

# 2  
CB 117124

**ORDINANCE \_\_\_\_\_**

1 AN ORDINANCE relating to land use and zoning; amending Sections 23.22.064, 23.22.074,  
2 23.22.078, 23.40.002, 23.40.006, 23.40.007, 23.41.004, 23.42.040, 23.42.050, 23.42.106,  
3 23.42.112, 23.42.122, 23.44.008, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.022,  
4 23.44.041, 23.45.520, 23.47A.012, 23.47A.014, 23.47A.016, 23.47A.032, 23.48.010,  
5 23.48.016, 23.48.034, 23.49.008, 23.49.020, 23.49.056, 23.49.166, 23.50.012, 23.50.024,  
6 23.53.005, 23.53.015, 23.53.020, 23.53.025, 23.53.030, 23.54.015, 23.54.030, 23.54.035,  
7 23.55.028, 23.55.030, 23.55.036, 23.57.002, 23.57.010, 23.57.013, 23.69.024, 23.69.030,  
8 23.69.032, 23.71.016, 23.76.004, 23.76.006, 23.76.010, 23.76.026, 23.76.066, 23.80.004,  
9 23.84A.010, 23.84A.016, 23.84A.024, 23.84A.025, 23.84A.036, 23.84A.038,  
10 23.84A.044, 23.86.006, 23.88.010, 23.88.020, 23.90.019, 23.91.004, and 25.05.675 of the  
11 Seattle Municipal Code, to correct typographical errors, correct section references, clarify  
12 regulations, and make minor amendments; amending Chapter 23.32 of the Seattle  
13 Municipal Code at pages 117, 145, and 189 of the Official Land Use Map to rezone  
14 property located within the Columbia City Station Area, to correct an erroneous zone  
15 designation south of South Norfolk Street, and to revert zoning at 1400 South Lane  
16 Street, respectively; and adding a new Section 23.48.036.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

17 Section 1. Section 23.22.064 of the Seattle Municipal Code, which section was last  
18 amended by Ordinance 118409, is amended as follows:

**23.22.064 Filing with Director of Transportation((÷))**

A. Time of Filing.

19 1. A final plat meeting all the requirements of RCW Chapter 58.17 and of this  
20 chapter, shall be filed with the Director of Transportation within ((five (5)))seven years of the  
21 date of preliminary plat approval.

22 2. Within ((thirty)) ((÷))30((÷))days of the date of filing of the final plat, unless  
23 the applicant consents to an extension of the time period, final plats shall be approved or  
24 disapproved by action of the Council, or returned to the applicant. This approval shall proceed  
25 pursuant to the procedures of this chapter.



\* \* \*

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2 Section 2. Section 23.22.074 of the Seattle Municipal Code, which section was last  
3 amended by Ordinance 118409, is amended as follows:

4 **23.22.074 Council determination of final plat((+))**

5 A. The Council shall determine:

- 6 1. Whether the final plat is in substantial conformance with the approved  
7 preliminary plat;  
8  
9 2. Whether the requirements imposed when the preliminary plat was approved  
10 have been met;  
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12 3. Whether the bond, if required by the City, is sufficient in its terms to assure  
13 completion of improvements; and  
14  
15 4. Whether the requirements of state law and the Seattle Municipal Code  
16 ((which))that were in effect at the time of preliminary plat approval have been satisfied by the  
17 sub-divider.

18 B. The Council shall approve by ordinance, disapprove, or return the proposed final plat.  
19 If the Council approves the plat, it shall inscribe and execute its written approval on the face of  
20 the plat, and the Director of Transportation shall transmit the original plat to the King County  
21 ((Director of Records and Elections))Recorder for filing, and forward one (((+))) copy to the  
22 Director and one (((+))) copy to the County Assessor. At least one (((+))) copy of the approved  
23 final plat shall be retained in the files of the Director of Transportation.  
24

25 C. A subdivision shall be governed by the terms of approval of the final plat and any lots  
26 created thereunder shall be deemed to meet lot requirements imposed by this Land Use Code for  
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1 a period of no less than ~~((five (5)))~~ seven years unless the City Council finds that a change in  
2 circumstances creates a serious threat to the public health or safety in the subdivision.

3 Section 3. Section 23.22.078 of the Seattle Municipal Code, which section was last  
4 amended by Ordinance 118012, is amended as follows:

5 **23.22.078 Resubmission~~((:))~~**

6 A. Any final plat disapproved by the Council or returned to the applicant may, at the  
7 sub-divider's option, be resubmitted for approval upon satisfaction of the following conditions:  
8

9 1. The sub-divider has corrected those deficiencies of the final plat, attachments  
10 to it, or improvements, any or all of which caused the final plat to be returned or disapproved;

11 2. The final plat is resubmitted within the ~~((five (5)))~~ seven year period after the  
12 date of approval of the preliminary plat as provided in Section 23.22.064 or within six ~~((6))~~  
13 months from the date of Council disapproval whichever is later;

14 3. The final plat was not disapproved by Council with prejudice against  
15 resubmission;

16 4. The sub-divider has not accepted any proffered refund of filing fees paid for  
17 individual lots.  
18

19 \* \* \*

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21 Section 4. Section 23.40.002 of the Seattle Municipal Code, which section was last  
22 amended by Ordinance 123378, is amended as follows:

23 **23.40.002 Conformity with regulations required~~((:))~~**

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1 A. The establishment or change of use of any structures, buildings or premises, or any  
2 part thereof, requires approval according to the procedures set forth in Chapter 23.76, Procedures  
3 for Master Use Permits and Council Land Use Decisions, except:

- 4 1. establishment of an urban farm, or community garden, that is permitted  
5 outright under the provisions of this Title 23 applicable to the lot;  
6  
7 2. as permitted in subsections 23.47A.004.E and 23.47A.004.F;  
8  
9 3. keeping of animals as permitted under Section 23.42.052; ~~((and))~~  
10 4. reinstatement of a use interrupted by a temporary use authorized pursuant to  
11 Section 23.42.040; and  
12 5. for uses located entirely within public rights-of-way.

13 \* \* \*

14 Section 5. Section 23.40.006 of the Seattle Municipal Code, which section was last  
15 amended by Ordinance 123189, is amended as follows:

16 **23.40.006 Demolition of Housing**

17 No demolition permit for a structure containing a dwelling unit shall be issued unless one  
18 of the following conditions is satisfied, and provided that no permit for demolition of a structure  
19 containing a dwelling unit may be issued if the new use is for non-required parking:  
20

21 A. The structure is a residential use in a ~~((S))~~single ~~((F))~~family zone that was last  
22 occupied as rental housing and has been unoccupied ~~((as rental housing))~~ for at least 12  
23 consecutive months, unless such demolition aids expansion of a ~~((n-adjacent))~~ non-residential  
24 use; or  
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1 B. A permit or approval has been issued by the Director according to the procedures set  
2 forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, to  
3 change the use of the structure or the premises; or

4 C. A permit or approval has been issued by the Director to relocate the structure  
5 containing a dwelling unit to another lot, whether within the City limits or outside the City limits,  
6 to be used, on the new lot, as a dwelling unit; or

7  
8 \* \* \*

9 Section 6. Section 23.40.007 of the Seattle Municipal Code, which section was enacted  
10 by Ordinance 122901, is amended as follows:

11 **23.40.007 Reuse and Recycling of Building Materials in a Structure Containing a Dwelling**  
12 **Unit((:))**

13  
14 A. Requirements of a Waste Diversion Plan. The Director shall promulgate rules that  
15 define the requirements of an acceptable waste diversion plan within the meaning of subsection  
16 23.40.006((C)).D. Among the requirements shall be minimum levels of building materials that  
17 must be diverted from landfills. The levels shall be established by the Director on the basis of a  
18 review of practices employed in the relevant industries in the region. The levels may vary by  
19 disposal method or type of material and shall reflect, in the Director's opinion, the degree of  
20 waste diversion reasonably attainable through the use of accepted industry practices. The  
21 Director may alter the levels as industry practices evolve.

22  
23 Section 7. Section 23.41.004 of the Seattle Municipal Code, which section was last  
24 amended by Ordinance 123589 , is amended as follows:

25 **23.41.004 Applicability**



A. Design review required.

1. Design review is required for any new multifamily, commercial, or industrial development proposal that exceeds one of the following thresholds in Table A for 23.41.004:

**Table A for 23.41.004: Thresholds for Design Review**

Zone		Threshold
a.	Lowrise (LR3)	8 dwelling units
b.	Midrise (MR)	20 dwelling units
c.	Highrise (HR)	20 dwelling units
d.	Neighborhood Commercial (NC1, 2, 3)	4 dwelling units or 4,000 square feet of nonresidential gross floor area
e.	Commercial (C1, C2)	Four dwelling units or 12,000 square feet of nonresidential gross floor area, when located in an urban center or urban village <sup>1</sup> , or on a lot that abuts or is across a street or alley from a lot zoned single family, or located in the area bounded by: NE 95th St., NE 145th St., 15th Ave. NE, and Lake Washington.
f.	Seattle Mixed (SM)	20 units or 12,000 square feet of nonresidential gross floor area
g.	Industrial Commercial (IC) zone, within all designated urban villages and centers.	12,000 square feet of nonresidential gross floor area

<sup>1</sup>Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

2. Design review is required for all new Major Institution development proposals that exceed any applicable threshold listed in this subsection 23.41.004.A, unless the structure is located within a Major Institution Overlay (MIO) district.



1 3. Design review is required for all new development proposals located in the  
2 following Downtown zones that exceed any of the following thresholds:

3  
4

DOC 1, DOC 2 or DMC Zones	
Use	Threshold
Nonresidential	50,000 square feet of gross floor area
Residential	20 dwelling units

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DRC, DMR, DH1 or DH2 Zones, or PMM zone outside the Pike Market Historical District	
Use	Threshold
Nonresidential	20,000 square feet of gross floor area
Residential	20 dwelling units

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15 4. Design review is required for all new development proposals exceeding 120  
16 feet in width on any single street frontage in the Stadium Transition Area Overlay District as  
17 shown in Map A for 23.74.004, and all new development proposals exceeding 12,000 square feet  
18 of nonresidential gross floor area and electing to add extra floor area above the base FAR that are  
19 located in an IC 85-160 zone.

20  
21 \* \* \*

22 C. Exemptions. The following structures are exempt from design review:

23 1. New structures located in special review districts, regulated by Chapter 23.66;  
24 design review is not available for an applicant applying for additional building height under the  
25 provisions of Section 23.49.180;  
26



1                   2. New structures in Landmark districts regulated by SMC Title 25,  
2 Environmental Protection and Historic Preservation;

3                   3. New structures that are within the historic character area of the Downtown  
4 Harborfront 1 zone regulated by Section 23.60.704, or that are otherwise required to undergo  
5 shoreline design review pursuant to Chapter 23.60; and

6                   ~~((4. New monorail transit facilities that have been subject to review by the Seattle  
7 Design Commission; and))~~

8                   ~~((5))~~4. New light rail transit facilities that have been subject to review by the  
9 Seattle Design Commission.

10                   Section 8. Section 23.42.050 of the Seattle Municipal Code, which section was adopted  
11 by Ordinance 122311, is amended as follows:  
12

13 **23.42.050 Home occupations~~((7))~~**

14                   A home occupation of a person residing in a dwelling unit is permitted outright in that  
15 dwelling unit in all zones as an accessory use to any residential use permitted outright or to a  
16 permitted residential conditional use, in each case subject to the standards of this section.  
17

18                   A. The occupation shall be clearly incidental to the use of the dwelling unit as a  
19 dwelling.  
20

21                   B. Commercial deliveries and pickups to the dwelling unit shall be limited to one ~~((1))~~  
22 per day Monday through Friday. No commercial deliveries or pickups shall be permitted on  
23 Saturday, Sunday or federal holidays.

24                   C. To discourage drop-in traffic, the address of the home occupation shall not be given  
25 in any advertisement, including but not limited to commercial telephone directories, newspapers,  
26



1 magazines, signs, flyers, radio, television or other media. Addresses may be listed on business  
2 cards, but a statement must be included to the effect that business is by appointment only.

3 D. The occupation shall be conducted only within the principal structure or in an  
4 accessory dwelling unit. Parking of vehicles associated with the home occupation shall be  
5 permitted anywhere that parking is permitted on the lot.

6 E. To preserve the residential appearance of the dwelling unit, there shall be no evidence  
7 of the occupation from the exterior of the structure; provided that outdoor play areas for child  
8 care programs and outdoor activities customarily incidental to the residential use shall be  
9 permitted. No outdoor storage shall be permitted in connection with a home occupation.  
10

11 F. To preserve the residential character and use of the dwelling unit, only internal  
12 alterations customary to residential use shall be permitted, and no external alterations shall be  
13 permitted to accommodate a home occupation, except as required by licensing or construction  
14 codes for child care programs.  
15

16 G. Except for child care programs, not more than one ~~((1))~~ person, whether full-time  
17 or part-time, who is not a resident of the dwelling unit may work in the dwelling unit of the home  
18 occupation whether or not compensated. This includes persons working off-site who come to the  
19 site for business purposes at any time as well as persons working on site.  
20

21 H. The home occupation shall not cause or add to on-street parking congestion or cause  
22 a substantial increase in traffic through residential areas.

23 I. A maximum of two ~~((2))~~ passenger vehicles, vans and similar vehicles each not  
24 exceeding a gross vehicle weight of ~~((ten thousand-))~~10,000~~((3))~~ pounds shall be permitted to  
25 operate in connection with the home occupation.  
26



1 J. The home occupation shall be conducted so that odor, dust, light and glare, and  
2 electrical interference and other similar impacts are not detectable by sensory perception at or  
3 beyond the property line of the lot where the home occupation is located.

4 K. Signs ~~((shall be))~~are regulated by ~~((Section 23.55.020))~~ Chapter 23.55.

5 L. Child care programs in the home of the operator ~~((shall be))~~are limited to ~~((twelve  
6 )12((+)))~~ children per day including the children of the operator.

7  
8 Section 9. Section 23.42.106.F of the Seattle Municipal Code, which section was last  
9 amended by Ordinance 123495, is amended as follows:

10 **23.42.106 Expansion of Nonconforming Uses((+))**

11 \* \* \*

12 F. Structures meeting applicable development standards for institutions in the applicable  
13 zone may be added to existing cemeteries, but ~~((E))~~existing cemeteries shall not be expanded in  
14 size. For purposes of this section, a change in a cemetery boundary is not considered an  
15 expansion in size and is permitted provided that:

- 16
- 17 1. the change does not result in a net increase in the land area occupied by the  
18 cemetery;
  - 19 2. the land being added to the cemetery is contiguous to the existing cemetery  
20 and is not separated from the existing cemetery by a public street or alley whether or not  
21 improved; and
  - 22 3. the use of the land being added as a cemetery will not result in the loss of  
23 housing.  
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1 Section 10. Section 23.42.112 of the Seattle Municipal Code, which section was last  
2 amended by Ordinance 123046, is amended as follows:

3 **23.42.112 Nonconformity to development standards**

4 A. A structure nonconforming to development standards may be maintained, renovated,  
5 repaired or structurally altered but may not be expanded or extended in any manner that  
6 increases the extent of nonconformity or creates additional nonconformity, except:

7  
8 1. ~~((A))~~any portion of a principal structure in a ~~((S))~~single ~~((F))~~family zone that is  
9 nonconforming to front and/or rear yard requirements may be increased in height by up to 5 feet,  
10 but not to exceed the height limit of the zone, and only to the extent necessary to achieve  
11 minimum ceiling height in an existing basement or another floor within the principal structure to  
12 conform to the City's regulations for habitable rooms or to accommodate a pitched roof on the  
13 principal structure. If the height of a principal structure is being raised to increase ceiling height  
14 in a basement or another floor, existing porches or steps may extend into a required yard to the  
15 extent necessary to meet Building Code standards, but in no case shall they be located closer  
16 than 3 feet to any lot line.

17  
18 2. mechanical equipment may be added or replaced, even if nonconformity is  
19 created by the addition or replacement, provided that the new mechanical equipment serves the  
20 same function as existing equipment;

21  
22 ~~((2))~~3. ~~((A))~~as otherwise required by law;

23 ~~((3))~~4. ~~((A))~~as necessary to improve access for the elderly or disabled; ~~((e))~~

24 ~~((4))~~5. ~~((A))~~as specifically permitted for nonconforming uses and nonconforming  
25 structures elsewhere in this Land Use Code; or~~((:))~~  
26





1 D. An exception from one ~~((1))~~ specific standard does not relieve the applicant from  
2 compliance with any other standard.

3 E. Methods for measurements are provided in Chapter 23.86. Standards for parking  
4 access and design are provided in Chapter 23.54.

5 F. Except for a detached accessory dwelling unit, any structure occupied by a permitted  
6 use other than single-family residential use may be converted to single-family residential use  
7 even if the structure does not conform to the development standards for single-family structures.  
8 Expansions of converted nonconforming structures ~~((shall be))~~ are regulated by Section  
9 23.42.108. Conversion of structures occupied by nonconforming uses ~~((shall be))~~ are regulated by  
10 Sections 23.42.108 and 23.42.110.  
11

12 G. Development standards governing lots containing an environmentally critical area or  
13 buffer may be modified according to the provisions of Chapter 25.09.  
14

15 H. Exterior lighting shall be shielded and directed away from residentially zoned lots.  
16 The Director may require that the intensity of illumination be limited and that the location of the  
17 lighting be changed.  
18

19 I. Tree Requirements.

20 1. Trees ~~((shall be))~~ are required when single-family dwelling units are  
21 constructed. The minimum number of caliper inches of tree required per lot may be met  
22 ~~((through))~~ by using either the tree preservation option or tree planting option ~~((set~~  
23 ~~forth))~~ described in subsections 23.44.008.I.1.a. or I.1.b.((below)), or ~~((through))~~ by a combination  
24 of preservation and planting. This requirement may be met by planting or preserving street trees  
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26  
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28



1 in the public right-of-way. Submerged land shall not be included in calculating lot area for  
2 purposes of either the tree preservation option or tree planting option.

3 a. Tree Preservation Option. For lots over ~~((three thousand-))3,000(( ))~~  
4 square feet, at least ~~((two-))2(( ))~~ caliper inches of existing tree per ~~((one thousand-))1,000(( ))~~  
5 square feet of lot area must be preserved. On lots that are ~~((three thousand-))3,000(( ))~~ square  
6 feet or smaller, at least ~~((three-))3(( ))~~ caliper inches of existing tree must be preserved per lot.  
7 When this option is used, a tree preservation plan is required.  
8

9 b. Tree Planting Option. For lots over ~~((three thousand-))3,000(( ))~~ square  
10 feet, at least ~~((two-))2(( ))~~ caliper inches of tree per ~~((one thousand-))1,000(( ))~~ square feet of  
11 lot area must be planted. On lots that are ~~((three thousand-))3,000(( ))~~ square feet or smaller, at  
12 least ~~((three-))3(( ))~~ caliper inches of tree must be planted per lot.  
13

14 2. Tree Measurements. Trees planted to meet the requirements in subsection  
15 23.44.008.I.1 ~~((above))~~ shall be at least ~~((one and one-half-))1.5(( ))~~ inches in diameter. The  
16 diameter of new trees shall be measured (in caliper inches) ~~((six-))6(( ))~~ inches above the ground.  
17 Existing trees shall be measured ~~((four and one-half-)) 4.5 (( ))~~ feet above the ground. When an  
18 existing tree is ~~((three-)) 3 (( ))~~ to ~~((ten-)) 10 (( ))~~ inches in diameter, each ~~((one-))1(( ))~~ inch  
19 counts as ~~((one-))1(( ))~~ inch toward meeting the tree requirements in subsection 23.44.008.I.1  
20 ~~((above))~~. When an existing tree is more than ~~((ten-))10(( ))~~ inches in diameter, each ~~((one~~  
21 ~~))1(( ))~~ inch of the tree that is over ~~((ten-)) 10(( ))~~ inches shall count as ~~((three-))3(( ))~~ inches  
22 toward meeting the tree requirement.  
23

24 3. Tree Preservation Plans. If the tree preservation option is chosen, a tree  
25 preservation plan must be submitted and approved. Tree preservation plans shall provide for  
26



1 protection of trees during construction according to standards promulgated by the ((Department  
2 of Planning and Development))Director.

3 Section 13. Section 23.44.010 of the Seattle Municipal Code, which section was last  
4 amended by Ordinance 123046, is amended as follows:

5 **23.44.010 Lot requirements**

6 \* \* \*

7  
8 B. Exceptions to Minimum Lot Area Requirements. The following exceptions to  
9 minimum lot area requirements are allowed, except as limited under subsection 23.44.010.B.2:

10 1. ~~((subject to the limits of subsection B5.))~~ A lot ~~((which))~~that does not satisfy  
11 the minimum lot area requirements of its zone may be developed or redeveloped separately ~~((as a  
12 separate building site according to))~~ under one of the following circumstances:

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

18  
19 a. "The Seventy-Five/Eighty Rule."

20  
21 1) If the ~~((The))~~ lot was established as a separate building site in  
22 the public records of the county or City prior to July 24, 1957, by deed, contract of sale,  
23 mortgage, property tax segregation, platting or building permit and has an area of at least  
24 ~~((seventy-five (75)))~~ 75 ~~((%))~~ percent of the minimum required lot area and at least ~~((eighty (80)))~~ 80 ~~((%))~~



1 percent of the mean lot area of the lots on the same block face and within the same zone in which  
2 the lot is located (Exhibit A for 23.44.010 ((A))), or

3 ~~((b.))~~ 2) If the ~~((The))~~ lot is or was created by subdivision, short  
4 subdivision or lot boundary adjustment, ~~((and))~~ is at least ~~((seventy-five ()))~~ 75 ~~(())~~ percent of the  
5 minimum required lot area, and is at least ~~((eighty ()))~~ 80 ~~(())~~ percent of the mean lot area of the  
6 lots on the same block face within which the lot will be located and within the same zone  
7  
8 (Exhibit A for 23.44.010 ((A))), ~~((; or))~~

9 3) For purposes of this subsection 23.44.010.B.1.a, if the platting  
10 pattern is irregular, the Director will determine which lots are included within a block face.

11 4) A determination whether a lot qualifies for this exception shall  
12 be made on the basis of facts in existence as of the date of application for a short plat or building  
13 permit for that lot. ~~((; or))~~

14  
15 ~~((2))~~ b. The lot area deficit is the result of a dedication or sale of a portion  
16 of the lot to the City or state for street or highway purposes, ~~((and))~~ payment was received for  
17 only that portion of the lot, and the lot area remaining is at least ~~((fifty ()))~~ 50 ~~(())~~ percent of the  
18 minimum required. ~~((; or))~~

19  
20 ~~((3))~~ c. The lot would qualify as a legal building site under ~~((this))~~  
21 subsection 23.44.010.B but for a reduction in lot area due to court-ordered adverse possession,  
22 and the amount by which the lot was so reduced was less than ~~((ten ()))~~ 10 ~~(())~~ percent of the  
23 former area of the lot. ~~((, provided, that this))~~ This exception ~~((shall))~~ does not apply to lots  
24 reduced to less than ~~((fifty ()))~~ 50 ~~(())~~ percent of the minimum area required under subsection ~~((A~~  
25 ~~of Section))~~ 23.44.010.A ~~((; or))~~



1                   ((4.)) d. The lot was established as a separate building site in the public  
2 records of the county or City prior to July 24, 1957, by deed, contract of sale, mortgage, property  
3 tax segregation, platting or building permit, and falls into one ((4)) of the following categories:  
4 ((provided that, lots on totally submerged lands shall not qualify for this exception:))

5                   ((a.)) 1) The lot ((is not)) has not been held in common ownership  
6 with any contiguous lot ((en or)) after January 17, 1987 ((the effective date of the ordinance  
7 from which this subsection derives)), or

8                   ((b.)) 2) The lot is or has been held in common ownership with a  
9 contiguous lot ((en or)) after January 17, 1987 ((the effective date of the ordinance from which  
10 this subsection derives)) and is or has been developed with a principal structure ((which)) that is  
11 wholly within the ((lot)) lot's boundaries, ((; provided, that)) but only if no portion of any  
12 contiguous lot is required to meet the least restrictive of lot area, lot coverage, setback or yard  
13 requirements ((which)) that were in effect at the time of the original construction of the principal  
14 structure, at the time of its subsequent additions, or ((which)) that are in effect at the time of  
15 redevelopment of the lot (Exhibit B for 23.44.010 ((B)), or

16                   ((c.)) 3) The lot is or has been held in common ownership with a  
17 contiguous lot ((en or)) after ((the effective date of the ordinance from which this subsection  
18 derives)) January 17, 1987 and is not developed with all or part of a principal structure,  
19 ((; provided, that)) but only if no portion of the lot is required to meet the least restrictive of lot  
20 area, lot coverage, setback or yard requirements ((which)) that were in effect for a principal  
21 structure on the contiguous lot at the time of the construction of the principal structure, at the  
22 time of its subsequent additions, or ((which)) that are in effect at the time of the development of



1 the lot (Exhibit B for 23.44.010 ((B)) ).~~((; and provided further, that if))~~ If any portion of the lot  
2 to be developed has been used to meet the parking requirement in effect for a principal structure  
3 on a contiguous lot, such parking requirement ((can and shall be legally met on the contiguous  
4 lot))must continue to be met on the lot to be developed or alternative parking that meets the  
5 requirements of this Land Use Code must be provided for the contiguous lot.

6  
7 4) For purposes of ~~((this))~~ subsection ((B4)) 23.44.010.B.1.d,  
8 removal of all or any part of a principal structure or destruction by fire or act of nature on or after  
9 ~~((the effective date of the ordinance from which this subsection derives shall))~~ January 18, 1987,  
10 does not qualify the lot for ~~((the))~~ this minimum lot area exception (Exhibit C for 23.44.010)  
11 ~~((C))~~ except that minor features containing no interior floor area including but not limited to  
12 eaves and unenclosed decks extending onto an adjacent property do not serve to tie the properties  
13 together for purposes of this exception, and these features may be removed to allow separate  
14 development of the lots if they otherwise qualify; or

15  
16 e. The lot is within a Clustered Housing Planned Development pursuant to  
17 Section 23.44.024, a Planned Residential Development pursuant to Section 23.44.034, or a  
18 development approved as an environmentally critical areas conditional use pursuant to Section  
19 25.09.260.

20  
21 f. The lot is or was created by short subdivision of a lot containing more  
22 than one existing single family dwelling unit pursuant to Section 23.24.046.

23 ~~((5.))~~ 2. Limitations.

24 a. Development may occur on a substandard lot containing a riparian  
25 corridor, a shoreline habitat and shoreline habitat buffer, a wetland and wetland buffer, or a steep  
26



1 slope and steep slope buffer pursuant to the provisions of ((SMC)) Chapter 25.09, Regulations  
2 for Environmentally Critical Areas, if the following conditions apply:

3 ((a))1). The substandard lot is not held in common ownership with  
4 an adjacent lot or lots at any time after ((the effective date of SMC Chapter 25.09, Regulations  
5 for Environmentally Critical Areas)) October 31, 1992, or

6 ((b))2). The substandard lot is held in common ownership with an  
7 adjacent lot or lots, or has been held in common ownership at any time after ((the effective date  
8 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, but)) October 31, 1992,  
9 if proposed and future development will not intrude ((upon)) into the environmentally critical  
10 area or buffer((;))

11  
12 b. Lots on totally submerged lands do not qualify for any minimum lot  
13 area exceptions.

14  
15 ((6. Lots contained in a clustered housing planned development (Section  
16 23.44.024), a planned residential development (Section 23.44.034), or a clustered development  
17 in an environmentally critical area.))

18 C. Maximum Lot Coverage. The maximum lot coverage permitted for principal and  
19 accessory structures is as follows:

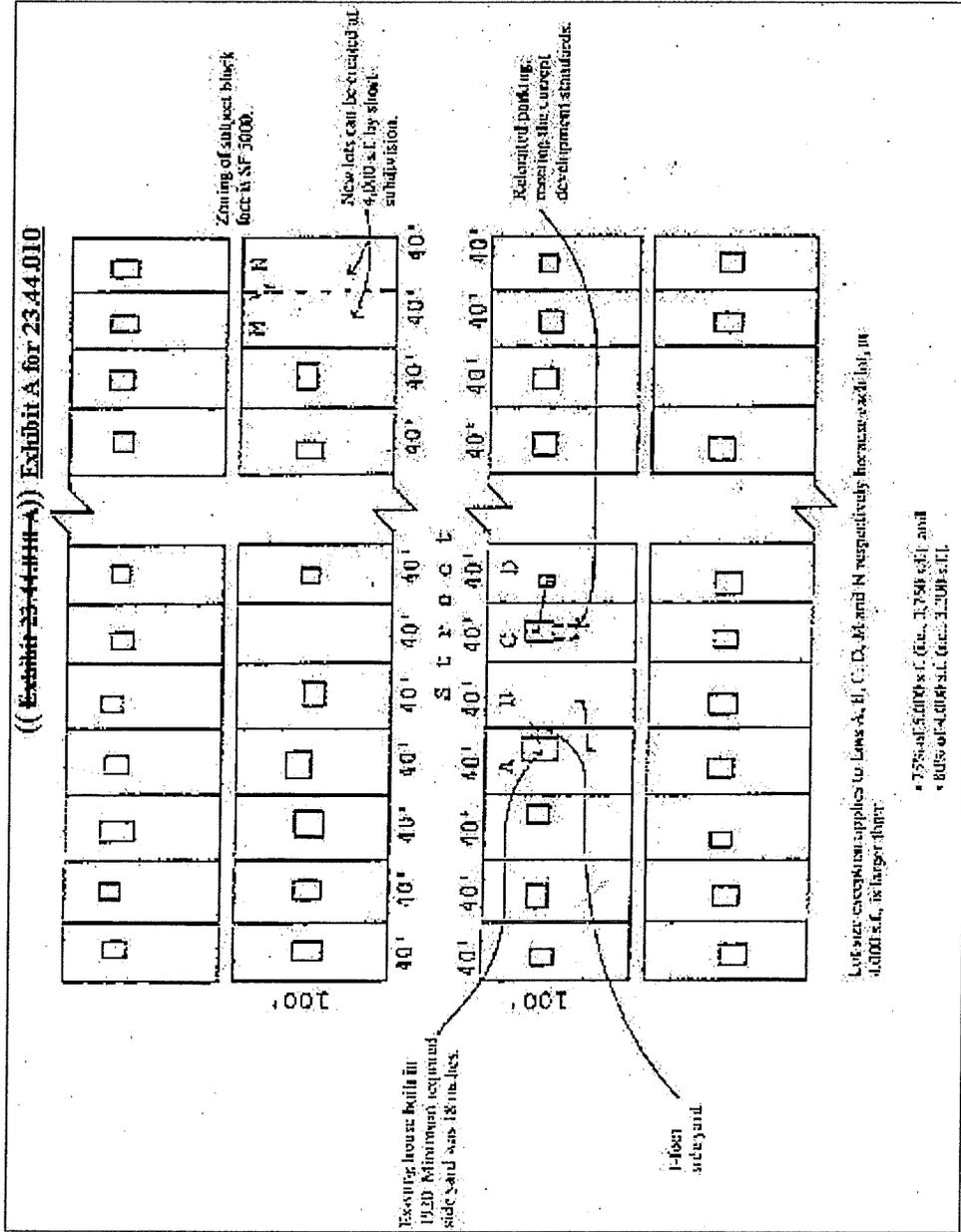
21 Lot Size	Maximum Lot Coverage
22 Less than 5,000 square feet (sq. ft.)	1,000 sq. ft. + 15% of lot area
23 5,000 sq. ft. or more	35% of lot area

24 \* \* \*



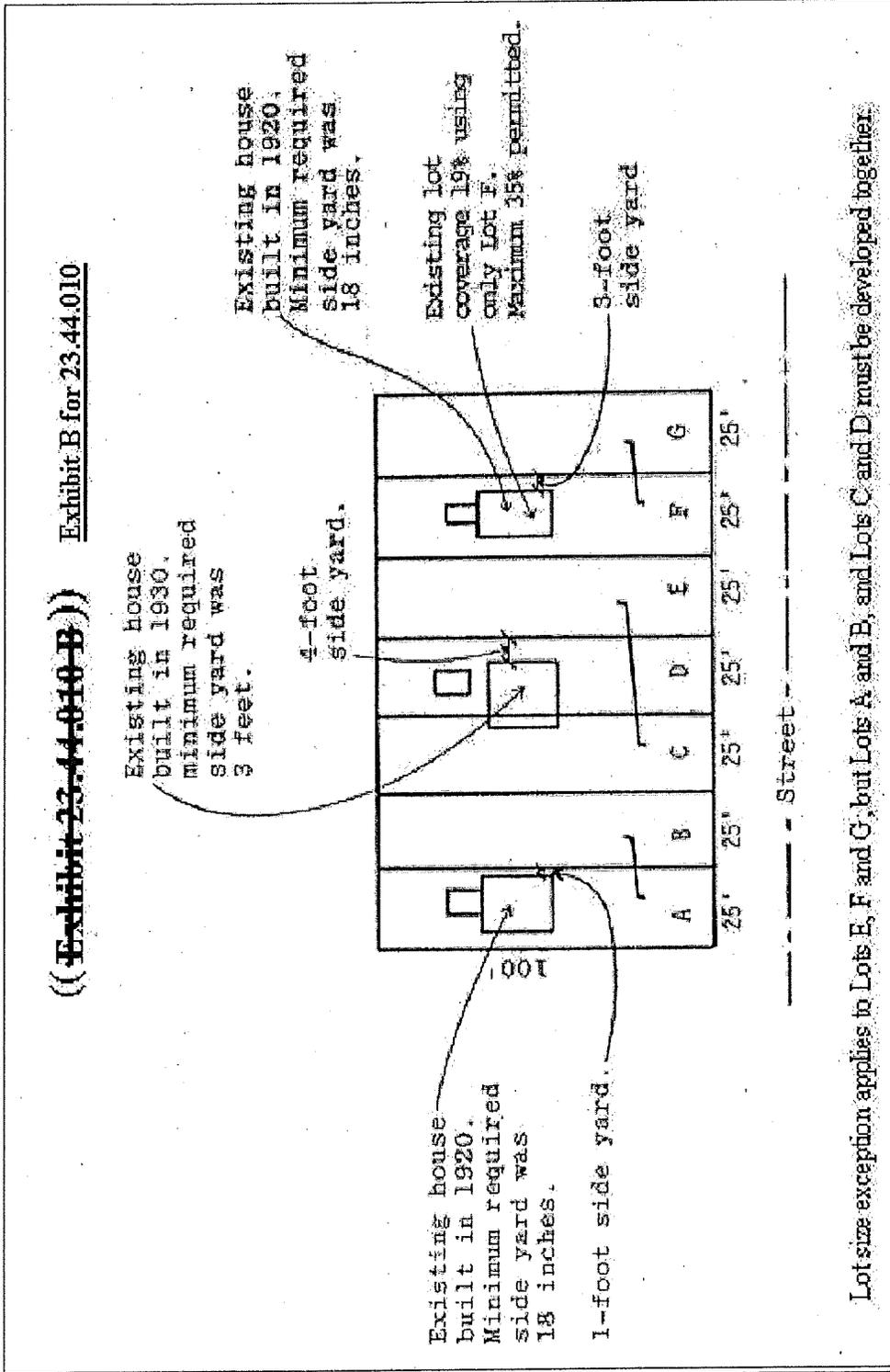
**Exhibit A for 23.44.010**

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**Exhibit B for 23.44.010**

**(( Exhibit 23.44.010-B ))** Exhibit B for 23.44.010



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

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**Exhibit C for 23.44.010**

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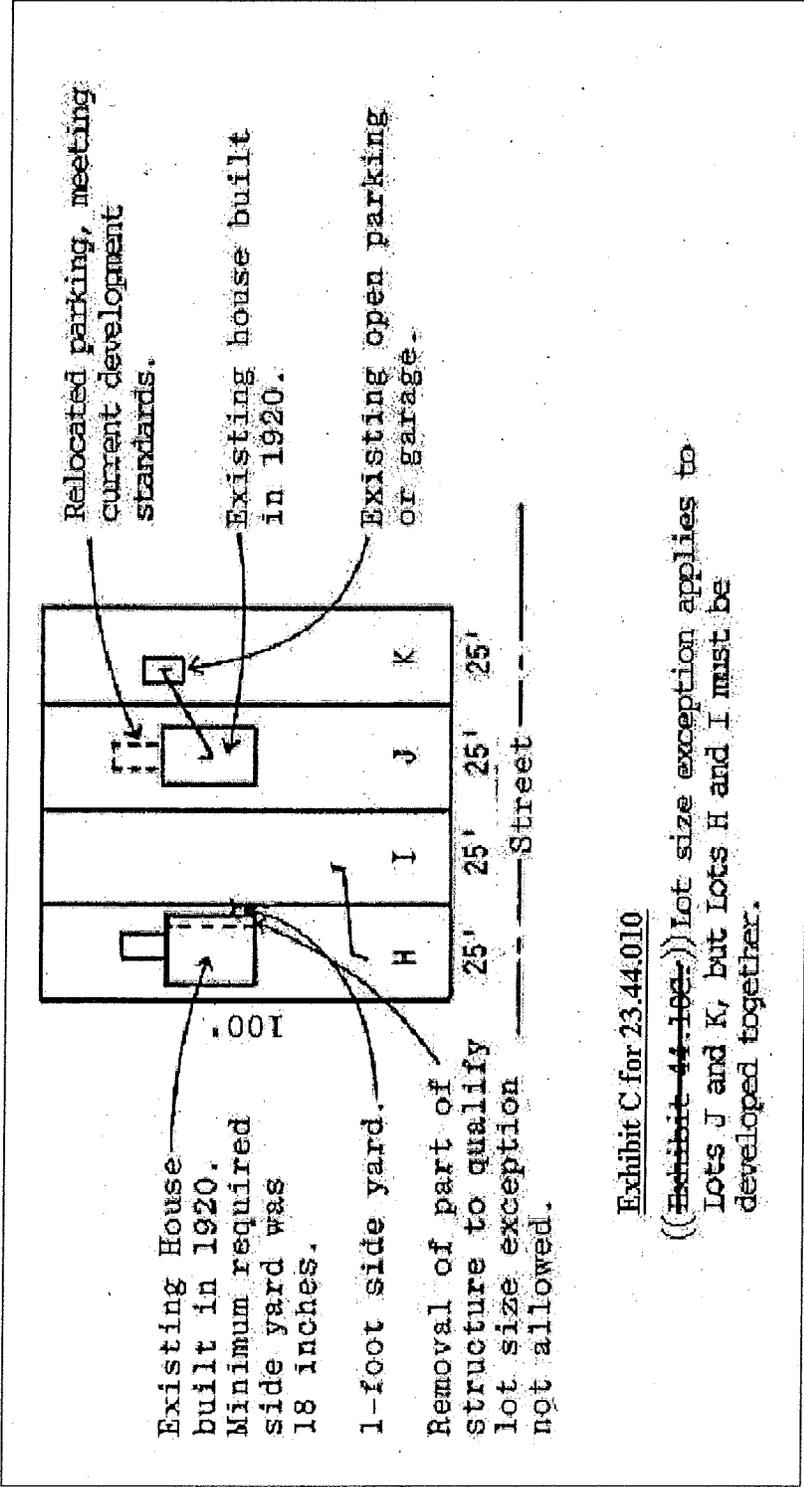


Exhibit C for 23.44.010  
 ((~~Exhibit 44-166~~)) Lot size exception applies to Lots J and K, but Lots H and I must be developed together.



1 Section 14. Section 23.44.012 of the Seattle Municipal Code, which section was last  
2 amended by Ordinance 123564, is amended as follows:

3 **23.44.012 Height Limits**

4 \* \* \*

5 C. Height Limit Exemptions.

6 1. Flagpoles. Except in the Airport Height Overlay District, Chapter 23.64,  
7 flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line  
8 than ~~((fifty-))50(( ))~~ percent of their height above existing grade, or, if attached only to a roof,  
9 no closer than ~~((fifty-))50(( ))~~ percent of their height above the roof portion where attached.  
10

11 2. Other Features. Open rails and planters may extend no higher than the ridge of  
12 a pitched roof permitted under subsection 23.44.012.B or ~~((four-))4(( ))~~ feet above the  
13 maximum height limit in subsection 23.44.012.A((a flat roof)). Planters on flat roofs shall not be  
14 located within 4 feet of more than 25 percent of the perimeter of the roof. For any structure with  
15 a green roof and having a minimum rooftop coverage of 50 percent, up to 24 inches of additional  
16 height above the height limit is allowed to accommodate structural requirements, roofing  
17 membranes, and soil. Chimneys may extend ~~((four-))4(( ))~~ feet above the ridge of a pitched roof  
18 or above a flat roof.  
19

20 3. Projections that accommodate windows and result in additional interior space,  
21 including dormers, clerestories, skylights, and greenhouses, may extend no higher than the ridge  
22 of a pitched roof permitted pursuant to subsection 23.44.012.B, or ~~((four-feet-))4(( ))~~ feet above  
23 the applicable height limit pursuant to subsection 23.44.012.A, whichever is higher, if all of the  
24 following conditions are satisfied (Exhibit D for 23.44.012~~((D))~~):  
25  
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28



1 a. ~~((the))~~ The total area of these projections is limited to ~~((thirty))~~30  
2 percent ~~((30%))~~ of the area of each roof plane measured from the plan view perspective;

3 b. On pitched roofs, projections are limited to ~~((ten feet-))~~10~~(('))~~ feet in  
4 width with a minimum separation of ~~((three feet-))~~3~~(('))~~ feet from other projections; and

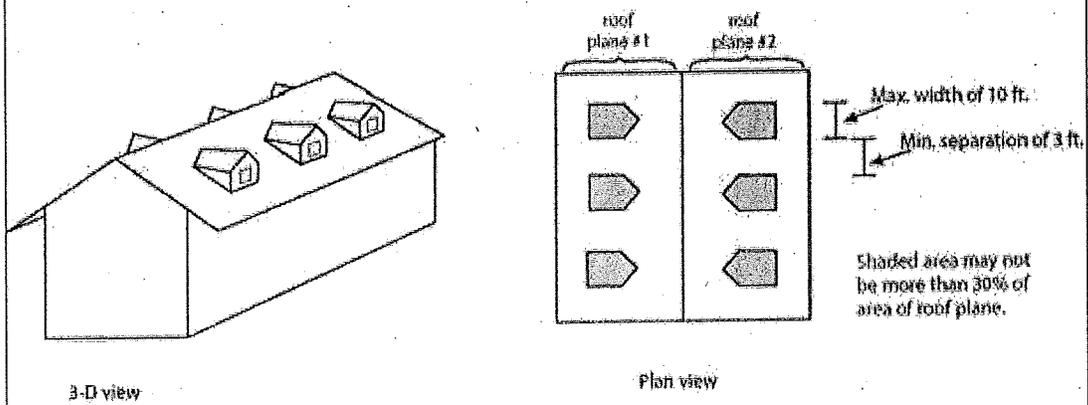
5 c. On flat roofs, projections are set back at least 4 feet from exterior  
6 walls.  
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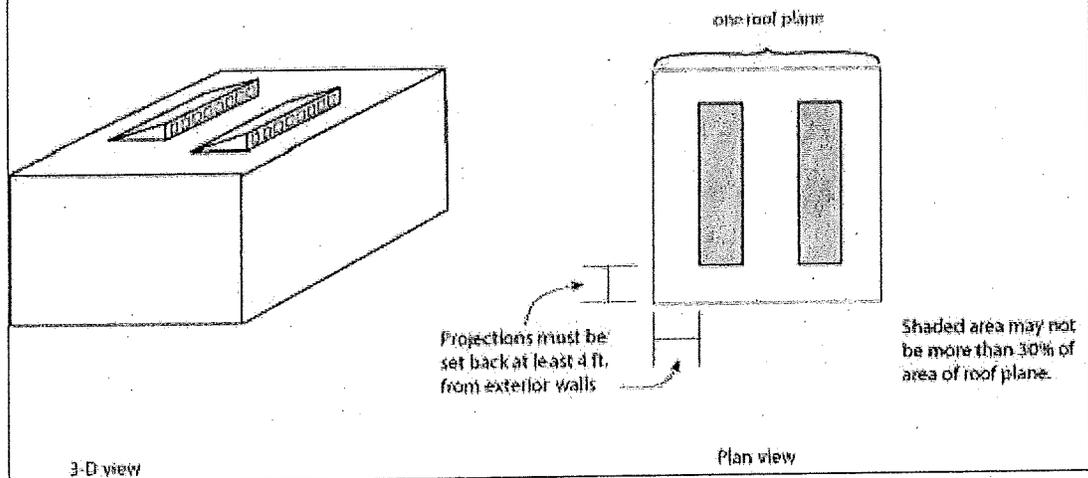
Exhibit D for 23.44.012

~~Exhibit 23.44.012D~~ Exhibit D for 23.44.012  
**Roof Projections**

**Pitched Roof**



**Flat Roof**





\* \* \*

1  
2 12. ~~((Heat Pumps))~~Mechanical equipment. Heat pumps and similar mechanical  
3 equipment, not including incinerators, are permitted in required yards if they comply with the  
4 requirements of Chapter 25.08, Noise Control. Any heat pump or similar equipment shall not be  
5 located within 3 feet of any lot line. Charging devices for electric cars are considered mechanical  
6 equipment and are permitted in required yards if not located within 3 feet of any lot line.

\* \* \*

8  
9 14. Front Yard Projections for Structures on Lots 30 Feet or Less in Width. For a  
10 structure on a lot that is 30 feet or less in width, portions of the front facade that begin 8 feet or  
11 more above finished grade may project up to 4 feet into the required front yard, provided that no  
12 portion of the facade, including eaves and gutters, shall be closer than 5 feet to the front lot line  
13 (Exhibit B for 23.44.014), and provided further that no portion of the façade of an existing  
14 structure that is less than 8 feet or more above finished grade already projects into the required  
15 front yard.

\* \* \*

17  
18 17. Cisterns. Rain barrels and cisterns may extend into a required yard according  
19 to the following:

20  
21 a. Stand alone cisterns or connected systems shall be allowed without  
22 setback restrictions if each cistern is less than 4.5 feet tall excluding piping, less than 4 feet wide,  
23 and the system's total storage capacity is no greater than 600 gallons.

24 b. Larger cisterns or systems may be permitted in required yards provided  
25 that they do not exceed ten percent coverage in any required yard, and they are not located closer  
26



1 than 2.5 feet from a side lot line, 20 feet from a rear lot line or centerline of an alley abutting the  
2 rear lot line, or 15 feet from the front lot line.

3 \* \* \*

4 Section 16. Section 23.44.016 of the Seattle Municipal Code, which section was last  
5 amended by Ordinance 123046, is amended as follows:

6 **23.44.016 Parking and Garages**

7 \* \* \*

8  
9 C. Location of Parking.

- 10 1. Parking shall be located on the same lot as the principal use, except as  
11 ((otherwise)) provided in this subsection.
- 12 2. Parking on planting strips is prohibited.
- 13 3. For lots developed with one single family dwelling, ((N))no more than three  
14 vehicles may be parked outdoors on any lot.
- 15 4. Parking accessory to a floating home may be located on another lot if within  
16 600 feet of the lot on which the floating home is located. The accessory parking shall be  
17 screened and landscaped according to subsection 23.44.016.G.
- 18 5. Parking accessory to a single-family structure existing on June 11, 1982, may  
19 be established on another lot if all the following conditions are met:
- 20 a. There is no vehicular access to permissible parking areas on the lot.
- 21 b. Any garage constructed is for no more than two two-axle, or two up to  
22 four-wheeled vehicles.
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1 c. Parking is screened or landscaped as required by the Director, who shall  
2 consider development patterns of the block or nearby blocks.

3 d. The lot providing the parking is within the same block or across the  
4 alley from the principal use lot.

5 e. The accessory parking shall be tied to the lot of the principal use by a  
6 covenant or other document recorded with the King County (~~Department of Records and~~  
7 ~~Elections~~))Recorder.

8  
9 D. Parking and Garages in Required Yards.

10 1. Parking and garages shall not be located in the required front yard except as  
11 provided in subsections 23.44.016.D.7, D.9, D.10, D.11 and D.12.

12 2. Parking and garages shall not be located in a required side yard abutting a  
13 street or the first 10 feet of a required rear yard abutting a street except as provided in  
14 subsections 23.44.016.D.7, D.9, D.10, D.11 and D.12.

15 3. (~~Parking and g~~))Garages shall not be located in a required side yard that abuts  
16 the rear or side yard of another lot or in that portion of the rear yard of a reversed corner lot  
17 within 5 feet of the key lot's side lot line unless:

18 a. The garage is located entirely in that portion of a side yard that is either  
19 within 35 feet of the centerline of an alley or within 25 feet of any rear lot line that is not an alley  
20 lot line; or

21 b. An agreement between the owners of record of the abutting properties,  
22 authorizing the garage in that location, is executed and recorded, pursuant to subsection  
23 23.44.014.D.2.a.  
24  
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\* \* \*

1  
2 Section 17. Section 23.44.022 of the Seattle Municipal Code, which section was last  
3 amended by Ordinance 123547, is amended as follows:

4 **23.44.022 Institutions**

5 \* \* \*

6 D. General Provisions.

7  
8 1. New or expanding institutions in single-family zones shall meet the  
9 development standards for uses permitted outright in Sections 23.44.008 through 23.44.016  
10 unless modified elsewhere in this subsection or in a Major Institution master plan.

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

15 3. Institutions seeking to establish or expand on property ~~((which))~~that is  
16 developed with residential structures may expand their campus up to a maximum of ~~((two and  
17 one-half (1/2)))~~ 2 1/2(1/2) acres. An institution campus may be established or expanded beyond ~~((two  
18 and one-half (1/2)))~~ 2 1/2(1/2) acres if the property proposed for the expansion is substantially vacant  
19 land.  
20  
21

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

25 \* \* \*



1 Section 18. Section 23.44.041 of the Seattle Municipal Code, which section was last  
2 amended by Ordinance 123209, is amended as follows:

3 **23.44.041 Accessory Dwelling Units**

4 A. Accessory dwelling units, general provisions. The Director may authorize an  
5 accessory dwelling unit, and that dwelling unit may be used as a residence, only under the  
6 following conditions:

7  
8 1. A lot with or proposed for a single-family dwelling may have no more than  
9 one accessory dwelling unit.

10  
11 2. The owner(s) of the lot shall comply with the owner occupancy requirements  
12 of subsection ((~~C of Section~~)) 23.44.041.C.

13  
14 3. Any number of related persons may occupy each unit in a single-family  
15 dwelling unit with an accessory dwelling unit; provided that, if unrelated persons occupy either  
16 unit, the total number of persons occupying both units may not altogether exceed eight.



1 4. All accessory dwelling units are required to meet the development standards  
2 in Table A for 23.44.041, unless modified in subsection (~~B of Section~~) 23.44.041.B:

<b>Table A for 23.44.041</b>	
<b>Development Standards for All Accessory Dwelling Units</b>	
a. Maximum Gross Floor Area	Attached accessory dwelling units are limited to 1,000 sq. ft., including garage and storage area. <sup>1</sup> Detached accessory dwelling units are limited to 800 sq. ft., including garage and storage area but excluding areas below grade, measured as set forth in Section 23.86.007.
b. Entrances	Only one entrance to the structure may be located on each street-facing facade of the dwelling unit. <sup>2</sup>
Footnotes: <sup>1</sup> The gross floor area of an attached accessory dwelling unit may exceed 1,000 sq. ft. only if the portion of the structure in which the accessory dwelling unit is located was in existence as of June 1, 1999, and if the entire accessory dwelling unit is located on one level. <sup>2</sup> More than one entrance may be allowed if: a) two entrances on the street-facing facade existed on January 1, 1993; or b) the Director determines that topography, screening or another design solution is effective in de-emphasizing the presence of a second entrance.	

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15 5. Except on lots located within areas that are defined as either an urban center or  
16 urban village in the City's Comprehensive Plan, one off-street parking space is required for the  
17 accessory dwelling unit and may be provided as tandem parking with the parking space provided  
18 for the principal dwelling unit. An existing required parking space may not be eliminated to  
19 accommodate an accessory dwelling unit unless it is replaced elsewhere on the lot. Except for  
20 lots located in either the University District Parking Overlay Area (Map A for 23.54.015), or the  
21 Alki Area Parking Overlay Area (Map B for 23.54.015), the Director may waive the off-street  
22 parking space requirement for an accessory dwelling unit if:

23  
24 a. The topography or location of existing principal or accessory structures  
25 on the lot makes provision of an off-street parking space physically infeasible; or  
26



b. The lot is located in a restricted parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than 75 percent for on-street parking within 400 feet of all property lines of the site.

B. Accessory dwelling units, detached, additional provisions. A detached accessory dwelling unit is also known as a backyard cottage. The Director may authorize a detached accessory dwelling unit, and that unit may be used as a residence, only under the conditions set forth in subsection ((A of Section)) 23.44.041.A and the following additional conditions:

1. Detached accessory dwelling units are not permitted on a lot if any portion of the lot is within the Shoreline District established pursuant to Section 23.60.010.

2. Detached accessory dwelling units are required to meet the additional development standards set forth in Table B for ((Section)) 23.44.041:

<b>Table B for 23.44.041 Development Standards for Detached Accessory Dwelling Units<sup>1</sup></b>	
a. Minimum Lot Size	4,000 sq. ft.
b. Minimum Lot Width	25 feet
c. Minimum Lot Depth	70 feet <sup>2</sup>
d. Maximum Lot Coverage	The provisions of Section 23.44.010 apply.
e. Maximum Rear Yard Coverage	A detached accessory dwelling unit, together with any other accessory structures and other portions of the principal structure, is limited to a maximum combined coverage of 40% of the rear yard.
f. Maximum Gross Floor Area	((Eight hundred)) 800 sq. ft. including garage and storage area but excluding areas below grade, measured as set forth in Section 23.86.007.
g. Front Yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.A.
h. Minimum Side Yard	The provisions of subsection 23.44.014.C apply. <sup>2</sup>



**Table B for 23.44.041  
 Development Standards for Detached Accessory Dwelling Units<sup>1</sup>**

i. Minimum Rear Yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. <sup>3,4</sup>				
j. Location of Entry	Entrances to detached accessory dwelling units may not be located on facades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.				
k. Maximum Height Limits <sup>5</sup>	The roof peak of the detached accessory dwelling unit may not extend more than 15 feet above the roof peak of the principal dwelling unit and must comply with the height limits set forth in the table below.				
	Lot Width (feet)				
	Less than 30	30 or greater up to 35	<del>((36 or greater))</del> Above 35 up to 40	<del>((41 or greater))</del> Above 40 up to 50	50 or greater <sup>6</sup>
(1) Maximum Structure Height (feet)	12	14	15	16	16
(2) Maximum Structure Height with Pitched Roof (feet)	15	21	22	22	23
(3) Maximum Structure Height with Shed or Butterfly Roof (feet); see Exhibit A for 23.44.041.	15	18	19	20	20
l. Minimum Separation from Principal Structure	5 feet				



**Table B for 23.44.041**  
**Development Standards for Detached Accessory Dwelling Units<sup>1</sup>**

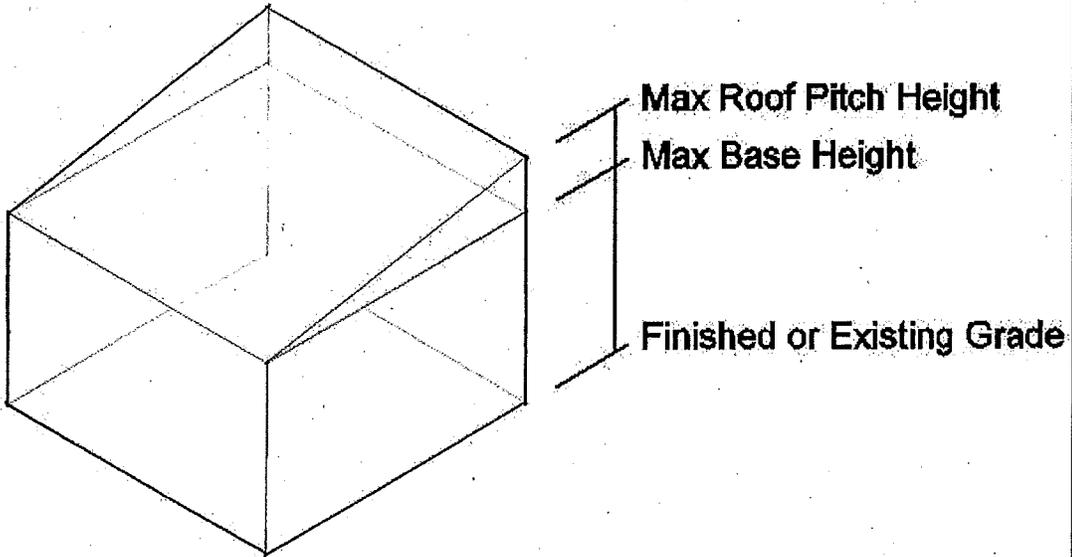
Footnotes:

1. The Director may allow an exception to standards a-f, h, i and j pursuant to ((Section)) subsection 23.44.041.B.3, for converting existing accessory structures.
2. For lots that do not meet the lot depth requirement, but have a greater width than depth and an area greater than 5,000 sq. ft., a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.
3. If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.
4. On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.
5. Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height. The additional height for sloped lots permitted by ((Section)) subsection 23.44.012.B does not apply.
6. Detached accessory dwelling units may also be built to the maximum height limits listed in this column if both of the following conditions are met: a) the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an alley; and b) the width of the lot is 40 feet or greater.
7. The exceptions from standard yard requirements in subsection 23.44.014.D.6.a shall also apply.

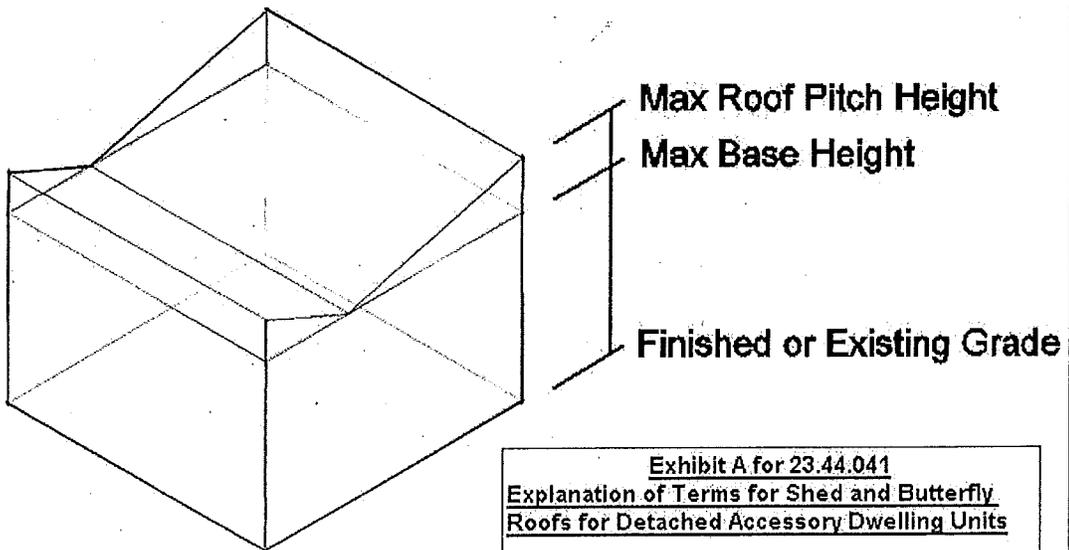


1 Exhibit A for 23.44.041: Explanation of Terms for Shed and Butterfly Roofs for  
2 Detached Accessory Dwelling Units.

3 **Shed Roof Example**



14  
15 **Butterfly Roof Example**



24 **Exhibit A for 23.44.041**  
25 **Explanation of Terms for Shed and Butterfly**  
26 **Roofs for Detached Accessory Dwelling Units**



1           3. Conversion of accessory structures. An existing accessory structure that is not  
2 located in a required front yard may be converted into a detached accessory dwelling unit if the  
3 structure complies with the minimum standards set forth in Sections 22.206.010 through  
4 22.206.140 of the Housing and Building Maintenance Code and with the Seattle Residential  
5 Code, if work requiring a permit (~~thereunder~~) is performed on the structure or has previously  
6 been performed without a permit. The Director may allow an exception to one or more of the  
7 development standards for accessory dwelling units contained in subsections 23.44.041.A.4 and  
8 standards a-f, h, i and j listed in Table B for 23.044.041, provided the conversion does not  
9 increase the structure's nonconformity with the standard and the applicant can demonstrate that  
10 the accessory structure was constructed prior to June 1, 1999, as an accessory structure.  
11

12           C. Owner occupancy.

13           1. Requirement. An owner with at least a 50 percent interest in the property must  
14 occupy either the principal dwelling unit or the accessory dwelling unit for six or more months of  
15 each calendar year as the owner's permanent residence. The Director may waive this  
16 requirement for up to three years if a letter is submitted that provides evidence to the Director  
17 showing good cause why the requirement for owner occupancy should be waived. Good cause  
18 may include job dislocation, sabbatical leave, education, or illness.  
19

20           2. Violation. If an owner is unable or unwilling to fulfill the requirements of  
21 subsection 23.44.041.C.1, the owner shall remove those features of the accessory dwelling unit  
22 that make it a dwelling unit. Failure to do so will constitute a violation of this Title and the  
23 owner will be subject to penalties pursuant to Sections 23.90.018, 23.90.019 and 23.90.020.  
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1                   3. Covenant recording. Prior to issuance of a permit establishing an accessory  
2 dwelling unit, the owner(s) shall sign under oath and record in the King County (~~Office of~~  
3 ~~Records and Elections~~) Recorder a covenant by the owner(s) to the City of Seattle stating that  
4 the owner(s) agree to restrict use of the principal and accessory dwelling units in compliance  
5 with the requirements of this subsection 23.44.041.C and notify all prospective purchasers of  
6 those requirements. Falsely certifying to the terms of the covenant or failure to comply with the  
7 terms of the covenant is subject to penalties pursuant to Sections 23.90.018, 23.90.019 and  
8 23.90.020.

9  
10 The covenant shall run with the land and be binding upon the property owner, his/her heirs and  
11 assigns, and upon any parties subsequently acquiring any right, title or interest in the property.  
12 The covenant shall be in a form prescribed by the Director that includes the legal description of  
13 the principal use lot. The property owner(s) shall return the original covenant with recording  
14 stamp to the Department (~~of Planning and Development~~) before the building permit for the  
15 accessory dwelling unit is issued.  
16

17                   4. Covenant release. At the request of a property owner and after an inspection  
18 finding that an accessory dwelling unit has been removed from the owner's property, the  
19 Department (~~of Planning and Development~~) shall record a release of any previously recorded  
20 covenant for that accessory dwelling unit.  
21

22                   D. Single-family status unaffected. A single-family lot with an accessory dwelling unit  
23 shall be considered a single-family residence for purposes of rezone criteria (Section 23.34.011).  
24

25                   E. Reporting. DPD shall report annually to the (~~Planning, Land Use and Neighborhoods~~  
26 ~~Committee or its successor committee~~) City Council on city-wide accessory dwelling unit permit  
27



1 activity. This annual report shall encompass all attached and detached accessory dwelling unit  
2 permits issued and all permits finalized since the previous annual report, the number of permits  
3 issued and the number of permits finalized, a map that shows the location and dispersion of both  
4 types of accessory dwelling units, and the number of parking waivers granted. For each  
5 detached accessory dwelling unit permit issued, the report shall state the height, gross floor area,  
6 total square footage of the lot where the detached accessory dwelling unit is located, and total lot  
7 coverage of all structures on the lot, and whether any garage space is incorporated into the  
8 detached accessory dwelling unit. For each permit finalized, the report shall include a photograph  
9 of the detached accessory dwelling unit. The report shall be delivered to the Council by no later  
10 than January 31 of the following calendar year.  
11

12 Section 19. Section 23.45.520 of the Seattle Municipal Code, which section was enacted  
13 by Ordinance 123209, is amended as follows:  
14

15 **23.45.520 Highrise zone width & floor size limits**

16 A. In HR zones, portions of structures above a height of 45 feet are limited to a maximum  
17 facade width of 110 feet. The width of the structure measured along the longest street lot line  
18 may be increased as follows, provided that if both street lot lines are of the same length, the  
19 increase in the width of the facade is only permitted along one street lot line:  
20

21 1. A maximum facade width of 130 feet is permitted, provided that the average  
22 gross floor area of all stories above 45 feet in height does not exceed 10,000 square feet; or

23 2. If the applicant ((uses)) earns bonus residential floor area by providing all of  
24 the affordable housing within the project pursuant to Section 23.58A.014, the maximum facade  
25



1 width of the structure above 45 feet in height is 150 feet, provided that the average gross floor  
2 area of all stories above 45 feet in height does not exceed 12,000 square feet.

3 B. All portions of structures that reach the maximum facade width limit specified in  
4 subsection 23.45.520.A must be separated from any other portion of a structure on the lot above  
5 45 feet at all points by the minimum horizontal distance shown on Table ((B))C for 23.45.518,  
6 except that projections permitted in required setbacks and separations pursuant to subsection  
7 23.45.518.F are permitted.  
8

9 Section 20. Section 23.47A.012 of the Seattle Municipal Code, which section was last  
10 amended by Ordinance 123564, is amended as follows:

11 **23.47A.012 Structure height**

12 A. The height limit for structures in NC zones or C zones is 30 feet, 40 feet, 65 feet, 85  
13 feet, 125 feet, or 160 feet, as designated on the Official Land Use Map, Chapter 23.32. Structures  
14 may not exceed the applicable height limit, except as otherwise provided in this Section  
15 23.47.012. Within the South Lake Union Urban Center, any modifications or exceptions to  
16 maximum structure height are allowed solely according to the provisions of the Seattle Mixed  
17 Zone, subsections 23.48.010.B.1, 23.48.010.B.2, 23.48.010.B.3, ((23.48.010.D and))  
18 23.48.010.E and 23.48.010.F, and not according to the provisions of this Section 23.47A.012.  
19  
20

21 1. In zones with a 30 foot or 40 foot mapped height limit:

22 a. the height of a structure may exceed the otherwise applicable limit by  
23 up to 4 feet, subject to subsection 23.47A.012.A.1.c, provided the following conditions are met:

24 1) Either  
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~~((i.))~~ a) A floor-to-floor height of 13 feet or more is provided for nonresidential uses at street level; or

~~((ii.))~~ b) A residential use is located on a street-level, street-facing facade, and the first floor of the structure at or above grade is at least 4 feet above sidewalk grade; and

2) The additional height allowed for the structure will not allow an additional story beyond the number that could be built under the otherwise applicable height limit.

b. The height of a structure may exceed the otherwise applicable limit by up to 7 feet, subject to subsection 23.47A.012.A.1.c, provided all of the following conditions are met:

1) Residential and multipurpose retail sales uses are located in the same structure;

2) The total gross floor area of at least one multi-purpose retail sales use exceeds 12,000 square feet;

3) A floor-to-floor height of 16 feet or more is provided for the multi-purpose retail sales use at street level;

4) The additional height allowed for the structure ~~((will))~~ shall not allow an additional story beyond the number that could be built under the otherwise applicable height limit if a 16 foot floor-to-floor height were not provided at street level; and

5) The structure is not allowed additional height under subsection 23.47A.012.A.1.a.

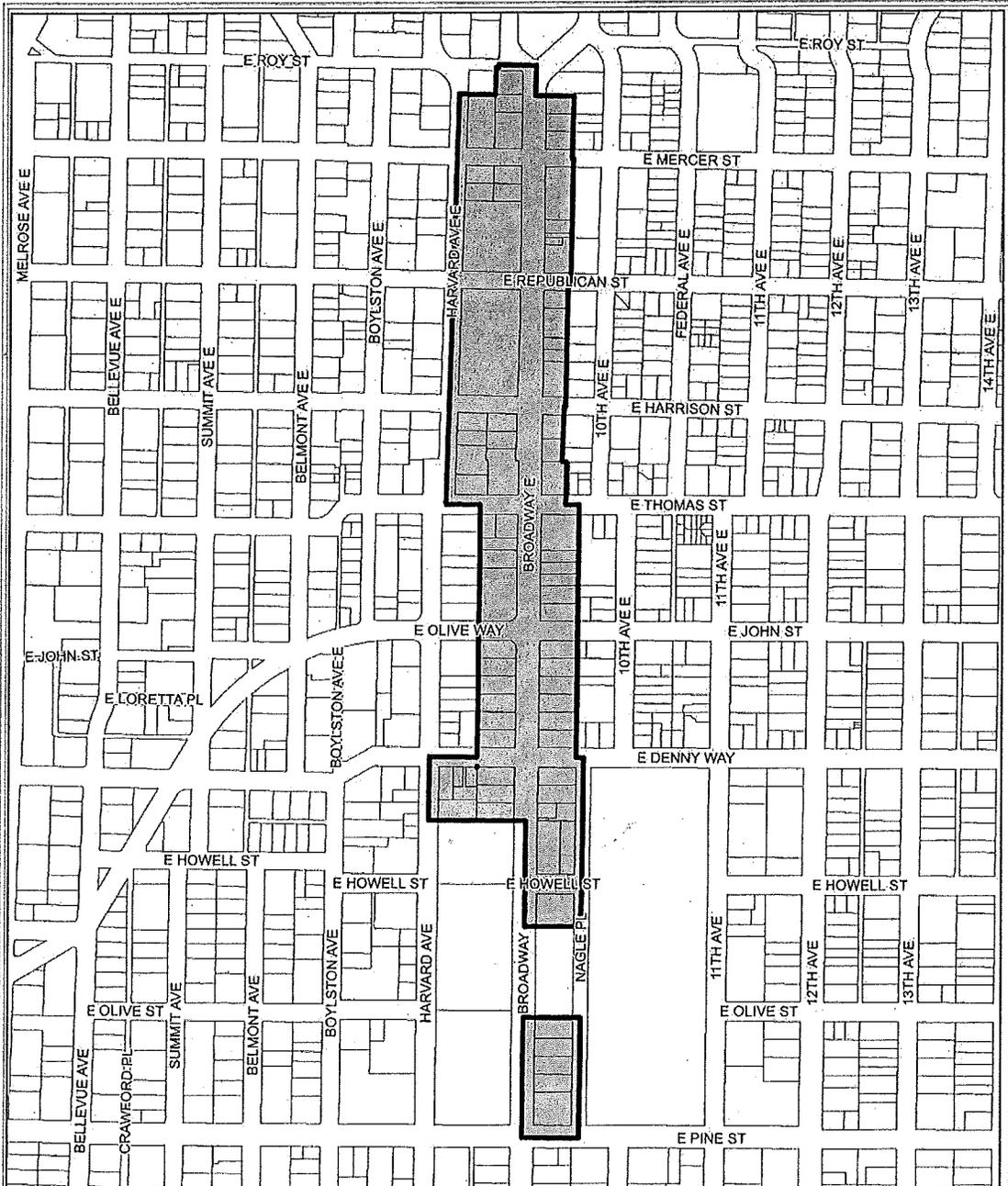


1 c. The Director shall reduce or deny the additional structure height  
2 permitted by this subsection 23.47A.012.A.1 if the additional height ((otherwise)) would  
3 significantly block views from neighboring residential structures of any of the following: Mount  
4 Rainier, the Olympic and Cascade Mountains, the downtown skyline, Green Lake, Puget Sound,  
5 Lake Washington, Lake Union, and the Ship Canal.

6 2. For any lot within the designated areas shown on Map A for 23.47A.012, the  
7 height limit in NC zones or C zones designated with a 40-foot height limit on the Official Land  
8 Use Map may be increased to 65 feet and may contain floor area as permitted for a 65 foot zone,  
9 pursuant to Section 23.47A.013, provided that all portions of the structure above 40 feet contain  
10 only residential uses, and provided that no additional height is allowed under subsection  
11 23.47A.012.A.1.  
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Map A for 23.47A.012

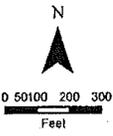


**Map A for 23.47A.012**

*Areas Where  
 Additional  
 Height is Allowed*

**Legend**

 25 feet of Additional Height Permitted Pursuant to 23.47.012,A



No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.

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1                   ~~((3. Monorail transit facilities may exceed the height limit of the zone according~~  
2 ~~to the provisions of Section 23.80.004 or Section 15.54.020.))~~

3  
4                   ~~((4))~~3. Within the South Lake Union Urban Center, maximum structure height  
5 shall be determined according to the provisions of the Seattle Mixed Zone, Section 23.48.010.

6                   ~~((5))~~4. Within the Station Area Overlay District within the University District  
7 Northwest Urban Center Village, maximum structure height may be increased to 125 feet when  
8 all of the following are met:

9                   a. The lot is within two blocks of a planned or existing light rail station;

10                   b. The proposed use of the lot is functionally related to other office  
11 development, permitted prior to 1971, to have over 500,000 square feet of gross floor area to be  
12 occupied by a single entity;

13                   c. A transportation management plan for the life of the use includes  
14 incentives for light rail and other transit use by the employees of the office use;

15                   d. The development shall provide street level amenities for pedestrians and  
16 shall be designed to promote pedestrian interest, safety, and comfort through features such as  
17 landscaping, lighting and transparent facades, as determined by the Director; and

18                   e. This subsection 23.47A.012.A.~~((5))~~4 can be used only once per  
19 functionally related development.

20  
21                   ~~((6))~~5. On a lot containing a peat settlement-prone environmentally critical area,  
22 the height of a structure may exceed the otherwise applicable height limit and the other height  
23 allowances provided by this section 23.47A.012 by up to 3 feet. In addition, 3 more feet of  
24  
25  
26



1 height may be allowed for any wall of a structure on a sloped lot, provided that on the uphill  
2 side(s) of the structure, the maximum elevation of the structure height shall be no greater than  
3 the height allowed by the first sentence of this subsection 12.47A.012.A.((6))5 . The Director  
4 may apply the allowances in this subsection 12.47A.012.A.((6))5 only if the following conditions  
5 are met:

6  
7 a. The Director finds that locating a story of parking underground is  
8 infeasible due to physical site conditions such as a high water table;

9 b. The Director finds that the additional height allowed for the structure is  
10 necessary to accommodate parking located partially below grade that extends no more than 6 feet  
11 above existing or finished grade and no more than 3 feet above the highest existing or finished  
12 grade along the structure footprint, whichever is lower, as measured to the finished floor level  
13 above; and  
14

15 c. Other than the additional story of parking allowed pursuant to  
16 subsection 23.47A.012.A.((6))5, the additional height allowed for the structure by subsection  
17 23.47A.012.A.((6))5 ~~((will))~~shall not allow an additional story beyond the number of stories that  
18 could be built under the otherwise applicable height limit.  
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1 ((7))6. In zones with a 65 foot mapped height limit or with a 40 foot mapped  
2 height limit with provisions allowing for additional height up to 65 feet pursuant to subsection  
3 23.47A.012.A.2 that are located within the Pike/Pine Conservation Overlay District, the  
4 provisions of Section 23.73.010 apply.

5 \* \* \*

6 Section 21. Section 23.47A.014 of the Seattle Municipal Code, which section was last  
7 amended by Ordinance 122935, is amended as follows:  
8

9 **23.47A.014 Setback requirements**

10 A. Definition. For the purposes of this ((section)) Section 23.47A.014, "portions of  
11 structures" include those features listed in Section 23.47A.012.D, Rooftop Features.

12 B. Setback requirements for lots abutting or across the alley from residential zones.

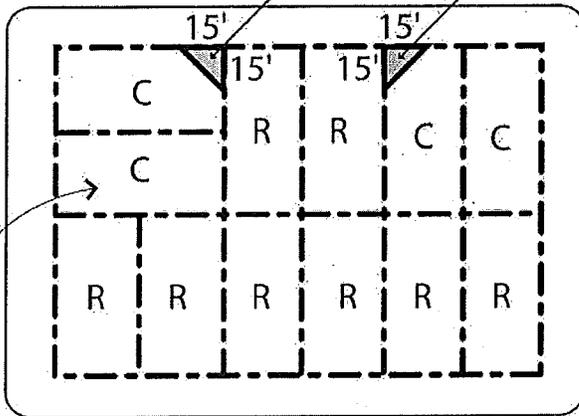
13 1. A setback is required where a lot abuts the intersection of a side lot line and  
14 front lot line of a lot in a residential zone. The required setback forms a triangular area. Two  
15 sides of the triangle extend along the street lot line and side lot line 15 feet from the intersection  
16 of the residentially zoned lot's front lot line and the side lot line abutting the residentially zoned  
17 lot. The third side connects these two sides with a diagonal line across the commercially-zoned  
18 lot (Exhibit A for 23.47A.014).  
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21 Exhibit A for 23.47A.014  
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Exhibit ((~~23.47A.014 A~~) A for 23.47A.014

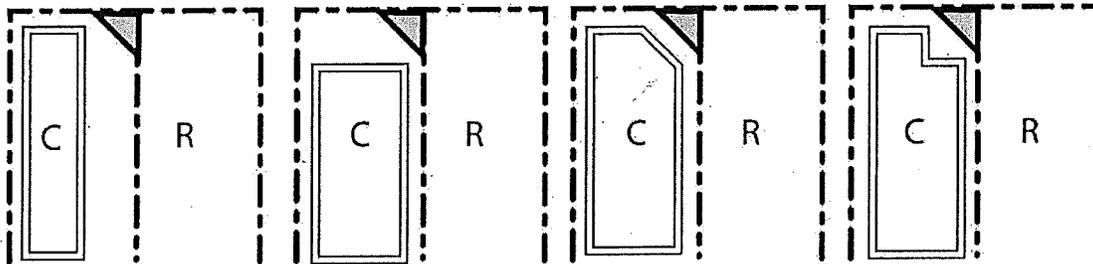
Setback abutting a side or rear lot  
 line of a residentially zoned lot

No development permitted  
 in this area



-  Commercial Lot
-  Residential Lot

No setback required unless front yard  
 of abutting residentially zoned lot  
 faces this street



2. A setback is required along any rear or side lot line that abuts a lot in a residential zone, as follows:

a. Ten feet for portions of structures above 13 feet in height to a

maximum of 65 feet; and

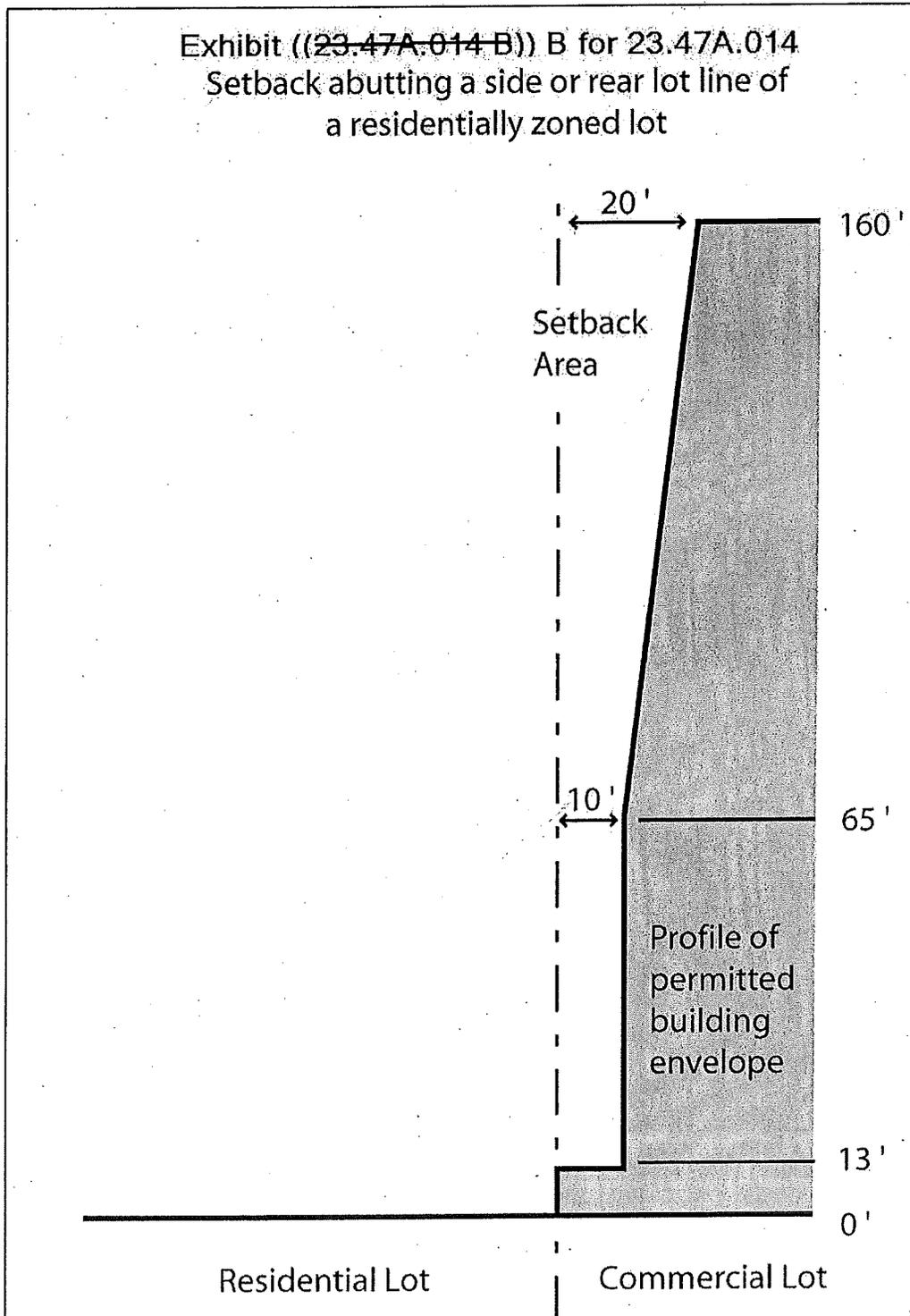


1                                    b. For each portion of a structure above 65 feet in height, additional  
2 setback at the rate of 1 foot of setback for every 10 feet by which the height of such portion  
3 exceeds 65 feet (Exhibit B for 23.47A.014).  
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Exhibit B for 23.47A.014

Exhibit ((~~23.47A.014 B~~)) B for 23.47A.014  
Setback abutting a side or rear lot line of  
a residentially zoned lot



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1                   3. For a structure containing a residential use, a setback is required along any  
2 side or rear lot line that abuts a lot in a residential zone or that is across an alley from a lot in a  
3 residential zone, as follows:

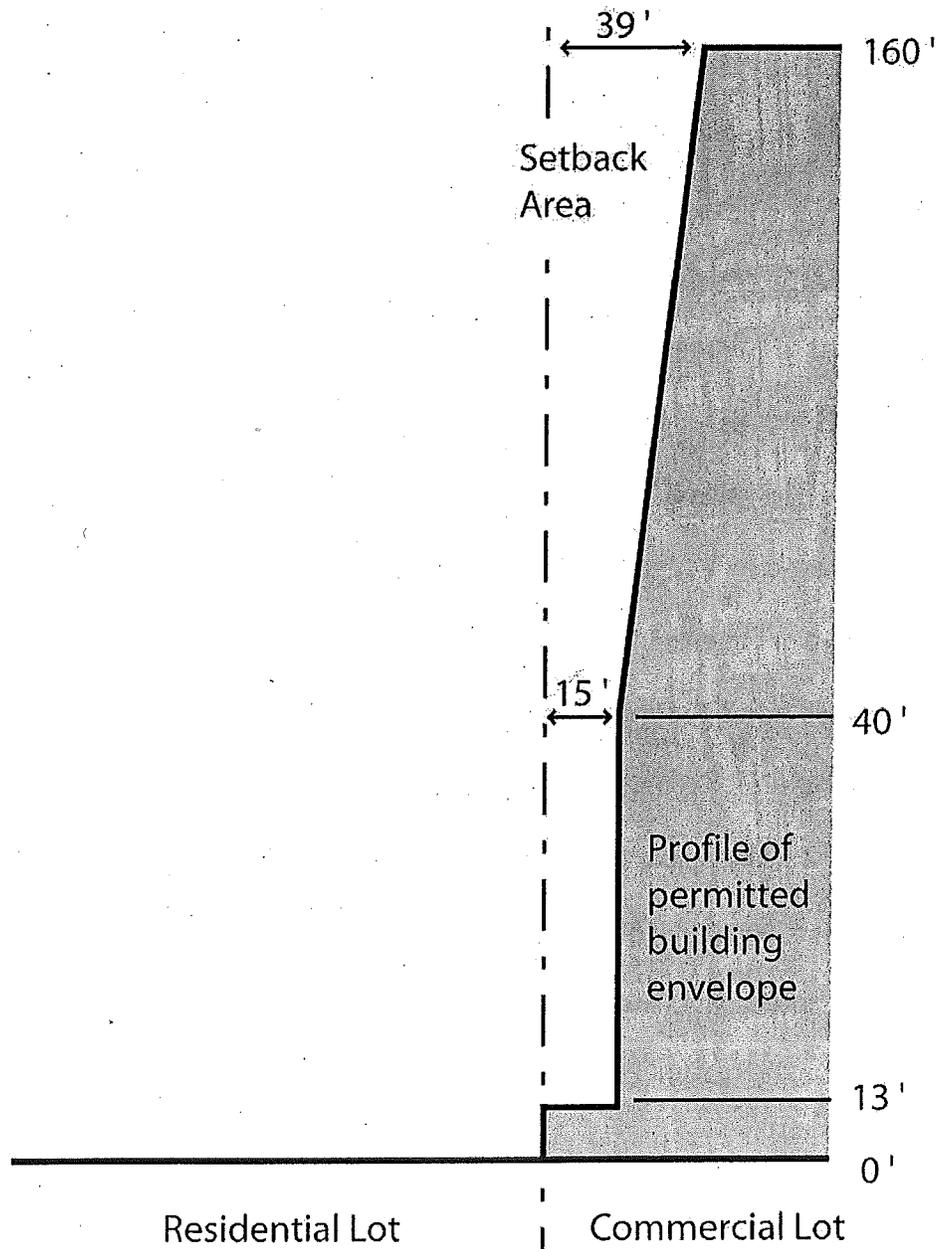
4                   a. Fifteen feet for portions of structures above 13 feet in height to a  
5 maximum of 40 feet; and

6                   b. For each portion of a structure above 40 feet in height, additional  
7 setback at the rate of 2 feet of setback for every 10 feet by which the height of such portion  
8 exceeds 40 feet (Exhibit C for 23.47A.014).  
9



Exhibit C for 23.47A.014

~~Exhibit ((23.47A.014 C)C for 23.47A.014~~  
Setbacks for structures with more than  
one residential unit along a rear lot line  
abutting a residentially-zoned lot.





1 Section 23. Section 23.47A.032 of the Seattle Municipal Code, which section was last  
2 amended by Ordinance 123047, is amended as follows:

3 **23.47A.032 Parking location and access**

4 A. Access to parking.

5 1. NC zones. The following rules apply in NC zones, except as provided under  
6 subsections 23.47A.032.A.2 and 23.47A.032.D:

7 a. Access to parking shall be from the alley if the lot abuts an alley  
8 improved to the standards of Section 23.53.030.C, or if the Director determines that alley access  
9 is feasible and desirable to mitigate parking access impacts.

10 b. If access is not provided from an alley and the lot abuts only one  
11 street, access is permitted from the street, and limited to one two-way curb cut.

12 c. If access is not provided from an alley and the lot abuts two or more  
13 streets, access is permitted across one of the side street lot lines ~~((as determined through))~~  
14 pursuant to subsection 23.47A.032.C, and curb cuts are permitted pursuant to ~~((Section))~~  
15 subsection 23.54.030.F.2.a.1(( )).

16 d. For each permitted curb cut, street-facing facades may contain one  
17 ~~((+))~~ garage door, not to exceed the maximum width allowed for curb cuts.

18 2. In addition to the provisions governing NC zones in subsection  
19 23.47A.032.A.1, the following rules apply in pedestrian-designated zones, except as may be  
20 permitted under subsection 23.47A.032.D:

21 a. If access is not provided from an alley and the lot abuts two or more  
22 streets, access to parking shall be from a street that is not a principal pedestrian street.



1                   b. If access is not provided from an alley and the lot abuts only a  
2 principal pedestrian street or streets, access is permitted from the principal pedestrian street, and  
3 limited to one two-way curb cut.

4                   3. In C1 and C2 zones, access to off-street parking may be from a street, alley, or  
5 both when the lot abuts an alley. However, structures in C zones with residential uses and  
6 structures in C zones across the street from residential zones shall meet the requirements for  
7 parking access for NC zones as provided in subsection 23.47A.032.A.1. If two or more  
8 structures are located on a single site, then a single curb cut shall be provided according to the  
9 standards in Sections 23.47A.032.A.1, .2, and 23.54.030.F.2.

10                   4. In the event of conflict between the standards for curb cuts in this subsection  
11 23.47A.032.A and the provisions of subsection 23.54.030.F, the standards in subsection  
12 23.54.030.F shall control.

13  
14                   B. Location of parking.

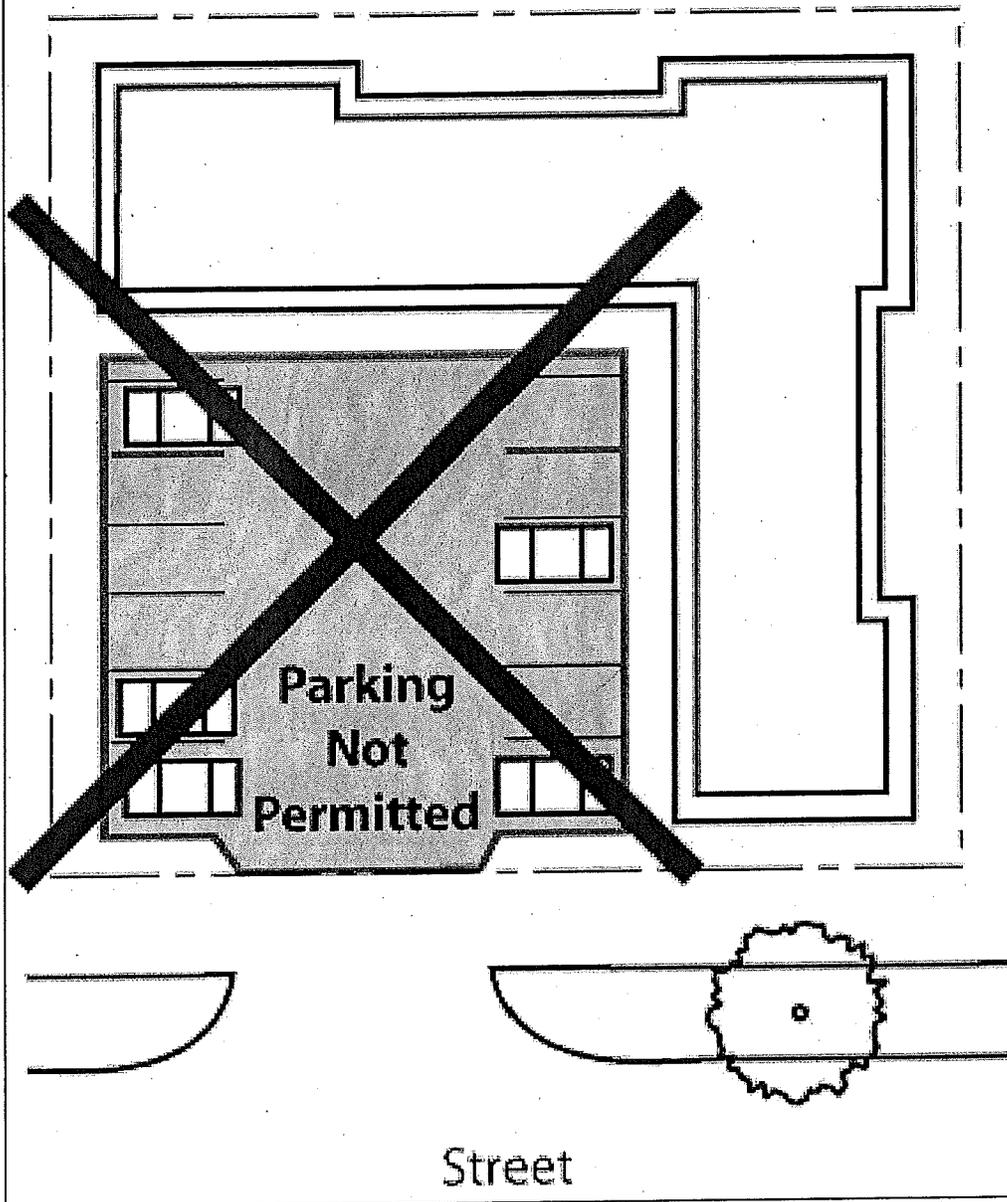
15                   1. The following rules apply in NC zones, except as provided in subsection  
16 23.47A.032.D.

17                   a. Parking shall not be located between a structure and a street lot line  
18 (Exhibit A for 23.47A.032).  
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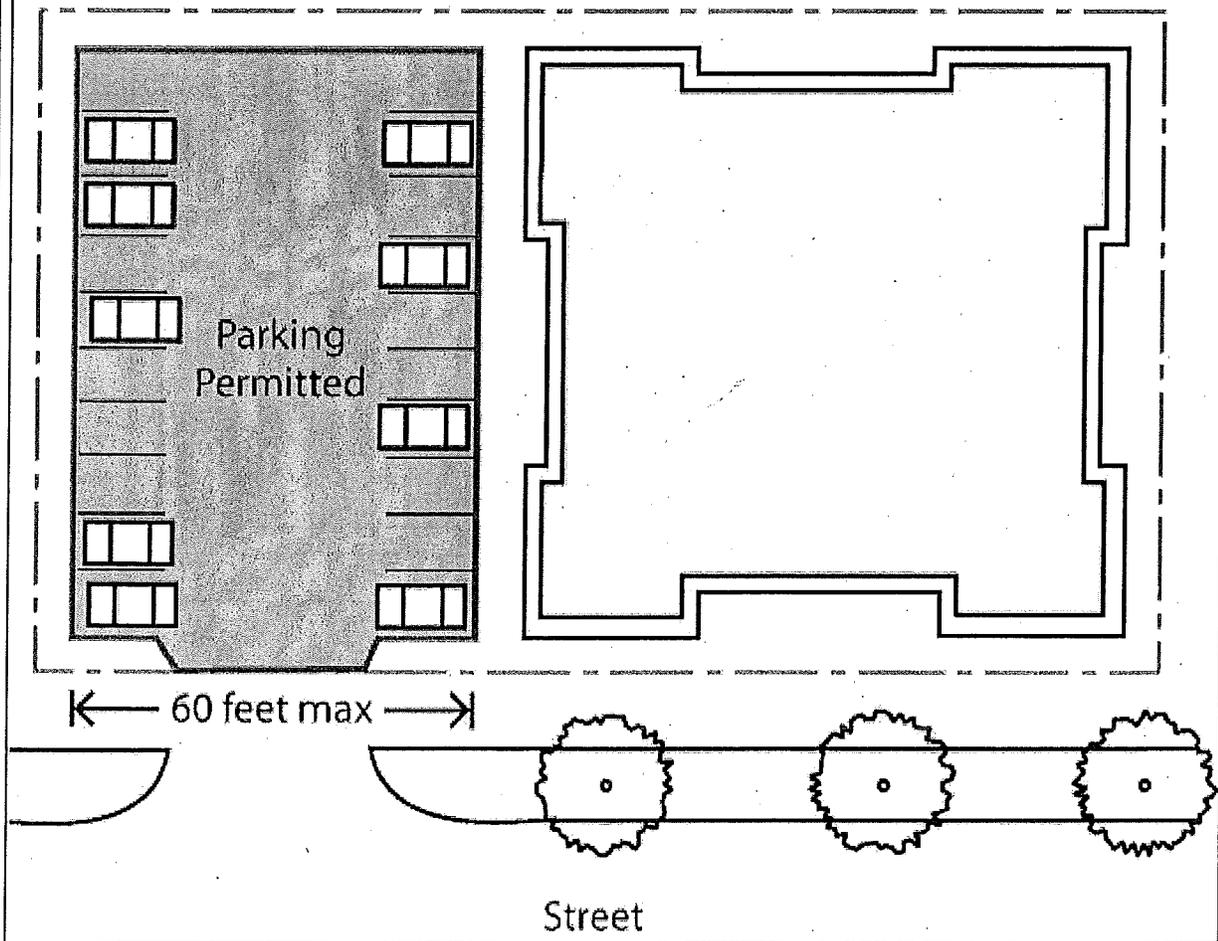
**Exhibit ((~~23.47A.032 A~~)) A for 23.47A.032  
Parking not permitted between a structure  
and street in NC zones**



1 b. Within a structure, street-level parking shall be separated from street-  
2 level, street-facing facades by another permitted use. This requirement does not apply to access  
3 to parking meeting the standards of subsection 23.47A.032.A.

4 c. Parking to the side of a structure shall not exceed 60 feet of street  
5 frontage (Exhibit B for 23.47A.032).

6  
7 **Exhibit ((~~23.47A.032-B~~) B for 23.47A.032**  
8 **Parking to the side of a structure in NC zones**



1 d. Required parking shall be located no farther than 800 feet from the lot  
2 with the use to which it is accessory, and shall comply with the provisions of Section 23.54.025,  
3 Parking Covenants.

4 2. In pedestrian designated zones, surface parking is prohibited abutting the  
5 street lot line along a principal pedestrian street.

6 3. Off-street parking may be located anywhere on a lot in C1 and C2 zones,  
7 except that structures with residential uses in C zones and structures in C zones across the street  
8 from residential zones shall meet the requirements for parking location for NC zones as provided  
9 in subsection 23.47A.032.B.1, except that if a lot in a C zone is bordered by streets on all sides,  
10 then parking may be provided between a street and a structure, but only on sides facing other  
11 commercially-zoned lots.

12 \* \* \*

13  
14  
15 Section 24. Section 23.48.010 of the Seattle Municipal Code, which section was last  
16 amended by Ordinance 123378, is amended as follows:

17 **23.48.010 General structure height**

18 A. Maximum Height. Maximum structure height is 40 feet, 55 feet, 65 feet, 75 feet, 85  
19 feet, or 125 feet as designated on the Official Land Use Map, Chapter 23.32, except as provided  
20 in this Section 23.48.010, in Section 23.48.016, or in Section 23.48.017.

21  
22 B. Within the South Lake Union Urban Center, the maximum structure height in zones  
23 with ~~((sixty-five-))65(( ))~~ foot and ~~((seventy-five-))75(( ))~~ foot height limits may be increased  
24 to ~~((eighty-five-))85(( ))~~ feet; and the maximum structure height in zones with an ~~((eighty-five~~  
25 ~~))85(( ))~~ foot height limit may be increased to ~~((one hundred and five-))105(( ))~~ feet, when:  
26



1. A minimum of two (~~((2))~~) floors in the structure have a floor to floor height of at least (~~((fourteen-))~~)14(~~(( ))~~) feet; and
2. The additional height is used to accommodate mechanical equipment; and
3. The additional height permitted does not allow more than six (~~((6))~~) floors in zones with a (~~((sixty-five-))~~)65(~~(( ))~~) foot height limit, or more than seven (~~((7))~~) floors in zones with a (~~((seventy-five-))~~)75(~~(( ))~~) foot or (~~((eighty-five-))~~)85(~~(( ))~~) foot height limit; and
4. The height limit provisions of Section 23.48.016.A.1.b, Standards applicable to specific areas, are satisfied.

\* \* \*

Section 25. Section 23.48.016 of the Seattle Municipal Code, which section was last amended by Ordinance 122882, is amended as follows:

**23.48.016 Standards applicable to specific areas(~~(( ))~~)**

\* \* \*

C. Seattle Mixed/D/40-85.

1. Base Height Limit. Structures in the SM/D/40-85 zone are subject to a height limit of 40 feet, except as otherwise provided in this subsection 23.48.016.C.
2. Additional Height for Certain Structures with Only Residential Uses Above 40 Feet. A structure in the SM/D/40-85 zone that has only residential uses above a height of 40 feet has a maximum height limit of 85 feet if the applicant satisfies the conditions to bonus development under Section 23.48.011.



1 3. Building Setbacks on W. Dravus Street. The portion of any structure above 45  
2 feet in height shall be set back at least 50 feet from W. Dravus Street, except as provided in  
3 subsections 23.48.016.C.4 and C.5 (~~of this section~~).

4 4. Projections Allowed in Setback. If a setback is required under subsection  
5 23.48.016.C.3 (~~of this section~~), the first (~~four~~) 4 feet of horizontal projection of decks,  
6 balconies with open railings, eaves, cornices, and gutters is permitted in the required setback.  
7

8 5. Exceptions and Rooftop Features. Height in addition to the limit applicable  
9 under subsection 23.48.016.C.1 or C.2 (~~of this section~~), and in addition to the limit applicable  
10 in a required setback area under subsection 23.48.016.C.3 (~~of this section~~), is allowed for  
11 pitched roofs and certain rooftop features as set forth in subsections 23.48.010.E and 23.48.010.F  
12 (~~D and E of Section 23.48.010~~).

13  
14 Section 26. Section 23.48.034 of the Seattle Municipal Code, which section was last  
15 amended by Ordinance 121782, is amended as follows:

16 **23.48.034 Parking and loading location, access and curbcuts(~~(r)~~)**

17 A. Parking accessory to nonresidential uses may be provided on-site and/or within  
18 (~~eight hundred (r)~~)800(~~(r)~~) feet of the lot to which it is accessory, according to the provisions of  
19 Section 23.54.025, Parking covenants.  
20

21 B. Accessory surface parking shall be permitted under the following conditions:

22 1. All accessory surface parking shall be located at the rear or to the side of the  
23 principal structure.

24 2. The amount of lot area allocated to accessory surface parking shall be limited  
25 to (~~thirty (r)~~)30(~~(r)~~) percent of the total lot area.  
26



1 C. Parking and Loading Access. When a lot abuts more than one ~~((1))~~ right-of-way,  
2 the location of access for parking and loading shall be determined by the Director, depending on  
3 the classification of rights-of-way, as shown on Map B, located at the end of this Chapter,  
4 according to the following:

5 1. Access to parking and loading shall be from the alley when the lot abuts an  
6 alley improved to the standards of Section 23.53.030.C and use of the alley for parking and  
7 loading access would not create a significant safety hazard as determined by the Director.  
8

9 2. If the lot fronts on an alley and an east/west-oriented street, parking and  
10 loading access may be from the east/west oriented street if the alley is not improved to the  
11 standards of Section 23.53.030.C or use of the alley for parking and loading access would create  
12 a significant safety hazard as determined by the Director.  
13

14 3. If the lot does not abut an improved alley, parking and loading access may be  
15 permitted from the street. Such access shall be limited to one ~~((1))~~ two-~~((2))~~way curbcut. In  
16 the event the site is too small to permit one ~~((1))~~ two-~~((2))~~way curbcut, two ~~((2))~~ one ~~((1))~~  
17 way curbcuts shall be permitted.  
18

19 4. The Director shall also determine whether the location of the parking and  
20 loading access will expedite the movement of vehicles, facilitate a smooth flow of traffic, avoid  
21 the on-street queuing of vehicles, enhance vehicular safety and pedestrian comfort, and will not  
22 create a hazard.

23 5. Curbcut width and number of curbcuts shall satisfy the provisions of Section  
24 23.54.030, Parking space standards, except as modified in this section.  
25  
26  
27



1 Section 27. A new Section 23.48.036 of the Seattle Municipal Code is added as  
2 follows:

3 **23.48.036 Pet Daycare Centers**

4 In addition to the development standards of the zone, pet daycare centers are subject to  
5 the following requirements:

6  
7 A. Pet daycare centers that were established of record before July 31, 2006, may continue  
8 notwithstanding nonconformity with development standards, provided the provisions of this  
9 Section 23.48.036 are met.

10 B. The pet daycare center must be permitted by the Seattle & King County Department of  
11 Public Health, as required by SMC 10.72.020.

12  
13 C. Facilities for the boarding of animals may occupy no more than 30 percent of the gross  
14 floor area of the pet daycare center.

15 D. Required loading pursuant to 23.54.015 may be provided in a public right of way if  
16 the applicant can demonstrate to the Director, in consultation with the Director of Transportation,  
17 that pedestrian circulation or vehicle traffic will not be significantly impacted.

18  
19 E. Applicants must submit at the time of permit application, written operating procedures,  
20 such as those recommended by the American Boarding and Kennel Association (ABKA) or the  
21 American Kennel Club (AKC). Such procedures shall be followed for the life of the business and  
22 shall prevent animal behavior that impacts surrounding uses, including excessive barking.

23  
24 F. Violations of this Section.





1 a. Open railings, planters, clerestories, skylights, play equipment,  
2 parapets and firewalls up to 4 feet above the applicable height limit;

3 b. Solar collectors up to 7 feet above the applicable height limit; and

4 c. The rooftop features listed below shall be located a minimum of 10  
5 feet from all lot lines and may extend up to 50 feet above the roof of the structure on which they  
6 are located or 50 feet above the applicable height limit, whichever is less, except as regulated by  
7 Chapter 23.64, Airport Height Overlay District:  
8

9 1) Religious symbols for religious institutions,

10 2) Smokestacks, and

11 3) Flagpoles.

12 2. The following rooftop features are permitted up to the heights indicated  
13 below, as long as the combined coverage of all rooftop features, whether or not listed in this  
14 subsection 23.49.008.D.2, does not exceed 55 percent of the roof area for structures that are  
15 subject to maximum floor area limits per story pursuant to Section 23.49.058, or 35 percent of  
16 the roof area for other structures.  
17

18 a. The following rooftop features are permitted to extend up to 15 feet  
19 above the applicable height limit:  
20

21 1) Solar collectors;

22 2) Stair penthouses;

23 3) Play equipment and open-mesh fencing, as long as the fencing  
24 is at least 15 feet from the roof edge;

25 4) Covered or enclosed common recreation area; ((and))  
26  
27  
28



1 5) Mechanical equipment; and

2 6) Wind turbines.

3 \*\*\*

4 e. Mechanical equipment, whether new or replacement, may be allowed  
5 up to 15 feet above the roof elevation of a structure existing prior to June 1, 1989.

6 \* \* \*

7  
8 Section 29. Section 23.49.020 of the Seattle Municipal Code, which section was last  
9 amended by Ordinance 123589, is amended as follows:

10 **23.49.020 Demonstration of LEED Silver rating((~~7~~))**

11 A. Applicability. This section applies if a commitment to earn a LEED Silver rating or  
12 substantially equivalent standard is a condition of a permit.

13  
14 B. The Director is authorized to determine, as a Type I decision, whether the applicant  
15 has demonstrated that a new structure has earned a LEED Silver rating or met a substantially  
16 equivalent standard. The Director may establish by rule procedures for determining whether an  
17 applicant has demonstrated that a new structure has earned a LEED Silver rating or met any such  
18 substantially equivalent standard, provided that no rule shall assign authority for making a final  
19 determination to any person other than an officer of the Department of Planning and  
20 Development or another City agency with regulatory authority and expertise in green building  
21 practices.  
22

23 C. Demonstration of Compliance; Penalties.

24 1. The applicant shall demonstrate to the Director the extent to which the  
25 applicant has complied with the commitment to earn a LEED Silver rating no later than  
26



1 ((90))180 days after issuance of final Certificate of Occupancy for the new structure, or such  
2 later date as may be allowed by the Director for good cause, by submitting a report analyzing the  
3 extent credits were earned toward such rating from the U.S. Green Building Council or another  
4 independent entity approved by the Director. For purposes of this Section 23.49.020, if the  
5 Director ((shall have))has approved ((a commitment to achieve)) a substantially equivalent  
6 standard, the term "LEED Silver rating" shall mean such other standard.  
7

8 2. Failure to submit a timely report regarding a LEED Silver rating from an  
9 approved independent entity by the date required is a violation of the Land Use Code. The  
10 penalty for such violation is \$500 per day from the date that the report was due to the date it is  
11 submitted((, without any requirement of notice to the applicant)). The owner is subject to this  
12 fine regardless of whether the City provides the owner with notice that the report is overdue or  
13 that the fine is accruing.  
14

15 3. Failure to demonstrate, through an independent report as provided in this  
16 subsection, full compliance with the applicant's commitment to earn a LEED Silver rating, is a  
17 violation of the Land Use Code. The penalty for each violation is an amount determined as  
18 follows:  
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1 
$$P = [(LSM-CE)/LSM] \times CV \times 0.0075,$$

2 where:

3 P is the penalty;

4 LSM is the minimum number of credits to earn a LEED Silver rating;

5 CE is the number of credits earned as documented by the report; and

6 CV is the Construction Value as set forth on the building permit for the new  
7 structure.  
8

9 Example:

10 Construction Value \$200,000,000.00

11 Minimum LEED Credits for Silver rating 33

12 Credits Earned 32

13 Penalty =  $[(33-32)/33] \times$

14  $200,000,000 \times .0075 =$  \$45,454.55

15  
16 4. Failure to comply with the applicant's commitment to earn a LEED Silver  
17 rating is a violation of the Land Use Code independent of the failure to demonstrate compliance;  
18 however, such violation shall not affect the right to occupy any chargeable floor area, and if a  
19 penalty is paid in the amount determined under subsection 23.49.020.C.3, no additional penalty  
20 shall be imposed for the failure to comply with the commitment.  
21

22  
23 \* \* \*

24 Section 30. Section 23.49.056 of the Seattle Municipal Code, which section was last  
25 amended by Ordinance 123589, is amended as follows:  
26



**23.49.056 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed**

**Commercial street facade, landscaping, and street setback requirements**

Standards are established in this section for DOC1, DOC2, and DMC zones, for the following elements:

Minimum facade heights;

Setback limits;

Facade transparency;

Blank facade limits;

Street trees; and

Setback and Landscaping Requirements in the Denny Triangle Urban Center Village.

These standards apply to each lot line that abuts a street designated on Map 1F or another map identified in a note to Map 1F as having a pedestrian classification, except lot lines of open space TDR sites, and apply along other lot lines and to circumstances as expressly stated in this Section 23.49.056. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map 1F or another map identified in a note to Map 1F, and whether property line facades are required by Map 1H. Standards for street landscaping and setback requirements in subsection 23.49.056.F also apply along lot lines abutting streets in the Denny Triangle Urban Center Village, as shown on Exhibit F for 23.49.056 ((F)).

A. Minimum Facade Height.

1. Minimum facade height(s) are prescribed in Table A for 23.49.056 and Exhibit A for 23.49.056 ((A)), but minimum facade heights do not apply if all portions of the structure are lower than the elevation of the required minimum facade height.



**Table A for 23.49.056: Minimum Façade Height**

Street Classification	Minimum Façade Height* within Designated Zone
Streets Requiring Property Line Facades	DOC1, DOC2, DMC: 35 feet
Class I Pedestrian Streets	DOC1, DOC2: 35 feet DMC: 25 feet
Class II Pedestrian Streets	DOC1, DOC2: 25 feet DMC: 15 feet
Designated Green Streets	DOC1, DOC2, DMC: 25 feet

\*Except as provided in subsection 23.49.056.A.2 regarding view corridor requirements.

2. On designated view corridors specified in Section 23.49.024, the minimum facade height is the maximum height permitted in the required setback, if it is less than the minimum facade height required in subsection 23.49.056.A.1.

B. Façade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits apply to all streets designated on Map 1H as requiring property line facades.

a. The facades of structures 15 feet or less in height shall be located within 2 feet of the street lot line.

b. Structures greater than 15 feet in height are governed by the following criteria:

1) No setback limits apply up to an elevation of 15 feet above sidewalk grade.

2) Between the elevations of 15 and 35 feet above sidewalk grade, the facade shall be located within 2 feet of the street lot line, except that:



1 a) Any exterior public open space that satisfies the  
2 Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common  
3 recreation area required for residential uses, is not considered part of the setback.

4 b) Setbacks between the elevations of 15 and 35 feet  
5 above sidewalk grade at the street lot line are permitted according to the following standards, as  
6 depicted in Exhibit B for 23.49.056 ((B)):

7 ((--)) i. The maximum setback is 10 feet.

8 ((--)) ii. The total area of a facade that is setback  
9 more than 2 feet from the street lot line shall not exceed 40 percent of the total facade area  
10 between the elevations of 15 and 35 feet.

11 ((--)) iii. No setback deeper than 2 feet shall be  
12 wider than 20 feet, measured parallel to the street lot line.

13 ((--)) iv. The facade of the structure shall return to  
14 within 2 feet of the street lot line between each setback area for a minimum of 10 feet. Balcony  
15 railings and other nonstructural features or walls are not considered the facade of the structure.

16 c. If sidewalk widening is required by Section 23.49.022, setback  
17 standards shall be measured to the line established by the new sidewalk width rather than the  
18 street lot line.

19 2. General Setback Limits. The following setback limits apply on streets not  
20 requiring property line facades, as shown on Map 1H:

21 a. The portion of a structure subject to setback limits shall vary according  
22 to the structure height and required minimum facade height, as follows:  
23



1) Except as provided in subsection 23.49.056.B.2.a.3, if the structure is greater than 15 feet in height, the setback limits apply to the facade between an elevation of 15 feet above sidewalk grade and the minimum facade height established in subsection 23.49.056.A and illustrated in Exhibit C for 23.49.056 ((~~C~~)).

2) If the entire structure is 15 feet or less in height, the setback limits apply to the entire street-facing facade.

3) If the minimum facade height is 15 feet, the setback limits apply to the portion of the street-facing facade that is 15 feet or less in height.

b. The maximum area of all setbacks between the street lot line and facade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street (see Exhibit D for 23.49.056 ((~~D~~))). The averaging factor is five on Class I pedestrian streets and ten on Class II pedestrian streets and designated green streets.

c. The maximum width, measured along the street lot line, of any setback area exceeding a depth of 15 feet from the street lot line shall not exceed 80 feet, or 30 percent of the lot frontage on that street, whichever is less. (See Exhibit D for 23.49.056 ((~~D~~)).)

d. The maximum setback of the facade from the street lot lines at intersections is 10 feet. The minimum distance the facade must conform to this limit is 20 feet along each street. (See Exhibit E for 23.49.056 ((~~E~~)).)

e. Any exterior public open space that meets the Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common recreation area required



1 for residential uses, ~~((shall))~~is not ~~((be))~~ considered part of a setback. (See Exhibit C for  
2 23.49.056 ~~((E))~~.)

3 f. If a sidewalk is widened into the lot as a condition of development,  
4 setback standards shall be measured to the line established by the new sidewalk width rather than  
5 the street lot line.

6 \* \* \*

7  
8  
9 F. Setback and Landscaping Requirements for Lots Located Within the Denny Triangle  
10 Urban Center Village.

11 1. Landscaping in the Street Right-of-Way for All Streets Other Than Those  
12 With Green Street Plans Approved by Director's Rule. All new development in DMC zones in  
13 the Denny Triangle Urban Village, as shown on Exhibit F for 23.49.056 ~~((F))~~, shall provide  
14 landscaping in the sidewalk area of the street right-of-way, except on streets with a green street  
15 plan approved by Director's Rule. The square footage of landscaped area provided shall be at  
16 least 1.5 times the length of the street lot line (in linear feet). The following standards apply to  
17 the required landscaped area:  
18

19 \* \* \*

20  
21  
22 3. Landscaping in Setbacks.

23 a. In the Denny Triangle Urban Center Village, as shown on Exhibit F  
24 for 23.49.056 ~~((F))~~, at least 20 percent of the total square footage of all areas abutting the street  
25 lot line that are not covered by a structure, have a depth of 10 feet or more from the street lot line  
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~~((Exhibits 23.49.056A, 23.49.056B))~~

Exhibits C, D, and E for 23.49.056

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Exhibit ((23.49.056-C)) C for 23.49.056  
Application of Maximum Setback Limits

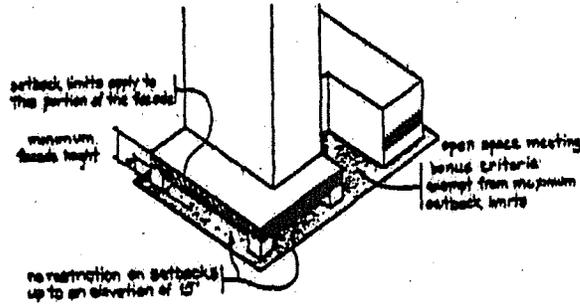


Exhibit ((23.49.056-D)) D for 23.49.056  
Maximum Width of Setback

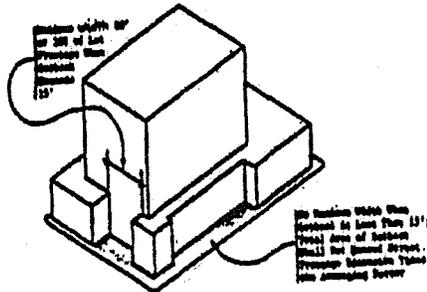
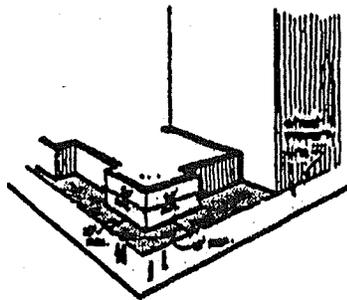


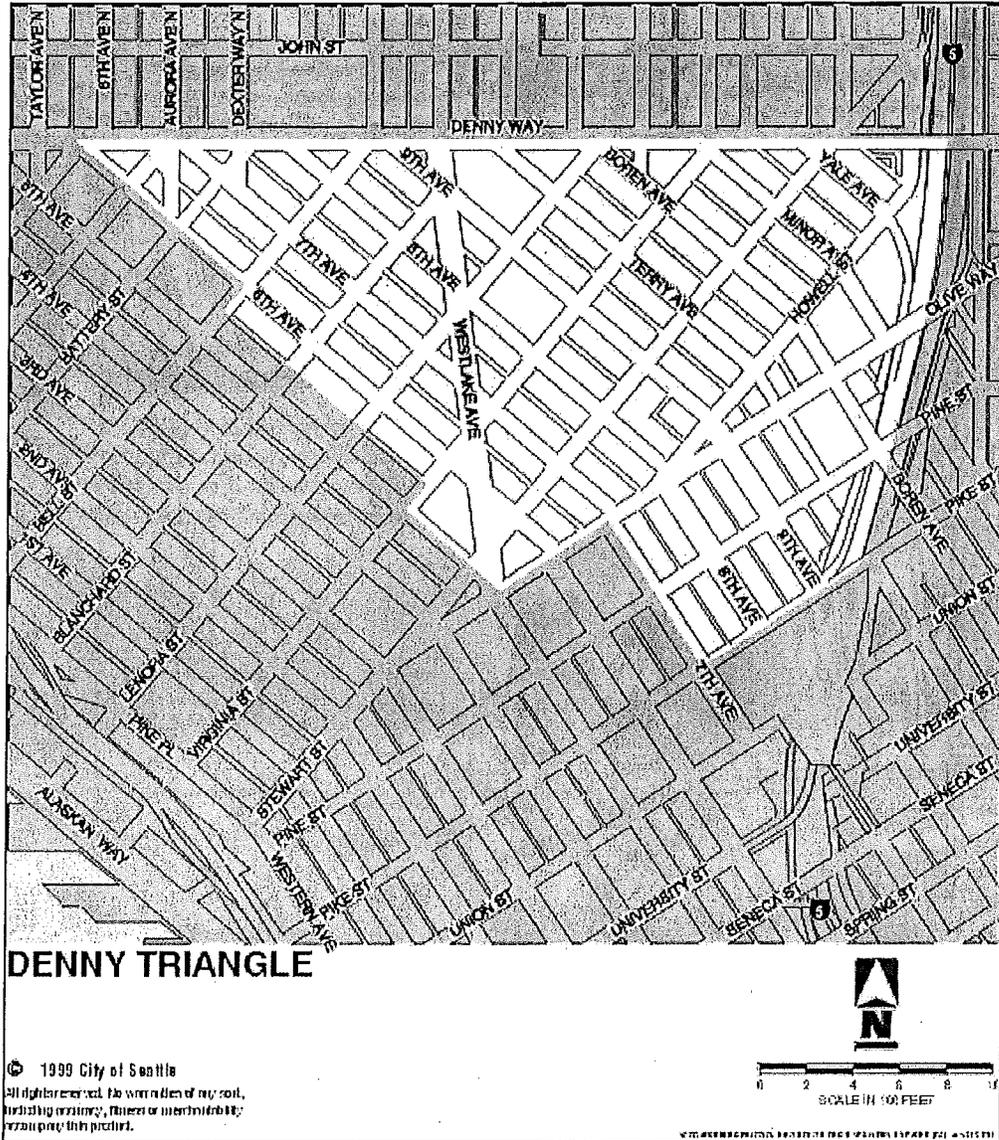
Exhibit ((23.49.056-E)) E for 23.49.056  
Maximum Setback at Intersections



((Exhibits 23.49.056C, 23.49.056D, 23.49.056E))



Exhibit F for 23.49.056



((Exhibit 23.49.056F))

Section 31. Section 23.50.012 of the Seattle Municipal Code, which section was last amended by Ordinance 123589, is amended as follows:

**23.50.012 Permitted and Prohibited Uses**



1 A. All uses are permitted outright, prohibited or permitted as a conditional use according  
2 to Table A for 23.50.012 and this Section 23.50.012.

3 \* \* \*

4 D. Rooftop Recreational Space in IG1 and IG2 Zones. Recreational space may be  
5 located on the rooftop of a building (including the rooftop of an attached parking structure)  
6 existing as of December 31, 1998. Rooftop recreational space shall be used only for the purposes  
7 of active recreational uses and/or passive open spaces accessory to office uses of at least 100,000  
8 square feet that are located in the same building or within an attached structure(s) and that are  
9 established on or before December 31, 1998. If any portion of the rooftop recreational space is  
10 covered by a structure, the following standards apply:

- 11 1. The height of the structure shall not exceed 30 feet as measured from the  
12 existing rooftop elevation and be limited to only one story;
- 13 2. The height shall not exceed the height of the highest portion or feature of the  
14 building or attached structure(s);
- 15 3. The footprint of the structure shall not exceed 30 percent of the total roof area  
16 on which the structure is located; and
- 17 4. The structure shall be designed to include a minimum of 30 percent transparent  
18 and/or translucent exterior building materials.
- 19 5. The rooftop recreational space permitted under this subsection 23.50.012.D  
20 shall be used only for active recreational uses and/or passive open spaces accessory to office uses  
21 and cannot be used for or converted to other uses. Section 23.50.012.D does not preclude the use  
22 of rooftop decks for passive open space use if the deck is on a structure otherwise permitted,  
23  
24  
25  
26



1 including a structure constructed after December 31, 1998, or if the deck is associated with an  
2 otherwise permitted use.

3 \* \* \*

4 Section 32. Section 23.50.024 of the Seattle Municipal Code, which section was last  
5 amended by Ordinance 122311, is amended as follows:

6 **23.50.024 Industrial Buffer – Structure height((:))**

7 A. Except as regulated in Chapter 23.64, ~~((the))~~ Airport Height Overlay District  
8 ~~((Regulations at Chapter 23.64)), ((and except that monorail transit facilities may exceed the~~  
9 ~~height limit of the zone according to the provisions of Section 23.80.004 or Section 15.54.020,))~~  
10 there ~~((shall be))~~ is no maximum height limit in the Industrial Buffer (IB) zone other than for  
11 those specific uses listed in subsection 23.50.024.B ~~((of this section))~~ and for those circumstances  
12 outlined in subsections 23.50.024.C, 23.50.024.D, 23.50.024.E and 23.50.024.F.  
13

14 \* \* \*

15  
16 Section 33. Section 23.53.005 of the Seattle Municipal Code, which section was last  
17 amended by Ordinance 121196, is amended as follows:

18 **23.53.005 Access to lots((:))**

19 A. Street or Private Easement Abutment Required.

20  
21 1. For residential uses, at least ~~((ten ()))~~ 10 ~~(( ))~~ feet of a lot line shall abut on a  
22 street or on a private permanent vehicle access easement meeting the standards of Section  
23 23.53.025; or the provisions of ~~((Section))~~ subsection 23.53.025.F for pedestrian access  
24 easements shall be met.  
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2. For nonresidential uses ~~((which))~~that do not provide ~~((any))~~ parking ~~((spaces))~~, at least ~~((five-))~~5(~~(-))~~ feet of a lot line shall abut on a street or on a private permanent vehicle access easement meeting the standards of Section 23.53.025, or the provisions of Section 23.53.025.F for pedestrian access easements to residential uses shall be met.

3. For nonresidential uses and live-work units that provide parking ~~((spaces))~~, an amount of lot line sufficient to provide the required driveway width shall abut on a street, or on an alley improved to the standards of Section 23.53.030, or on a private permanent vehicle access easement to a street meeting the standards of Section 23.53.025. If no vehicular access is required or provided, then pedestrian access meeting the provisions of Section 23.53.025.F for pedestrian access easements to residential uses shall be met.

\* \* \*

Section 34. Section 23.53.015 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

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

\* \* \*

D. Exceptions.

\* \* \*

2. Projects with reduced improvement requirements.

a. One or two dwelling units. If no more than two dwelling units are proposed to be constructed, or no more than two new 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 16 feet in width is required, as specified in ~~((the))~~ Director's Rule 22-2005, Right-of-Way Improvements Manual.

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

3) A no-protest agreement to future street improvements is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Recorder.

4) Pedestrian access and circulation is required as specified ~~((in))~~ by Section 23.53.006.

b. Other projects ~~((W))~~with reduced requirements. The types of projects listed in this subsection 23.53.015.D.2.b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection 23.53.015.D.2.b, except as waived or modified pursuant to subsection 23.53.015.D.3:

1) Types of projects.

~~((+))a~~Proposed developments that contain more than two but fewer than ten units in SF, RSL, and LR1 zones, or fewer than six residential units in all other zones, or proposed short plats in which no more than two additional lots are proposed to be created, except as provided in Section 23.53.015.D.2.a;

~~((+))b~~ The following uses if they are smaller than 750 square feet of gross floor area: major and minor vehicle repair uses, and multipurpose retail sales uses;





1 the Director of Transportation, shall determine whether the street has the potential for being  
2 extended or whether it forms a dead end because of topography and/or the layout of the street  
3 system.

4 3) Other requirements. The requirements of subsection  
5 23.53.015.D.1.b shall also be met.

6 \* \* \*

7  
8 Section 35. Section 23.53.020 of the Seattle Municipal Code, which section was last  
9 amended by Ordinance 123589, is amended as follows:

10 **23.53.020 Improvement requirements for existing streets in industrial zones**

11 \* \* \*

12 E. Exceptions.

13 \* \* \*

14  
15 2. Projects with Reduced Improvement Requirements. The following types of  
16 projects are exempt from all dedication and improvement requirements of subsections  
17 23.53.020.B, 23.53.020.C and 23.53.020.D (~~(of this section)~~), but shall meet the pedestrian  
18 access and circulation requirements specified in Section 23.53.006 and the requirements of  
19 subsection 23.53.020.E.1.b if the street right-of-way abutting the lot has less than the minimum  
20 right-of-way width established in subsection 23.53.020.A (~~(of this section)~~) or does not meet the  
21 grade of future street improvements.

22  
23 a. Structures with fewer than ten (~~(10)~~) artist's studio dwellings;



1                   b. The following uses when they are smaller than ~~((seven hundred fifty~~  
2 ~~(~~)~~)750(~~(~~)~~))~~ square feet of gross floor area: major and minor vehicle repair uses, and multipurpose  
3 retail sales uses;~~

4                   c. Nonresidential structures that have less than ~~((four thousand~~  
5 ~~(~~)~~)4,000(~~(~~)~~))~~ square feet of gross floor area and that do not contain uses listed in subsection  
6 23.53.020.E.2.b ~~((of this section))~~ that are larger than ~~((seven hundred fifty (~~)~~)750(~~(~~)~~))~~ square  
7 feet;~~~~

8                   d. Structures containing a mix of artist's studio dwellings and  
9 nonresidential uses, if there are fewer than ten ~~((10))~~ artist's studio dwellings, and the square  
10 footage of nonresidential use is less than specified in subsections 23.53.020.E.2.b and  
11 23.53.020.E.2.c ~~((of this section))~~;

12                   e. Remodeling and use changes within existing structures;

13                   f. Additions to existing structures that are exempt from environmental  
14 review; and  
15

16                   g. Expansions of surface parking, outdoor storage, outdoor sales or  
17 outdoor display of rental equipment of less than ~~((twenty (~~)~~)20(~~(~~)~~))~~ percent of the parking,  
18 storage, sales or display area, or number of parking spaces.  
19~~

20 \* \* \*

21  
22                   Section 36. Section 23.53.025 of the Seattle Municipal Code, which section was last  
23 amended by Ordinance 123495, is amended as follows:

24 **23.53.025 Access easement standards**





\* \* \*

1  
2 Section 37. Section 23.53.030 of the Seattle Municipal Code, which section was last  
3 amended by Ordinance 123495, is amended as follows:

4 **23.53.030 Alley improvements in all zones**

5 \* \* \*

6 E. Existing Alleys That Meet ((the)) Minimum Width. Except as provided in subsection  
7 23.53.030.G and except for one and two dwelling unit developments that abut an alley that is not  
8 improved but is in common usage, if an existing alley meets the minimum right-of-way width  
9 established in subsection 23.53.0((2))30.D, the following requirements shall be met:

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

12 a. For the following types of projects, the entire width of the portion of  
13 the alley abutting the lot, and the portion of the alley between the lot and a connecting street,  
14 shall be improved to at least the equivalent of a crushed rock surface, according to ((the))  
15 Director's Rule 22-2005, Right-of-Way Improvements Manual. The applicant may choose the  
16 street to which the improvements will be installed. If the alley does not extend from street to  
17 street, and the connecting street is an arterial designated on the Arterial street map, Section  
18 11.18.010, either the remainder of the alley shall be improved so that it is passable to a passenger  
19 vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

20 1) Residential structures with fewer than ten units;

21 2) The following uses if they are smaller than 750 square feet of  
22 gross floor area: major and minor vehicle repair uses, and multipurpose retail sales;



1 3) Nonresidential structures or structures with one or more live-  
2 work units that: (a) have less than 4,000 square feet of gross floor area; and (b) do not contain  
3 uses listed in subsection 23.53.030.E.1.a.2 that are larger than 750 square feet;

4 4) Structures containing a mix of residential and either  
5 nonresidential uses or live-work units, if the residential use is less than ten units, and the total  
6 square footage of nonresidential uses and live-work units is less than specified in subsections  
7 23.53.030.E.1.a.2 and E.1.a.3;

8 5) Remodeling and use changes within existing structures, if  
9 remodeling and use changes require increases to parking spaces, open storage, or loading berths  
10 on a lot;

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

13 7) Expansions of a surface parking area or open storage area of  
14 less than 20 percent of the parking area, storage area or number of parking spaces.

15 b. For projects not listed in subsection 23.53.030.E.1.a, the entire width  
16 of the portion of the alley abutting the lot, and the portion of the alley between the lot and a  
17 connecting street, shall be paved. The applicant may choose the street to which the pavement  
18 will be installed. If the alley does not extend from street to street, and the connecting street is an  
19 arterial designated on the Arterial street map, Section 11.18.010, either the remainder of the alley  
20 shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided.  
21 The turnaround may be provided by easement.  
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1                   1. In pedestrian-designated zones, parking is waived for uses listed on Table D  
2 for 23.54.015. The parking waivers permitted in Table D for 23.54.015 apply to each business  
3 establishment on a lot.

4                   a. Additional parking waivers beyond those in Table D for 23.54.015 may  
5 be permitted as a special exception for the following uses:

6                                   ((f))1) Eating and drinking establishments, up to a maximum  
7 waiver of ~~((five thousand (f)))~~5,000((f)) square feet; and

8                                   ((f))2) Motion picture theaters and performing arts theaters, up to a  
9 maximum waiver of ~~((three hundred (f)))~~300((f)) seats.

10                   b. The following factors ~~((will))~~shall be considered by the Director in  
11 determining whether to permit additional parking waivers:

12                                   ((f))1) Anticipated parking demand for the proposed use;

13                                   ((f))2) The extent to which an additional parking waiver is likely to  
14 create or add significantly to spillover parking in adjacent residential areas;

15                                   ((f))3) The availability of shared parking within ~~((eight hundred~~  
16 ~~(f)))~~800((f)) feet of the business; and

17                                   ((f))4) Whether land is available for parking without demolishing  
18 an existing commercial structure, displacing a commercial use, or rezoning property to  
19 commercial.

20                   2. In all other commercial zones and in pedestrian designated zones for uses not  
21 listed in Table D for 23.54.015, no parking is required for the first ~~((one thousand five hundred~~  
22 ~~(f)))~~



1 ~~1,500~~ square feet of each business establishment or the first 15 fixed seats for motion  
2 picture and performing arts theaters.

3 3. In all other zones, no parking is required for the first 2,500 square feet of gross  
4 floor area of nonresidential uses in a structure, except for the following:

- 5 a. structures or portions of structures occupied by restaurants with drive-in  
6 lanes,  
7  
8 b. motion picture theaters,  
9  
10 c. offices, or  
11  
12 d. institution~~(al)~~ uses, including Major Institution uses.

13 When two or more uses with different parking ratios occupy a structure, the 2,500 square  
14 foot waiver is prorated based on the area occupied by the nonresidential uses for which the  
15 parking waiver is permitted.

16 \* \* \*

17 G. New nonresidential uses in existing structures in commercial and industrial zones.

18 Up to 20 required parking spaces are waived for a new nonresidential use established in an  
19 existing structure or the expansion of an existing nonresidential use entirely within an existing  
20 structure. Existing required parking shall remain. For purposes of this section, "existing  
21 structure" means a structure that was established under permit, or for which a building permit has  
22 been granted and has not expired, at least ~~((2))~~ two years prior to the application to establish the  
23 new use or expand the use.

24 \* \* \*



**Table C for ((Section)) 23.54.015**

**PARKING FOR PUBLIC USES AND INSTITUTIONS**

Use	Minimum parking required
A. Adult care centers (1), (2)	1 space for each 10 adults (clients) or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 adults (clients)
B. Child care centers (1), (2), (3)	1 space for each 10 children or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 children
C. Colleges	A number of spaces equal to 15 percent of the maximum number of students that the facility is designed to accommodate; plus 30 percent of the number of employees the facility is designed to accommodate; plus 1 space for each 100 square feet of spectator assembly area in outdoor spectator sports facilities
D. Community centers owned and operated by the Seattle Department of Parks and Recreation (DOPAR) (1), (4)	1 space for each 555 square feet; or ((Før)) for family support centers, 1 space for each 100 square feet
E. Community clubs, and community centers not owned and operated by DOPAR (1), (5)	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; plus 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts
F. Hospitals	1 space for each 2 staff doctors; plus 1 additional space for each 5 employees other than staff doctors; plus 1 space for each 6 beds
G. Institutes for advanced study, except as provided in line H below.	1 space for each 1,000 square feet of offices and similar spaces; plus 1 space for each 10 fixed seats in all auditoria and public assembly rooms; or



**Table C for ((Section)) 23.54.015**

**PARKING FOR PUBLIC USES AND INSTITUTIONS**

Use	Minimum parking required
	1 space for each 100 square feet of public assembly area not containing fixed seats
H. Institutes for advanced study in single family zones (existing) (1)	3.5 spaces for each 1,000 square feet of office space; plus 10 spaces for each 1,000 square feet of additional building footprint to house and support conference center activities; or 37 spaces for each 1,000 square feet of conference room space, whichever is greater
I. Libraries (1) (6)	1 space for each 80 square feet of floor area of all auditoria and public meeting rooms; plus 1 space for each 500 square feet of floor area, excluding auditoria and public meeting rooms
J. Museums	1 space for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; plus 1 space for every 10 fixed seats for floor area containing fixed seats; plus 1 space for each 250 square feet of other gross floor area open to the public
K. Private clubs	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts
L. Religious facilities (1)	1 space for each 80 square feet of all auditoria and public assembly rooms
M. Schools, private elementary and secondary (1)	1 space for each 80 square feet of all auditoria and public assembly rooms, or if no auditorium or assembly room, 1 space for each staff member
N. Schools, public elementary and secondary (7) (8)	1 space for each 80 square feet of all auditoria or public assembly rooms, or



**Table C for ((Section)) 23.54.015**

**PARKING FOR PUBLIC USES AND INSTITUTIONS**

Use	Minimum parking required
	1 space for every 8 fixed seats in auditoria or public assembly rooms containing fixed seats, for new public schools on a new or existing public school site
O. Vocational or fine arts schools	1 space for each 2 faculty that the facility is designed to accommodate; plus 1 space for each 2 full-time employees other than faculty that the facility is designed to accommodate; plus 1 space for each 5 students, based on the maximum number of students that the school is designed to accommodate

**II. General Public Uses and Institutions with Locational Criteria**

P.	General public uses and institutions in urban centers or the Station Area Overlay District (9)	No minimum requirement
----	--	------------------------

Footnotes for Table C for Section 23.54.015:

- (1) When this use is permitted in a single-family zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when the use is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.570. The Director, in consultation with the Director of ((the Seattle Department of)) Transportation, may allow adult care and child care centers locating in existing structures to provide loading and unloading spaces on-street when no other alternative exists.
- (2) The amount of required parking is calculated based on the maximum number of staff, children, or clients that the center is designed to accommodate on site at any one time.



1 (3) A child care facility, when co-located with an assisted living facility, may count the  
2 passenger load/unload space required for the assisted living facility toward its required passenger  
3 load/unload spaces.

4 (4) When family support centers are located within community centers owned and operated by  
5 the Department of Parks and Recreation~~((DOPAR))~~, the Director may lower the combined  
6 parking requirement by up to a maximum of 15 percent, pursuant to Section 23.54.020.I.

7 (5) Indoor gymnasiums ~~((shall))~~are not ~~((be))~~ considered ball courts, nor ~~((shall))~~are they ~~((be))~~  
8 considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the  
9 gymnasium contains bleachers, the parking requirement for the ~~((entire))~~ gymnasium ~~((shall~~  
10 ~~be))~~is one parking space for every eight fixed seats. Each 20 inches of width of bleachers ~~((shall~~  
11 ~~be))~~is counted as one fixed seat for the purposes of determining parking requirements. If the  
12 gymnasium does not contain bleachers and is in a school, there is no parking requirement for the  
13 gymnasium. If the gymnasium does not contain bleachers and is in a community center, the  
14 parking requirement ~~((shall be))~~is one space for each 350 square feet.

15 (6) When a library is permitted in a single-family zone as a conditional use, the Director may  
16 modify the parking requirements pursuant to Section 23.44.022; when a library is permitted in a  
17 multifamily zone as a conditional use, the Director may modify the parking requirements  
18 pursuant to Section 23.45.122; and when a library is permitted in a commercial zone, the  
19 Director may modify the parking requirements ~~((according))~~pursuant to Section 23.44.022.L.

20 (7) For public schools, when an auditorium or other place of assembly is demolished and a new  
21 one built in its place, parking requirements ~~((shall be))~~are determined based on the new  
22 construction. When an existing public school on an existing public school site is remodeled,  
23  
24  
25  
26



1 additional parking is required if any auditorium or other place of assembly is expanded or  
 2 additional fixed seats are added. Additional parking is required as shown on Table ((A))C for  
 3 23.54.015 for the increase in floor area or increase in number of seats only. If the parking  
 4 requirement for the increased area or seating is 10 percent or less than that for the existing  
 5 auditorium or other place of assembly, then no additional parking ((shall be))is required.

6 (8) Development standard departures may be granted or required pursuant to the procedures and  
 7 criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.

8 (9) The general requirement of lines A through O of Table C for Section 23.54.015 for general  
 9 public uses and institutions, is superseded to the extent that a use, structure or development  
 10 qualifies for either a greater or a lesser parking requirement (which may include no requirement)  
 11 under any other provision. To the extent that a general public use or institution fits within more  
 12 than one line in Table C for Section 23.54.015, the least of the applicable parking requirements  
 13 applies. The different parking requirements listed for certain categories of general public uses or  
 14 institutions shall not be construed to create separate uses for purposes of any requirements  
 15 related to establishing or changing a use under this Title 23.  
 16  
 17

18 **Table D for ((Section)) 23.54.015**

19 **PARKING WAIVERS FOR PEDESTRIAN-DESIGNATED ZONES**

Use	Parking waivers (1)
A. General sales and service uses; Medical service uses; Lodging uses; and Entertainment uses, except motion picture theaters <u>and</u> <u>performing arts theaters</u>	NC1 zones — Parking waived for first 4,000 square feet of each business establishment NC2 and NC3 zones — Parking waived for first 5,000 square feet of each business establishment
B. Motion picture theaters; <u>and</u>	Parking waived for first 150 seats



1 performing arts theaters

2 C. Eating and drinking establishments NC1, NC2 and NC3 — Parking waived for first 2,500 square feet of each business establishment.

3  
4 (1) Additional parking waiver up to the limits in subsection 23.54.015.D.1.a may be permitted as  
5 a special exception according to criteria of subsection 23.54.015.D.1.b.

6 \* \* \*

7  
8 Section 39. Section 23.54.030 of the Seattle Municipal Code, which section was last  
9 amended by Ordinance 123495, is amended as follows:

10 **23.54.030 Parking space standards**

11 Parking spaces required by Section 23.54.015, and required barrier-free parking, shall  
12 meet the standards of this Section 23.54.030. Parking for residential uses provided in excess of  
13 the quantity required by Section 23.54.015 is exempt from the requirements of subsections  
14 23.54.030.A and 23.54.030.B (~~of this Section 23.54.030~~).

15  
16 A. Parking Space Dimensions.

17 1. "Large vehicle" means the minimum size of a large vehicle parking space  
18 shall be 8.5 feet in width and 19 feet in length.

19  
20 2. "Medium vehicle" means the minimum size of a medium vehicle parking  
21 space shall be 8 feet in width and 16 feet in length.

22  
23 3. "Small vehicle" means the minimum size of a small vehicle parking space  
24 shall be 7.5 feet in width and 15 feet in length.

25 4. "Barrier-free parking" means a parking space meeting the following standards:



1 a. Parking spaces shall not be less than 8 feet in width and shall have an  
2 adjacent access aisle not less than 5 feet in width. Van-accessible parking spaces shall have an  
3 adjacent access aisle not less than 8 feet in width. Where ~~((2))~~two adjacent spaces are provided,  
4 the access aisle may be shared between the ~~((2))~~two spaces. Boundaries of access aisles shall be  
5 marked so that aisles will not be used as parking space.

6 b. A minimum length of 19 feet or when more than one barrier-free  
7 parking space is provided, at least one shall have a minimum length of 19 feet; and other spaces  
8 may be the lengths of small, medium or large spaces in approximate proportion to the number of  
9 each size space provided on the lot.

10 5. "Tandem parking" means a parking space equal to the width and 2 times the  
11 length of the vehicle size standards in subsections 23.54.030.A.1, A.2, and A.3 for the size of the  
12 vehicle to be accommodated.

13 6. Columns or other structural elements may encroach into the parking space a  
14 maximum of 6 inches on a side, except in the area for car door opening, 5 feet from the  
15 longitudinal centerline or 4 feet from the transverse centerline of a parking space (see Exhibit A  
16 for 23.54.030). No wall, post, guardrail, or other obstruction, or lot line, ~~((shall be))~~is permitted  
17 within the area for car door opening.

18 7. If the parking space is next to a lot line and the parking space is parallel to the  
19 lot line, the minimum width of the space ~~((shall be))~~is 9 feet.

20 \* \* \*

21 F. Curb cuts. The number of permitted curb cuts is determined by whether the parking  
22 served by the curb cut is for residential or nonresidential use, and by the zone in which the use is



1 located. When a curb cut is used for more than one use or for one or more live-work units, the  
2 requirements for the use with the largest curb cut requirements apply.

3 \* \* \*

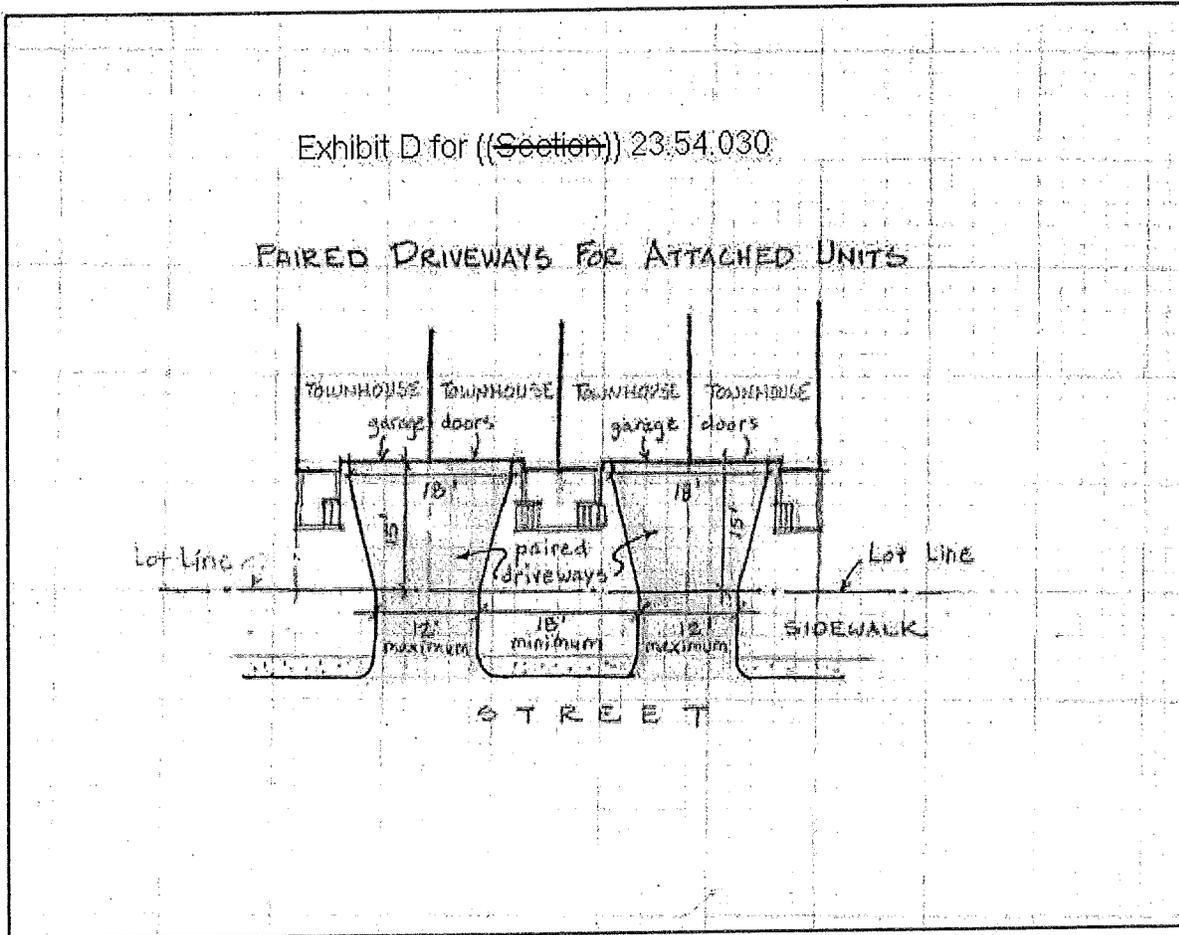
4 c . Distance between curb cuts.

5 1) The minimum distance between any two curb cuts located on a  
6 lot is 30 feet .

7  
8 2) For rowhouse and townhouse developments located on more  
9 than one lot, the minimum distance between curb cuts is 18 feet (See Exhibit ((C)) D for  
10 23.54.030).



Exhibit D for 23.54.030: Paired Driveways for Attached Units



\*\*\*

2. Nonresidential uses in all zones except industrial zones.

a. Number of Curb cuts.

1) In all residential zones, RC zones, and within the Major Institution Overlay District((s)), two-way curb cuts are permitted according to Table C for 23.54.030:

**Table C for 23.54.030: Number of Curb Cuts in residential zones, RC Zones and the**

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<b>Major Institution Overlay District((s))</b>	
<b>Street Frontage of the Lot</b>	<b>Number of Curb cuts Permitted</b>
80 feet or less	1
Greater than 80 feet up to 240 feet	2
Greater than 240 feet up to 360 feet	3
Greater than 360 feet up to 480 feet	4

For lots with frontage in excess of 480 feet, one curb cut is permitted for every 120 feet of street frontage.

2) The Director may allow two one-way curb cuts to be substituted for one two-way curb cut, after determining, as a Type I decision, that there would not be a significant conflict with pedestrian traffic.

3) The Director shall, as a Type I decision, determine the number and location of curb cuts in C1, C2, and SM zones.

4) In downtown zones, a maximum of two curb cuts for one-way traffic at least 40 feet apart, or one curb cut for two-way traffic, ~~((shall be))~~ are permitted on each street front where access is permitted by ~~((Section))~~ subsection 23.49.019.H. No curb cut shall be located within 40 feet of an intersection. These standards may be modified by the Director as a Type I decision on lots with steep slopes or other special conditions, to the minimum extent necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic.

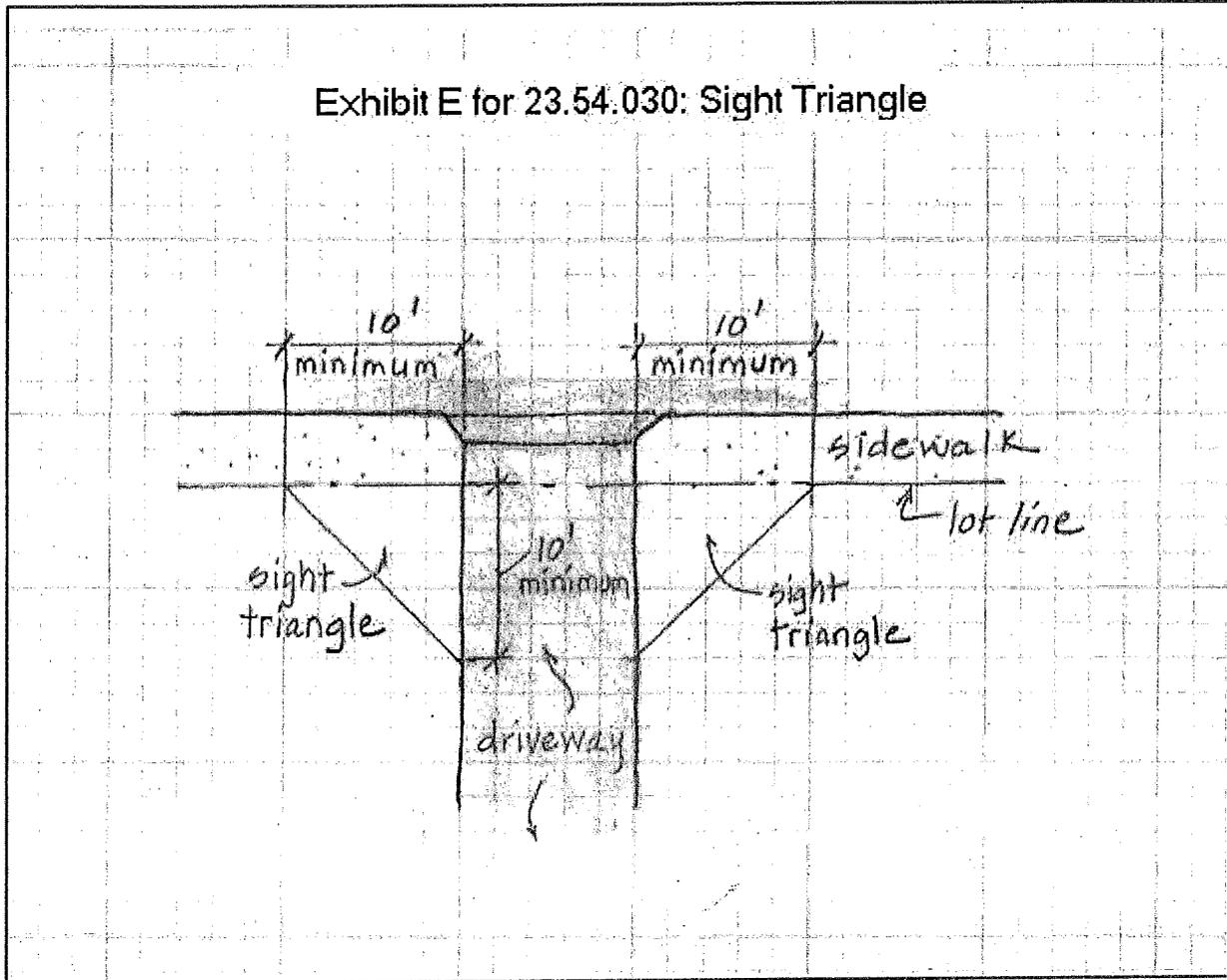
5) For public schools, the Director shall permit, as a Type I decision, the minimum number of curb cuts that the Director determines is necessary.





Exhibit E for 23.54.030: Sight Triangle

Exhibit E for 23.54.030: Sight Triangle



3. The sight triangle shall also be kept clear of obstructions in the vertical spaces between 32 inches and 82 inches from the ground.

4. When the driveway or easement is less than 10 feet from the lot line, the sight triangle may be provided as follows:

- a. An easement may be provided sufficient to maintain the sight triangle.

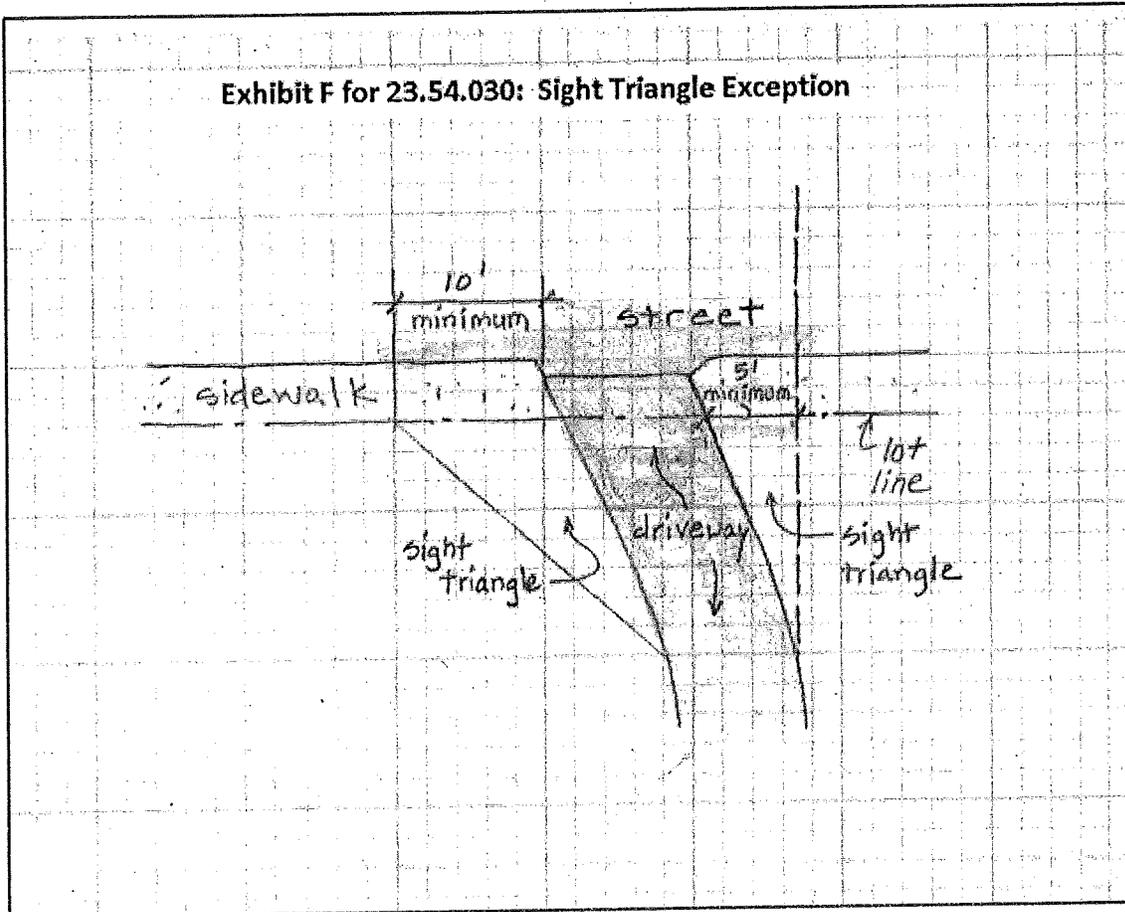
The easement shall be recorded with the King County Recorder; or

- b. The driveway may be shared with a driveway on the neighboring lot; or



1 c. The driveway or easement may begin 5 feet from the lot line, as  
2 depicted in Exhibit ((E))F for 23.54.030.

3 Exhibit F for 23.54.030: Sight Triangle Exception



19 5. An exception to the sight triangle requirement may be made for driveways serving lots  
20 containing only residential uses and fewer than three parking spaces, when providing the sight  
21 triangle would be impractical.

22

23 6. In all ((d))Downtown, Industrial, Commercial 1, and Commercial 2 zones, the  
24 sight triangle at a garage exit may be provided by mirrors and/or other approved safety measures.





1 Section 41. Section 23.55.028 of the Seattle Municipal Code, which section was last  
2 amended by Ordinance 123046, is amended as follows:

3 **23.55.028 Signs in NC1 and NC2 zones**

- 4 A. Signs shall be stationary and shall not rotate, except for barber poles.  
5 B. Signs may be electric, externally illuminated, or non-illuminated.  
6 C. No flashing, changing-image or chasing signs (~~shall be~~)are permitted, except that  
7 chasing signs for motion picture and performing arts theaters (~~shall be~~)are permitted in NC2  
8 zones.  
9

10 D. On-premises Signs.

11 1. The following signs are permitted in addition to the signs permitted by  
12 subsections 23.55.028.D.2, D.3 and D.4:

- 13 a. Electric, externally illuminated or non-illuminated signs bearing the  
14 name of the occupant of a dwelling unit, not exceeding 64 square inches in area;  
15  
16 b. Memorial signs or tablets, and the names of buildings and dates of  
17 building erection if cut into a masonry surface or constructed of bronze or other noncombustible  
18 materials;  
19  
20 c. Signs for public facilities indicating danger and/or providing service or  
21 safety information;  
22  
23 d. National, state and institutional flags;  
24  
25 e. One under-marquee sign that does not exceed 10 square feet in area;  
26  
27 f. One electric, externally illuminated or non-illuminated sign bearing the  
28 name of a home occupation, not exceeding 64 square inches in area.



2. Number and Type of Signs Allowed for Business Establishments.

\*\*\*

d. Individual businesses that are not drive-in businesses and that are not located in a multiple business center may have one pole sign in lieu of ~~((another))~~ a Type A sign permitted by Section 23.55.028.D.2.a for each 300 lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

\* \* \*

Section 42. Section 23.55.030 of the Seattle Municipal Code, which section was last amended by Ordinance 123392, is amended as follows:

**23.55.030 Signs in NC3, C1, C2 and SM zones**

A. No sign shall have rotating or moving parts that revolve at a speed in excess of ~~((7))~~ seven revolutions per minute.

B. Signs may be electric, externally illuminated, non\_illuminated or may use video display methods when the sign meets the development standards in Section 23.55.005, Video display methods.

C. ~~((No f))~~ Flashing signs ~~((shall be permitted))~~ are prohibited.

D. In the Pike/Pine Conservation Overlay District, internally-illuminated cabinet signs larger than 3 square feet in size and backlit awning signs are prohibited.

E. On-Premises Signs.

1. The following signs are permitted in addition to the signs permitted by subsections 23.55.030.E.2 and 23.55.030.E.3:



1 a. Electric, externally illuminated or non-illuminated signs bearing the  
2 name of the occupant of a dwelling unit, not exceeding 64 square inches in area;

3 b. Memorial signs or tablets, and the names of buildings and dates of  
4 building erection if cut into a masonry surface or constructed of bronze or other noncombustible  
5 materials;

6 c. Signs for public facilities indicating danger and/or providing service or  
7 safety information;

8 d. National, state and institutional flags;

9 e. One under-marquee sign that does not exceed 10 square feet in area;

10 f. One electric, externally illuminated or non-illuminated sign bearing the  
11 name of a home occupation, not to exceed 64 square inches in area.  
12

13  
14 2. Number and Type of Signs Allowed for Business Establishments.

15 a. Each business establishment may have one ground, roof, projecting or  
16 combination sign (Type A sign) for each 300 lineal feet, or portion thereof, of frontage on public  
17 rights-of-way, except alleys.

18 b. In addition to the signs permitted by subsection 23.55.030.E.2.a, each  
19 business establishment may have one wall, awning, canopy, marquee or under-marquee sign  
20 (Type B sign) for each 30 lineal feet, or portion thereof, of frontage on public rights-of-way,  
21 except alleys.  
22

23 \*\*\*

24 d. Individual businesses that are not drive-in businesses and that are not  
25 located in multiple business centers may have one pole sign in lieu of ~~((another))~~ a Type A sign  
26



1 permitted by subsection 23.55.030.E.2.a for each 300 lineal feet, or portion thereof, of frontage  
2 on public rights-of-way, except alleys.

3 \* \* \*

4 Section 43. Section 23.55.036 of the Seattle Municipal Code, which section was last  
5 amended by Ordinance 120611, is amended as follows:

6 **23.55.036 Signs in IB, IC, IG1 and IG2 zones((r))**

7 A. No sign shall have rotating or moving parts that revolve at a speed in excess of seven  
8  
9 ~~((7))~~ revolutions per minute.

10 B. Signs may be electric, externally illuminated, or non-illuminated or may use video  
11 display methods when the signs meet the development standards in Section 23.55.005, Video  
12 display methods.

13 C. ~~((No))~~ Flashing signs ~~((shall be permitted))~~ are prohibited.

14 D. On-premises Signs.

15  
16 1. The following signs ~~((shall be))~~ are permitted in addition to the signs permitted  
17 by subsections 23.55.036.D.2, .3, and .4:

18 a. Electric, externally illuminated or non-illuminated signs bearing the  
19 name of the occupant of a dwelling unit, not exceeding ~~((sixty-four ()))~~ 64((r)) square inches in  
20 area;  
21

22 b. Memorial signs or tablets, and the names of buildings and dates of  
23 building erection ~~((when))~~ if cut into a masonry surface or constructed of bronze or other  
24 noncombustible materials;  
25  
26  
27

1 c. Signs for public facilities indicating danger and/or providing service or  
2 safety information;

3 d. ~~((Property displayed national))~~ National, state and institutional flags;

4 e. One ~~((1))~~ under-marquee sign ~~((which does))~~ not exceeding ((ten  
5 ))10(( )) square feet in area;

6 f. One ~~((1))~~ electric, externally illuminated or non-illuminated sign  
7 bearing the name of a home occupation, not exceeding ~~((sixty four ))~~ 64(( )) square inches in  
8 area.

9  
10 2. Number and Type of ~~((Permitted))~~ Signs Allowed for Business Establishments.

11 a. Except as further restricted in subsection 23.55.036.D.5, each business  
12 establishment may have one ~~((1))~~ ground, roof, projecting or combination sign (Type A sign)  
13 for each ~~((three hundred ))~~ 300(( )) lineal feet, or portion thereof, of frontage on public rights-of-  
14 way, except alleys.

15  
16 b. In addition to the signs ~~((permitted))~~ allowed by subsection  
17 23.55.036.D.2.a, each business establishment may have one ~~((1))~~ wall, awning, canopy,  
18 marquee, or under-marquee sign (Type B sign) for each ~~((thirty ))~~ 30(( )) lineal feet, or portion  
19 thereof, of frontage on public rights-of-way, except alleys.

20  
21 c. ~~((In addition to the signs permitted by subsections D 2 a and D 2 b, each~~  
22 ~~multiple business center and drive-in business))~~ Multiple business centers may have one ~~((1))~~  
23 pole, ground, wall, marquee, under-marquee, projecting or combination sign for each ~~((three~~  
24 ~~hundred ))~~ 300(( )) lineal feet, or portion thereof, of frontage on public rights-of-way, except  
25



1 alleys. ~~((Such pole signs may be for a drive-in business or for an individual business~~  
2 ~~establishment located in a multiple business center, or may identify a multiple business center))~~.

3 d. Individual businesses ~~((which))~~ that are not drive-in businesses and  
4 ~~((which))~~ that are not located in multiple business centers may have one ~~((1))~~ pole sign in lieu  
5 of ~~((another))~~ a Type A sign permitted by subsection 23.55.036.D.2.a for each ~~((three-hundred~~  
6 ~~))~~ 300 ~~(())~~ lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

7  
8 e. In addition to the signs allowed by subsections 23.55.036.d.2.a and  
9 23.55.036.D.2.b, drive-in business establishments may have one pole sign for each 300 lineal  
10 feet, or portion thereof, of frontage on public rights-of-way, except alleys.

11 f. Where the principal use or activity on the lot is outdoor retail sales,  
12 banners and strings of pennants maintained in good condition shall be permitted in addition to  
13 the signs permitted by subsections 23.55.036.D.2.a and .b ~~((and D-2-e))~~.

14 \* \* \*

15  
16 Section 44. Section 23.57.002 of the Seattle Municipal Code, which section was last  
17 amended by Ordinance 120928, is amended as follows:

18 **23.57.002 Scope and applicability of provisions** ~~((r))~~

19 A. The provisions of this chapter ~~((shall))~~ apply to communication utilities and accessory  
20 communication devices in all zones where permitted.

21  
22 1. Direct broadcast satellite service, video programming service, or fixed wireless  
23 service antennas, as defined in applicable federal regulations, that measure ~~((one-))~~ 1 ~~(())~~ meter  
24 (3.28 feet) or less in diameter or diagonal measurement are exempt from the provisions of this  
25



1 chapter, except in special review, historic and landmark districts and on buildings designated by  
2 the Seattle Landmarks Preservation Board.

3 2. Special Rule for Satellite Dish Antennas. Satellite dish antennas are exempt  
4 from the provisions of this chapter when:

5 a. The antenna measures ~~((one-))~~1(~~(+))~~ meter (3.28 feet) or less in  
6 diameter in residential zones; or

7 b. The antenna measures ~~((two-))~~2(~~(+))~~ meters (6.56 feet) or less in  
8 diameter in non-residential zones.  
9

10 B. The provisions of this chapter do not apply to Citizen Band radios, equipment  
11 designed and marketed as consumer products such as computers (including internet linkage),  
12 telephones, microwave ovens and remote control toys, and to television broadcast and radio  
13 receive-only antennas except satellite dishes not exempted in subsection 23.57.002.A.

14 C. Lots located in the Shoreline District shall meet the requirements of Chapter 23.60, the  
15 Seattle Shoreline Master Program, in addition to the provisions of this chapter. ~~((In the event))~~ If  
16 there is a conflict between the regulations of the Shoreline Master Program and this chapter, the  
17 provisions of ~~((the Shoreline Master Program))~~ Chapter 23.60 ~~((shall))~~ apply.  
18

19 D. Communication Utilities and Accessory Communication Devices Located in the  
20 Major Institution~~((at))~~ Overlay District~~((s))~~. Communication Utilities located in the Major  
21 Institution~~((at))~~ Overlay District~~((s))~~ (Chapter 23.69) ~~((shall be))~~ are subject to the use provisions  
22 and development standards of Chapter 23.57. Communication devices accessory to major  
23 institution uses located in ~~((a))~~ the Major Institution~~((at))~~ Overlay District ~~((shall be))~~ are subject  
24 to the use provisions and development standards of Chapter 23.57 unless such devices are  
25  
26



1 addressed in a ~~((M))~~master ~~((P))~~plan adopted pursuant to Subchapter VI of Chapter 23.69.

2 Accessory Communication Devices associated with the University of Washington are subject to  
3 Section ~~((23.69.006-A))~~23.69.006.B.

4 Section 45. Section 23.57.010 of the Seattle Municipal Code, which section was last  
5 amended by Ordinance 120928, is amended as follows:

6 **23.57.010 Single Family and Residential Small Lot zones~~((τ))~~**

7  
8 A. Uses Permitted Outright.

9 1. Amateur radio devices accessory to a residential use that meet the  
10 development standards of subsection 23.57.010.E are permitted outright.

11 2. Minor communication utilities are permitted outright on existing freestanding  
12 major or minor telecommunication utility towers. Minor communication utilities locating on  
13 major communication utility towers are subject to the limitations of Sections 23.57.003 and  
14 23.57.005.

15  
16 B. Accessory Communication Devices.

17 1. Communication devices, regulated by this chapter pursuant to Section  
18 23.57.002, that are accessory to residential uses and meet the development standards of  
19 subsection 23.57.010.E are permitted outright;

20 2. Communication devices on the same lot as and accessory to institutions,  
21 public facilities, public utilities, major institutions and nonconforming residential uses,  
22 ~~((which))~~that meet the development standards of subsection 23.57.010.E are permitted outright.

23  
24 C. Uses Permitted by Administrative Conditional Use.  
25  
26  
27  
28

1                   1. The following may be permitted by Administrative Conditional Use, pursuant  
2 to criteria listed in subsection 23.57.010.C.2, as applicable:

3                   a. The establishment or expansion of a minor communication utility,  
4 unless the minor communication utility is permitted outright on an existing freestanding major or  
5 minor communication tower, except on lots zoned ~~((S))~~single ~~((F))~~-family or Residential Small  
6 Lot and containing a single family ~~((residence))~~dwelling or no use.

7                   b. Mechanical equipment associated with minor communication utilities  
8 whose antennas are located on another site or in the right-of-way, where the equipment is  
9 completely enclosed within a structure that meets the development standards of the zone. The  
10 equipment shall not emit radiofrequency radiation, and shall not result in the loss of a dwelling  
11 unit. Antennas attached to City-owned poles in the right-of-way shall follow the terms and  
12 conditions contained in Section 15.32.300.

13  
14  
15                   2. Administrative Conditional Use Criteria.

16                   a. The proposal shall not be significantly detrimental to the residential  
17 character of the surrounding residentially zoned area, and the facility and the location proposed  
18 shall be the least intrusive facility at the least intrusive location consistent with effectively  
19 providing service. In considering detrimental impacts and the degree of intrusiveness, the  
20 impacts considered shall include but not be limited to visual, noise, compatibility with uses  
21 allowed in the zone, traffic, and the displacement of residential dwelling units.

22                   b. The visual impacts that are addressed in Section 23.57.016 shall be  
23 mitigated to the greatest extent practicable.  
24  
25  
26  
27  
28



1 c. Within a Major Institution Overlay District, a Major Institution may  
2 locate a minor communication utility or an accessory communication device, either of which  
3 may be larger than permitted by the underlying zone, when:

4 ((i))1 The antenna is at least (~~one hundred~~)100(~~0~~) feet from  
5 a Major Institution Overlay District boundary, and

6 ((i))2 The antenna is substantially screened from the  
7 surrounding neighborhood's view.  
8

9 d. If the proposed minor communication utility is proposed to exceed the  
10 permitted height of the zone, the applicant shall demonstrate the following:

11 ((i))1 The requested height is the minimum necessary for the  
12 effective functioning of the minor communication utility, and

13 ((i))2 Construction of a network of minor communication  
14 utilities that consists of a greater number of smaller less obtrusive utilities is not technically  
15 feasible.  
16

17 e. If the proposed minor communication utility is proposed to be a new  
18 freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible  
19 for the proposed facility to be on another existing transmission tower or on an existing building  
20 in a manner that meets the applicable development standards. The location of a facility on a  
21 building on an alternative site or sites, including construction of a network that consists of a  
22 greater number of smaller less obtrusive utilities, shall be considered.  
23

24 f. If the proposed minor communication utility is for a personal wireless  
25 facility and it would be the third separate utility, or any subsequent separate utility after the third  
26



1 utility, on the same lot, the applicant shall demonstrate that it meets the criteria contained in  
2 subsection 23.57.009\_A, except for minor communication utilities located on a freestanding  
3 water tower or similar facility.

4 D. Uses Permitted by Council Conditional Use. The establishment or expansion of a  
5 minor communication utility other than as described in subsection 23.57.010.C ((above,)) may be  
6 permitted as a Council Conditional Use, pursuant to the following criteria, as applicable:

- 7
- 8 1. The proposal is for a personal wireless facility that meets the criteria  
9 contained in subsection 23.57.009\_A;
  - 10 2. If located on a lot developed with a single family dwelling, the proposed  
11 minor communication utility is clearly incidental to the use of the property as a dwelling;
  - 12 3. If the proposed minor communication utility is proposed to exceed the  
13 permitted height of the zone, the applicant shall demonstrate that the requested height is the  
14 minimum necessary for the effective functioning of the minor communication utility.

15  
16 E. Development Standards.

- 17 1. Location. Minor communication utilities and accessory communication  
18 devices regulated pursuant to Section 23.57.002 and amateur radio towers:
- 19 a. Are prohibited in the required front yard, and amateur radio towers are  
20 additionally prohibited in side yards.
  - 21 b. When ground-mounted, shall be included in lot coverage and rear yard  
22 coverage calculations. For dish antennas, lot coverage shall be calculated with the dish in a  
23 horizontal position.  
24  
25  
26  
27  
28

1 c. May be located on rooftops of non-residential buildings, but shall not  
2 be located on rooftops of principal or accessory structures containing residential uses, except as  
3 provided in subsection 23.57.010.E.5.

4 2. Height and Size.

5 a. The height limit of the zone (~~shall apply~~) applies to minor  
6 communication utilities and accessory communication devices. Exceptions to the height limit  
7 may be authorized through the approval of an Administrative Conditional Use (~~see~~) pursuant  
8 to subsection 23.57.010.C (~~above~~) or a Council Conditional Use (~~to~~) pursuant to subsection  
9 23.57.010.D (~~above~~)).

10  
11 b. The maximum diameter of dish antennas (~~shall be six feet~~) is 6(~~feet~~) feet,  
12 except for major institutions within a Major Institution Overlay District, when regulated as an  
13 administrative conditional use (~~in~~) pursuant to subsection 23.57.010.C (~~above~~)).

14  
15 c. The maximum height of an accessory amateur radio tower (~~shall~~  
16 be) is no more than (~~fifty feet~~) 50(~~feet~~) feet above existing grade. Cages and antennas may extend to  
17 a maximum additional (~~fifteen feet~~) 15(~~feet~~) feet. The base of the tower shall be setback from any  
18 lot line a distance at least equivalent to one-half (~~of~~) the height of the total structure,  
19 including tower or other support, cage and antennas.

20  
21 3. Visual Impacts. All minor communication utilities and accessory  
22 communication devices, except for facilities located on buildings designated by the Seattle  
23 Landmarks Preservation Board, facilities governed by Section 23.57.014, and amateur radio  
24 towers, shall meet the standards set forth in Section 23.57.016.



1 4. Access and Signage. Access to transmitting accessory communication devices  
2 and to minor communication utilities shall be restricted to authorized personnel by fencing or  
3 other means of security. If located on a residential structure or on a public utility, warning signs  
4 at every point of access to the transmitting antenna shall be posted with information on the  
5 existence of radiofrequency radiation.

6 5. Reception Window Obstruction. ~~((When))~~If, in the case of an accessory  
7 communications device or minor communications utility that would otherwise comply with this  
8 ~~((s))~~Section 23.57.010, the strict adherence to all development standards would result in  
9 reception window obstruction in all permissible locations on the subject lot, the Director may  
10 grant a waiver from development standards of subsection~~((s))~~ 23.57.010.E.1~~((b)).c~~ ~~((and E1d of~~  
11 ~~this section))~~ and the screening requirements of Section 23.57.016. The first waiver to be  
12 considered will be reduction, then waiver from screening. Only if these waived regulations  
13 would still result in obstruction shall rooftop location be considered. Approval of a waiver ~~((shall~~  
14 ~~be))~~is subject to the following criteria:

15 a. The applicant shall demonstrate that the obstruction is a result of  
16 factors beyond the property owner's control, taking into consideration potential permitted  
17 development on adjacent and neighboring lots with regard to future reception-window  
18 obstruction.

19 b. The applicant ~~((shall be))~~is required to use material, shape and color to  
20 minimize visual impact.

21 c. If a waiver is sought per this subsection 23.57.005.E.5.c to permit a  
22 rooftop location, the maximum permitted height of the device ~~((shall be four (4)))~~is 4(~~(4))~~) feet



1 above the existing roofline or ~~((four-))~~4~~(( ))~~ feet above the zone height limit, whichever is  
2 higher.

3 Section 46. Section 23.57.013 of the Seattle Municipal Code, which section was last  
4 amended by Ordinance 122054, is amended as follows:

5 **23.57.013 Downtown zones~~((:))~~**

6 A. Permitted Uses. Minor communication utilities and accessory communication  
7 devices ~~((shall be))~~are permitted outright when meeting development standards of the zone in  
8 which the site is located, except for height~~((s))~~ limits, and subsection 23.57.013.B.

9 B. Development Standards.

10 1. Access to transmitting minor communication utilities and accessory  
11 communication devices shall be restricted to authorized personnel when located on rooftops or  
12 other common areas. Warning signs at every point of access to the rooftop or common area shall  
13 be posted with information on the existence of radiofrequency radiation.

14 2. Height.

15 a. Except for special review, historic and landmark districts (see Section  
16 23.57.014), minor communication utilities and accessory communication devices may be located  
17 on rooftops of buildings, including sides of parapets and equipment penthouses above the  
18 roofline, as follows:

19 ~~((i))~~1 ~~((These))~~Those utilities and devices located on a rooftop  
20 of a building nonconforming as to height may extend up to ~~((fifteen-))~~15~~(( ))~~ feet above the  
21 height of the building existing as of ~~((the date of Ordinance 120928))~~November 1, 2002;



1                                    ~~((ii))~~2 ~~((These))~~Those utilities and devices located on a rooftop  
2 may extend up to ~~((fifteen-))~~15~~(( ))~~ feet above the applicable height limit or above the highest  
3 portion of ~~((a))~~the building, whichever is less.

4                                    The additional height permitted in 23.57.013.B.2.a.(1) and (2)~~((+))~~  
5 ~~and (ii) above~~) is permitted if the combined total of communication utilities and accessory  
6 communication devices in addition to the roof area occupied by rooftop features listed in Section  
7 23.49.008.D.2, does not exceed ~~((thirty-five-))~~35~~(( ))~~ percent of the total rooftop area.

8  
9                                    b. The height of minor communications utilities and accompanying  
10 screening may be further increased through the design review process, not to exceed ~~((ten~~  
11 ~~))~~10~~(( ))~~ percent of the applicable height limit for the structure. For new buildings this increase  
12 in height may be granted through the design review process provided for in Section 23.41.014.  
13 For minor communication utilities on existing buildings this increase in height may be granted  
14 through administrative design review provided for in Section 23.41.016.

15  
16                                    3. Visual Impacts. All minor communication utilities and accessory  
17 communication devices, except for facilities located on buildings designated by the Seattle  
18 Landmarks Preservation Board, facilities governed by Section 23.57.014, and amateur radio  
19 towers, shall meet the standards set forth in Section 23.57.016.

20  
21                                    4. Antennas may be located on rooftops of buildings, including sides of parapets  
22 above the roofline. Rooftop space within the following parameters ~~((shall))~~do not count toward  
23 meeting open space requirements: the area ~~((eight-))~~8~~(( ))~~ feet away from and in front of a  
24 directional antenna and at least ~~((two-))~~2~~(( ))~~ feet from the back of a directional antenna, or, for  
25 an omnidirectional antenna, ~~((eight-))~~8~~(( ))~~ feet away from the antenna in all directions. The  
26



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

3 Section 47. Section 23.69.024 of the Seattle Municipal Code, which section was last  
4 amended by Ordinance 122311, is amended as follows:

5 **23.69.024 Major Institution designation ((-))**

6 A. Major Institution designation shall apply to all institutions ((which))that conform to  
7 the definition of Major Institution.  
8

9 B. New Major Institutions.

10 1. When a medical or educational institution makes application for new  
11 development, or when a medical or educational institution applies for designation as a Major  
12 Institution, the Director will determine whether the institution meets, or would meet upon  
13 completion of the proposed development, the definition of a Major Institution in Section  
14 23.84A.025. Measurement of an institution's site or gross floor area in order to determine  
15 whether it meets minimum standards for Major Institution designation ((~~must~~))shall be according  
16 to the provisions of Section 23.86.036.  
17

18 2. If the Director determines that Major Institution designation is required, the  
19 Director may not issue any permit that would result in an increase in area of Major Institution  
20 uses until the institution is designated a Major Institution, a Major Institution Overlay District is  
21 established, and a master plan is prepared according to the provisions of Part 2, Major Institution  
22 Master Plan.  
23  
24  
25  
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1 A. The master plan is a conceptual plan for a Major Institution consisting of three ((3))  
2 components: the development standards component, the development program component and  
3 the transportation management program component.

4 \* \* \*

5 E. The development program component shall include the following:

6 1. A description of alternative proposals for physical development including an  
7 explanation of the reasons for considering each alternative, but only if an Environmental Impact  
8 Statement is not prepared for the master plan; and  
9

10 2. Density as defined by total maximum developable gross floor area for the MIO  
11 District and an overall floor area ratio (FAR) for the MIO District. Limits on total gross floor  
12 area and floor area ratios may also be required for sub-areas within the MIO District but only  
13 when an MIO District is over ((four hundred (400))) acres in size or when an MIO District  
14 has distinct geographical areas; and  
15

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

17 4. A description of existing and planned future physical development on a site  
18 plan ((which))that shall contain:

19 a. The height, description, gross floor area and location of existing and  
20 planned physical development, and  
21

22 b. The location of existing open space landscaping and screening, and  
23 areas of the MIO District to be designated open space. Designated open space shall be open  
24 space within the MIO District that is significant and serves as a focal point for users of the Major  
25



1 Institution. Changes to the size or location of designated open space ((will)) requires an  
2 amendment pursuant to Section 23.69.035, and

3 c. Existing public and private street layout, and

4 d. Existing and planned parking areas and structures; and

5 5. A site plan showing: property lines and ownership of all properties within the  
6 applicable MIO District, or areas proposed to be included in an expanded MIO District, and all  
7 structures and properties a Major Institution is leasing or using or owns within ((two thousand  
8 five hundred (0)2,500((0))) feet of the MIO District; and

9  
10 6. Three(((3)))-dimensional drawings to illustrate the height, bulk and form of  
11 existing and planned physical development. Information on architectural detailing such as  
12 window placement and color and finish materials ((shall))is not ((be)) required; and

13  
14 7. A site plan showing any planned infrastructure improvements and the timing of  
15 those improvements; and

16 8. A description of planned development phases and plans, including development  
17 priorities, the probable sequence for such planned development and estimated dates of  
18 construction and occupancy; and

19  
20 9. A description of any planned street or alley vacations or the abandonment of  
21 existing rights-of-way; and

22 10. At the option of the Major Institution, a description of potential uses,  
23 development, parking areas and structures, infrastructure improvements or street or alley  
24 vacations. Information about potential projects is for the purpose of starting a dialogue with the  
25



1 City and the community about potential development, and changes to this information will not  
2 require an amendment to the master plan; and

3 11. An analysis of the proposed master plan's consistency with the purpose and  
4 intent of this chapter as described in Section ~~((23.69.006))~~23.69.002; and

5 12. A discussion of the Major Institution's facility decentralization plans and/or  
6 options, including leasing space or otherwise locating uses off-campus; and  
7

8 13. A description of the following shall be provided for informational purposes  
9 only. The Advisory Committee, pursuant to Section 23.69.032.D.1, may comment on the  
10 following but may not subject these elements to negotiation nor shall such review delay  
11 consideration of the master plan or the final recommendation to Council:

12 a. A description of the ways in which the institution will address goals and  
13 applicable policies under Education and Employability and Health in the Human Development  
14 Element of the Comprehensive Plan, and  
15

16 b. A statement explaining the purpose of the development proposed in the  
17 master plan, including the public benefits resulting from the proposed new development and the  
18 way in which the proposed development will serve the public purpose mission of the Major  
19 Institution.  
20

21 \* \* \*

22 Section 49. Section 23.69.032 of the Seattle Municipal Code, which section was last  
23 amended by Ordinance 122497, is amended as follows:

24 **23.69.032 Master plan process((+))**  
25  
26  
27  
28



1 A. Not less than ~~((sixty-))~~60((9)) days prior to applying for a master plan, the institution  
2 shall file a notice of intent to prepare a master plan with the ~~((director))~~ Director.

3 \* \* \*

4 D. Development of Master Plan.

5 1. The Advisory Committee shall participate directly in the formulation of the  
6 master plan from the time of its preliminary concept so that the concerns of the community and  
7 the institution are considered. The primary role of the Advisory Committee is to work with the  
8 Major Institution and the City to produce a master plan that meets the intent of Section  
9 23.69.025. Advisory Committee comments shall ~~((be))~~ focus~~((ed))~~ on identifying and mitigating  
10 the potential impacts of institutional development on the surrounding community based on the  
11 purpose and intent of this chapter as described in Section ~~((23.69.006))~~23.69.002, and as  
12 prescribed in Chapter 25.05, Environmental Policies and Procedures. The Advisory Committee  
13 may review and comment on the mission of the institution, the need for the expansion, public  
14 benefits resulting from the proposed new development and the way in which the proposed  
15 development will serve the public purpose mission of the Major Institution, but these elements  
16 are not subject to negotiation nor shall such review delay consideration of the master plan or the  
17 final recommendation to Council.  
18  
19  
20

21 2. The Advisory Committee shall hold open meetings with the institution and City  
22 staff to discuss the master plan and resolve differences. The institution shall provide adequate  
23 and timely information to the Advisory Committee for its consideration of the content and level  
24 of detail of each of the specific elements of the master plan.  
25  
26  
27  
28

1                   3. The threshold determination of need for preparation of an Environmental  
2 Impact Statement (EIS) shall be made as required by Chapter 25.05, ~~((SEPA))~~ Environmental  
3 Policies and Procedures.

4                   4. If an EIS is required and an institution is the lead agency, it shall initiate a pre-  
5 draft EIS consultation with the Director. The Advisory Committee shall meet to discuss the  
6 scope of the document. The Advisory Committee shall submit its comments on the scope of the  
7 draft EIS to the lead agency and the Director before the end of the scoping comment period. The  
8 lead agency shall prepare a final scope within one ~~((4))~~ week after the end of the scoping  
9 period.  
10

11                   5. The institution shall prepare a preliminary draft master plan within ~~((seventy~~  
12 ~~))70((3))~~ days of completion of the final scope of the EIS.

13                   6. If an EIS is required, the institution or DPD, whichever is lead agency, shall be  
14 responsible for the preparation of a preliminary draft EIS within ~~((seventy-))70((3))~~ days of the  
15 completion of the final scope, or approval of an EIS consultant contract, whichever is later.  
16

17                   7. The Advisory Committee, ~~((Seattle Department of))~~ the Director of  
18 Transportation, the Director, and the institution shall submit comments on the preliminary draft  
19 master plan and the preliminary draft EIS to the lead agency within three ~~((3))~~ weeks of receipt,  
20 or on the environmental checklist and supplemental studies if an EIS is not required. If DPD is  
21 the lead agency, a compiled list of the comments shall be submitted to the institution within ten  
22 ~~((40))~~ days of receipt of the comments.  
23

24                   8. Within three ~~((3))~~ weeks of receipt of the compiled comments, the institution  
25 shall review the comments and revise the preliminary draft master plan, if necessary, discussing  
26



1 and evaluating in writing the comments of all parties. The lead agency shall review the  
2 comments and be responsible for the revision of the preliminary draft EIS if necessary. If no EIS  
3 is required, the lead agency shall review the comments and be responsible for the annotation of  
4 the environmental checklist and revisions to any supplemental studies if necessary. Within three  
5 ~~((3))~~ weeks after receipt of the revised drafts, the Director shall review the revised drafts and  
6 may require further documentation or analysis on the part of the institution. Three ~~((3))~~  
7 additional weeks may be spent revising the drafts for publication.  
8

9 9. The Director shall publish the draft master plan. If an EIS is required, the lead  
10 agency shall publish the draft EIS.

11 10. The Director and the lead agency shall hold a public hearing on the draft  
12 master plan and if an EIS is required, on the draft EIS.

13 11. The Advisory Committee, ~~((Seattle Department of))~~ the Director of  
14 Transportation and the Director shall submit comments on the draft master plan and if an EIS is  
15 required, on the draft EIS within six ~~((6))~~ weeks after the issuance of the draft master plan and  
16 EIS.  
17

18 12. Within ~~((thirteen))~~ 13 ~~((7))~~ weeks after receipt of the comments, the institution  
19 shall review the comments on the draft master plan and shall prepare the final master plan.  
20

21 13. If an EIS is required, the lead agency shall be responsible for the preparation  
22 of a preliminary final EIS, following the public hearing and within six ~~((6))~~ weeks after receipt  
23 of the comments on the draft EIS. ~~((Seattle Department))~~ The Director of Transportation, the  
24 Director, and the institution shall submit comments on the preliminary final EIS.  
25  
26  
27  
28





**Table A for 23.71.016  
 Minimum and Maximum Parking Requirements**

	LONG TERM		SHORT TERM
	Minimum	Maximum	Minimum
Office	0.9/1000	2.6/1000	0.2/1000
General sales and service (Customer service office)*	1.0/1000	2.4/1000	1.6/1000
General sales and service (other and Major durables retail sales*	0.93/1000	2.4/1000	2.0/1000
Motion picture theaters	N/A	N/A	Min: 1/8 seats
			Max: 1/4 seats

\*Except that the minimum requirements for pet daycare centers is pursuant to Table A for Section 23.54.015 and as regulated in Section 23.47A.039.

\* \* \*

Section 51. Section 23.76.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123566, is amended as follows:

**23.76.004 Land use decision framework**

A. Land use decisions are classified into five categories based on the amount of discretion and level of impact associated with each decision. Procedures for the five different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are categorized by type in Table A for 23.76.004.

B. Type I and II decisions are made by the Director and are consolidated in Master Use Permits. **Type I** decisions are ~~((non-appealable))~~ decisions made by the Director ~~((which))~~ that



1 require the exercise of little or no discretion and that are not appealable to the Hearing  
2 Examiner. **Type II** decisions are discretionary decisions made by the Director ~~((which))~~ that are  
3 subject to an administrative open record appeal hearing to the Hearing Examiner; provided  
4 that **Type II** decisions enumerated in Section 23.76.006.C.2 shall be made by the Council when  
5 associated with a Council land use decision and are not subject to administrative appeal. **Type**  
6 **III** decisions are made by the Hearing Examiner after conducting an open record hearing and not  
7 subject to administrative appeal. Type I, II or III decisions may be subject to land use  
8 interpretation pursuant to Section 23.88.020.

10 C. Type IV and V decisions are Council land use decisions. **Type IV** decisions are  
11 quasi-judicial decisions made by the Council pursuant to existing legislative standards and based  
12 upon the Hearing Examiner's record and recommendation. **Type V** decisions are legislative  
13 decisions made by the Council in its capacity to establish policy and manage public lands.

15 D. For projects requiring both a Master Use Permit and a Council land use decision as  
16 described in this chapter, the Council decision must be made prior to issuance of the Master Use  
17 Permit. All conditions established by the Council in its decision shall be incorporated in any  
18 subsequently issued Master Use Permit for the project.

20 E. Certain land use decisions are subject to additional procedural requirements beyond  
21 the standard procedures established in this ~~((e))~~ Chapter 23.76. ~~((Code references for such~~  
22 ~~additional requirements, where applicable, are provided in Seattle Municipal Code (SMC)~~  
23 ~~Sections 23.76.006 and 23.76.036.))~~ These requirements may be prescribed in the regulations  
24 for the zone in which the proposal is located, in other provisions of this title, or in other titles of  
25 the Seattle Municipal Code.



1 F. Shoreline appeals and appeals of related SEPA determinations shall be filed with the  
2 State Shoreline Hearings Board within ~~((twenty-one (21)))~~ 21((?)) days of the receipt of the decision  
3 by the Department of Ecology as set forth in RCW 90.58.180.

4 G. An applicant for a permit or permits requiring more than one ~~((1))~~ decision  
5 contained in the land use decision framework listed in Section 23.76.004 may either:

- 6 1. Use the integrated and consolidated process established in this chapter;  
7  
8 2. If the applicant includes a variance, lot boundary adjustment, or short  
9 subdivision approval and no environmental review is required for the proposed project pursuant  
10 to SMC Chapter 25.05, ~~((SEPA))~~ Environmental Policies and Procedures, file a separate Master  
11 Use Permit application for the variance, lot boundary adjustment, or short subdivision sought and  
12 use the integrated and consolidated process established in this chapter for all other required  
13 decisions; or

- 14  
15 3. Proceed with separate applications for each permit decision sought.  
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**Table A for 23.76.004  
 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)
<ul style="list-style-type: none"> <li>• Compliance with development standards</li> <li>• Uses permitted outright</li> <li>• Temporary uses, four weeks or less</li> <li>• Intermittent uses</li> <li>• Uses on vacant/underused lots per Section 23.42.038</li> <li>• Interim use parking authorized under subsection 23.42.040.G</li> <li>• Certain street uses</li> <li>• Lot boundary adjustments</li> <li>• Modifications of features bonused under Title 24</li> <li>• Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation</li> <li>• Temporary uses for relocation of police and fire stations</li> <li>• Exemptions from right-of-way improvement requirements</li> <li>• Special accommodation</li> <li>• Reasonable accommodation</li> <li>• Minor amendment to a Major Phased Development Permit</li> <li>• Determination of public benefit for combined lot FAR</li> <li>• Determination of whether an amendment to a Property Use and</li> </ul>	<ul style="list-style-type: none"> <li>• Temporary uses, more than four weeks, except for temporary relocation of police and fire stations</li> <li>• Variances</li> <li>• Administrative conditional uses</li> <li>• Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals)</li> <li>• Short subdivisions</li> <li>• Special Exceptions</li> <li>• Design review, except for streamlined design review pursuant to Section 23.41.018 for which no development standard departures are requested</li> <li>• Light rail transit facilities</li> <li>• The following environmental determinations:               <ol style="list-style-type: none"> <li>1. Determination of non-significance (EIS not required)</li> <li>2. Determination of final EIS adequacy</li> <li>3. Determinations of significance based solely on historic and cultural preservation</li> <li>4. A decision by the Director to approve, condition or deny a project based on SEPA Policies</li> <li>5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required)</li> </ol> </li> <li>• Major Phased Development</li> <li>• Downtown Planned Community Developments</li> </ul>	<ul style="list-style-type: none"> <li>• Subdivisions (preliminary plats)</li> </ul>



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)
Development Agreement is major or minor • Streamlined design review, pursuant to Section 23.41.018, if no development standard departures are requested • Other Type I decisions that are identified as such in the Land Use Code		

**COUNCIL LAND USE DECISIONS**

TYPE IV (Quasi-Judicial)	TYPE V (Legislative)
<ul style="list-style-type: none"> <li>• Amendments to the Official Land Use Map (rezones), except area-wide amendments, and adjustments pursuant to Section 23.69.023</li> </ul>	<ul style="list-style-type: none"> <li>• Land Use Code text amendments</li> </ul>
<ul style="list-style-type: none"> <li>• Public project approvals</li> </ul>	<ul style="list-style-type: none"> <li>• Area-wide amendments to the Official Land Use Map</li> </ul>
<ul style="list-style-type: none"> <li>• Major Institution Master Plans, including major amendments and renewal of a master plan's development plan component</li> </ul>	<ul style="list-style-type: none"> <li>• Concept approval for City facilities</li> </ul>
<ul style="list-style-type: none"> <li>• Major amendments to Property Use and Development Agreements</li> </ul>	<ul style="list-style-type: none"> <li>• Major Institution designations</li> </ul>
<ul style="list-style-type: none"> <li>• Council conditional uses</li> </ul>	<ul style="list-style-type: none"> <li>• Waiver or modification of development standards for City facilities</li> </ul>
	<ul style="list-style-type: none"> <li>• Planned Action Ordinance</li> </ul>

Section 52. Section 23.76.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123566, is amended as follows:

**23.76.006 Master Use Permits required**



1 A. Type I, II and III decisions are components of Master Use Permits. Master Use  
2 Permits are required for all projects requiring one or more of these decisions.

3 \* \* \*

4 C. The following are Type II decisions:

5 1. The following procedural environmental decisions for Master Use Permits and  
6 for building, demolition, grading and other construction permits are subject to appeal to the  
7 Hearing Examiner and are not subject to further appeal to the City Council (supplemental  
8 procedures for environmental review are established in Chapter 25.05, Environmental Policies  
9 and Procedures):

10 a. Determinations of Non-significance (DNS), including mitigated DNS;

11 b. Determination that a final environmental impact statement (EIS) is  
12 adequate; and  
13

14 c. Determination of Significance based solely on historic and cultural  
15 preservation.  
16

17 2. The following decisions, including any integrated decisions to approve,  
18 condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except  
19 shoreline decisions and related environmental determinations, ~~((that))~~ which are appealable to the  
20 Shorelines Hearings Board):

21 a. Establishment or change of use for temporary uses more than four  
22 weeks not otherwise permitted in the zone or not meeting development standards, including the  
23 establishment of temporary uses and facilities to construct a light rail transit system for so long  
24



1 as is necessary to construct the system as provided in subsection 23.42.040.F, but excepting  
2 temporary relocation of police and fire stations for 24 months or less;

3 b. Short subdivisions;

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

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

8 e. Design review, including streamlined design review pursuant to Section  
9 23.41.018 if development standard departures are requested pursuant to Section 23.41.012;

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

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

15 1) Shoreline substantial development permits;

16 2) Shoreline variances;

17 3) Shoreline conditional uses;

18 h. Major Phased Development;

19 i. Determination of project consistency with a planned action ordinance

20 and EIS;

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



1 25.20, Columbia City Landmark District; ((SMC)) Chapter 25.22, Harvard-Belmont Landmark  
2 District; ((SMC)) Chapter 25.24, Pike Place Market Historical District; and other codes as  
3 determined applicable by the Director. All shoreline substantial development, conditional use or  
4 variance applications shall also include applicable submittal information as specified in WAC  
5 173-27-180. The following information shall also be required as further specified in the  
6 Director's Rule on Application Submittal Guidelines, unless the Director indicates in writing that  
7 specific information is not necessary for a particular application:  
8

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

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

16 3. Scale drawings with all dimensions shown that include, but are not limited to,  
17 the following information:  
18

19 a. Existing site conditions showing adjacent streets (by name), alleys or  
20 other adjacent public property, existing street uses, such as street trees and sidewalk displays,  
21 buildings and structures, open space and landscape, access driveways and parking areas((5));

22 b. Elevations and sections of the proposed new features((5));

23 c. Floor plans showing the proposed new features((5));

24 d. Drainage plan((5));  
25  
26  
27  
28



1 e. Landscape plan((§));

2 f. Right-of-way information showing any work proposed in the public  
3 right-of-way((§));

4 g. Identification on the site plan of all easements, deed restrictions, or  
5 other encumbrances restricting the use of the property, if applicable((§));

6 h. Parking layout and vehicular access((§));

7 i. Vicinity map((§));

8 j. Topographic map((§)); and

9 k. Open space plan((§)).

10  
11 4. A statement whether the site includes or is adjacent to a nominated or  
12 designated City of Seattle landmark, or has been listed as eligible for landmark status by the state  
13 or federal governments, or is within a City of Seattle landmark or special review district. If the  
14 site includes a nominated or designated City of Seattle landmark, or is within a City of Seattle  
15 landmark or special review district, then the applicant must provide a copy of any application for  
16 any required certificate of approval that has been filed with the Department of Neighborhoods. If  
17 the site does not include a landmark and is not within a landmark or special review district, then  
18 the applicant must provide the following information:  
19  
20

21 a. Date the buildings on the site were constructed((§));

22 b. Name of the architect(s) or builder(s) ((§)); and

23 c. For any building ((~~fifty~~)50(§)) or more years old, clear exterior  
24 photos of all elevations of the building((§)).  
25  
26  
27  
28



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

6                   6. Confirmation that any required notification sign has been installed according  
7 to the Director's specifications;  
8

9                   ((6))7. Information including technical reports, drawings, models or text,  
10 necessary to evaluate the development proposal, project site and potential environmental effects  
11 related to the following:

- 12                   a. Soils and geology((5));
- 13                   b. Grading((5));
- 14                   c. Drainage((5));
- 15                   d. Construction impacts((5));
- 16                   e. Air quality((5));
- 17                   f. Water quality((5));
- 18                   g. Water discharge((5));
- 19                   h. View impairment((5));
- 20                   i. Energy consumption((5));
- 21                   j. Animal habitat impacts((5));
- 22                   k. Plant ecology, botany and vegetation((5));
- 23                   l. Noise((5));



- m. Release and disposal of toxic and hazardous materials((§));
- n. Soil contamination((§));
- o. Dredging((§));
- p. Land use((§));
- q. Housing((§));
- r. Light and glare((§));
- s. Shadow((§));
- t. Aesthetics((§));
- u. Use and demand on recreation facilities((§));
- v. Vehicular traffic and circulation((§));
- w. Parking((§));
- x. Pedestrian circulation((§));
- y. Circulation and movement of goods((§));
- z. Traffic hazard((§));
- aa. Demand on public service and utilities((§)); and
- bb. Identification of all development departures requested through the design review process.

\* \* \*

Section 54. Section 23.76.026 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

**23.76.026 Vesting**



A. Master Use Permit Components other than subdivisions and short subdivisions.

1 Except as otherwise provided in this Section 23.76.026 or otherwise required by law,  
2 applications for ~~((all))~~ Master Use Permit components ~~((except))~~ other than subdivisions and  
3 short subdivisions shall be considered under the Land Use Code and other land use control  
4 ordinances in effect on the date:

5  
6 1. Notice of the Director's decision on the application is published, if the  
7 decision can be appealed to the Hearing Examiner, or the Director's decision if no Hearing  
8 Examiner appeal is available; or

9  
10 2. A fully complete building permit application, as determined under Section  
11 106 of the Seattle Building Code or Section R105 of the Seattle Residential Code, is filed.

12 B. Subdivision and short subdivision components of Master Use Permits. An application  
13 for approval of a subdivision or short subdivision of land shall be considered under the Land Use  
14 Code and other land use control ordinances in effect when a fully complete application for such  
15 approval that satisfies the requirements of Section 23.22.020 (subdivision) or Sections 23.24.020  
16 and 23.24.030 (short subdivision) is submitted to the Director.

17 C. Design Review component of Master Use Permits.

18  
19 1. If a complete application for a Master Use Permit is filed prior to the date  
20 design review becomes required for that type of project, ~~((no))~~ design review ~~((component))~~ is  
21 not required.

22  
23 2. A complete application for a Master Use Permit that includes a design review  
24 component shall be considered under the Land Use Code and other land use control ordinances  
25 in effect on the date a complete application for the early design guidance process or SDR  
26



1 guidance process is submitted to the Director, provided that such Master Use Permit application  
2 is filed within 90 days of the date of the early design guidance public meeting if an early design  
3 guidance public meeting is required, or within 90 days of the date the Director provided guidance  
4 if no early design guidance public meeting is required. If more than one early design guidance  
5 public meeting is held, then a complete application for a Master Use Permit that includes a  
6 design review component shall be considered under the Land Use Code and other land use  
7 control ordinances in effect at the time of the first meeting, provided that such Master Use Permit  
8 application is filed within 150 days of the first meeting. If a complete application for a Master  
9 Use Permit that includes a design review component is filed more than 150 days after the first  
10 early design guidance public meeting, then such Master Use Permit application shall be  
11 considered under the Land Use Code and other land use control ordinances in effect at the time  
12 of the early design guidance public meeting that occurred most recently before the date on which  
13 a complete Master Use Permit application was filed, provided that such Master Use Permit  
14 application is filed within 90 days of the most recent meeting.

17 D. {RESERVED}

18 E. {RESERVED}

19 F. ~~((Applicants whose applications vest after the effective date of the ordinance~~  
20 ~~introduced as Council Bill 117014, but prior to the expiration of 180 days after the effective date~~  
21 ~~of that ordinance, may elect to have Section 23.86.006, Structure height, as it existed prior to the~~  
22 ~~effective date of that ordinance applied to their application. The applicant shall make the~~  
23 ~~election in writing and file it with the Director prior to the expiration of the 180 day period.))~~

24 Applicants whose applications vest after April 19, 2011 but prior to or on October 7, 2011 may  
25

1 elect to have the old height measurement technique applied to the projects, as reflected in Section  
2 23.86.006, Structure Height, as it existed immediately prior to April 19, 2011. Projects where  
3 the applicant has chosen this option may also take advantage of exceptions to height limits  
4 provided in this Title 23 at that time.

5 ((F))G. Notwithstanding any other provision of this section or this chapter, an applicant  
6 may elect, at such time and in such manner as the Director may permit, that specific Land Use  
7 Code provisions ((as in effect as of a later date apply to an))that became effective after the  
8 applicant's application vested, may nonetheless be applied to the application, pursuant to  
9 authorization for such election set forth elsewhere in this Title.

10  
11 Section 55. Section 23.76.066 of the Seattle Municipal Code, which section was enacted  
12 by Ordinance 118012, is amended as follows:

13 **23.76.066 Shoreline Master Program amendments((∓))**

14 Council decisions approving an amendment to the text of ((SMC)) Chapter 23.60,  
15 Shoreline District((Master Program Regulations)), shall be sent to the Director of the Department  
16 of Ecology. Such amendments shall become effective as provided by applicable state law((only  
17 upon approval of the amendment by the State Department of Ecology pursuant to WAC 173-19-  
18 060)).

19  
20  
21 Section 56. Section 23.80.004 of the Seattle Municipal Code, which section was last  
22 amended by Ordinance 122198, is amended as follows:

23 **23.80.004 Review criteria((∓))**

24 \* \* \*

25 ((D. Monorail transit facilities.



1           ~~1. Monorail transit facilities necessary to support the operation and maintenance~~  
2 ~~of a monorail transit system are permitted in all zones within the City of Seattle, except that a~~  
3 ~~monorail operations and/or maintenance center is prohibited in a residential or neighborhood~~  
4 ~~commercial zone. Any commercial use over two hundred (200) square feet as part of a monorail~~  
5 ~~transit station is prohibited unless otherwise permitted in the underlying zone.~~

6           ~~2. The Director may approve a monorail transit facility, pursuant to Chapter~~  
7 ~~23.76, Procedures for Master Use Permits and Council Land Use Decisions, only if the~~  
8 ~~horizontal and vertical alignment and locations of the monorail guideway, monorail transit~~  
9 ~~stations, and monorail operations center have been approved by the City Council by ordinance or~~  
10 ~~resolution. The City Council may also approve the horizontal and vertical alignment and location~~  
11 ~~of other monorail transit facilities.~~

12           ~~3. The Director shall review for approval all monorail transit facilities, except~~  
13 ~~monorail guideways, which must be reviewed for approval by the Director of Transportation~~  
14 ~~pursuant to the procedures of Title 15, provided that for any monorail transit facility or portion~~  
15 ~~thereof subject to review pursuant to Chapter 23.60, the Director shall conduct the review~~  
16 ~~required by that chapter.~~

17           ~~4. A Master Use Permit is not required for minor alterations of monorail transit~~  
18 ~~facilities involving no material expansion or change of use, and other minor new construction at~~  
19 ~~monorail transit facilities that, in the determination of the Director, is not likely to have~~  
20 ~~significant adverse impacts on surrounding properties.~~

21           ~~5. Waiver or modification of development standards.~~



1                   a. ~~Where necessary to achieve consistency with the terms of the City~~  
2 ~~Council's approval of the monorail transit system, development standards, including but not~~  
3 ~~limited to, height, setbacks, yards, landscaping, or lot coverage, may be waived or modified,~~  
4 ~~provided that height may be waived only for the monorail guideway or monorail transit stations~~  
5 ~~and not for any other monorail transit facilities, and further provided that height of monorail~~  
6 ~~transit stations shall not exceed sixty five feet (65') or the height limit in the underlying zone,~~  
7 ~~whichever is greater.~~

8  
9                   b. ~~To promote consistency with any monorail transit system specific~~  
10 ~~design guidelines to be developed by the City and a city transportation authority and approved by~~  
11 ~~the City Council by ordinance, development standards other than height may be waived or~~  
12 ~~modified.~~

13                   c. ~~Development standards may be waived or modified under this~~  
14 ~~subsection only for structures or portions of structures that are devoted to a use directly~~  
15 ~~associated with operation of the monorail transit facility and not for other portions of the~~  
16 ~~structure unrelated to the monorail transit use.~~

17  
18                   6. ~~The Director may impose reasonable conditions:~~

19                   a. ~~Where necessary to achieve consistency with the terms of the City~~  
20 ~~Council's approval of the monorail transit system; or~~

21                   b. ~~Pursuant to Chapter 25.05 to lessen identified impacts caused by the~~  
22 ~~monorail transit facilities; or~~  
23  
24  
25  
26  
27  
28



1 ~~e. To ensure consistency with any monorail transit system specific design~~  
2 ~~guidelines to be developed by the City and a city transportation authority and approved by the~~  
3 ~~City Council by ordinance.~~

4 ~~7. Within twenty (20) days after issuing a Master Use Permit for a monorail~~  
5 ~~transit station, the Director shall send a written report to the City Council describing any~~  
6 ~~development standards that were waived or modified pursuant to this section, and describing any~~  
7 ~~conditions that were imposed on the permit pursuant to this section.))~~

9 Section 57. Section 23.84A.010 of the Seattle Municipal Code, which section was last  
10 amended by Ordinance 123495, is amended as follows:

11 **23.84A.010 "E((~~r~~))"**

12 \* \* \*

13 "Essential public facilities" within the City of Seattle means airports, sewage treatment  
14 plants, jails, light rail transit systems, ~~((monorail transit systems,))~~ and power plants.

15 \* \* \*

16 Section 58. Section 23.84A.016 of the Seattle Municipal Code, which section was  
17 enacted by Ordinance 122311, is amended as follows:

18 **23.84A.016 "H((~~r~~))"**

19 \* \* \*

20 "Household" means a housekeeping unit consisting of any number of related persons;  
21 eight ~~((8))~~ or fewer non-related, non-transient persons; ~~((~~or~~))~~ eight ~~((8))~~ or fewer related and  
22 non-related non-transient persons, unless a grant of special or reasonable accommodation allows  
23 an additional number of persons.  
24  
25  
26



\* \* \*

1 Section 59. Section 23.84A.024 of the Seattle Municipal Code, which section was last  
2 amended by Ordinance 123589, is amended as follows:

3 **23.84A.024 "L"**

4 "Laboratory, research and development" means a use in which research and experiments  
5 leading to the development of new products are conducted. This use may be associated with an  
6 institutional, clinical or commercial use. This use includes but is not limited to the operation of a  
7 laboratory subject to any level of biosafety containment standard described by the U.S.  
8

9 Department of Health and Human Services, *Biosafety in Microbiological and Biomedical*

10 Laboratories, current edition. Space designed for this use typically includes ((features)) such  
11 features as((:)) floor - to - floor ceiling heights((, generally fourteen(-)) of at least 14((:)) feet ((in  
12 height or greater)) to accommodate mechanical equipment, and laboratory benches plumbed for  
13 water service.  
14

15 \* \* \*

16 "Land Use Information Bulletin." See "General mailed release."

17 \*\*\*

18 Section 60. Section 23.84A.025 of the Seattle Municipal Code, which section was last  
19 amended by Ordinance 123589, is amended as follows:

20 **23.84A.025 "M((:))"**

21 \* \* \*



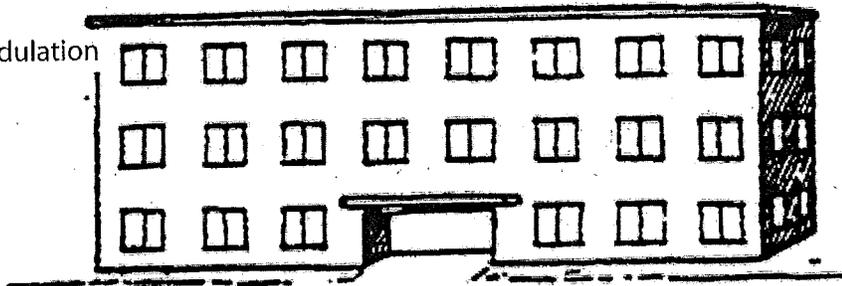
1 "Modulation" means a stepping back or projecting forward of sections of the facade of a  
2 structure within specified intervals of structure width and depth, as a means of breaking up the  
3 apparent bulk of the continuous exterior walls (Exhibit A for 23.84A.025).

4 Exhibit A for 23.84A.025

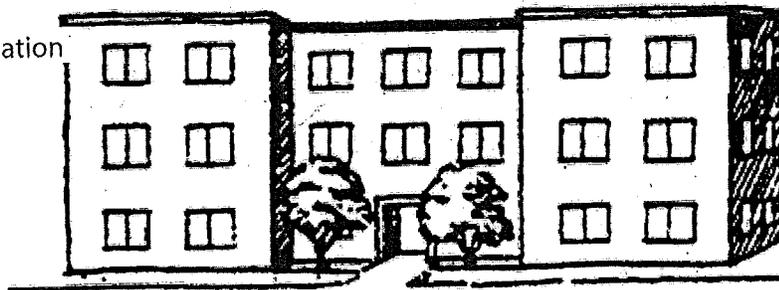
5 Modulation

6  
7  
8 **Exhibit ((23.84A.025-A) A for 23.84A.025**  
9 **Modulation**

10 building facade without modulation



15 building facade with modulation



20 (~~"Monorail guideway." See "Rail transit facility" under "Transportation facility."~~

21 ~~"Monorail transit facility." See "Rail transit facility" under "Transportation facility."~~

22 ~~"Monorail transit station." See "Rail transit facility" under "Transportation facility."~~

23 ~~"Monorail transit system." See "Rail transit facility" under "Transportation facility."~~

24  
25 "Mortuary service." See "Medical services".

\* \* \*

1  
2 Section 61. Section 23.84A.036 of the Seattle Municipal Code, which section was last  
3 amended by Ordinance 123589, is amended as follows:

4 **23.84A.036 "S"**

5 \* \* \*

6 "Sales and services, automotive" means a commercial use in which motorized vehicles or  
7 vehicle parts are rented, sold, serviced or repaired. Automotive sales and services uses exclude  
8 sales and services primarily relating to electric scooters or electric assisted bicycles. Automotive  
9 sales and services uses include but are not limited to the following:  
10

11 1. "Retail sales and services, automotive" means an automotive sales and service  
12 use in which goods are rented or sold primarily for use in motor vehicles or minor services are  
13 provided to motor vehicles. Uses in this category may include gas stations, car washes, minor  
14 repair of vehicles not falling under the definition of major automotive vehicle repair, battery  
15 stations for electric vehicles, and towing of vehicles when no more than two ~~((2))~~ trucks are  
16 used or kept on site for towing purposes.  
17

18 2. "Sales and rental of motorized vehicles" means an automotive sales and service  
19 use in which operable motorized vehicles, such as cars, trucks, buses, recreational vehicles or  
20 motorcycles, or related non-motorized vehicles, such as trailers, are rented or sold.  
21

22 3. "Vehicle repair, major automotive" means an automotive sales and service use  
23 in which one ~~((1))~~ or more of the following activities are carried out:

24 a. Reconditioning of any type of motorized vehicle, including any repairs  
25 made to vehicles over ~~((ten thousand ()))~~ 10,000 ~~(( ))~~ pounds gross vehicle weight;  
26



1  
2 repair;

b. Collision services, including body, frame or fender straightening or

3 c. Overall painting of vehicles or painting of vehicles in a paint shop;

4 d. Dismantling of motorized vehicles in an enclosed structure.

5 \* \* \*

6 "Sign, message board" means an electric sign (~~(which)~~ that has a reader board for the  
7 display of information, such as time, temperature, of public service or commercial messages,  
8 (~~(which)~~ that can be changed through the turning on and off of different combinations of light  
9 bulbs within the display area.

11 "Sign, multiple business center" means an on-premises sign directing attention to a  
12 grouping of two or more business establishments that either share common parking on the lot  
13 where the sign is located or occupy a single structure or separate structures that are physically  
14 attached or both. A multiple business center sign may be used to identify a multiple business  
15 center and may identify individual business establishments within a multiple business center but  
16 not the products or services offered by the business establishments. (See also "multiple business  
17 center" and "sign, business.")

18 "Sign, off-premises" means a sign relating, through its message and content, to a  
19 business activity, use, product or service not available on the premises upon which the sign is  
20 erected.  
21  
22

23 \* \* \*

24 Section 62. Section 23.84A.038 of the Seattle Municipal Code, which section was last  
25 amended by Ordinance 123589, is amended as follows:  
26



23.84A.038 "T"

1 \* \* \*

2  
3 "Transportation facility" means a use that supports or provides a means of transporting  
4 people and/or goods from one location to another. Transportation facilities include but are not  
5 limited to the following:

6 1. "Cargo terminal" means a transportation facility in which quantities of goods  
7 or container cargo are, without undergoing any manufacturing processes, transferred to carriers  
8 or stored outdoors in order to transfer them to other locations. Cargo terminals may include  
9 accessory warehouses, railroad yards, storage yards, and offices.

10  
11 2. "Parking and moorage" means the short term or long term storage of  
12 automotive vehicles or vessels or both when not in use. Parking and moorage uses include but  
13 are not limited to:

14 a. "Boat moorage" means a use, in which a system of piers, buoys or floats  
15 is used to provide moorage for vessels except barges, for sale or rent usually on a monthly or  
16 yearly basis. Minor vessel repair, haul out, dry boat storage, and other services are also often  
17 provided. Boat moorage includes, but is not limited to:

18  
19 1) "Commercial moorage" means a boat moorage primarily  
20 intended for commercial vessels except barges.

21  
22 2) "Recreational marina" means a boat moorage primarily  
23 intended for pleasure craft. (See also, "Boat moorage, public".)  
24  
25  
26  
27  
28



1 b. "Dry boat storage" means a use in which space on a lot on dry land, or  
2 inside a building over water or on dry land, is rented or sold to the public or to members of a  
3 yacht or boating club for the purpose of storing boats. Sometimes referred to as "dry storage."

4 c. "Parking, principal use" means a use in which an open area or garage is  
5 provided for the parking of vehicles by the public, and is not reserved or required to  
6 accommodate occupants, clients, customers or employees of a particular establishment or  
7 premises. Battery charging stations for electric vehicles are accessory to principal use parking.

8 Principal use parking includes but is not limited to the following uses:

9 1) "Park and pool lot" means a principal use parking use, operated  
10 or approved by a public ridesharing agency, where commuters park private vehicles and join  
11 together in carpools or vanpools for the ride to work and back, or board public transit at a stop  
12 located outside of the park and pool lot.

13 2) "Park and ride lot" means a principal use parking use where  
14 commuters park private vehicles and either join together in carpools or vanpools, or board public  
15 transit at a stop located in the park and ride lot.

16 d. "Towing services" means a parking and moorage use in which more  
17 than two tow trucks are employed in the hauling of motorized vehicles, and where vehicles may  
18 be impounded, stored or sold, but not disassembled or junked.

19 \* \* \*

20 Section 63. Section 23.84A.044 of the Seattle Municipal Code, which section was last  
21 amended by Ordinance 123495, is amended as follows:

22 **23.84A.044 "W"**



\* \* \*

1                   “Wind power generator” means a wind energy conversion system consisting of any rotor,  
2                   blade, nacelle, drive train, gearbox, generator, tower, and associated electronic equipment.

\* \* \*

3  
4  
5                   Section 64. Section 23.86.006 of the Seattle Municipal Code, which section was last  
6                   amended by Ordinance 123495, is amended as follows:

7  
8                   **23.86.006 Structure height measurement**

\* \* \*

9  
10                  B. Within the South Lake Union ((Hub)) Urban ((Village))Center, structure height shall  
11                  be measured for all portions of the structure. All measurements shall be taken vertically from  
12                  existing or finished grade, whichever is lower, to the highest point of the structure located  
13                  directly above each point of measurement.

14  
15                  Existing or finished grade shall be established by drawing straight lines between the  
16                  corresponding elevations at the perimeter of the structure. The straight lines will be existing or  
17                  finished grade for the purpose of height measurement. When a contour line crosses a facade  
18                  more than once, that contour line will be disregarded when establishing existing or finished  
19                  grade.

\* \* \*

20  
21  
22                  Section 65. Section 23.88.010 of the Seattle Municipal Code, which section was last  
23                  amended by Ordinance 121477, is amended as follows:

24                  **23.88.010 Rulemaking((=))**



1           A. The Director may promulgate rules consistent with this title pursuant to the authority  
2 granted in Section 3.06.040 and pursuant to the procedures established for rulemaking in the  
3 Administrative Code, Chapter 3.02. In addition to the notice provisions of Chapter 3.02, notice  
4 of the proposed adoption of a rule shall be placed in the Land Use Information Bulletin.

5           B. The Director may adopt and amend, by rule, performance standards for determining  
6 whether a proposed new structure has earned, at a minimum, a Leadership in Energy and  
7 Environmental Design (LEED) Silver rating, a Built Green 4-star rating of the Master Builders  
8 Association of King and Snohomish Counties, or meets the Washington Evergreen Sustainable  
9 Development Standards (ESDS). No rule may assign authority for making a final  
10 determination of whether a proposed new structure has earned, at a minimum, a LEED Silver  
11 rating, a Built Green 4-star rating of the Master Builders Association of King and Snohomish  
12 Counties, or meets the Washington Evergreen Sustainable Development Standards (ESDS) to  
13 any person other than an officer of the Department of Planning and Development or another City  
14 agency with regulatory authority and expertise in green building practices.

15           Section 66. Section 23.88.020 of the Seattle Municipal Code, which section was last  
16 amended by Ordinance 121477, is amended as follows:

17           **23.88.020 Land Use Interpretations((~~r~~))**

18           A. Interpretations Generally. A decision by the Director as to the meaning, application  
19 or intent of any development regulation in Title 23, Land Use Code, or in Chapter 25.09,  
20 Regulations for Environmentally Critical Areas, as it relates to a specific property is known as an  
21 "interpretation." An interpretation may be requested in writing by any person or may be initiated  
22 by the Director. Procedural provisions and statements of policy ~~((shall))~~ are not ~~((be))~~ subject to



1 the interpretation process. A decision by the Director that an issue is not subject to an  
2 interpretation request (~~(shall be)~~)is final and not subject to administrative appeal. A request for  
3 an interpretation, and a subsequent appeal to the Hearing Examiner(~~(, when)~~)if available, are  
4 administrative remedies that must be exhausted before judicial review of a decision subject to  
5 interpretation may be sought. An interpretation decision by the Director may affirm, reverse, or  
6 modify all or any portion of a Type I or Type II land use decision.

7 B. Filing and Fees. Any request for interpretation shall be filed with the Director  
8 accompanied by the required fee (~~(for interpretation provided in Table 6, SMC Section~~  
9 ~~22.901E.010)~~). If a request for interpretation is included in an appeal to the Hearing Examiner of  
10 a related project decision, a copy shall be filed with the Director, accompanied by the applicable  
11 fee.  
12

13 \* \* \*

14  
15 Section 67. Section 23.90.019 of the Seattle Municipal Code, which section was last  
16 amended by Ordinance 123141, is amended as follows:

17 **23.90.019 Civil Penalty for Unauthorized Dwelling Units in Single-Family Zones**

18 In addition to any other sanction or remedial procedure that may be available, the  
19 following penalt(~~(y))~~ies appl(~~(ies))~~y to unauthorized dwelling units in single-family zones in  
20 violation of Section 23.44.006. An owner of a single-family zoned lot that has more than one  
21 single-family dwelling unit and who is issued a notice of violation for an unauthorized dwelling  
22 unit, is subject to a civil penalty of \$5,000 for each additional dwelling unit, unless the additional  
23 unit is an authorized dwelling unit in compliance with Section 23.44.041, is a legal non-  
24 conforming use, or is approved as part of an administrative conditional use permit pursuant to  
25  
26

1 Section 25.09.260. Penalties for violation of Sections 23.44.006 and 23.44.041 shall be reduced  
2 from \$5,000 to \$500 if, prior to the compliance date stated on the notice of violation for an  
3 unauthorized dwelling unit, the dwelling unit is removed or authorized in compliance with  
4 Section 23.44.041, is a legal non-conforming use, or is approved as part of an administrative  
5 conditional use permit pursuant to Section 25.09.260. Falsely certifying to the terms of the  
6 covenant required by subsection 23.44.041.C.3 or failure to comply with the terms of the  
7 covenant is subject to a penalty of \$5,000, in addition to any criminal penalties. Penalties for  
8 violation of Sections 23.44.006 and 23.44.041 for an unauthorized detached accessory dwelling  
9 unit existing on January 1, 2009 will be waived if the owner occupancy requirement of Section  
10 23.44.041.C has been met since January 1, 2010, an application for a building permit authorizing  
11 the detached accessory dwelling unit is filed with the Department of Planning and Development  
12 by June 30, 2010, and final inspection approval for the permit authorizing the detached accessory  
13 dwelling unit is obtained by December 31, 2010.

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15  
16 Section 68. Section 23.91.004 of the Seattle Municipal Code, which section was last  
17 amended by Ordinance 119896, is amended as follows:

18 **23.91.004 Citation((s))**

19  
20 A. Citation. If after investigation the Director determines that the standards or  
21 requirements of provisions referenced in Section 23.91.002 have been violated, the Director may  
22 issue a citation to the owner and/or other person or entity responsible for the violation. The  
23 citation shall include the following information:

24 ((s))1.((s)) the name and address of the person to whom the citation is issued;



1 ((f))2.((f)) a reasonable description of the location of the property on which the  
2 violation occurred;

3 ((f))3.((f)) a separate statement of each standard or requirement violated;

4 ((f))4.((f)) the date of the violation;

5 ((f))5.((f)) a statement that the person cited must respond to the citation within

6 ((eighteen (18)))15 days after service;

7 ((f))6.((f)) a space for entry of the applicable penalty;

8 ((f))7.((f)) a statement that a response must be sent to the Hearing Examiner and  
9 received not later than ((five (5)))5:00((f)) p.m. on the day the response is due;

10 ((f))8.((f)) the name, address and phone number of the Hearing Examiner where  
11 the citation is to be filed;

12 ((f))9.((f)) a statement that the citation represents a determination that a violation  
13 has been committed by the person named in the citation and that the determination shall be final  
14 unless contested as provided in this chapter; and

15 ((f))10.((f)) a certified statement of the inspector issuing the citation, authorized  
16 by RCW 9A72.085, setting forth facts supporting issuance of the citation.

17 \*\*\*

18 Section 69. Page 145 of the Official Land Use Map, adopted by Ordinance 110381, is  
19 amended to rezone certain land from LR2 to LR2 SAOD, from LR3 to LR3 SAOD, from LR3 to  
20 LR3 RC SAOD, and from NC1-40 to NC1-40 SAOD, as shown on Exhibit A to this ordinance.  
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1 Section 70. Page 189 of the Official Land Use Map, adopted by Ordinance 110381, is  
2 amended to correct the zone classification of certain land from an erroneous zone classification  
3 of IC/U-85 to IC-85, as shown on Exhibit B to this ordinance.

4 Section 71. Section 25.05.675 of the Seattle Municipal Code, which Section was last  
5 amended by Ordinance 123209, is amended as follows:

6 **25.05.675 Specific environmental policies**

7 \* \* \*

8 M. Parking.

9 1. Policy Background.

10 a. Increased parking demand associated with development projects may  
11 adversely affect the availability of parking in an area.

12 b. Parking regulations to mitigate most parking impacts and to  
13 accommodate most of the cumulative effects of future projects on parking are implemented  
14 through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-  
15 street parking, streets are unable to absorb parking spillover. The City recognizes that the cost of  
16 providing additional parking may have an adverse effect on the affordability of housing.

17 2. Policies.

18 a. It is the City's policy to minimize or prevent adverse parking impacts  
19 associated with development projects.

20 b. Subject to the overview and cumulative effects policies set forth in  
21 Sections 25.05.665 and 25.05.670, the decisionmaker may condition a project to mitigate the  
22 effects of development in an area on parking; provided that:

1) No SEPA authority is provided to mitigate the impact of development on parking availability in the downtown zones;

2) In Seattle Mixed (SM) zones, and for residential uses located within the Capitol Hill/First Hill Urban Center, the University District Northwest Urban Center Village, and the Station Area Overlay District, no SEPA authority is provided for the decisionmaker to require more parking than the minimum required by the Land Use Code;

3) Parking impact mitigation for multifamily development, except in the Alki area, as described in subsection 25.05.675.M.2.c below, may be required only where on-street parking is at capacity, as defined by the Seattle Department of Transportation or where the development itself would cause on-street parking to reach capacity as so defined.

c. For the Alki area, as identified on Map B for ~~((23.45.015))~~23.54.015, a higher number of spaces per unit than is required by ~~((SMC))~~ Section 23.54.015 may be required to mitigate the adverse parking impacts of specific multifamily projects. Projects that generate a greater need for parking and that are located in places where the street cannot absorb that need — for example, because of proximity to the Alki Beach Park — may be required to provide additional parking spaces to meet the building's actual need. In determining that need, the size of the development project, the size of the units and the number of bedrooms in the units shall be considered.

\* \* \*

Section 72. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.



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Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2011, and  
signed by me in open session in authentication of its passage this  
\_\_\_\_ day of \_\_\_\_\_, 2011.

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

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

(Seal)

Attachments: Exhibit A: Columbia City Station Rezone Map

Exhibit B: Correct erroneous zone from IC U/85 to IC-85



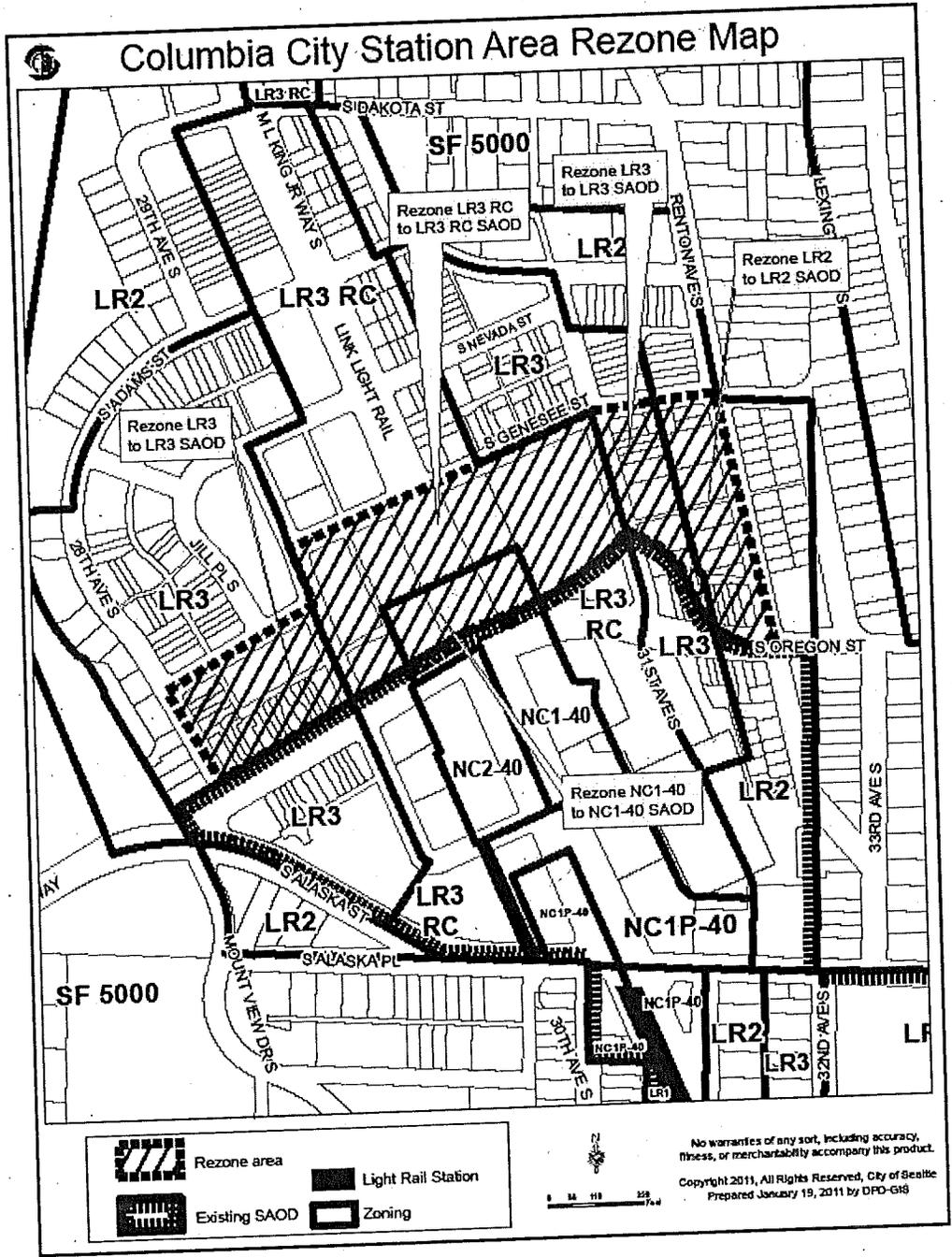


Exhibit A to the DPD Omnibus Ordinance



Bill Mills  
 DPD Omnibus Ordinance EXH B  
 January 18, 2011  
 Version 1

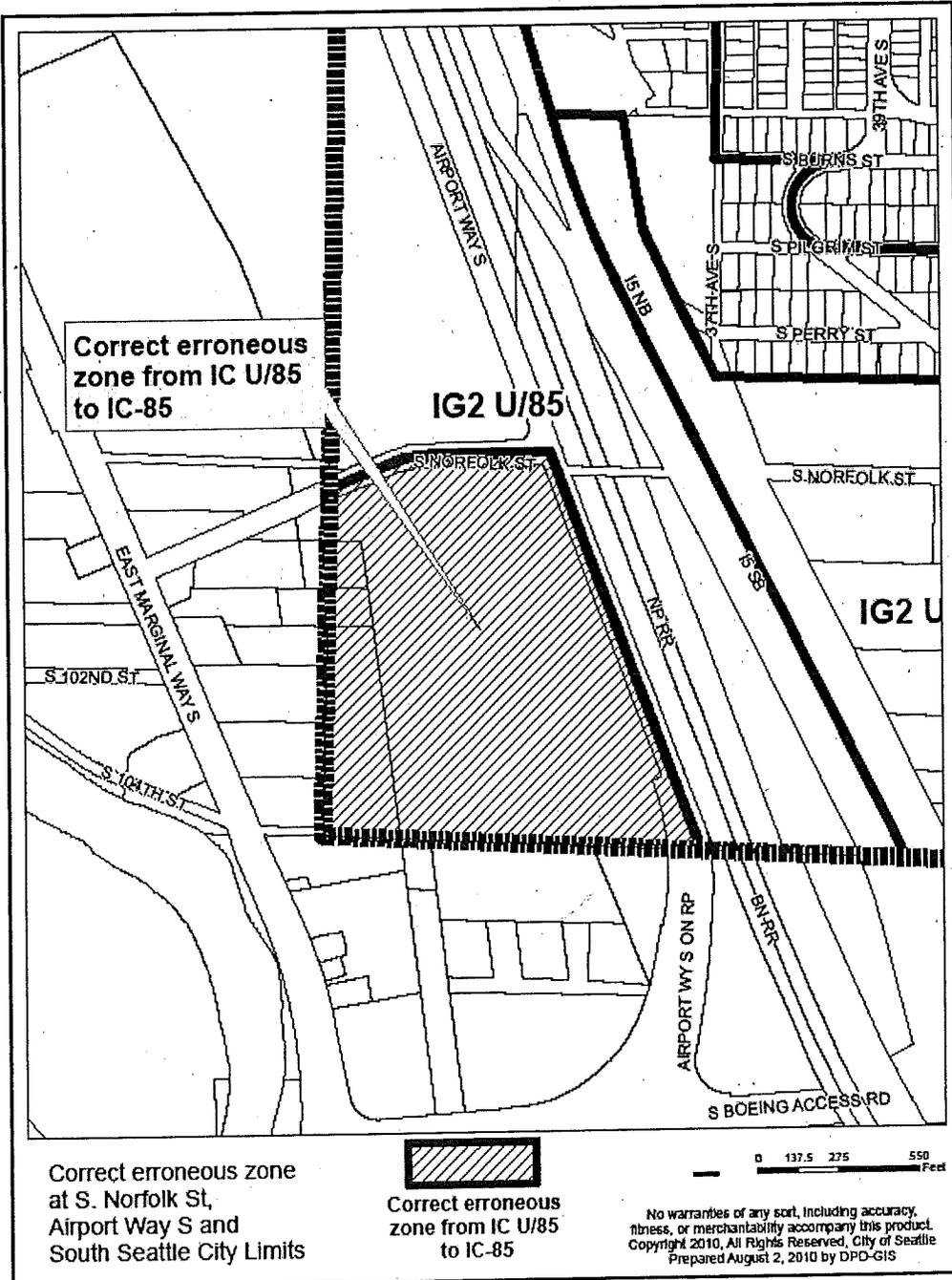


Exhibit B to the DPD Omnibus Ordinance

DPD  
 CITY  
 CLERK

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Planning & Development	Bill Mills/ 4-8738	Joe Regis/5-0087

**Legislation Title:**

AN ORDINANCE relating to land use and zoning; amending Sections 23.22.064, 23.22.074, 23.22.078, 23.40.002, 23.40.006, 23.40.007, 23.41.004, 23.42.040, 23.42.050, 23.42.106, 23.42.112, 23.42.122, 23.44.008, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.022, 23.44.041, 23.45.520, 23.47A.012, 23.47A.014, 23.47A.016, 23.47A.032, 23.48.010, 23.48.016, 23.48.034, 23.49.008, 23.49.020, 23.49.056, 23.49.166, 23.50.012, 23.50.024, 23.53.005, 23.53.015, 23.53.020, 23.53.025, 23.53.030, 23.54.015, 23.54.030, 23.54.035, 23.55.028, 23.55.030, 23.55.036, 23.57.002, 23.57.010, 23.57.013, 23.69.024, 23.69.030, 23.69.032, 23.71.016, 23.76.004, 23.76.006, 23.76.010, 23.76.026, 23.76.066, 23.80.004, 23.84A.010, 23.84A.016, 23.84A.024, 23.84A.025, 23.84A.036, 23.84A.038, 23.84A.044, 23.86.006, 23.88.010, 23.88.020, 23.90.019, 23.91.004, and 25.05.675 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments; amending Chapter 23.32 of the Seattle Municipal Code at pages 117, 145, and 189 of the Official Land Use Map to rezone property located within the Columbia City Station Area, to correct an erroneous zone designation south of South Norfolk Street, and to revert zoning at 1400 South Lane Street, respectively; and adding a new Section 23.48.036.

**Summary of the Legislation:**

Ongoing maintenance of the Land Use Code periodically requires amendments that are relatively small scale and have limited scope and impact. Such amendments include correcting typographical errors and incorrect section references, as well as clarifying existing code provisions.

**Background:**

Periodic updating of the Land Use Code is an important part of the regulatory process. Clarifying development regulations is necessary from time to time to correct errors and omissions when they are discovered, and to ensure that the City's policy intent is clear and achievable. Adoption of these Land Use Code amendments will help to facilitate easier understanding and improved administration and application of the Land Use Code. The last omnibus ordinance of Code amendments was adopted in 2009. A more detailed summary of the proposed amendments is included in the attached Director's Report.

  x   This legislation does not have any financial implications.





# City of Seattle

Michael McGinn, Mayor

## Office of the Mayor

February 22, 2011

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill containing amendments to the Land Use Code that clarify code provisions and correct errors and omissions that have come to light in the past few years. Normal maintenance of the Code requires amendments from time to time that are generally limited in scope. Such amendments, which include correcting typographical errors and incorrect section references, as well as clarifying existing code language, are periodically packaged into a single ordinance.

Adoption of these Land Use Code amendments will help to facilitate easier understanding and improved administration and application of the Land Use Code in this increasingly challenging development environment. This type of housekeeping is important for good customer service for those who seek to build in the city as well as neighbors already living and working here.

Thank you for your consideration of this legislation. Should you have questions, please contact Bill Mills in the Department of Planning and Development at 684-8738.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McGinn".

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

