Ordinance No. 121828

Council Bill No. 115267

An ordinance relating to land use and zoning, reenacting parts or all of Sections 23.46.004, 23.47.004, 23.47.012, 23.47.042, 23.49.011, 23.50.028, 23.53.015, 23.53.030, 23.54.015, 23.71.038, 23.76.004, 23.76.006, and 25.06.110 of the Seattle Municipal Code in order to carry out the legislative intent as stated in prior ordinances, including Ordinances 120967, 121093, 121115, 121145, 121196, 121277, 121278, 121359, 121362, 121476, 121477, 121563, 121782, and 121792.

CF No.

Date Introduced: MAY 2 3 2005	
Date 1st Referred: MAY 2 3 2005	To: (committee) Urban Development & Planning
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: 6-6-05	Full Council Vote: 8-0
Date Presented to Mayor: 6-7-05	Date Approved: 6/15/05
Date Returned to City Clerk: 6/16/05	Date Published: 26 pg. T.O. F.T. ✓
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: STEINBRUECK
Councilmember

Committee Action:

4 -0 Jean Godden, Richard Conlin, Tom Rasmussen
Peter Steinbrueck

6-6-05 Passed 8-0 (Excused: Drago)

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Dept. Review | OMP Review | City Clerk Review | Electronic Copy Loaded | Indexed

Kristian Kofoed/Donna L. King/SLC/IMF
DPD Land Use Code Reenactment ORD
May18, 2005
version #1

ORDINANCE 121828

AN ORDINANCE relating to land use and zoning, reenacting parts or all of Sections 23.46.004, 23.47.004, 23.47.012, 23.47.042, 23.49.011, 23.50.028, 23.53.015, 23.53.030, 23.54.015, 23.71.038, 23.76.004, 23.76.006, and 25.06.110 of the Seattle Municipal Code in order to carry out the legislative intent as stated in prior ordinances, including Ordinances 120967, 121093, 121115, 121145, 121196, 121277, 121278, 121359, 121362, 121476, 121477, 121563, 121782, and 121792.

WHEREAS, the City passed Ordinances 120967, 121093, 121115, 121145, 121196, 121277, 121278, 121359, 121362, 121476, 121477, 121563, 121782, and 121792 to amend various portions of the Land Use Code (Title 23 SMC) and Environmental Protection and Historic Preservation Code (Title 25 SMC); and

WHEREAS, in some instances through inadvertence the City failed to show changes made by previous ordinances in one or more subsequent ordinances amending the same section of the Seattle Municipal Code; and

WHEREAS, simplicity and convenience will be served by setting forth the cumulative effects of Ordinances 120967, 121093, 121115, 121145, 121196, 121277, 121278, 121359, 121362, 121476, 121477, 121563, 121782, and 121792 in one ordinance,

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. To incorporate all amendments intended by Ordinances 121145 and 121196, Subsection B of Section 23.46.004 of the Seattle Municipal Code is hereby reenacted to read as follows:

23.46.004 Uses

* * *

B. Live-work units and the following commercial uses shall be permitted outright:

1. Personal and household retail sales and services;
2. Medical services;

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3. Restaurants;

4. Business support services;

5. Offices; and

6. Food processing and craft work.

* * *

Section 2. To incorporate all amendments intended by Ordinances 121093, 121196 and 121782, Subsections I and J of Section 23.47.004 of the Seattle Municipal Code are hereby reenacted to read as follows:

23.47.004 Permitted and prohibited uses.

* * *

I. Changes from accessory to principal use parking.

1. In zones where principal use parking is permitted outright, accessory parking may be converted to principal use parking without a separate use permit or approval when the use served by the accessory use parking has been discontinued. Any existing nonconformities as to development standards may be maintained.

2. In zones where principal use parking is not permitted outright, it may be permitted as an administrative conditional use according to subsection 23.47.006 B.8.

* * *

J. Live-work Units.

1. Live-work units are permitted outright in all commercial zones subject to the provisions of this title.

2. Live-work units at street level are prohibited where single-purpose residential structures are prohibited, as shown on Map 23.47.004 A, Wallingford Urban Center; Map G, Lake City Hub Urban Village; and Map I, Bitter Lake Village Hub Urban Village.

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3. Live-work units located at street level where permitted are subject to the development standards in Section 23.47.036.

* * *

Section 3. To incorporate all amendments intended by Ordinances 121093, 121145, and 121196, Subsection I.A.1., Subsection I.A.6., and Subsection I.B. of Commercial Uses Chart A in Section 23.47.004 of the Seattle Municipal Code, together with Footnote 15 to said Chart A, are hereby reenacted to read as follows:

COMMERCIAL USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	**NC2**	**NC3**	**C1**	**C2**
I. COMMERCIAL USES					
A Retail Sales and Services					
1. Personal and household retail sales and services					
- Multipurpose convenience stores	P	P	P	P	P
- General retail sales and service	P	P	P	P	P
- Major durables sales, service and rental	P	P	P	P	P
* * *					
6. Eating and drinking establishments					
- Restaurants	P	P	P	P	P
- Restaurants with drive-in lanes	X	X	CU	P	P
- Drinking Establishment	CU	CU	P	P	P
* * *					
B. Principal Use Parking	X/CU	P/CU	P/CU	P/CU	P/CU
* * *					

[15] Subject to Subsection 23.47.004 J and to development standards in Section 23.47.036. Except where expressly treated as a residential use, live-work units shall be deemed a nonresidential use

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Section 4. To incorporate all amendments intended by Ordinances 121278 and 121359, Subsections A and D of Section 23.47.012 of the Seattle Municipal Code are hereby reenacted to read as follows:

23.47.012 Structure height and floor area ratio.

A. Maximum Height. The maximum structure height for commercial zones shall be thirty (30) feet, forty (40) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred twenty-five (125) feet, or one hundred sixty (160) feet, as designated on the Official Land Use Map, Chapter 23.32, except that:

1. Within the South Lake Union Hub Urban Village, the maximum structure height in commercial zones with sixty-five (65) foot and eighty-five (85) foot height limits may be increased to eighty-five (85) feet and one-hundred and five (105) feet, respectively, provided that:

a. a minimum of two (2) floors in the structure have a floor to floor height of at least fourteen (14) feet; and

b. the additional height is used to accommodate mechanical equipment; and

c. the additional height permitted does not allow more than six (6) floors in commercial zones with a sixty-five (65) foot height limit, or more than seven (7) floors in commercial zones with an eighty-five (85) foot height limit.

2. Mixed use structures located in commercial zones with a thirty (30) foot or forty (40) foot height limit may exceed the height limit of the zone according to the provisions of Section 23.47.008.

3. Monorail transit facilities may exceed the height limit of the zone according to the provisions of Section 23.80.004 or Section 15.54.020.

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* * *

D. Exemptions from FAR Calculations. The following areas shall be exempted from FAR calculations:

1. All gross floor area below grade;

2. All gross floor area used for accessory parking;

3. All gross floor area of a monorail station, including all floor area open to the general public during normal hours of station operation (but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve monorail riders); and

4. Within the South Lake Union Urban Village, gross floor area occupied by mechanical equipment, up to a maximum of fifteen (15) percent, is exempt from FAR calculations. The allowance is calculated on the gross floor area of the structure after all exempt space permitted under the subsection is deducted. Mechanical equipment located on the roof of a structure is not calculated as part of the total gross floor area of a structure.

Section 5. To incorporate all amendments intended by Ordinances 121145, 121196, and 121563, Subsections B and C of Section 23.47.042 of the Seattle Municipal Code are hereby reenacted to read as follows:

23.47.042 Uses in pedestrian-designated zones.

* * *

B. Prohibited Uses.

1. Drive-in businesses, including gas stations, are prohibited in pedestrian-designated zones.

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2. Live-work units are prohibited at street-level in pedestrian-designated zones.

C. Street-level Uses Required.

1. Street-level uses shall be required along the principal pedestrian street front, except as provided in subsection C4, and shall be limited to the following retail sales and service and office uses if permitted in the underlying commercial zone:

a. Personal and household retail sales and service uses;

b. Eating and drinking establishments;

c. Customer service offices;

d. Entertainment uses;

e. Pet grooming services;

f. Public library.

2. A minimum of eighty (80) percent of each street frontage to which street-level use requirements apply shall be occupied by uses listed in subsection D1. The remaining twenty (20) percent of the street frontage may contain other permitted uses and/or pedestrian entrances (Exhibit 23.47.042 A).

3. Required street-level uses shall be set back no more than ten (10) feet from the street property line and shall occupy at least the first ten (10) feet above sidewalk grade.

4. Street-level use requirements shall not apply to:

a. Public school development along principal pedestrian streets; or

b. Light rail transit facilities

* * *

Section 6. To incorporate all amendments intended by Ordinances 120967, 121196, and 121278, Subsection B of Section 23.49.011 of the Seattle Municipal Code is hereby reenacted to read as follows:

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23.49.011 Floor area ratio.

* * *

B. Exemptions and Deductions from FAR Calculations.

1. The following are not included in chargeable floor area, except as specified below in this section:

a. Retail sales and service uses and entertainment use in the DRC zone up to a maximum FAR of two (2);

b. Street-level uses meeting the requirements of Section 23.49.025, Street-level use requirements, whether or not street-level use is required pursuant to Map 1H, if the uses and structure also satisfy the following standards:

(1) The street level of the structure containing the exempt space must have a minimum floor to floor height of thirteen (13) feet;

(2) The street level of the structure containing the exempt space must have a minimum depth of fifteen (15) feet;

(3) Overhead weather protection is provided satisfying the provisions of 23.49.025B5.

c. In the DRC zone, shopping corridors and retail atriums;

d. Child care;

e. Human service use;

f. Residential use, except in the PMM and DH2 zones;

g. Live-work units, except in the PMM and DH2 zones:

h. Museums, and the floor area identified as expansion space for the museum, where such expansion space satisfies the following:

(1) The floor area that will contain the museum expansion space is owned by a museum or a museum development authority; and

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(2) The museum expansion space will be occupied by a museum, existing as of October 31, 2002 on a downtown zoned lot; and

(3) The museum expansion space is physically designed in conformance with Seattle Building Code standards for museum use either at the time of original construction or at such time as museum expansion is proposed.

i. Performing arts theaters;

j. Floor area below grade;

k. Floor area that is used only for short-term parking or parking accessory to residential uses, or both, subject to a limit on floor area used wholly or in part as parking accessory to residential uses of one (1) parking space for each dwelling unit on the lot with the residential use served by the parking;

l. Floor area of a public benefit feature that would be eligible for a bonus on the lot where the feature is located. The exemption applies regardless of whether a floor area bonus is obtained, and regardless of maximum bonusable area limitations; and

m. Public restrooms.

n. All gross floor area of a monorail station, including all floor area open to the general public during normal hours of station operation (but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve monorail riders).

2. As an allowance for mechanical equipment, three and one-half (3-1/2) percent of the gross floor area of a structure shall be deducted in computing chargeable gross floor area. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection B1, or B3 if applicable, has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement

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mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

3. In lieu of the exemptions allowed in subsection B1 of this section, an applicant may elect in writing, at the time of filing of an original master use permit application that involves the proposed addition or change of use of floor area on any lot wholly within a DMC zone on which no bonus floor area has been or is proposed to be gained under Section 23.49.012 or Section 23.49.013, that the following areas on such lot shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential use, except on lots from which development rights have been or are transferred;

b. All gross floor area below grade;

c. All gross floor area used for accessory parking; and

d. The gross floor area of public benefit features, other than housing, that satisfy the requirements of Section 23.49.126, ratios for public benefit features, or that satisfy the requirements for a FAR bonus amenity allowable to a structure in a DOC1 or DOC2 zone for an off-site public benefit feature, and, in either case, satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of the maximum bonusable area limitation.

Section 7. To incorporate all amendments intended by Ordinances 121278 and 121359, Subsection E of Section 23.50.028 of the Seattle Municipal Code is hereby reenacted to read as follows:

23.50.028 Floor area ratio.

* * *

E. All Industrial Zones, Exemptions from FAR Calculations. The following areas shall be exempt from FAR calculations:

1. All gross floor area below grade;

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2. All gross floor area used for accessory parking;

3. All gross floor area used for mechanical equipment, stair and elevator penthouses and communication equipment and antennas located on the rooftop of structures;

4. all gross floor area uses for covered rooftop recreational space of a building existing as of December 31, 1998, when complying with the provisions of Section 23.50.012D;

5. All gross floor area of a monorail station, including all floor area open to the general public during normal hours of station operation (but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve monorail riders); and

6. Within the South Lake Union Hub Urban Village, gross floor area occupied by mechanical equipment, up to a maximum of fifteen (15) percent, is exempt from FAR calculations. The allowance is calculated on the gross floor area of the structure after all exempt space permitted under this subsection is deducted. Mechanical equipment located on the roof of a structure is not calculated as part of the total gross floor area of a structure.

Section 8. To incorporate all amendments intended by Ordinances 121145 and 121196, Subsection D of Section 23.53.015 of the Seattle Municipal Code is hereby reenacted to read as follows:

23.53.015 Improvement requirements for existing streets in residential and commercial zones.

* * *

D. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-Way Greater Than or Equal to the Minimum Width. When a street with existing curbs abuts a lot and the existing right-of-way is greater than

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or equal to the minimum width established in subsection A6 of this section, but the roadway width is less than the minimum established in the Street Improvement Manual, the following requirements shall be met:

(1) All structures on the lot shall be designed to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

(3) If there is no sidewalk, a sidewalk shall be constructed in the portion of the right-of-way abutting the lot, except when the following types of projects are proposed:

i. Remodeling and use changes within existing structures; and

ii. Additions to existing structures which are exempt from environmental review.

b. Streets With Less than the Minimum Right-of-Way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A5 of this section, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section shall be required; provided, however, that if a setback has been

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provided under this provision, other lots on the block shall provide the same setback. In all residential zones except Highrise zones, an additional three (3) foot setback shall also be required. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground structures that would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director of Planning and Development after consulting with the Director of Transportation.

(2) Grading Requirement. When a setback is required, all structures on the lot shall be designed to accommodate the grade of the future street according to the Street Improvement Manual.

(3) No-protest Agreement Requirement. A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

2. Projects With Reduced Improvement Requirements.

a. One (1) or Two (2) Dwelling Units. When one (1) or two (2) dwelling units are proposed to be constructed, or one (1) or two (2) Single Family zoned lots are proposed to be created, the following requirements shall be met:

(1) If there is no existing hard-surfaced roadway, a crushed-rock roadway at least sixteen (16) feet in width shall be required, according to the Street Improvement Manual.

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(2) All structures on the lot(s) shall be designed to accommodate the grade of the future street improvements.

(3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

b. Other Projects With Reduced Requirements. The types of projects listed in this subsection D2b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection:

(1) Types of Projects.

i. Proposed developments that contain fewer than ten (10) units in SF, LDT and L1 zones, and six (6) residential units in all other zones;

ii. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose convenience stores;

iii. Nonresidential structures that have less than four thousand (4,000) square feet of gross floor area and that do not contain uses listed in subsection D2b(1)ii which are larger than seven hundred fifty (750) square feet;

iv. Structures containing a mix of residential uses and either nonresidential uses or live-work units, if there are fewer than ten (10) units in SF, LDT and L1 zones, or fewer than six (6) residential units in all other zones, and the square footage of nonresidential use is less than specified in subsections D2b(1)ii and D2b(1)iii;

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v. Remodeling and use changes within existing structures;

vi. Additions to existing structures that are exempt from environmental review; and

vii. Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

(2) Paving Requirement. For the types of projects listed in subsection D2b(1), the streets abutting the lot shall have a hard- surfaced roadway at least eighteen (18) feet wide. If there is not an eighteen (18) foot wide hard-surfaced roadway, the roadway shall be paved to a width of at least twenty (20) feet from the lot to the nearest hard-surfaced street meeting this requirement, or one hundred (100) feet, whichever is less. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the Street Improvement Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

(3) Other Requirements. The setback, grading and no-protest agreement requirements of subsection D1b shall also be met.

3. Exceptions from Required Street Improvements. The Director may waive or modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, landscaping and curb and sidewalk installation when it is determined that one (1) or more of the following conditions are met:

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a. Location in an environmentally critical area, disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for green street, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would eliminate street access to an existing lot.

e. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.

f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required twenty (20) percent maximum driveway slope.

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h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 9. To incorporate all amendments intended by Ordinances 121145 and 121196, Subsection E of Section 23.53.030 of the Seattle Municipal Code is hereby reenacted to read as follows:

23.53.030 Alley improvements in all zones.

* * *

E. Existing Alleys That Meet the Minimum Width. Except as provided in subsection G of this section and except for one (1) and two (2) dwelling unit developments that abut an alley that is not improved but is in common usage, when an existing alley meets the minimum right-of-way width established in subsection D of this section, the following requirements shall be met:

1. When the alley is used for access to parking spaces, open storage, or loading berths on a lot, the following improvements shall be provided:

a. For the following types of projects, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be improved to at least the equivalent of a crushed rock surface, according to the Street Improvement Manual. The applicant may choose the street to which the improvements will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

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(1) Residential structures with fewer than ten (10) units;

(2) The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose convenience stores;

(3) Nonresidential structures or structures with one or more live-work units that: (a) have less than four thousand (4,000) square feet of gross floor area; and (b) do not contain uses listed in subsection E1a(2) that are larger than seven hundred fifty (750) square feet;

(4) Structures containing a mix of residential and either nonresidential uses, or live-work units, if the residential use is less than ten (10) units, and the total square footage of nonresidential uses and live-work units is less than specified in subsections E1a(2) and E1a(3);

(5) Remodeling and use changes within existing structures;

(6) Additions to existing structures that are exempt from environmental review; and

(7) Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

b. For projects not listed in subsection E1a, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be paved. The applicant may choose the street to which the pavement will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

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2. When the alley is not used for access, if the alley is not fully improved, all structures shall be designed to accommodate the grade of the future alley improvements, and a no-protest agreement to future alley improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

* * *

Section 10. To incorporate all amendments intended by Ordinances 121145, 121196, and 121477, Subsection I of Section 23.54.015 of the Seattle Municipal Code is hereby reenacted to read as follows:

* * *

I. Bicycle Parking.

1. In L2, L3, L4, MR and HR zones, and the SCM zone, for apartments and terraced housing, spaces for bicycles shall be provided in a safe and convenient location, according to the following chart:

Number of Units	Number of Bicycle Spaces Required
5-10	1
11-20	2
More than 20	1 for every 10 units

2. Bicycle parking spaces shall be provided by all institutions in multifamily zones. The number of required bicycle parking spaces shall be five (5) percent of the number of required vehicle spaces. All bicycle spaces should be sheltered from the weather, visible from the institution, and conveniently located.

3. Bicycle parking facilities, either off-street or in the street right-of-way, shall be provided in NC1, NC2, NC3, C1 zones, and the SCM zone for any new use that requires twenty

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(20) or more automobile parking spaces according to Chart A. Automobile service stations, and other drive-in businesses except restaurants with drive-in lanes, shall be exempted from this requirement. All bicycle parking facilities in the street right-of-way shall conform to Seattle Department of Transportation standards.

a. The number of required bicycle parking spaces shall be ten (10) percent of the number of required off-street auto parking spaces.

b. When any covered automobile parking is provided, all bicycle parking shall be covered.

4. Bicycle parking facilities accessory to nonresidential uses or live-work units shall be located on the lot or within eight hundred (800) feet of the lot. Bicycle parking accessory to residential uses shall be located on-site. Bicycle parking facilities shared by more than one (1) use are encouraged. When located off-street, bicycle and automobile parking areas shall be separated by a barrier or painted lines.

* * *

Section 11. To incorporate all amendments intended by Ordinances 121145, 121196, 121359, 121476, 121782, and 121792, Parking Chart A of Section 23.54.015 of the Seattle Municipal Code is hereby reenacted to read as shown in Section 14 of Ordinance 121476, with subsequent amendments as enacted by Section 30 of Ordinance 121782 and Section 1 of Ordinance 121792.

Section 12. To incorporate all amendments intended by Ordinances 121196 and 121362, Section 23.71.038 of the Seattle Municipal Code is hereby reenacted to read as follows:

23.71.038 Standards for mixed use development in commercial zones within the Northgate Overlay District.

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Residential and nonresidential uses or live-work units in a mixed use development in a commercial zone shall meet the requirements of Section 23.47.008 to qualify as a mixed use development.

Section 13. To incorporate all amendments intended by Ordinances 121277, 121278 and 121362, Exhibit A of Section 23.76.004 of the Seattle Municipal Code is hereby reenacted to read as follows:

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Exhibit 23.76.004 A
LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
• Compliance with development standards • Uses permitted outright • Temporary uses, four weeks or less • Intermittent uses • Certain street uses • Lot boundary adjustments • Modifications of features bonused under Title 24 • Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation • Temporary uses, twelve months or less, for relocation of police and fire protection • Exemptions from right-of-way improvement requirements • Special accommodation • Reasonable accommodation • Minor amendment to a Major Phased Development Permit	• Temporary uses, more than four weeks • Variances • Administrative conditional uses • Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals) • Short subdivisions • Special Exceptions • Design review • Light rail transit facilities • Monorail transit facilities • The following environmental determinations: 1. Determination of nonsignificance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) • Major Phased Development	• Subdivisions (preliminary plats)

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COUNCIL LAND USE DECISIONS

TYPE IV (QUASI JUDICIAL)	TYPE V (LEGISLATIVE)
• Land use map amendments (rezones) • Public project approvals • Major Institution master plans • Council conditional uses • Downtown planned community developments	• Land Use Code text amendments • Rezones to implement new City Policies • Concept approval for City facilities • Major Institution designations • Waive or modify development standards for City facilities • Planned Action Ordinance

Section 14. To incorporate all amendments intended by Ordinances 121278, 121362, and 121476, Subsection C of Section 23.76.006 of the Seattle Municipal Code is hereby reenacted to read as follows:

23.76.006 Master Use Permits required.

* * *

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in Seattle Municipal Code Chapter 23.05, Environmental Policies and Procedures):

a. Determination of Nonsignificance (DNSs), including mitigated DNSs;

b. Determination that a final environmental impact statement (EIS) is adequate; and

c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions, including any intergrated decisions to approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except

DIS CITY CLERK

shoreline decisions and related environmental determinations which are appealable to the Shorelines Hearings Board):

a. Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as it necessary to construct the system as provided in Section 23.42.040 E, and excepting temporary relocation of police and fire stations for twelve (12) months or less;

b. Short subdivisions;

c. Variances; provided that, variances sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

d. Special exceptions; provided that, special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

e. Design review;

f. Administrative conditional uses; provide that, administrative conditional uses sought as part of a Type IV decision may be approved by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

(1) Shoreline substantial development permits,

(2) Shoreline variances,

(3) Shoreline conditional uses;

h. Major Phased Development;

i. Determination or project consistence with a planned action ordinance and EIS;

CITY CLERK

j. Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004; and

k. Establishment of monorail transit facilities necessary to operate and maintain a monorail transit system, in accordance with the provisions of Section 23.80.004 and Section 15.54.020.

* * *

Section 15. To incorporate all amendments intended by Ordinances 121115 and 121196, Subsection B of Section 25.06.110 of the Seattle Municipal Code is hereby reenacted to read as follows:

25.06.110 Standards involving base flood elevations.

* * *

B. Nonresidential and Live-work Unit Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure (including a structure with one or more live-work units) shall either have the lowest floor, including basement, elevated to two feet (2') or more above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below two feet (2') above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional civil engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided as set forth in subsection C of Section 25.06.070.

CITY CLERK

Nonresidential structures or structures with one (1) or more live-work units that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection A2 above. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the floodproofed level (e.g., a building floodproofed to one foot (1') above the base flood level will be rated as at the base flood level).

* * *

Section 16. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provisions shall not affect the validity of any other provision.

CITY CLERK

Section 17. 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 6th day of June, 2005, and signed by me in open session in authentication of its passage this 6th day of June, 2005.

President pro tem of the City Council

Approved by me this 15th day of June, 2005.

Gregory J. Nickels, Mayor

Filed by me this 16th day of June, 2005.

City Clerk

(Seal)

CITY CLERK

Kristian Kofoed: S. Cohen
May 18, 2005
DPD Land Use Code Reenactment ORD
Version #:1

Form revised December 9, 2004

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
DPD	Kristian Kofoed/233-7191	Amanda Allen

Legislation Title:
An ordinance relating to land use and zoning, reenacting parts or all of Sections 23.46.004, 23.47.004, 23.47.012, 23.47.042, 23.49.011, 23.50.028, 23.53.015, 23.53.030, 23.54.015, 23.71.038, 23.76.004, 23.76.006, and 25.06.110 of the Seattle Municipal Code in order to carry out the legislative intent as stated in prior ordinances, including Ordinances 120967, 121093, 121115, 121145, 121196, 121277, 121278, 121359, 121362, 121476, 121477, 121563, 121782, and 121792.

- **Summary of the Legislation:**

This legislation reenacts various sections or subsections of the Land Use Code to reflect the City's intent as stated in several prior ordinances.

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

This ordinance reflects the intent of the Council and Executive in Ordinances 120967, 121093, 121115, 121145, 121196, 121277, 121278, 121359, 121362, 121476, 121477, 121563, 121782, and 121792. Through these ordinances, the City added or deleted language from numerous sections of the Land Use Code. In several instances, these additions or deletions were inadvertently omitted from subsequent ordinances (sometimes because the later-passed ordinance was drafted earlier than was the ordinance that passed first). In one case, intended new language was inserted into the Code but its addition was not indicated with underlining as is the City's convention. The attached Council Bill reenacts the affected sections or parts of sections, incorporating all the intended additions or deletions. This technical reenactment will provide a clear guide to legislative intent for users of the Municipal Code.

- *Please check one of the following:*

__x__ This legislation does not have any financial implications.

CITY CLERK

FILED
CITY OF SEATTLE
05 JUL -7 AM 11:45
CITY CLERK

STATE OF WASHINGTON – KING COUNTY

--ss.

186972 No.
CITY OF SEATTLE,CLERKS OFFICE

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:121828 ORDINANCE

was published on

06/20/05

The amount of the fee charged for the foregoing publication is the sum of $1,711.19, which amount has been paid in full.

Subscribed and sworn to before me on

06/20/05

Notary public for the State of Washington,
residing in Seattle

JENNIFER A. PATZER
COMMISSION EXPIRES
NOTARY
PUBLIC
OCT. 24, 2007
STATE OF WASHINGTON

State of Washington, King County

City of Seattle

ORDINANCE 121828

AN ORDINANCE relating to land use and zoning, reenacting parts or all of Sections 23.46.004, 23.47.004, 23.47.012, 23.47.042, 23.49.011, 23.50.028, 23.53.015, 23.53.030, 23.54.015, 23.71.038, 23.76.004, 23.76.006, and 25.06.110 of the Seattle Municipal Code in order to carry out the legislative intent as stated in prior ordinances, including Ordinances 120967, 121093, 121115, 121145, 121196, 121277, 121278, 121359, 121362, 121476, 121477, 121563, 121782, and 121792.

WHEREAS, the City passed Ordinances 120967, 121093, 121115, 121145, 121196, 121277, 121278, 121359, 121362, 121476, 121477, 121563, 121782, and 121792 to amend various portions of the Land Use Code (Title 23 SMC) and Environmental Protection and Historic Preservation Code (Title 25 SMC); and

WHEREAS, in some instances through inadvertence the City failed to show changes made by previous ordinances in one or more subsequent ordinances amending the same section of the Seattle Municipal Code; and

WHEREAS, simplicity and convenience will be served by setting forth the cumulative effects of Ordinances 120967, 121093, 121115, 121145, 121196, 121277, 121278, 121359, 121362, 121476, 121477, 121563, 121782, and 121792 in one ordinance,

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. To incorporate all amendments intended by Ordinances 121145 and 121196, Subsection B of Section 23.46.004 of the Seattle Municipal Code is hereby reenacted to read as follows:

23.46.004 Uses

* * *

B. Live-work units and the following commercial uses shall be permitted outright:

1. Personal and household retail sales and services;
2. Medical services;
3. Restaurants;
4. Business support services;
5. Offices; and
6. Food processing and craft work.

* * *

Section 2. To incorporate all amendments intended by Ordinances 121093, 121196 and 121782, Subsections I and J of Section 23.47.004 of the Seattle Municipal Code are hereby reenacted to read as follows:

23.47.004 Permitted and prohibited uses.

* * *

I. Changes from accessory to principal use parking.

1. In zones where principal use parking is permitted outright, accessory parking may be converted to principal use parking without a separate use permit or approval when the use served by the accessory use parking has been discontinued. Any existing nonconformities as to development standards may be maintained.

2. In zones where principal use parking is not permitted outright, it may be permitted as an administrative conditional use according to subsection 23.47.006 B.8.

* * *

J. Live-work Units.

1. Live-work units are permitted outright in all commercial zones subject to the provisions of this title.

2. Live-work units at street level are prohibited where single-purpose residential structures are prohibited, as shown on Map 23.47.004 A, Wallingford Urban Center; Map G, Lake City Hub Urban Village; and Map I, Bitter Lake Village Hub Urban Village.

3. Live-work units located at street level where permitted are subject to the development standards in Section 23.47.036

D. Exemptions from FAR Calculations. The following areas shall be exempted from FAR calculations:

1. All gross floor area below grade;
2. All gross floor area used for accessory parking;
3. All gross floor area of a monorail station, including all floor area open to the general public during normal hours of station operation (but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve monorail riders); and
4. Within the South Lake Union Urban Village, gross floor area occupied by mechanical equipment, up to a maximum of fifteen (15) percent, is exempt from FAR calculations. The allowance is calculated on the gross floor area of the structure after all exempt space permitted under the subsection is deducted. Mechanical equipment located on the roof of a structure is not calculated as part of the total gross floor area of a structure.

Section 5. To incorporate all amendments intended by Ordinances 121145, 121196, and 121563, Subsections B and C of Section 23.47.042 of the Seattle Municipal Code are hereby reenacted to read as follows:

23.47.042 Uses in pedestrian-designated zones.

* * *

B. Prohibited Uses.

1. Drive-in businesses, including gas stations, are prohibited in pedestrian-designated zones.

2. Live-work units are prohibited at street-level in pedestrian-designated zones.

C. Street-level Uses Required.

1. Street-level uses shall be required along the principal pedestrian street front, except as provided in subsection C4, and shall be limited to the following retail sales and service and office uses if permitted in the underlying commercial zone:

a. Personal and household retail sales and service uses;
b. Eating and drinking establishments;
c. Customer service offices;
d. Entertainment uses;
e. Pet grooming services;
f. Public library.

2. A minimum of eighty (80) percent of each street frontage to which street-level use requirements apply shall be occupied by uses listed in subsection D1. The remaining twenty (20) percent of the street frontage may contain other permitted uses and/or pedestrian entrances (Exhibit 23.47.042 A).

3. Required street-level uses shall be set back no more than ten (10) feet from the street property line and shall occupy at least the first ten (10) feet above sidewalk grade.

4. Street-level use requirements shall not apply to:

a. Public school development along principal pedestrian streets; or
b. Light rail transit facilities

* * *

Section 6. To incorporate all amendments intended by Ordinances 120967, 121196, and 121278, Subsection B of Section 23.49.011 of the Seattle Municipal Code is hereby reenacted to read as follows:

23.49.011 Floor area ratio.

* * *

B. Exemptions and Deductions from FAR Calculations.

1. The following are not included in chargeable floor area, except as specified below in this section:

a. Retail sales and service uses and entertainment use in the DRC zone up

b. All gross floor area below grade;
c. All gross floor area used for accessory parking; and
d. The gross floor area of public benefit features, other than housing, that satisfy the requirements of Section 23.49.126, ratios for public benefit features, or that satisfy the requirements for a FAR bonus amenity allowable to a structure in a DOC1 or DOC2 zone for an off-site public benefit feature, and, in either case, satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of the maximum bonusable area limitation.

Section 7. To incorporate all amendments intended by Ordinances 121278 and 121359, Subsection E of Section 23.50.028 of the Seattle Municipal Code is hereby reenacted to read as follows:

23.50.028 Floor area ratio.

* * *

E. All Industrial Zones, Exemptions from FAR Calculations. The following areas shall be exempt from FAR calculations:

1. All gross floor area below grade;
2. All gross floor area used for accessory parking;
3. All gross floor area used for mechanical equipment, stair and elevator penthouses and communication equipment and antennas located on the rooftop of structures;
4. all gross floor area uses for covered rooftop recreational space of a building existing as of December 31, 1998, when complying with the provisions of Section 23.50.012D;
5. All gross floor area of a monorail station, including all floor area open to the general public during normal hours of station operation (but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve monorail riders); and
6. Within the South Lake Union Hub Urban Village, gross floor area occupied by mechanical equipment, up to a maximum of fifteen (15) percent, is exempt from FAR calculations. The allowance is calculated on the gross floor area of the structure after all exempt space permitted under this subsection is deducted. Mechanical equipment located on the roof of a structure is not calculated as part of the total gross floor area of a structure.

Section 8. To incorporate all amendments intended by Ordinances 121145 and 121196, Subsection D of Section 23.53.015 of the Seattle Municipal Code is hereby reenacted to read as follows:

23.53.015 Improvement requirements for existing streets in residential and commercial zones.

* * *

D. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-Way Greater Than or Equal to the Minimum Width. When a street with existing curbs abuts a lot and the existing right-of-way is greater than or equal to the minimum width established in subsection A6 of this section, but the roadway width is less than the minimum established in the Street Improvement Manual, the following requirements shall be met:

(1) All structures on the lot shall be designed to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

(3) If there is no sidewalk, a sidewalk shall be constructed in the portion of the right-of-way abutting the lot, except when the following types of projects are

shoreline decisions and related environmental determinations which are appealable to the

The amount may be provided by

* * *

Section 3. To incorporate all amendments intended by Ordinances 121093, 121145, and 121196, Subsection I.A.1., Subsection I.A.6., and Subsection I.B. of Commercial Uses Chart A in Section 23.47.004 of the Seattle Municipal Code, together with Footnote 15 to said Chart A, are hereby reenacted to read as follows:

COMMERCIAL USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	NC2	NC3	C1	C2
I. COMMERCIAL USES					
A Retail Sales and Services					
1. Personal and household retail sales and services					
- Multipurpose convenience stores	P	P	P	P	P
- General retail sales and service	P	P	P	P	P
- Major durables sales, service and rental	P	P	P	P	P
* * *					
6. Eating and drinking establishments					

COMMERCIAL USES: CHART A
For Section 23.47.004

- Restaurants	P	P	P	P	P
- Restaurants with drive-in lanes	X	X	CU	P	P
- Drinking Establishment	CU	CU	P	P	P
* * *					
B. Principal Use Parking	X/CU	P/CU	P/CU	P/CU	P/CU
* * *					

[15] Subject to Subsection 23.47.004 J and to development standards in Section 23.47.036. Except where expressly treated as a residential use, live-work units shall be deemed a nonresidential use

Section 4. To incorporate all amendments intended by Ordinances 121278 and 121359, Subsections A and D of Section 23.47.012 of the Seattle Municipal Code are hereby reenacted to read as follows:

23.47.012 Structure height and floor area ratio.

A. Maximum Height. The maximum structure height for commercial zones shall be thirty (30) feet, forty (40) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred twenty-five (125) feet, or one hundred sixty (160) feet, as designated on the Official Land Use Map, Chapter 23.32, except that:

1. Within the South Lake Union Hub Urban Village, the maximum structure height in commercial zones with sixty-five (65) foot and eighty-five (85) foot height limits may be increased to eighty-five (85) feet and one-hundred and five (105) feet, respectively, provided that:

a. a minimum of two (2) floors in the structure have a floor to floor height of at least fourteen (14) feet; and

b. the additional height is used to accommodate mechanical equipment; and

c. the additional height permitted does not allow more than six (6) floors in commercial zones with a sixty-five (65) foot height limit, or more than seven (7) floors in commercial zones with an eighty-five (85) foot height limit.

2. Mixed use structures located in commercial zones with a thirty (30) foot or forty (40) foot height limit may exceed the height limit of the zone according to the provisions of Section 23.47.008.

3. Monorail transit facilities may exceed the height limit of the zone according to the provisions of Section 23.80.004 or Section 15.54.020.

* * *

to a maximum FAR of two (2);

b. Street-level uses meeting the requirements of Section 23.49.025, Street-level use requirements, whether or not street-level use is required pursuant to Map 1H, if the uses and structure also satisfy the following standards:

(1) The street level of the structure containing the exempt space must have a minimum floor to floor height of thirteen (13) feet;

(2) The street level of the structure containing the exempt space must have a minimum depth of fifteen (15) feet;

(3) Overhead weather protection is provided satisfying the provisions of 23.49.025B5.

c. In the DRC zone, shopping corridors and retail atriums;

d. Child care;

e. Human service use;

f. Residential use, except in the PMM and DH2 zones;

g. Live-work units, except in the PMM and DH2 zones:

h. Museums, and the floor area identified as expansion space for the museum, where such expansion space satisfies the following:

(1) The floor area that will contain the museum expansion space is owned by a museum or a museum development authority, and

(2) The museum expansion space will be occupied by a museum, existing as of October 31, 2002 on a downtown zoned lot; and

(3) The museum expansion space is physically designed in conformance with Seattle Building Code standards for museum use either at the time of original construction or at such time as museum expansion is proposed.

i. Performing arts theaters;

j. Floor area below grade;

k. Floor area that is used only for short-term parking or parking accessory to residential uses, or both, subject to a limit on floor area used wholly or in part as parking accessory to residential uses of one (1) parking space for each dwelling unit on the lot with the residential use served by the parking;

l. Floor area of a public benefit feature that would be eligible for a bonus on the lot where the feature is located. The exemption applies regardless of whether a floor area bonus is obtained, and regardless of maximum bonusable area limitations; and

m. Public restrooms.

n. All gross floor area of a monorail station, including all floor area open to the general public during normal hours of station operation (but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve monorail riders).

2. As an allowance for mechanical equipment, three and one-half (3-1/2) percent of the gross floor area of a structure shall be deducted in computing chargeable gross floor area. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection B1, or B3 if applicable, has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

3. In lieu of the exemptions allowed in subsection B1 of this section, an applicant may elect in writing, at the time of filing of an original master use permit application that involves the proposed addition or change of use of floor area on any lot wholly within a DMC zone on which no bonus floor area has been or is proposed to be gained under Section 23.49.012 or Section 23.49.013, that the following areas on such lot shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential use, except on lots from which development rights have been or are transferred;

proposed:

i. Remodeling and use changes within existing structures; and

ii. Additions to existing structures which are exempt from environmental review.

b. Streets With Less than the Minimum Right-of-Way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A5 of this section, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. In all residential zones except Highrise zones, an additional three (3) foot setback shall also be required. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground structures that would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director of Planning and Development after consulting with the Director of Transportation.

(2) Grading Requirement. When a setback is required, all structures on the lot shall be designed to accommodate the grade of the future street according to the Street Improvement Manual.

(3) No-protest Agreement Requirement. A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

2. Projects With Reduced Improvement Requirements.

a. One (1) or Two (2) Dwelling Units. When one (1) or two (2) dwelling units are proposed to be constructed, or one (1) or two (2) Single Family zoned lots are proposed to be created, the following requirements shall be met:

(1) If there is no existing hard-surfaced roadway, a crushed-rock roadway at least sixteen (16) feet in width shall be required, according to the Street Improvement Manual.

(2) All structures on the lot(s) shall be designed to accommodate the grade of the future street improvements.

(3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

b. Other Projects With Reduced Requirements. The types of projects listed in this subsection D2b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection:

(1) Types of Projects.

i. Proposed developments that contain fewer than ten (10) units in SF, LDT and L1 zones, and six (6) residential units in all other zones;

ii. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose convenience stores

iii. Nonresidential structures that have less than four thousand (4,000) square feet of gross floor area and that do not contain uses listed in subsection D2b(1)ii which are larger than seven hundred fifty (750) square feet;

iv. Structures containing a mix of residential uses and either nonresidential uses or live-work units, if there are fewer than ten (10) units in SF, LDT and LT zones, or fewer than six (6) residential units in all other zones, and the square footage of nonresidential use is less than specified in subsections D2b(1)ii and D2b(1)iii;

v. Remodeling and use changes within existing structures;

vi. Additions to existing structures that are exempt from environmental review; and

vii. Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

(2) Paving Requirement. For the types of projects listed in subsection D2b(1), the streets abutting the lot shall have a hard- surfaced roadway at least eighteen (18) feet wide. If there is not an eighteen (18) foot wide hard-surfaced roadway, the roadway shall be paved to a width of at least twenty (20) feet from the lot to the nearest hard-surfaced street meeting this requirement, or one hundred (100) feet, whichever is less. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the Street Improvement Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

(3) Other Requirements. The setback, grading and no-protest agreement requirements of subsection D1b shall also be met.

3. Exceptions from Required Street Improvements. The Director may waive or modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, landscaping and curb and sidewalk installation when it is determined that one (1) or more of the following conditions are met:

a. Location in an environmentally critical area, disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for green street, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would eliminate street access to an existing lot.

e. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.

f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-easement.

2. When the alley is not used for access, if the alley is not fully improved, all structures shall be designed to accommodate the grade of the future alley improvements, and a no-protest agreement to future alley improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

* * *

Section 10. To incorporate all amendments intended by Ordinances 121145, 121196, and 121477, Subsection I of Section 23.54.015 of the Seattle Municipal Code is hereby reenacted to read as follows:

* * *

I. Bicycle Parking.

1. In L2, L3, L4, MR and HR zones, and the SCM zone, for apartments and terraced housing, spaces for bicycles shall be provided in a safe and convenient location, according to the following chart:

Number of Units	Number of Bicycle Spaces Required
5-10	1
11-20	2
More than 20	1 for every 10 units

2. Bicycle parking spaces shall be provided by all institutions in multifamily zones. The number of required bicycle parking spaces shall be five (5) percent of the number of required vehicle spaces. All bicycle spaces should be sheltered from the weather, visible from the institution, and conveniently located.

3. Bicycle parking facilities, either off-street or in the street right-of-way, shall be provided in NC1, NC2, NC3, C1 zones, and the SCM zone for any new use that requires twenty (20) or more automobile parking spaces according to Chart A. Automobile service stations, and other drive-in businesses except restaurants with drive-in lanes, shall be exempted from this requirement. All bicycle parking facilities in the street right-of-way shall conform to Seattle Department of Transportation standards.

a. The number of required bicycle parking spaces shall be ten (10) percent of the number of required off-street auto parking spaces.

b. When any covered automobile parking is provided, all bicycle parking shall be covered.

4. Bicycle parking facilities accessory to nonresidential uses or live-work units shall be located on the lot or within eight hundred (800) feet of the lot. Bicycle parking accessory to residential uses shall be located on-site. Bicycle parking facilities shared by more than one (1) use are encouraged. When located off-street, bicycle and automobile parking areas shall be separated by a barrier or painted lines.

* * *

Section 11. To incorporate all amendments intended by Ordinances 121145, 121196, 121359, 121476, 121782, and 121792, Parking Chart A of Section 23.54.015 of the Seattle Municipal Code is hereby reenacted to read as shown in Section 14 of Ordinance 121476, with subsequent amendments as enacted by Section 30 of Ordinance 121782 and Section 1 of Ordinance 121792.

Section 12. To incorporate all amendments intended by Ordinances 121196 and 121362, Section 23.71.038 of the Seattle Municipal Code is hereby reenacted to read as follows:

23.71.038 Standards for mixed use development in commercial zones within the Northgate Overlay District.

Residential and nonresidential uses or live-work units in a mixed use development in a commercial zone shall meet the requirements of Section 23.47.008 to qualify as a mixed use development.

Section 13. To incorporate all amendments intended by Ordinances 121277, 121278 and Shorelines Hearings Board):

a. Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as it necessary to construct the system as provided in Section 23.42.040 E, and excepting temporary relocation of police and fire stations for twelve (12) months or less;

b. Short subdivisions;

c. Variances; provided that, variances sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

d. Special exceptions; provided that, special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

e. Design review;

f. Administrative conditional uses; provide that, administrative conditional uses sought as part of a Type IV decision may be approved by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

(1) Shoreline substantial development permits,

(2) Shoreline variances,

(3) Shoreline conditional uses;

h. Major Phased Development;

i. Determination or project consistence with a planned action ordinance and EIS;

j. Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004; and

k. Establishment of monorail transit facilities necessary to operate and maintain a monorail transit system, in accordance with the provisions of Section 23.80.004 and Section 15.54.020.

* * *

Section 15. To incorporate all amendments intended by Ordinances 121115 and 121196, Subsection B of Section 25.06.110 of the Seattle Municipal Code is hereby reenacted to read as follows:

25.06.110 Standards involving base flood elevations.

* * *

B. Nonresidential and Live-work Unit Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure (including a structure with one or more live-work units) shall either have the lowest floor, including basement, elevated to two feet (2') or more above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below two feet (2') above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional civil engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided as set forth in subsection C of Section 25.06.070.

Nonresidential structures or structures with one (1) or more live-work units that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection A2 above. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the floodproofed level (e.g., a building floodproofed to one foot (1') above the base flood level

way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required twenty (20) percent maximum driveway slope.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 9. To incorporate all amendments intended by Ordinances 121145 and 121196, Subsection E of Section 23.53.030 of the Seattle Municipal Code is hereby reenacted to read as follows:

23.53.030 Alley improvements in all zones.

* * *

E. Existing Alleys That Meet the Minimum Width. Except as provided in subsection G of this section and except for one (1) and two (2) dwelling unit developments that abut an alley that is not improved but is in common usage, when an existing alley meets the minimum right-of-way width established in subsection D of this section, the following requirements shall be met:

1. When the alley is used for access to parking spaces, open storage, or loading berths on a lot, the following improvements shall be provided:

a. For the following types of projects, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be improved to at least the equivalent of a crushed rock surface, according to the Street Improvement Manual. The applicant may choose the street to which the improvements will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

(1) Residential structures with fewer than ten (10) units;

(2) The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose convenience stores;

(3) Nonresidential structures or structures with one or more live-work units that: (a) have less than four thousand (4,000) square feet of gross floor area; and (b) do not contain uses listed in subsection E1a(2) that are larger than seven hundred fifty (750) square feet;

(4) Structures containing a mix of residential and either nonresidential uses, or live-work units, if the residential use is less than ten (10) units, and the total square footage of nonresidential uses and live-work units is less than specified in subsections E1a(2) and E1a(3);

(5) Remodeling and use changes within existing structures;

(6) Additions to existing structures that are exempt from environmental review; and

(7) Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

b. For projects not listed in subsection E1a, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be paved. The applicant may choose the street to which the pavement will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by

121362, Exhibit A of Section 23.76.004 of the Seattle Municipal Code is hereby reenacted to read as follows:

Exhibit 23.76.004 A
LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
• Compliance with development standards • Uses permitted outright • Temporary uses, four weeks or less • Intermittent uses • Certain street uses • Lot boundary adjustments • Modifications of features bonused under Title 24 • Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation • Temporary uses, twelve months or less, for relocation of police and fire protection • Exemptions from right-of-way improvement requirements • Special accommodation • Reasonable accommodation • Minor amendment to a Major Phased Development Permit	• Temporary uses, more than four weeks • Variances • Administrative conditional uses • Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals) • Short subdivisions • Special Exceptions • Design review • Light rail transit facilities • Monorail transit facilities • The following environmental determinations: 1. Determination of nonsignificance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) • Major Phased Development	• Subdivisions (preliminary plats)

COUNCIL LAND USE DECISIONS

TYPE IV (QUASI JUDICIAL)	TYPE V (LEGISLATIVE)
• Land use map amendments (rezones) • Public project approvals • Major Institution master plans • Council conditional uses • Downtown planned community developments	• Land Use Code text amendments • Rezones to implement new City Policies • Concept approval for City facilities • Major Institution designations • Waive or modify development standards for City facilities • Planned Action Ordinance

Section 14. To incorporate all amendments intended by Ordinances 121278, 121362, and 121476, Subsection C of Section 23.76.006 of the Seattle Municipal Code is hereby reenacted to read as follows:

23.76.006 Master Use Permits required.

* * *

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in Seattle Municipal Code Chapter 23.05, Environmental Policies and Procedures):

a. Determination of Nonsignificance (DNSs), including mitigated DNSs;

b. Determination that a final environmental impact statement (EIS) is adequate; and

c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions, including any intergrated decisions to approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations which are appealable to the

will be rated as at the base flood level).

* * *

Section 16. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provisions shall not affect the validity of any other provision.

Section 17. 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 6th day of June, 2005, and signed by me in open session in authentication of its passage this 6th day of June, 2005.

PETER STEINBRUECK,
President Pro Tem of the City Council.

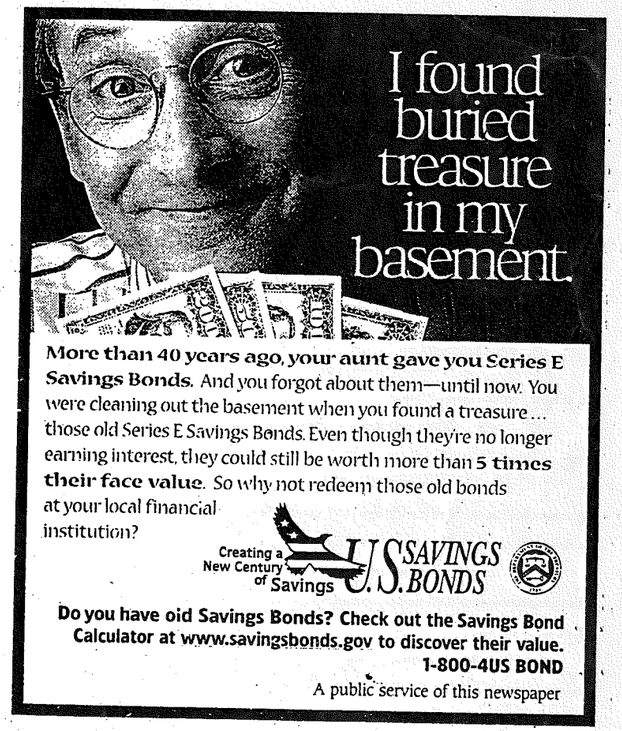
Approved by me this 15th day of June, 2005.

GREGORY J. NICKELS,
Mayor.

Filed by me this 6th day of June, 2005.

(Seal) JUDITH PIPPIN,
City Clerk.

Publication ordered by Judith Pippin, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, June 20, 2005.
6/20(186972)

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