CITY OF SEATTLE

ORDINANCE _________________

COUNCIL BILL _________________

..title
AN ORDINANCE relating to land use and zoning, amending Sections 23.45.510, 23.47A.013, 23.48.020, 23.49.025, 23.49.180, 23.54.040, 23.75.085, and 23.84A.036 of the Seattle Municipal Code (SMC), in order to require convenient on-floor solid waste collection areas or chutes for new residential development with provisions for floor area exemption for these features; update and clarify requirements for solid waste storage, staging areas, and access for residential, commercial, and industrial development; and update provisions allowing for approval of modified arrangements to meet requirements.

..body

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.45.510 Floor area

* * *

D. The following floor area is exempt from FAR limits:

1. All stories, or portions of stories, that are underground.

2. The floor area contained in a Landmark structure subject to controls and incentives imposed by a designating ordinance, if the owner of the Landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board, providing for the restoration and maintenance of the historically significant features of the structure, except that this exemption does not apply to a lot from which a transfer of
development potential (TDP) has been made under Chapter 23.58A, and does not apply for
purposes of determining TDP available for transfer under Chapter 23.58A.

3. The floor area contained in structures built prior to January 1, 1982, as single-family dwelling units that will remain in residential use, regardless of the number of dwelling units within the existing structure, provided that:

a. No other principal structure is located between the existing residential structure and the street lot line along at least one street frontage. If the existing residential structure is moved on the lot, the floor area of the existing residential structure remains exempt if it continues to meet this provision; and

b. The exemption is limited to the gross floor area in the existing residential structure as of January 1, 1982.

4. Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access, (see Exhibit A for 23.45.510), in the following circumstances:

a. Apartments in LR zones;

b. Rowhouse and townhouse developments in LR zones, provided that all parking is located at the rear of the structure or is enclosed in structures with garage entrances located on the rear facade; and

c. All multifamily structures in MR and HR zones.
5. For rowhouse and townhouse developments and apartments, floor area within a story, or portion of a story, that is partially above grade if all of the following conditions are met:

   a. The story, or portion of the story, that is partially above grade is used for parking or other accessory uses and has no additional stories above;

   b. The average height of the exterior walls enclosing the floor area does not exceed one story, measured from existing or finished grade, whichever is lower;

   c. The roof area above the exempt floor area is predominantly flat, is used as amenity area, and meets the standards for amenity area at ground level in Section 23.45.522; and

   d. At least 25 percent of the perimeter of the amenity area on the roof above the floor area is not enclosed by the walls of the structure.

6. Enclosed common amenity area in HR zones.

7. As an allowance for mechanical equipment, in any structure more than 85 feet in height, 3.5 percent of the gross floor area that is not otherwise exempt under this subsection 23.45.510.D.
8. In HR zones, ground floor commercial uses meeting the requirements of Section 23.45.532, if the street level of the structure containing the commercial uses has a minimum floor-to-floor height of 13 feet and a minimum depth of 15 feet.

9. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits.

10. Common walls separating individual rowhouse and townhouse dwelling units.

11. In the Northgate Urban Center, up to 15,000 square feet of floor area in residential use in a structure built prior to 1990 that is located on a split-zoned lot of at least 40,000 square feet in size.

12. Solid waste collection areas and chutes for residential uses provided pursuant to subsection 23.54.040.K.

* * *

Section 2. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.47A.013 Floor Area Ratio

* * *

B. The following gross floor area is not counted toward FAR:

1. All stories, or portions of stories, that are underground;

2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access;
3. Gross floor area of a transit station, including all floor area open to the general public during normal hours of station operation but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve transit riders;

4. On a lot containing a peat settlement-prone environmentally critical area, above-grade parking within or covered by a structure or portion of a structure, if the Director finds that locating a story of parking below grade is infeasible due to physical site conditions such as a high water table, if either:

   a. The above-grade parking extends no more than 6 feet above existing or finished grade and no more than 3 feet above the highest existing or finished grade along the structure footprint, whichever is lower, as measured to the finished floor level or roof above, pursuant to subsection 23.47A.012.A.3; or

   b. All of the following conditions are met:

      1) No above-grade parking is exempted by subsection 23.47A.013.B.4.a;

      2) The parking is accessory to a residential use on the lot;

      3) Total parking on the lot does not exceed one space for each residential dwelling unit plus the number of spaces required for non-residential uses; and

      4) The amount of gross floor area exempted by this subsection 23.47A.013.B.4.b does not exceed 25 percent of the area of the lot in zones with a height limit less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or greater; and
5. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.5 and 23.47A.012.C.6;

6. Bicycle commuter shower facilities required by subsection 23.54.015.K.8; and

7. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits; ((and))

8. Child care centers((.)); and

9. Solid waste collection areas and chutes for residential uses provided pursuant to subsection 23.54.040.K.

* * *

Section 3. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.48.020 Floor Area Ratio (FAR)

* * *

B. Floor area exempt from FAR calculations. The following floor area is exempt from maximum FAR calculations:

1. All underground stories or portions of stories.

2. Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.

3. As an allowance for mechanical equipment, in any structure 65 feet in height or more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR
calculations. Calculation of the allowance includes the remaining gross floor area after all
exempt space allowed in this subsection 23.48.020.B has been deducted. Mechanical equipment
located on the roof of a structure, whether enclosed or not, is not included as part of the
calculation of total gross floor area.

4. All gross floor area for solar collectors and wind-driven power generators.
5. Bicycle commuter shower facilities required by subsection 23.54.015.K.8.
6. The floor area of required bicycle parking for small efficiency dwelling units or
congregate residence sleeping rooms, if the bicycle parking is located within the structure
containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
limits.
8. Solid waste collection areas and chutes for residential uses provided pursuant to
subsection 23.54.040.K.

* * *
Section 4. Section 23.49.025 of the Seattle Municipal Code, last amended by Ordinance
124969, is amended as follows:

**23.49.025 Odor, noise, light/glare, and solid waste recyclable materials storage space**
standards

* * *
D. The standards of Section 23.54.040 for solid waste and recyclable materials storage
space, and the standards of subsection 23.54.040.K for collection areas and chutes for residential
development, shall be met.
Section 5. Section 23.49.180 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

23.49.180 Additional height in the PSM 85-120 zone

* * *

E. Floor area ratio (FAR)

1. Base and maximum FAR. The base FAR for all uses on a lot, except for those uses expressly exempted, is 4. The maximum FAR for all uses on a lot, except for those uses expressly exempted, is 8.

2. Limit on non-residential FAR. Non-residential chargeable floor area on a lot may not exceed an FAR of 4.

3. Affordable housing incentive program. Development that includes residential use may exceed the base FAR to the extent the applicant qualifies for bonus floor area by providing affordable housing according to Section 23.49.181, subject to the FAR limit in subsection 23.49.180.E.1.

4. Exemptions and deductions from FAR calculations

   a. The exemptions and deductions from FAR calculations specified in subsection 23.49.011.B apply, except that residential use is not exempt and is considered chargeable floor area.

   b. In addition to the exemptions from floor area calculations for parking in subsection 23.49.011.B.1.l, enclosed parking provided at or above grade as accessory parking for non-residential uses or as flexible-use parking replacing the surface spaces existing on the lot on June 25, 1998, is exempt from FAR calculations if it is separated from all streets abutting the lot by another use or is screened according to the provisions of subsection 23.49.180.G.9.
c. Street-level uses other than residential lobbies are exempt if they meet
the requirements of subsection 23.49.180.F.

d. Solid waste collection areas and chutes for residential uses provided
pursuant to subsection 23.54.040.K are exempt from FAR limits.

* * *

Section 6. Section 23.54.040 of the Seattle Municipal Code, last amended by Ordinance
125791, is amended as follows:

23.54.040 Solid waste ((and recyclable materials)) storage and access

A. General provisions. For the purposes of this Section, compostable materials, garbage,
recyclable materials, and solid waste are as defined in SMC Section 21.36. “Solid waste” refers
to the combination of compostable materials, garbage, and recyclable materials.

1. ((Except as provided in subsection 23.54.040.I, in))In RSL, downtown,
multifamily, master planned community, industrial, and commercial zones, storage space for
solid waste ((and recyclable materials)) containers shall be provided as shown in Table A for
23.54.040 for all new structures, structures with additions to commercial uses that are greater
than 5,000 square feet, and ((for existing structures to which)) structures with additions of two or
more dwelling units or live-work units ((are added)).

((1)))2. Residential uses proposed to be located on separate platted lots or unit lots,
for which each dwelling unit will be billed separately for utilities, shall provide one storage area
per dwelling unit that has minimum dimensions of 2 feet by 6 feet.

((2)))3. Residential development for which a home ownership association or other
single entity exists or will exist as a sole source for utility billing may meet the requirement in
subsection 23.54.040.A.((4)))2, or the requirement in Table A for 23.54.040.
4. Non-residential development shall meet the requirement in Table A for 23.54.040.

5. Mixed use development that contains residential and non-residential uses shall meet the requirements in Table A for 23.54.040 or as modified by subsections 23.54.040.B and 23.54.040.C. For mixed use development, containers for garbage may be shared among residential and non-residential uses but containers for recycling and compostable waste shall be separate.

6. Storage, staging, and collection locations shall meet contractor safety standards promulgated by the Director of Seattle Public Utilities.

<table>
<thead>
<tr>
<th>Table A for 23.54.040: Shared Storage Space for Solid Waste Containers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential development</strong></td>
</tr>
<tr>
<td>2-8 dwelling units</td>
</tr>
<tr>
<td>9-15 dwelling units</td>
</tr>
<tr>
<td>16-25 dwelling units</td>
</tr>
<tr>
<td>26-50 dwelling units</td>
</tr>
<tr>
<td>51-100 dwelling units</td>
</tr>
<tr>
<td>More than 100 dwelling units</td>
</tr>
</tbody>
</table>

For residential uses that are not readily described as a discrete number of dwelling units, such as congregate residences, the Director shall determine the amount of storage space required based on the number of sleeping rooms as a substitute for the number of dwelling units.

<table>
<thead>
<tr>
<th>Non-residential development (Based on gross floor area of all structures on the lot)</th>
<th><strong>Minimum area for shared storage space</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>0—5,000 square feet</td>
<td>82 square feet</td>
</tr>
</tbody>
</table>
B. Mixed use development that contains both residential and non-residential use shall meet the minimum solid waste storage space requirement for residential development or as modified by subsections 23.54.040.C, and 50 percent of the solid waste storage space requirement for non-residential development. (In mixed use developments, storage space for garbage may be shared between residential and non-residential uses, but separate spaces for recycling shall be provided.)

C. For development with more than 100 dwelling units, the required minimum area for residential storage space may be reduced by 15 percent, if the area provided as residential storage space has minimum horizontal dimensions (width and depth) of 20 feet.

D. Solid waste storage space (required by Table A for 23.54.040) shall meet the following requirements:

1. For development with eight or fewer dwelling units, the minimum horizontal dimensions (width and depth) for required storage space for residential uses is 7 feet.

2. For development with less than 5,000 square feet of non-residential uses, the minimum horizontal dimensions (width and depth) for required storage space for non-residential uses is 8 feet. For development with 5,000 or greater square feet of non-residential uses, the
minimum horizontal dimension (width and depth) for required storage for non-residential uses is 12 feet.

3. The floor of the storage space shall be level and hard-surfaced, and the floor beneath garbage or recycling compactors shall be made of concrete; and

4. If located outdoors, the storage space shall be screened from public view and designed to minimize light and glare impacts.

E. The location of all storage spaces shall meet the following requirements:

1. The storage space shall be located on the lot of the structure it serves and, if located outdoors, shall not be located between a street-facing facade of the structure and the street;

2. The storage space shall not be located in any required driveways, parking aisles, or parking spaces;

3. The storage space shall not block or impede any fire exits, any public rights-of-way, or any pedestrian or vehicular access;

4. The storage space shall be located to minimize noise and odor impacts on building occupants and beyond the lot lines of the lot;

5. The storage space shall meet the contractor safety standards promulgated by the Director of Seattle Public Utilities; and)

5. The storage space shall not be used for purposes other than solid waste (and recyclable materials) storage and access.

F. Collection and staging locations and access for service providers (to the storage space from the collection location) shall meet the following requirements:

1. For containers 2 cubic yards or smaller:
a. Containers to be manually pulled shall be placed stored or staged no more than 50 feet from a curb cut or the collection location;

b. Collection location shall not be within a bus stop or within the right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;

c. The slope of access ramps between the storage space and collection location, the slope of the staging location, and the slope of the collection location, shall not exceed a grade of 6 percent;

d. Any gates or access routes for trucks shall be a minimum of 10 feet wide; and

e. A 14-foot overhead clearance shall be provided at the collection location.

2. For containers larger than 2 cubic yards and all containers storing compacted refuse containers:

a. Direct access to the containers by solid waste vehicles shall be provided from the alley or street to the containers; at the collection location;

b. Any gates or access routes for trucks shall be a minimum of 10 feet wide;

c. Collection location shall not be within a bus stop or within the street right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;

d. A 24 foot overhead clearance shall be provided at the collection location; and
e. Collection locations shall not be located such that drivers would need to
turn containers larger than 4 cubic yards, or containers that store compacted materials.

G. ((Access for occupants to the storage space from the collection location shall meet the
following requirements:)) A direct access route for movement of containers by building
occupants shall be provided between storage spaces and staging and collection locations.

((1. Direct access shall be provided from the alley or street to the containers;
2. A pick-up location within 50 feet of a curb cut or collection location shall be
designated that minimizes any blockage of pedestrian movement along a sidewalk or other right-
of-way;))

3.) H. If a planting strip is designated as a ((pick-up)) staging or collection location, any
required landscaping shall be designed to accommodate the solid waste ((and recyclable))
containers within this area, in consultation with the Director of Transportation.

((H.)) I. The solid waste ((and recyclable materials)) storage space, ((access)) staging, and
((pick-up)) collection specifications required in ((this)) Section 23.54.040, including the number
and sizes of containers, shall be included on the plans submitted with the permit application for
any development subject to the requirements of ((this)) Section 23.54.040.

((I. The Director, in consultation with the Director of Seattle Public Utilities, has the
discretion to modify the requirements of this Section 23.54.040 as a Type I decision, if the
applicant proposes alternative, workable measures that meet the intent of this Section 23.54.040
and if either:
1. The applicant can demonstrate difficulty in meeting any of the requirements of
this Section 23.54.040; or

Template last revised November 13, 2018
2. The applicant proposes to construct or expand a structure, and the
requirements of this Section 23.54.040 conflict with opportunities to increase residential
densities and/or retain ground-level retail uses.))

J. Ramps to accommodate solid waste container access

1. A ramp to the street to accommodate solid waste container access that is not
more than 5 feet in width may be approved by the Director of Transportation if:

   a. Access to solid waste containers is not from an alley;

   b. No on-site parking is provided;

   c. The lot contains solid waste containers that are 1 cubic yard or larger;

   and

   d. There are no existing ramps to accommodate solid waste container

   access or other curb cuts within 150 feet of the street lot line, as measured parallel to the street

   lot line. For purposes of this subsection 23.54.040.J.1.d, curb ramps at crosswalks are not

   considered existing ramps.

2. The standards of subsections 23.54.040.J.1.a through 23.54.040.J.1.d may be
modified by the Director of Transportation where unusual topography, inability to temporarily
stage solid waste containers in a parking lane, or other local conditions present significant
challenges for accommodating solid waste container access.

K. Collection areas for residential development

1. New structures that contain more than one dwelling unit, except single-family
structures with accessory dwelling units, townhouses and rowhouses, that are 30 feet or greater
in height excluding rooftop features, shall provide individual containers for solid waste on every
floor in:
a. A dedicated area for garbage, recycling, and composting containers;

b. Individual chutes for garbage, recycling, and composting that extend to the solid waste storage room; or,

c. A combination of containers and chutes that provides separate disposal for each solid waste type.

2. Collection areas and the area of chutes provided pursuant to this subsection 23.54.040.K are exempt from FAR limits. The amount of exempt floor area for collection areas may be calculated according to actual area dimensions, or approximated as 25 square feet for each floor that has a collection area.

L. The Director may modify the provisions of Section 23.54.040, except subsection 23.54.040.J, in consultation with the Director of Seattle Public Utilities and the Director of Transportation, as a Type I decision, if the applicant proposes alternative, workable measures that meet the intent of this Section 23.54.040. Exceptions may be granted if the Director determines that the development will maintain adequate solid waste storage and access and shall consider the following factors:

1. Whether adequate and appropriate areas exist on the property or in the right-of-way for staging or collecting solid waste containers.

2. Whether the solid waste requirements adequately represent the needs of a particular development type, such as:

a. Affordable housing;

b. Small efficiency dwelling units;

c. Congregate housing

3. The effect on the efficiency of collection services such as:

   a. Minimizing the number of days for collection service;
   b. Providing safe access to the collection area; or,
   c. Providing an efficient route between the solid waste storage area and the
      collection area.

Section 7. Section 23.75.085 of the Seattle Municipal Code, last amended by Ordinance
125603, is amended as follows:

**23.75.085 Residential floor area limits; affordable housing incentive program**

A. Purpose. The provisions of this Section 23.75.085 are intended to implement an
affordable housing incentive program as authorized by RCW 36.70A.540.

   * * *

J. Collection areas and the area of chutes provided pursuant to subsection 23.54.040.K
are exempt from FAR limits.

Section 8. Section 23.84A.036 of the Seattle Municipal Code, last amended by Ordinance
125869, is amended as follows:

**23.84A.036 “S”**

   * * *

“Solid waste collection area” means a location where the solid waste vehicles collect
garbage, recycling, and compostable materials.

“Solid waste incineration facilities.” See “Solid waste management” under “Utility.”
“Solid waste landfills.” See “Solid waste management” under “Utility.”
“Solid waste management.” See “Utility.”
“Solid waste staging area” means a location, separate from a storage space, for intermediate placement of garbage, recycling, and compostable materials in preparation for collection by solid waste vehicles; either on private property or within the right-of-way.

“Solid waste storage space” means a location for keeping, maintaining or storing garbage, recycling, or compostable materials from the time of disposal until the time of staging and collection.

“Solid waste transfer station. See “Solid waste management” under “Utility.”

* * *

Section 9. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or any exhibit to this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of any other provisions of this ordinance or its exhibits, or the validity of their application to other persons or circumstances.

Section 10. This ordinance shall take effect and be in force 30 days 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.

Passed by the City Council the ________ day of _________________________, 2020, and signed by me in open session in authentication of its passage this _____ day of _________________________, 2020.

____________________________________
President ____________ of the City Council

Approved by me this ________ day of _________________________, 2020.
Jenny A. Durkan, Mayor

Filed by me this ______ day of _________________________, 2020.

Monica Martinez Simmons, City Clerk

(Seal)