborhood character, and enhance the livability of new housing. Cluster development is  
33 also encouraged in all classifications. A greater variety of housing types is encouraged,  
34 particularly in the lower classifications. Each of the multifamily classifications allows all  
35 housing types permitted in a less intense classification.

36  
37 **Lowrise Duplex/Triplex (LDT)**

38  
39 **Purpose of the Zone:** The intent of the Lowrise Duplex/Triplex (LDT) zone is to provide  
40 opportunities for limited infill housing development, both through new construction and the  
41 conversion of existing single-family structures to duplexes and triplexes, in areas that do not  
42 meet the single-family criteria, but where, in order to preserve the character of the  
43 neighborhood, the recycling of existing structures to a slightly higher density and small-

1 scale infill development is preferable to single-family zoning or to the development of  
2 townhouses or higher density apartments. Areas appropriate for designation as Lowrise  
3 Duplex/Triplex maintain a single-family character, but do not meet the criteria for  
4 designation as a single-family area under the Single-family Policies, and include a mix of  
5 single-family dwellings, duplexes, triplexes, and single-family structures already converted  
6 to multiple units. Council-adopted neighborhood plans may allow locating the LDT zone in  
7 an area otherwise meeting the criteria for designation as a single family zone in limited  
8 circumstances. Development standards for the zone are intended to ensure that new and  
9 converted structures are not only compatible with existing development, but are also  
10 reflective of the character of that development in terms of scale, open space, setbacks, siting,  
11 unit orientation, and provision of ground-level open space.  
12

### 13 **Lowrise 1 (L1)**

14  
15 **Purpose of the Zone:** The intent of the Lowrise 1 zone is to provide areas for multifamily  
16 development of low height and small bulk where units generally have direct access to  
17 private, landscaped yards, thereby increasing housing opportunities for families with  
18 children and others seeking ground-related housing. The primary objective is the  
19 development of ~~((townhouses))~~ housing units that are generally compatible in scale, siting,  
20 and landscaping with single family areas. Council-adopted neighborhood plans may allow  
21 locating the L1 zone in an area otherwise meeting the criteria for designation as a single  
22 family zone under limited circumstances. This zone is intended to provide a transition in  
23 intensity ~~((, rather than))~~ and scale~~((,))~~ between single-family and other multifamily areas.  
24

### 25 **Lowrise 2 (L2)**

26  
27 **Purpose of the Zone:** The intent of the Lowrise 2 zone is to encourage a variety of  
28 multifamily housing types with less emphasis on ground-related units, while remaining at a  
29 scale compatible with single-family structures. Limits on height and bulk ensure a building  
30 scale that is consistent with the development of single lots and with the lower building  
31 heights characteristic of most lower density residential areas.  
32

### 33 **Lowrise 3 (L3)**

34  
35 **Purpose of the Zone:** The intent of the Lowrise 3 zone is to provide additional housing  
36 opportunities in multifamily neighborhoods where it is desirable to limit development to  
37 infill projects and conversions compatible with the existing mix of houses and small to  
38 moderate scale apartments. To accommodate greater density allowed in the zone, L3  
39 designations should be located in areas with adequate alley access and on-street parking.

1  
2 **Lowrise 4 (L4)**  
3

4 **Purpose of the Zone:** The intent of the Lowrise 4 zone is to provide for higher density  
5 infill development in residential neighborhoods already characterized by larger, high density  
6 residential structures. To accommodate greater density allowed in the zone, L4 should be  
7 located in areas with good vehicular circulation, adequate alley access and on-street parking.  
8 In addition to housing types permitted in less intensive zones(=), new housing types  
9 appropriate for Lowrise 4 are four-story apartments.  
10

11 **Midrise (MR)**  
12

13 **Purpose of the Zone:** The intent of the Midrise zone is to allow for higher density  
14 residential development in neighborhoods where significant concentrations of housing are  
15 desired and where services are available to accommodate such growth. This classification  
16 allows multifamily housing of a medium to large scale, fairly high density and heights  
17 greater than those in the lowrise zones. The development standards for the Midrise zone are  
18 intended to provide for larger scale structures while maintaining the livability of these high  
19 density residential areas. Development standards should include measures which minimize  
20 the appearance of bulk. Ground floor commercial use in apartment buildings is allowed in  
21 blocks adjacent to healthy commercial areas.  
22

23 **Highrise (HR)**  
24

25 **Purpose of the Zone:** The intent of the Highrise zone is to allow very high-density  
26 residential development in areas where concentrations of such housing are desired and can  
27 be accommodated. This most intense residential classification allows development of  
28 highrise structures. In order to add activity and visual interest to the street environment and  
29 contribute to the neighborhood's livability, ground floor commercial use in residential  
30 buildings is permitted throughout Highrise areas and greater bulk may be permitted in the  
31 base of highrise structures. In order to provide public open spaces, preserve or provide low  
32 and moderate cost housing, preserve historically or architecturally significant buildings, or  
33 provide more space between towers to decrease view blockage and shadows on adjacent  
34 structures and open spaces, additional height beyond the height limit may be granted to  
35 structures in the Highrise zone.  
36

37 **Policy 3: Density Limits**  
38

39 The purpose of establishing limits on density is to provide greater predictability about the  
40 allowed intensity of development by specifying a maximum number of units achievable on  
41 sites in each lowrise multifamily classification. The density limits shall provide for a wide  
42 range of housing types and achieve development that is compatible with the predominant  
43 character of multifamily areas. Permitted density shall be determined on a lot area per

1 dwelling unit basis. Each Lowrise zone classification shall establish the minimum amount  
2 of lot area required for each permitted unit. Density limits for housing for low-income  
3 elderly and low-income disabled persons shall be established to provide for the special needs  
4 of these ~~((families))~~ households. ~~((In the Lowrise Duplex/Triplex zone, new lots created for  
5 the construction of single family dwelling units shall comply with the minimum lot area  
6 requirements for Single Family 5000 zones.))~~

7  
8 **Implementation Guideline: Density Limits for Housing for Low-income**  
9 **Elderly or Low-income Disabled Persons**

10  
11 In order to reduce costs and provide sufficient density to make the development of housing  
12 for low-income elderly and low-income disabled persons feasible, maximum density limits  
13 shall be increased for such housing in the L3 and L4 zones. The density limits reflect the  
14 fact that low-income elderly and low-income disabled ~~((families))~~ households create less  
15 impacts than the general population, and that it is the City's policy to facilitate the  
16 development of housing for these ~~((families))~~ households.

17  
18  
19 \* \* \*

20  
21  
22 **Section 2.** Subsections A and B of Section 23.34.016 of the SMC, which Section  
23 was last amended by Ordinance 118794, are amended as follows:

24  
25 **23.34.016 Lowrise 1 (L1) zone, function and locational criteria.**

26 A. Function. An area that provides low density, primarily ground-related multifamily  
27 housing opportunities.

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

30 1. Development Characteristics of the Area.

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

33 b. Areas with:

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

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

40 c. Areas where internal vehicular circulation is conducive to  
41 residential units that are oriented to the ground level and the street. Preferred locations are  
42 generally separated from principal arterials, as defined by the Seattle Comprehensive

1 Transportation Program, which conflict with the desired (~~ground-related~~) character of L1  
2 areas.

3 2. Relationship to the Surrounding Areas.

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

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

10 c. Properties where a gradual transition is appropriate between single-  
11 family areas and more intensive multifamily or neighborhood commercial zones;

12 d. Properties in areas where narrow streets, on-street parking  
13 congestion, local traffic congestion, or irregular street patterns restrict local access and  
14 circulation;

15 e. Properties in areas close to facilities and services used by  
16 households with children, including schools, parks and community centers.

17 \* \* \*

18  
19  
20  
21 **Section 3.** Subsection D of Section 23.44.080 of the Seattle Municipal Code  
22 (SMC), which Section was last amended by Ordinance \_\_\_\_\_, is amended as follows:

23  
24 **23.44.080 Nonconforming uses.**

25 \* \* \*

26  
27  
28 **D. Alterations to nonconforming residential uses.**

29 **1. The number of dwelling units in a ((A)) nonconforming residential use**  
30 **((shall not be expanded or extended nor shall the number of dwelling units be increased))**  
31 **shall not be increased.** For a nonconforming residential use that was not a multifamily use,  
32 the number of residents may not be increased beyond the maximum number that was  
33 allowed by the standards of the zone at the time of approval or, if permitted by conditional  
34 use, the number shall not be allowed to increase above that number permitted by the  
35 conditional use approval.

36 **2. A structure occupied by a nonconforming residential use may be**  
37 **maintained, repaired, renovated, or structurally altered; ((but shall not be expanded or**  
38 **extended except as otherwise required by law,))**

39 **a. as necessary to improve access for the elderly and disabled ((, or as**  
40 **specifically permitted for nonconforming uses and nonconforming structures elsewhere in**  
41 **this Code. S));**

42 **b. to construct structural features including, but not limited to,**  
43 **exterior decks and balconies, bay windows, dormers, eaves and solar collectors ((may be))**

1 added to a principal structure, or a new or expanded accessory structure may be constructed,  
2 provided that the addition or new structure conforms to the development standards of the  
3 zone((-));

4 c. to construct an addition which meets development standards for  
5 single family construction and does not exceed any of the following conditions:

6 (1) five hundred (500) square feet of additional gross floor  
7 area;

8 (2) the average height of the closest principal structures on  
9 either side.

10 d. by special exception, Type II Master Use Permit, to construct an  
11 addition which exceeds the conditions listed in subsection 2c above but is within the  
12 development standards permitted for single family development. DCLU may approve or  
13 approve with conditions the special exception only if the project is compatible with the  
14 surrounding development in terms of:

15 (1) architectural character;

16 (2) existing streetscape and pattern of yards; and

17 (3) scale and proportion of principal structures.

18 e. If an addition proposed under subsections 2c or 2d above would  
19 require additional parking under the requirements of Section 23.54.015 for multifamily  
20 structures, then that additional parking shall be provided.

21 \* \* \*

22  
23  
24 **Section 4.** Subsections F through K of Section 23.45.006 of the SMC, which  
25 Section was last amended by Ordinance 118794, are amended as follows:

26  
27 **23.45.006 General development standards for structures in multifamily zones.**

28 \* \* \*

29  
30  
31 F. In Lowrise 1 zones all multifamily structures shall be ~~((townhouses))~~ ground-  
32 related units, except that apartments are permitted on a lot whose platted width as of the  
33 effective date of this ordinance is less than forty feet (40') ((-)), or ((Apartments shall be  
34 prohibited in Lowrise 1 zones, except that floor area)) in a structure existing as of ((the  
35 effective date of the ordinance codified in this section)) January 26, 1990 ((may contain  
36 dwelling units which are not ground related)) where density limits of the zone would not be  
37 exceeded and new floor area would not be added. The requirements of this subsection shall  
38 not be eligible for a variance according to the provisions of Section 23.40.020.

39 ~~((G. In Lowrise Duplex/Triplex zones new lots created for the construction of a~~  
40 ~~single family dwelling unit shall comply with the minimum lot area requirements for Single~~  
41 ~~Family 5000 zones contained in Section 23.44.010, except for cottage housing development.~~  
42 ~~A cottage housing development permitted in Lowrise Duplex/Triplex and Lowrise 1 zones~~

1 shall have a minimum site area of sixty four hundred (6,400) square feet and a minimum lot  
2 area per cottage of sixteen hundred (1,600) square feet.)

3 ~~G. ((H.))~~ A structure occupied by a permitted use other than single family or  
4 multifamily residential use may be partially or wholly converted to single family or  
5 multifamily residential use even if the structure does not conform to the development  
6 standards for residential uses in the multifamily zones. One (1) unit may be added without a  
7 parking space according to provisions of Section 23.54.020. If the only use of the structure  
8 will be residential and if two (2) or more units are being created and there is no feasible way  
9 to provide the required parking, then the Director may authorize reduction or waiver of  
10 parking as a special exception according to the standards of Section 23.54.020 E.  
11 Expansions of nonconforming converted structures and conversions of structures occupied  
12 by nonconforming uses shall be regulated by Subchapter IV, Nonconforming Uses and  
13 Structures, of this Chapter.

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

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

22 ~~J. ((K.))~~ Except as provided in subsections ((L)) ~~H~~ and ((F)) ~~I~~ above, multifamily  
23 zoned lots that have no street frontage shall be subject to the following for purposes of  
24 structure width and depth, modulation and setbacks:

- 25 1. For lots that have only one alley lot line, the alley lot line shall be treated  
26 as a front lot line.  
27 2. For lot that have more than one alley lot line, only one alley lot line shall  
28 be treated as a front lot line.  
29 3. For lots that have no alley lot lines, the applicant may choose the front lot  
30 line provided that the selected front lot line length is at least fifty percent (50%) of the width  
31 of the lot.  
32  
33

34 **Section 5.** Subsection C and E of Section 23.45.008 of the SMC, which Section  
35 was last amended by Ordinance 117173, are amended as follows:  
36

37 **23.45.008 Density -- Lowrise zones.**  
38

39 \* \* \*

40 C. In the Lowrise Duplex/Triplex ~~((and Lowrise 1))~~ zone((s)), the minimum lot area  
41 per dwelling unit for cottage housing developments shall be one (1) dwelling unit per one  
42 thousand six hundred (1,600) square feet of lot area. In Lowrise Duplex/Triplex and

1 Lowrise 1 zones, the minimum lot area for cottage housing developments shall be six  
2 thousand four hundred (6,400) square feet.

3  
4 \* \* \*

5  
6 E. ~~((In calculating the number of dwelling units permitted on a lot, the rounding up~~  
7 ~~of fractions of a unit to a whole unit shall not be permitted.))~~ When dedication of right-of-  
8 way is required, permitted density shall be calculated before the dedication is made.  
9

10  
11 **Section 6.** A new subsection E is hereby added to Section 23.45.009 of the SMC,  
12 which Section was last amended by Ordinance 117173, as follows:  
13

14 **23.45.009 Structure height -- Lowrise zones.**

15  
16 \* \* \*

17  
18 E. Sloped Lots. Additional height shall be permitted for sloped lots, at the rate of  
19 one (1) foot for each six (6) percent of slope, to a maximum of five (5) feet. The additional  
20 height shall be permitted on the downhill side of the structure only, as described in  
21 subsection 23.86.006 C.  
22

23  
24 **Section 7.** Subsections B and C of Section 23.45.014 of the SMC, which Section  
25 was last amended by Ordinance \_\_\_\_\_, is amended as follows:  
26

27 **23.45.014 Setback requirements -- Lowrise zones.**

28  
29 \* \* \*

30  
31 B. Rear Setbacks. Rear setbacks shall be provided as follows:  
32

33 1. Zones. Lowrise Duplex/Triplex and Lowrise 1 - Twenty (20) feet or  
34 twenty (20) percent of lot depth, whichever is less, but in no case less than fifteen (15) feet,  
35 except for cottage housing developments, which shall provide a minimum ten (10) foot rear  
36 setback.

37 Lowrise 2 - Twenty-five (25) feet or twenty (20) percent of  
38 lot depth, whichever is less, but in no case less than fifteen (15) feet.

39 Lowrise 3 and Lowrise 4 -- Twenty-five (25) feet or fifteen  
40 (15) percent of lot depth, whichever is less, but in no case less than fifteen (15) feet.

41 2. Alleys. When a property abuts upon an alley along a rear lot line, the  
42 centerline of the alley between the side lot lines extended shall be used as the rear lot line for  
43 purposes of measuring a rear setback; provided that at no point shall the principal structure

1 be closer than ten (10) feet to the actual property line at the alley. If the provisions of  
 2 subsection H are used, this subsection may not be used.

3 C. Side Setbacks.

4 1. The required side setback for structures in Lowrise zones shall be  
 5 determined by structure depth and height, according to the following Table 23.45.014A:

6  
 7  
 8 Table 23.45.014A  
 9 Side Setbacks --- Lowrise Zones

10  
 11 Height of Side Facade  
 12 at Highest Point in Feet

13 0—25' 26—30' 31—37'

14 Structure Depth in Feet	15 Average Side Setback in Feet			Minimum Side Setback
65' or less	5'	6'	7'	5'
66' to 80'	6'	6'	8'	5'
81' to 100'	8'	9'	11'	6'
101' to 120'	11'	12'	14'	7'
121' to 140'	14'	15'	17'	7'
141' to 160'	17'	18'	20'	8'
161' to 180'	19'	21'	23'	8'
Greater than 180'				1' in addition to 8' for every 50' in depth

16  
 17 The pattern established in the table shall be continued for structures greater than one hundred  
 18 eighty (180) feet in depth.

19 2. When there is a principal entrance along a side facade not facing a street  
 20 or alley, the following shall apply except for cottage housing developments: ((a ten (10))  
 21 foot setback shall be required along that side for the length of the pedestrian route. This ten  
 22 (10) foot setback))

23 a. In addition to the setback required in Table 23.45.014A, the  
 24 principal entrance door(s) shall be recessed three (3) feet. This requirement for a recessed

1 entrance shall apply only to a height necessary to accommodate the entrance ((of eight (8)  
2 feet above the access route)).

3 b. Screening along the side property line that faces the principal  
4 entrance(s) shall be provided in the form of a wall or fence that meets the standard in  
5 subsection G. In order to ensure adequate access width, this screening shall supercede the  
6 landscape requirement along property lines that abut single family zoned lots contained in  
7 23.45.015B1b.

8 3. The side street setback of reversed corner lot shall be ten (10) feet or as  
9 provided in Table 23.45.014A, whichever is greater.

10 \* \* \*

11  
12  
13  
14 **Section 8.** Section 23.45.016 of the SMC, which Section was last amended by  
15 Ordinance \_\_\_\_\_, is amended as follows:

16  
17 **23.45.016 Open space requirements—Lowrise zones.**

18 A. Quantity of Open Space.

19 1. Lowrise Duplex/Triplex Zones.

20 a. Single-family Structures. A minimum of six hundred (600) square  
21 feet of landscaped area shall be provided, except for cottage housing developments.

22 b. Cottage Housing Developments. A minimum of four hundred  
23 (400) square feet per unit of landscaped area is required. This quantity shall be allotted as  
24 follows:

25 (1) A minimum of two hundred (200) square feet per unit  
26 shall be private usable open space; and

27 (2) A minimum of one hundred fifty (150) square feet per unit  
28 shall be provided as common open space.

29 c. Structures with Two (2) Dwelling Units. At least one (1) unit shall  
30 have direct access to a minimum of four hundred (400) square feet of private, usable open  
31 space. The second unit shall also have direct access to four hundred (400) square feet of  
32 private, usable open space; or six hundred (600) square feet of common open space shall be  
33 provided on the lot.

34 d. Structures with Three (3) Dwelling Units. At least two (2) units  
35 shall have direct access to a minimum of four hundred (400) square feet of private, usable  
36 open space per unit. The third unit shall have direct access to four hundred (400) square feet  
37 of private, usable open space; or six hundred (600) square feet of common open space shall  
38 be provided on the lot.

39 2. Lowrise 1 Zones.

40 a. Ground-related Housing.

41 (1) ~~((A minimum))~~ An average of three hundred (300) square  
42 feet per unit of private, usable open space, at ground level and directly accessible to each  
43 unit, shall be required, except for cottage housing developments. No unit shall have less

1 than two hundred (200) square feet of private, usable open space. When a new unit that is  
2 not a ground-related unit is added to an existing structure, ~~((a minimum of three hundred~~  
3 ~~(300) square feet of))~~ common open space at ground level shall be provided for the new  
4 unit((:)). As long as the average per unit amount of open space is maintained at three  
5 hundred (300) square feet on the lot, a minimum of ~~((three hundred (300)))~~ two hundred  
6 (200) square feet of common open space at ground level shall be provided for the unit but it  
7 does not have to be directly accessible to the unit.

8 ((e)) (2) On lots with slopes of twenty (20) percent or more,  
9 decks of the same size as the required ground-level open space may be built over the sloping  
10 ground-level open space. In order to qualify for this provision, such decks shall not cover  
11 the open space of another unit, nor be above the living space of any unit. Decks may project  
12 into setbacks in accordance with subsection F of Section 23.45.014.

13 b. Apartments. An average of three hundred (300) square feet per  
14 unit of common open space, with a minimum of two hundred (200) square feet, shall be  
15 provided at ground level, but it does not have to be directly accessible to the unit.

16 ((b))c. Cottage Housing Developments. A minimum of three  
17 hundred (300) square feet per unit of landscaped area is required. This quantity shall be  
18 allotted as follows:

- 19 (1) A minimum of one hundred fifty (150) square feet per unit  
20 shall be private, usable open space; and  
21 (2) A minimum of one hundred fifty (150) square feet per unit  
22 shall be provided as common open space.

23 3. Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

24 a. Ground-related Housing.

25 (1) In Lowrise 2 and Lowrise 3 zones ~~((a minimum))~~ an  
26 average of three hundred (300) square feet per unit of private, usable open space, at ground  
27 level and directly accessible to each unit, shall be required. No unit shall have less than two  
28 hundred (200) square feet of private, usable open space.

29 (2) In Lowrise 4 zones a minimum of fifteen (15) percent of  
30 lot area, plus two hundred (200) square feet per unit of private usable open space, at ground  
31 level and directly accessible to each unit, shall be required.

32 (3) On lots with slopes of twenty (20) percent or more, decks  
33 of the same size as the required ground-level open space may be built over the sloping  
34 ground-level open space. In order to qualify for this provision, such decks shall not cover  
35 the open space of another unit, nor be above the living space of any unit. Decks may project  
36 into setbacks in accordance with subsection F of Section 23.45.014.

37 b. Apartments.

38 (1) Lowrise 2 Zones. A minimum of thirty (30) percent of the  
39 lot area shall be provided as usable open space at ground level.

40 (2) Lowrise 3 and Lowrise 4 Zones.

41 i. A minimum of twenty-five (25) percent of the lot  
42 area shall be provided as usable open space at ground level, except as provided in subsection  
43 A3b(2)ii.

1 ii. A maximum of one-third (1/3) of the required open  
2 space may be provided above ground in the form of balconies, decks, individual unit decks  
3 on roofs or common roof gardens if the total amount of required open space is increased to  
4 thirty (30) percent of lot area.

5 B. Development Standards.

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

8 a. Lowrise Duplex/Triplex Zones-Private Usable Open Space.

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

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

19 b. Lowrise Duplex/Triplex Zones--Common Open Space. Required  
20 common open space shall be provided at ground level in one (1) contiguous parcel with a  
21 minimum area of six hundred (600) square feet, except that in cottage housing  
22 developments, the quantity per unit shall be a minimum of one hundred fifty (150) square  
23 feet. In cottage housing developments, each cottage shall abut the common open space. No  
24 horizontal dimension of open space shall be less than ten (10) feet.

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

27 (1) In Lowrise 1 zones the required open space shall be  
28 provided in one (1) contiguous parcel, except that in cottage housing developments, the open  
29 space shall be allotted as described in subsections A2((b))c above and B1c(5) below. In  
30 Lowrise 2, Lowrise 3 and Lowrise 4 zones, the required open space for each ground-related  
31 dwelling unit is not required to be in one (1) contiguous area, but no open space area shall be  
32 less than one hundred twenty (120) square feet. No horizontal dimension of the open space  
33 shall be less than ten (10) feet.

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

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

- 40 i. The open space may be terraced; and  
41 ii. Minor adjustments in level shall be permitted as  
42 long as the difference in elevation between the highest and lowest point does not exceed two  
43 (2) feet.

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

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

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

12 (5) Lowrise 1 Zone--Cottage Housing Developments.

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

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

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

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

26 f. Parking areas, driveways and pedestrian access, except for  
27 pedestrian access meeting the Washington State Building Code, Chapter 11, shall not be  
28 counted as open space.

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

31 2. Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones--Apartments.

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

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

36 c. Parking areas, driveways and pedestrian access, except pedestrian  
37 access meeting the Washington State Building Code, Chapter 11, shall not be counted as  
38 open space.

39 d. In order to qualify as above-ground level open space, balconies,  
40 decks, and in L3 and L4 zones, individual unit decks on roofs, shall all have a minimum  
41 horizontal dimension of six (6) feet, and a total area of at least sixty (60) square feet, while  
42 common roof gardens in L3 and L4 zones shall have a minimum area of two hundred fifty

1 (250) square feet. Common roof garden open space shall be landscaped according to the  
2 rules promulgated by the Director.

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

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

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

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

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

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

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

22 3. Open Space Exception. When all parking and access to parking is  
23 uncovered and is surfaced in permeable material, except gravel, the quantity of required  
24 ground-level open space shall be reduced by five (5) percent of the total lot area.  
25  
26  
27

28 **Section 9.** Subsections C and E of Section 23.45.182 of the SMC, which Section  
29 was last amended by Ordinance 117570, are amended as follows:  
30

31 **23.45.182 Extensions, expansions and structural alterations of nonconforming uses.**  
32

33 \* \* \*

34  
35 C. ~~((A structure containing a n))~~Nonconforming apartment ~~((use))~~ structures in  
36 Lowrise 1 Zones may be expanded or extended provided that the expansion or extension  
37 shall conform to the development standards of the Lowrise 1 Zone and shall not cause an  
38 already nonconforming structure to become more nonconforming to development standards.  
39 ~~((Open space shall not be reduced to less than three hundred (300) square feet per unit and  
40 no horizontal dimension of open space shall be less than ten (10) feet. Existing ground-  
41 related units shall be maintained as ground-related.))~~  
42  
43

\* \* \*

1  
2 E. Additional ground-related dwelling units may be added to a nonconforming  
3 apartment structure (~~((occupied by a nonconforming apartment use))~~) in Lowrise 1 Zones;  
4 provided, that the addition shall conform to the development standards of the Lowrise 1  
5 Zone and shall not cause an already nonconforming structure to become more  
6 nonconforming to development standards. (~~((Open space for additional dwelling units shall~~  
7 ~~be provided in addition to that required by subsection C of this section.))~~)  
8

9 \* \* \*

10  
11  
12 **Section 10.** Subsections C, D and E of Section 23.45.184 of the SMC, which  
13 Section was last amended by Ordinance 117263, are amended as follows:  
14

15 **23.45.184 Changes to and from nonconforming uses.**  
16

17 \* \* \*

18  
19 ~~((C. A nonconforming apartment use in a Lowrise 1 zone may not be converted to~~  
20 ~~any nonresidential use which is not otherwise permitted in the Lowrise 1 zone. Conversion~~  
21 ~~to a permitted use shall conform to the development standards for the new use.))~~

22 ((~~D~~)) C. Except as provided in subsection((s)) B ((~~and C~~)) of this ((s))Section, a  
23 nonconforming use may be converted by an administrative conditional use authorization to a  
24 use not otherwise permitted in the zone, subject to the following conditions:

25 1. The Director must find that the new use is no more detrimental to property  
26 in the zone and vicinity than the existing use. This determination shall be based on the  
27 following factors:

- 28 a. The zones in which both the existing use and the new use are  
29 allowed;  
30 b. The number of employees and clients associated with the proposed  
31 use; and  
32 c. The relative parking, traffic, light, glare, noise, odor and similar  
33 impacts of the two (2) uses.

34 2. A single residential unit accessory to the nonconforming use, such as a  
35 caretaker's or proprietor's unit, may be converted along with the rest of the nonconforming  
36 use provided that it is the only residential use in the structure and comprises less than half of  
37 the total floor area of the structure.

38 3. Parking requirements for the use permitted under this subchapter shall be  
39 those listed in Section 23.54.015 listing parking requirements by use or, if not listed, as  
40 determined under Section 23.54.015 B authorizing the Director's determination of the  
41 requirement. If the number of spaces required for the new use is greater than the number of  
42 spaces specified for the existing use at Section 23.54.015 or, if not specified, as determined

1 under Section 23.54.015B, then the number of spaces provided shall be the difference of the  
2 two (2) requirements, except as provided in subsection D4.

3 4. If the new use is permitted, the Director may require additional mitigating  
4 measures including, but not limited to, landscaping, sound barriers or fences, mounding or  
5 berming, adjustments to yards or parking standards, design modification or setting hours of  
6 operation.

7 ~~(E)~~ D. A nonconforming use which was permitted outright under prior regulations  
8 but which is permitted under this chapter only as a conditional use shall be governed by the  
9 provisions of Sections 23.45.116 through 23.45.126.

10  
11  
12 **Section 11.** Subsection B of Section 23.86.002 of the SMC, which Section was last  
13 amended by Ordinance 117263, is further amended as follows:

14  
15 **23.86.002 General provisions.**

16  
17 \* \* \*

18  
19 **B. Fractions.**

20 1. When any measurement technique for determining the number of items  
21 required or allowed, including but not limited to parking or bicycle spaces, or required trees  
22 or shrubs, results in fractional requirements, any fraction up to and including one-half (1/2)  
23 of the applicable unit of measurement shall be disregarded and fractions over one-half (1/2)  
24 shall require the next higher full unit of measurement.

25 2. When any measurement technique for determining required minimum or  
26 allowed maximum dimensions, including but not limited to height, yards, setbacks, lot  
27 coverage, open space, building depth, parking space size or curb cut width, results in  
28 fractional requirements, the dimension should be measured to the nearest inch. Any fraction  
29 up to and including one-half of an inch (1/2") shall be disregarded and fractions over one-  
30 half of an inch (1/2") shall ~~((be included in the measurement))~~ require the next higher unit.

31 3. When density calculations result in a fraction, any fraction up to and  
32 including one-half (1/2) shall be disregarded and any fraction over one-half (1/2) shall allow  
33 the next higher number.

34  
35  
36 **Section 12.** The provisions of this ordinance are declared to be separate and  
37 severable. The invalidity of any particular provision shall not affect the validity of any  
38 other provision.

39  
40  
41 **Section 13.** This ordinance shall take effect and be in force thirty (30) days from  
42 and after its approval by the Mayor, but if not approved and returned by the Mayor within

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

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 \_\_\_\_\_, 1998, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
President of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Paul Schell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
City Clerk

(SEAL)

STATE OF WASHINGTON - KING COUNTY

100153  
City of Seattle, City Clerk

—ss.

No. FULL ORDINAN

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 119242

was published on

12/15/98

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

12/15/98

*McClure*

Notary Public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 119242

AN ORDINANCE related to land use and zoning, amending Sections 23.12.060, 23.34.016, 23.44.080, 23.45.006, 23.45.008, 23.45.009, 23.45.014, 23.45.016, 23.45.182, 23.45.184, and 23.86.002 of the Seattle Municipal Code to implement amendments to the Land Use Code in support of housing production.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Policies 2 and 3 of Section 23.12.060 of the Seattle Municipal Code (SMC), which Section was last amended by Ordinance 118414, are amended as follows:

### 23.12.060 MULTIFAMILY LAND USE POLICIES.

#### POLICY 2. MULTIFAMILY RESIDENTIAL CLASSIFICATIONS

The multifamily classifications specify the types of housing permitted in the different multifamily areas. The housing types are defined in terms of: 1) height, bulk and setbacks, 2) the amount of usable open space and the physical relationship of the open space to individual units, and 3) the location and appearance of parking and access to parking. Development standards regulating these elements are intended to provide for a transition in scale between multifamily and single-family areas, facilitate an attractive pedestrian environment at the street level, conform with the topography to maintain natural hills and valleys and preserve views, encourage new development which is compatible with existing neighborhood character, and enhance the livability of new housing. Cluster developments are also encouraged in all classifications. A greater variety of housing types is encouraged, particularly in the lower classifications. Each of the multifamily classifications allows all housing types permitted in a less intense classification.

#### LOWRISE DUPLEX/TRIPLEX (LDT)

**PURPOSE OF THE ZONE.** The intent of the Lowrise Duplex/Triplex (LDT) zone is to provide opportunities for limited mid housing development, both through new construction and the conversion of existing single-family structures to duplexes and triplexes, in areas that do not meet the single-family criteria, but where, in order to preserve the character of the neighborhood, the recycling of existing structures to a slightly higher density and small-scale infill development is preferable to single-family zoning or to the development of townhouses or higher density apartments. Areas appropriate for designations as Lowrise Duplex/Triplex maintain a single-family character, but do not meet the criteria for designation as a single-family area under the Single-family Policies, and include a mix of single-family dwellings, duplexes, triplexes, and single-family structures already converted to multiple units. Council-adopted neighborhood plans may allow locating the LDT zone in an area otherwise meeting the criteria for designation as a single-family zone in limited circumstances. Development standards for the zone are intended to ensure that new and converted structures are not only compatible with existing developments, but are also reflective of the character of that development in terms of scale, open space, setbacks, siting, unit orientation, and provision of ground-level open space.

#### LOWRISE 1 (L1)

**PURPOSE OF THE ZONE.** The intent of the Lowrise 1 zone is to provide areas for multifamily development of low height and small bulk where units generally have direct access to private, landscaped yards, thereby increasing housing opportunities for families with children and others seeking ground-related housing. The primary objective is the development of (town-house) housing units that are generally compatible in scale, siting, and landscaping with single-family areas. Council-adopted neighborhood plans may allow locating the L1 zone in an area otherwise meeting the criteria for designation as a single-family zone under limited circumstances. This zone is intended to provide a transition in intensity (i.e., rather than) and scale (L) between single-family and other multifamily areas.

#### LOWRISE 2 (L2)

**PURPOSE OF THE ZONE.** The intent of the Lowrise 2 zone is to encourage a variety of multifamily housing types with less emphasis on ground-related units, while remaining at a scale compatible with single-family structures. Limits on height and bulk ensure a building scale that is consistent with the development of single lots and with the lower building heights characteristic of most lower density residential areas.

#### LOWRISE 3 (L3)

density, primarily ground-related multifamily housing opportunities.

**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 (30) feet, 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 Area.

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

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

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

SECTION 3. Subsection D of Section 23.44.080 of the Seattle Municipal Code (SMC), which Section was last amended by Ordinance 117763, is amended as follows:

#### 23.44.080 NONCONFORMING USES.

#### D. Alterations to nonconforming residential uses.

1. The number of dwelling units in a (A) nonconforming residential use (shall not be expanded or extended nor shall the number of dwelling units be increased) shall not be increased. For a nonconforming residential use that was not a multifamily use, the number of residents may not be increased beyond the maximum number that was allowed by the standards of the zone at the time of approval or, if permitted by conditional use, the number shall not be allowed to increase above that number permitted by the conditional use approval.

2. A structure occupied by a nonconforming residential use may be maintained, repaired, renovated, or structurally altered; (but shall not be expanded or extended except as otherwise required by law.)

a. as necessary to improve access for the elderly and disabled, or as specifically permitted for nonconforming uses and nonconforming structures elsewhere in this Code. 5);

b. to construct structural features including, but not limited to, exterior decks and balconies, bay windows, dormers, eaves and solar collectors (may be) added to a principal structure, or a new or expanded accessory structure, may be constructed, provided that the addition or new structure conforms to the development standards of the zone(s);

c. to construct an addition which meets development standards for single family construction and does not exceed any of the following conditions:

(1) five hundred (500) square feet of additional gross floor area;

(2) the average height of the closest principal structures on either side;

d. by special exception. Type II Master Use Permit to construct an addition which exceeds the conditions listed in subsection 2c above but is within the development standards permitted for single family development. DCLU may approve or approve

C. In the Lowrise Duplex/Triplex (and Lowrise 1) zone(s), the minimum lot area per dwelling unit for cottage housing developments shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area. In Lowrise Duplex/Triplex and Lowrise 1 zones, the minimum lot area for cottage housing developments shall be six thousand four hundred (6,400) square feet.

E. (In calculating the number of dwelling units permitted on a lot, the rounding up of fractions of a unit to a whole unit shall not be permitted.) When dedication of right-of-way is required, permitted density shall be calculated before the dedication is made.

SECTION 6. A new subsection E is hereby added to Section 23.45.009 of the SMC, which Section was last amended by ordinance 117773, as follows:

#### 23.45.009 STRUCTURE HEIGHT — LOWRISE ZONES.

E. Sloped Lots. Additional height shall be permitted for sloped lots at the rate of one (1) foot for each six (6) percent of slope, to a maximum of five (5) feet. The additional height shall be permitted on the downhill side of the structure only, as described in subsection 23.45.008 C.

SECTION 7. Subsections B and C of Section 23.45.014 of the SMC, which Section was last amended by Ordinance 117763, is amended as follows:

Table 23.45.014A  
Side Setbacks — Lowrise Zones

Structure Depth in Feet	Height of Side Facade at Highest Point in Feet			Minimum Side Setback
	0 — 25'	26 — 30'	31 — 37'	
65' or less	5'	6'	7'	5'
66' to 80'	6'	6'	8'	5'
81' to 100'	8'	9'	11'	6'
101' to 120'	11'	12'	14'	7'
121' to 140'	14'	15'	17'	7'
141' to 160'	17'	18'	20'	8'
161' to 180'	19'	21'	23'	8'
Greater than 180'				1' in addition to 8' for every 50' in depth

The pattern established in the table shall be continued for structures greater than one hundred eighty (180) feet in depth.

2. When there is a principal entrance along the side facade not facing a street or alley, the following shall apply except for cottage housing developments: (a) ten (10) foot setback shall be required along that side for the length of the pedestrian route. This ten (10) foot setback) b. Screening along the side property line that faces the principal entrance shall be provided in the form of a wall or fence that meets the standard in subsection C. In order to ensure adequate access width, this screening shall supercede the landscape requirement along property lines that abut single-family zoned lots contained in 23.45.015Bb.

3. The side street setback of reversed corner lot shall be ten (10) feet or as provided in Table 23.45.014A, whichever is greater.

SECTION 8. Section 23.45.016 of the SMC, which Section was last amended by Ordinance 119242, is amended as follows:

#### 23.45.016 OPEN SPACE REQUIREMENTS — LOWRISE ZONES.

#### A. Quality of Open Space.

1. Lowrise Duplex/Triplex Zones

#### 23.45.014 SETBACK REQUIREMENTS — LOWRISE ZONES.

B. Rear Setbacks. Rear setbacks shall be provided as follows:

1. Zones. Lowrise Duplex/Triplex and Lowrise 1 — Twenty (20) feet or twenty (20) percent of lot depth, whichever is less, but in no case less than fifteen (15) feet, except for cottage housing developments, which shall provide a minimum ten (10) foot rear setback.

Lowrise 2 — Twenty-five (25) feet or twenty (20) percent of lot depth, whichever is less, but in no case less than fifteen (15) feet.

Lowrise 3 and Lowrise 4 — Twenty-five (25) feet or fifteen (15) percent of lot depth, whichever is less, but in no case less than fifteen (15) feet.

2. Alleys. When a property abuts upon an alley along a rear lot line, the centerline of the alley between the side lot lines extended shall be used as the rear lot line for purposes of measuring a rear setback, provided that at no point shall the principal structure be closer than ten (10) feet to the actual property line at the alley. If the provisions of subsection B are used, this subsection may not be used.

#### C. Side Setbacks.

1. The required side setback for structures in Lowrise zones shall be determined by structure depth and height, according to the following Table 23.45.014A.

C. (A structure) Nonconforming structures in Lowrise zones shall be subject to the same development standards as the zone and shall not conforming structure conforming to development standards. (Open space shall be less than three (3) feet per unit and a minimum of open space ten (10) feet. Existing units shall be maintained.)

E. Additional units may be added to apartment structures conforming apartment 1 Zones, provided they conform to the development standards of the Lowrise 1 Zone already nonconforming units. (Open space dwelling units shall be in addition to that required by C of this section.)

SECTION 9. Subsections 23.45.182 of the SMC, which Section was last amended by Ordinance 117763, are amended as follows:

#### 23.45.182 EXTENSIVE AND STRUCTURAL NONCONFORMING

C. (A structure) Nonconforming structures in Lowrise zones shall be subject to the same development standards as the zone and shall not conforming structure conforming to development standards. (Open space shall be less than three (3) feet per unit and a minimum of open space ten (10) feet. Existing units shall be maintained.)

E. Additional units may be added to apartment structures conforming apartment 1 Zones, provided they conform to the development standards of the Lowrise 1 Zone already nonconforming units. (Open space dwelling units shall be in addition to that required by C of this section.)

SECTION 10. Subsections 23.45.184 of the SMC, which Section was last amended by Ordinance 117763, are amended as follows:

#### 23.45.184 CHANGING NONCONFORMING

C. (A nonconforming structure) Nonconforming structures in Lowrise zones shall be subject to the same development standards as the zone and shall not conforming structure conforming to development standards.

(D) C. Exception (s) B (and C) nonconforming use administrative condition to a use not otherwise permitted by the zone, subject to the following factors:

1. The Director shall determine if the use is no more detrimental to the zone and vicinity than the existing use. This determination shall be based on the following factors:

a. The zone in which the use is located and the new use.

b. The number of units associated with the use.

c. The relative glare, noise, odor or the two (2) uses.

2. A single use of the nonconforming structure or structures, taken as a whole, shall be converted along with other nonconforming use providing residential use is provided in the zone.

1. The Director shall determine if the use is no more detrimental to the zone and vicinity than the existing use. This determination shall be based on the following factors:

a. The zone in which the use is located and the new use.

b. The number of units associated with the use.

c. The relative glare, noise, odor or the two (2) uses.

2. A single use of the nonconforming structure or structures, taken as a whole, shall be converted along with other nonconforming use providing residential use is provided in the zone.