

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; amending maximum size of use limits and minimum parking requirements for indoor sports and recreation uses; amending Section 23.50.027 and Section 23.54.015 of the Seattle Municipal Code.

WHEREAS, ...; and

WHEREAS, ...; and

WHEREAS, ...; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.50.027 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.50.027 - Maximum size of nonindustrial use

A. Applicability

1. Except as otherwise provided in this Section 23.50.027, the maximum size of use limits on gross floor area specified in Table A for 23.50.027 apply to principal uses on a lot, and apply separately to the categories of uses. The total gross floor area occupied by uses limited under Table A for 23.50.027 shall not exceed 2.5 times the area of the lot in an IG1, IG2, IB, or IC zone.

2. The combined square footage of any one business establishment located on more than one lot is subject to the size limitations on non-industrial uses specified on Table A for 23.50.027.

1 3.The maximum size of use limits in Table A for 23.50.027 do not apply to the
 2 area identified in Exhibit A for 23.50.027. In that area no single non-office use listed in Table
 3 A for 23.50.027 may exceed 50,000 square feet in size.

Table A for 23.50.027 Size of Use Limits in Industrial Zones					
Uses Subject to Size Limits	IG1	IG2	IB	IC Outside the Duwamish MIC	IC Within the Duwamish MIC
Animal Shelters and Kennels*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L., except 75,000 sq. ft. in IC 85-160 zone
Drinking establishments**	3,000 sq. ft.	3,000 sq. ft.	N.S.L.	N.S.L.	N.S.L.
Entertainment*	10,000 sq. ft. ***	10,000 sq. ft. ***	75,000 sq. ft.	75,000 sq. ft.	N.S.L., except 75,000 sq. ft. in IC 85-160 zone
Lodging Uses*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L., except 75,000 sq. ft. in IC 85-160 zone
Medical Services*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L., except 75,000 sq. ft. in IC 85-160 zone
Office	10,000 sq. ft.	25,000 sq. ft.	100,000 sq. ft.	N.S.L.	N.S.L.
Restaurants	5,000 sq. ft.	5,000 sq. ft.	N.S.L.	N.S.L.	N.S.L.
Retail Sales, Major Durables	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L., except 30,000 sq. ft. in IC 85-160 zone

**Table A for 23.50.027
 Size of Use Limits in Industrial Zones**

Uses Subject to Size Limits	IG1	IG2	IB	IC Outside the Duwamish MIC	IC Within the Duwamish MIC
Sales and Services, Automotive	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Sales and Services, General	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L., except 30,000 sq. ft. in IC 85-160 zone

Key for Table A for 23.50.027

N.S.L. = No Size Limit

* Where permitted under Table A for 23.50.012.

** The size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes.

*** The size limit for indoor sports and recreation is 50,000 sq. ft. for lots meeting the criteria of SMC 23.50.027 H.

- 1 B. The following exceptions to the size limitations in Table A for 23.50.027 are
 2 allowed for a structure existing as of September 26, 2007:
- 3 1. A use legally established as of September 26, 2007 that already exceeds the
 4 size limitations listed in Table A for 23.50.027 may continue.
 - 5 2. Subject to the limitations in subsection 23.50.027.E, the gross floor area of a
 6 use listed in Table A for 23.50.027 and legally established as of September 26, 2007 may be
 7 converted to another category of use listed in Table A for 23.50.027 provided that the
 8 combined gross floor area devoted to uses listed in Table A for 23.50.027 does not exceed the
 9 total gross floor area of such uses legally established as of September 26, 2007.

1 3. If 50 percent or more of the gross floor area of the structure has been legally
2 established as of September 26, 2007 with a use or uses listed in Table A for 23.50.027, those
3 categories of uses may exceed the size of use limits as follows:

4 a. Uses listed in Table A for 23.50.027 may expand within and occupy
5 the entire structure.

6 b. The structure may be expanded by up to the following amounts and
7 the use or uses may be permitted to expand within and occupy the entire structure:

8 1) IG1 and IG2 Zones: 20 percent of the existing structure's gross
9 floor area or 10,000 square feet, whichever is less;

10 2) IB and IC Zones: 20 percent of the existing structure's gross
11 floor area or 20,000 square feet, whichever is less.

12 C. Special Exceptions for Office Use.

13 1. Office Uses that are not Public Facilities Operated for Public Purposes by
14 Units or Instrumentalities of Special or General Purpose Government or the City.

15 a. The Director may permit an office use to exceed the size of use limits
16 as a special exception pursuant to Chapter 23.76, Master Use Permits and Council Land Use
17 Decisions, provided that the total gross floor area devoted to the uses limited in Table A
18 for 23.50.027 shall not exceed an area equal to the area of the lot in an IG1 zone or 2.5 times
19 the area of the lot in an IG2 or IB zone, and either the office is on the same lot as, and
20 accessory to, a permitted use not listed in Table A for 23.50.027; or the office is a principal use
21 on the same or another lot within 1 mile distance of a permitted use not listed in Table A
22 for 23.50.027 and is directly related to and supportive of that use.

1 b. The Director shall use the following characteristics to determine
2 whether to approve, approve with conditions or deny a special exception:

3 1) Characteristics that make a lot more appropriate for office uses
4 are:

5 a) The presence of well-defined boundaries, buffers, edge
6 conditions or circulation patterns that separate office uses from industrial activity;

7 b) The likelihood that the proposed use will provide or
8 encourage improvements that will directly support industrial activity in the area;

9 c) The likelihood that the proposed use, because of its
10 type, size and location, will operate without substantial conflicts with the industrial function of
11 the area;

12 d) A sufficiently large industrial area such that the
13 proposed use would not undermine the area's industrial character.

14 2) Characteristics that make a lot less appropriate for office uses
15 are:

16 a) The presence of heavy industrial uses that would
17 conflict with office use;

18 b) The presence of any special features, such as access to
19 the water, rail and the regional highway systems, that make the land especially well-suited to
20 industrial use.

21 2. Office Uses in Public Facilities Operated for Public Purposes by Units or
22 Instrumentalities of Special or General Purpose Government or the City in IG1 Zones. The
23 Director may permit office uses in existing vacant structures that were and are to be used as

1 public facilities operated for public purposes by units or instrumentalities of special or general
2 purpose government or the City on lots zoned IG1 to exceed the size limits referenced in Table
3 A for 23.50.027 as a special exception pursuant to Chapter 23.76, Master Use Permits and
4 Council Land Use Decisions, under the following circumstances:

5 a. Eligible Sites. To be eligible to apply for this exception the lot must
6 meet the following criteria:

7 1) The lot and its structures are owned by a unit or
8 instrumentality of special or general purpose government or the City and must have been
9 owned by a unit or instrumentality of special or general purpose government or the City on
10 January 1, 2000;

11 2) The lot is at least 500,000 square feet;

12 3) The lot contains existing structures with a total gross floor area
13 of at least 300,000 square feet that were at least 50 percent vacant continuously since
14 September 1, 1997; and

15 4) The lot and the existing structures on the lot must have
16 functioned most recently as a public facility operated for a public purpose by a unit or
17 instrumentality of special or general purpose government or the City, and

18 a) The previous public facility must have had at least ten
19 percent of its gross floor area functioning as accessory or principal offices; and

20 b) The previous public facility must have had at least 25
21 percent of its gross floor area functioning as one or more of the following uses or categories of
22 uses:

23 i. Warehouse,

- 1 ii. Light, general or heavy manufacturing,
- 2 iii. Food processing or craft work,
- 3 iv. Transportation facilities,
- 4 v. Salvage and recycling, or
- 5 vi. Utilities other than solid waste landfills.

6 b. Development Standards. The proposed public facility must meet the
7 following development standards in order for a special exception to be approved:

8 1) The existing structure or structures will remain on the lot and
9 will be reused for the proposed public facility, except that demolition of up to 20 percent of the
10 gross floor area of the existing structures and/or an addition of up to 20 percent of the gross
11 floor area of the existing structures is allowed;

12 2) The total gross floor area to be devoted to office use in the
13 proposed public facility will not exceed the lesser of 55 percent of the gross floor area of the
14 existing structures on the lot or an area equal to the area of the lot; and

15 3) At least 25 percent of the gross floor area of the structures in
16 the proposed public facility must include one or more of the following uses or categories of
17 uses:

- 18 a) Warehouse;
- 19 b) Light, general or heavy manufacturing;
- 20 c) Food processing or craft work;
- 21 d) Transportation facilities;
- 22 e) Salvage or recycling; or
- 23 f) Utilities other than solid waste landfills.

1 D. Covered rooftop recreational space of a building existing as of December 31, 1998,
2 if complying with subsection 23.50.012.D, is not subject to the limits on maximum size of
3 nonindustrial uses contained in subsection 23.50.027.A.

4 E. Special Exception to Maximum Sizes for General Sales and Service Use.

5 1. Subject to the procedures set forth in Chapter 23.76, Master Use Permits and
6 Council Land Use Decisions, a general sales and service use within the Duwamish
7 Manufacturing/Industrial Center that satisfies the criteria in this subsection 23.50.027.E may
8 obtain a special exception to expand its gross floor area by a maximum of 30 percent above the
9 gross floor area being used for general sales and service use as of October 1, 2003. The
10 expansion in gross floor area may occur one time only, either by addition to the existing
11 building or by construction of a replacement building, in which case the gross floor area of the
12 portion of the replacement building to be used for general sales and service use must not
13 exceed the gross floor area of the old building that was used for general sales and service use
14 as of October 1, 2003, plus 30 percent of that gross floor area.

15 2. To be eligible for this special exception an applicant must demonstrate to the
16 Director's satisfaction that:

17 a. The general sales and service use was established on a lot on or before
18 January 1, 1985, the use has continued as an established general sales and service use since
19 that date without interruption, and it exceeded the size of use limits in Table A for 23.50.027 as
20 of September 12, 2007;

21 b. At least 50 percent of the gross sales of the general sales and service
22 use are to businesses or business representatives; and

1 c. The use has not previously converted any use listed in Table A
2 for 23.50.027 to general sales and service pursuant to subsection 23.50.027.B.2 or expanded
3 the gross floor area of the general sales and service use pursuant to subsections 23.50.027.B.3.a
4 or 23.50.027.B.3.b.

5 3. The Director shall consider the following and may impose conditions to
6 assure that these criteria are met:

7 a. That well-defined boundaries, buffers, edge conditions or circulation
8 patterns will separate the use, if the gross floor area of the general sales and service use is
9 expanded, from surrounding industrial activity;

10 b. That adverse impacts on nearby industrial uses are minimized; and

11 c. That the proposed expansion of the gross floor area of the general
12 sales and service use will increase the capacity of the existing use to support other businesses
13 by providing goods and services that are used by such businesses as well as by individual
14 consumers in the Duwamish Manufacturing/Industrial Center.

15 4. To be eligible for expansion onto a contiguous lot that is not separated by a
16 street, alley or other right-of-way, the applicant also must demonstrate that:

17 a. The established use on the contiguous lot is a use that is permitted in
18 commercial as well as industrial zones, and that use has been established for at least ten years
19 prior to the date of application; and

20 b. The most recent business establishment on the contiguous lot has
21 ceased operations or moved to another location for reasons unrelated to the proposed
22 expansion of the general sales and service use that is applying for the special exception.

1 5. Any general sales and service use that has expanded its gross floor area
2 pursuant to a special exception granted pursuant to this Section 23.50.027 may not thereafter
3 convert any use listed in Table A for 23.50.027 to retail pursuant to subsection 23.50.027.B.2
4 or expand the gross floor area of the general sales and service use pursuant to subsections
5 23.50.027.B.3.a or 23.50.027.B.3.b.

6 F. Special Exception to Size-of-Use Limits for Reuse of Certain Buildings.

7 1. Special Exception to Size-of-Use Limits. If a building meets all of the
8 conditions in subsection 23.50.027.F.2, then pursuant to the procedures in Chapter 23.76, the
9 Director may grant a special exception to the size limits in Table A for 23.50.027 for one or
10 more uses in that building and any other buildings on the lot, based upon the criteria in
11 subsection 23.50.027.F.3.

12 2. Eligible Buildings. To be eligible for the special exception, the building shall
13 meet the following conditions:

14 a. The building is located within the following boundaries: north of
15 Lander St., west of Interstate 5, south of Royal Brougham Way, and east of State Route 99;

16 b. The building has a minimum of five stories that are entirely or
17 partially above grade;

18 c. The building was built and occupied prior to January 1, 2009; and

19 d. The lot on which the building is located is at least 0.5 mile from any
20 other lot where a special exception under this subsection 23.50.027.F has been granted.

21 3. Special Exception Criteria. The Director may grant the special exception
22 when all of the following are met:

1 a. At least 75 percent of the building that is eligible under subsection
2 23.50.027.F.2, existing as of January 1, 2009, remains intact after reuse, except to the extent
3 structural alterations are necessary to comply with other applicable codes;

4 b. The proposed use will not directly or indirectly lead to changes in
5 traffic volumes, traffic patterns or right-of-way improvements that would interfere with
6 adjacent industrial uses, such as by impeding freight access and freight movement; and

7 c. The proposed use will not contribute to a pattern or density of non-
8 industrial uses to an extent that will conflict with the viability of industrial uses or
9 development on adjacent industrially zoned property.

10 4. Exception in Addition to Size of Use Limits. Unless the Director expressly
11 specifies otherwise, any space allowed to be occupied under this special exception is in
12 addition to the amounts allowed by the size of use limits in Table A for 23.50.027 that
13 otherwise apply to a lot or business establishment.

14 5. Conditioning Authority. The Director may impose conditions to assure that
15 criteria for the special exception are satisfied and to mitigate any impacts that may result from
16 granting the special exception.

17 G. Rooftop Recreational Space in IG1 and IG2 Zones. Rooftop recreational space in
18 IG1 and IG2 zones accessory to office use and meeting the standards of subsection
19 23.50.012.D is not subject to the limits on maximum size of nonindustrial uses.

20 H. The maximum size limit for Indoor Sports and Recreation is 50,000 sq. ft. for lots in
21 the IG1 and IG2 zones that meet all of the following conditions:

22 1. Located in the Ballard Interbay Northend Manufacturing Industrial Center
23 (BINMIC);

2. Located 500 feet or more from a shoreline;

3. Located within 300 feet of land zoned either Neighborhood Commercial (NC)

or Seattle Mixed (SM);

4. Located within one quarter mile of a public park with active recreation use

such as sports fields or sports courts; and

5. Not located within one mile of another indoor sports and recreation use in the

BINMIC that exceeds 25,000 square feet in size.

Section 2. Table A for Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 126287, is amended as follows:

Table A for 23.54.015 Required Parking for Non-residential Uses Other Than Institutions			
Use		Minimum parking required	
I. General Non-residential Uses (other than institutions)			
A.	AGRICULTURAL USES ¹		1 space for each 2,000 square feet
B.	COMMERCIAL USES		
	B.1.	Animal shelters and kennels	
	B.2.	Eating and drinking establishments	1 space for each 250 square feet
	B.3.	Entertainment Uses, general, except as noted below ²	For public assembly areas: 1 space for each 8 fixed seats, or 1 space for each 100 square feet of public assembly area not containing fixed seats
		B.3.a	Adult cabarets
		B.3.b	Sports and recreation uses ⁽³⁾
	B.4.	Food processing and craft work	1 space for each 2,000 square feet
	B.5.	Laboratories, research and development	1 space for each 1,500 square feet
	B.6.	Lodging uses	1 space for each 4 rooms; For bed and breakfast facilities in single-family and multifamily zones, 1 space for each dwelling unit, plus 1 space for each 2 guest rooms

	B.7.	Medical services	1 space for each 500 square feet
	B.8.	Offices	1 space for each 1,000 square feet
	B.9.	Sales and services, automotive	1 space for each 2,000 square feet
	B.10.	Sales and services, general, except as noted below	1 space for each 500 square feet
	B.10.a	Pet Daycare Centers ⁽³⁾ (4)	1 space for each 10 animals or 1 space for each staff member, whichever is greater, plus 1 loading and unloading space for each 20 animals
	B.11.	Sales and services, heavy	1 space for each 2,000 square feet
	B.12.	Sales and services, marine	1 space for each 2,000 square feet
C.	HIGH IMPACT USES		1 space for each 2,000 square feet
D.	LIVE-WORK UNITS		0 spaces for units with 1,500 square feet or less; 1 space for each unit greater than 1,500 square feet; 1 space for each unit greater than 2,500 square feet, plus the parking that would be required for any nonresidential activity classified as a principal use
E.	MANUFACTURING USES		1 space for each 2,000 square feet
F.	STORAGE USES		1 space for each 2,000 square feet
G.	TRANSITIONAL ENCAMPMENT INTERIM USE		1 space for every vehicle used as shelter; plus 1 space for each 2 staff members on-site at peak staffing times
H.			
	H.1.	Cargo terminals	1 space for each 2,000 square feet
	H.2.	Parking and moorage	
	H.2.a.	Flexible-use parking	None
	H.2.b.	Towing services	None
	H.2.c.	Boat moorage	1 space for each 2 berths
	H.2.d.	Dry storage of boats	1 space for each 2,000 square feet
	H.3.	Passenger terminal	1 space for each 100 square feet of waiting area
	H.4.	Rail transit facilities	None
	H.5.	Transportation facilities, air	1 space for each 100 square feet of waiting area
	H.6.	Vehicle storage and maintenance uses	1 space for each 2,000 square feet
I.	UTILITIES		1 space for each 2,000 square feet

II. Non-residential Use Requirements for Specific Areas		
J.	Non-residential uses in urban centers or the Station Area Overlay District ⁴	No minimum requirement
K.	Non-residential uses in urban villages that are not within an urban center or the Station Area Overlay District, if the non-residential use is located within a frequent transit service area. ⁽⁽⁴⁾⁾⁽⁵⁾	No minimum requirement
L.	Non-residential uses permitted in MR and HR zones pursuant to Section 23.45.504.	No minimum requirement

Footnotes for Table A for [23.54.015](#)

¹ No parking is required for urban farms or community gardens in residential zones.

² Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be "in use" during the period beginning three hours before an event is scheduled to begin and ending one hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five years. During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be "in use" by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be 50 percent or less of the facility's seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one space for each ten fixed seats of certified projected attendance. An application for reduction and the certification shall be submitted to the Director at least 15 days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series 15 days prior to the first event in the series. If the Director finds that a certification of projected attendance of 50 percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the Director shall, within 15 days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility's Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded.

⁽³⁾ For indoor sports and recreation uses that exceed 25,000 square feet in size in the Ballard Interbay Northend Manufacturing Industrial Center the minimum requirement is 1 space per each 2,000 square feet.

⁽⁽³⁾⁾⁽⁴⁾ The amount of required parking is calculated based on the maximum number of staff or animals the center is designed to accommodate.

⁽⁽⁴⁾⁾⁽⁵⁾ The general minimum requirements of Part I of Table A for [23.54.015](#) are superseded to the extent that a use, structure, or development qualifies for either a greater or a lesser minimum parking requirement (which may include no requirement) under any other provision. To the extent that a non-residential use fits within more than one line in Table A for [23.54.015](#), the least of the applicable minimum parking requirements applies. The different parking requirements listed for certain categories of non-residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this [Title 23](#).

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1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2021,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2021.

7 _____
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this _____ day of _____, 2021.

10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2021.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)