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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

1 development potential (TDP) has been made under Chapter 23.58A, and does not apply for
2 purposes of determining TDP available for transfer under Chapter 23.58A.

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

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

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

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

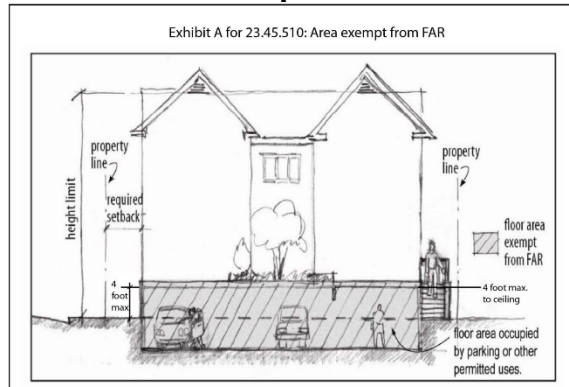
15 a. Apartments in LR zones;

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

19 c. All multifamily structures in MR and HR zones.

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Exhibit A for 23.45.510 Area exempt from FAR



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5. For rowhouse and townhouse developments and apartments, floor area within a

5 story, or portion of a story, that is partially above grade if all of the following conditions are met:

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

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

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

12 and

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

15 6. Enclosed common amenity area in HR zones.

16 7. As an allowance for mechanical equipment, in any structure more than 85 feet
17 in height, 3.5 percent of the gross floor area that is not otherwise exempt under this subsection

18 23.45.510.D.

1 8. In HR zones, ground floor commercial uses meeting the requirements of
2 Section 23.45.532, if the street level of the structure containing the commercial uses has a
3 minimum floor-to-floor height of 13 feet and a minimum depth of 15 feet.

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

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

10 11. In the Northgate Urban Center, up to 15,000 square feet of floor area in
11 residential use in a structure built prior to 1990 that is located on a split-zoned lot of at least
12 40,000 square feet in size.

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

15 * * *

16 Section 2. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance
17 125791, is amended as follows:

18 **23.47A.013 Floor Area Ratio**

19 * * *

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

- 21 1. All stories, or portions of stories, that are underground;
- 22 2. All portions of a story that extend no more than 4 feet above existing or
- 23 finished grade, whichever is lower, excluding access;

1 3. Gross floor area of a transit station, including all floor area open to the general
2 public during normal hours of station operation but excluding retail or service establishments to
3 which public access is limited to customers or clients, even where such establishments are
4 primarily intended to serve transit riders;

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

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

13 b. All of the following conditions are met:

14 1) No above-grade parking is exempted by subsection
15 23.47A.013.B.4.a;

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

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

19 4) The amount of gross floor area exempted by this subsection
20 23.47A.013.B.4.b does not exceed 25 percent of the area of the lot in zones with a height limit
21 less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or
22 greater; and

1 5. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.5
2 and 23.47A.012.C.6;

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

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

9 8. Child care centers(~~(-)~~); and

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

12 * * *

13 Section 3. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance
14 125603, is amended as follows:

15 **23.48.020 Floor Area Ratio (FAR)**

16 * * *

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

- 19 1. All underground stories or portions of stories.
- 20 2. Portions of a story that extend no more than 4 feet above existing or finished
21 grade, whichever is lower, excluding access.
- 22 3. As an allowance for mechanical equipment, in any structure 65 feet in height or
23 more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR

1 calculations. Calculation of the allowance includes the remaining gross floor area after all
2 exempt space allowed in this subsection 23.48.020.B has been deducted. Mechanical equipment
3 located on the roof of a structure, whether enclosed or not, is not included as part of the
4 calculation of total gross floor area.

5 4. All gross floor area for solar collectors and wind-driven power generators.

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

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

12 7. Child care centers.

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

15 * * *

16 Section 4. Section 23.49.025 of the Seattle Municipal Code, last amended by Ordinance
17 124969, is amended as follows:

18 **23.49.025 Odor, noise, light/glare, and solid waste recyclable materials storage space**
19 **standards**

20 * * *

21 D. The standards of Section 23.54.040 for solid waste and recyclable materials storage
22 space, and the standards of subsection 23.54.040.K for collection areas and chutes for residential
23 development, shall be met.

1 Section 5. Section 23.49.180 of the Seattle Municipal Code, last amended by Ordinance
2 125558, is amended as follows:

3 **23.49.180 Additional height in the PSM 85-120 zone**

4 * * *

5 E. Floor area ratio (FAR)

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

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

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

15 4. Exemptions and deductions from FAR calculations

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

19 b. In addition to the exemptions from floor area calculations for parking in
20 subsection 23.49.011.B.1.1, enclosed parking provided at or above grade as accessory parking for
21 non-residential uses or as flexible-use parking replacing the surface spaces existing on the lot on
22 June 25, 1998, is exempt from FAR calculations if it is separated from all streets abutting the lot
23 by another use or is screened according to the provisions of subsection 23.49.180.G.9.

1 c. Street-level uses other than residential lobbies are exempt if they meet
2 the requirements of subsection 23.49.180.F.

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

5 * * *

6 Section 6. Section 23.54.040 of the Seattle Municipal Code, last amended by Ordinance
7 125791, is amended as follows:

8 **23.54.040 Solid waste ~~((and recyclable materials))~~ storage and access**

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

12 1. ~~((Except as provided in subsection 23.54.040.I, in))~~In RSL, downtown,
13 multifamily, master planned community, industrial, and commercial zones, storage space for
14 solid waste ~~((and recyclable materials))~~ containers shall be provided as shown in Table A for
15 23.54.040 for all new structures, structures with additions to commercial uses that are greater
16 than 5,000 square feet, and ~~((for existing structures to which))~~ structures with additions of two or
17 more dwelling units or live-work units ~~((are added))~~.

18 ~~((1.))~~2. Residential uses proposed to be located on separate platted lots or unit lots,
19 for which each dwelling unit will be billed separately for utilities, shall provide one storage area
20 per dwelling unit that has minimum dimensions of 2 feet by 6 feet.

21 ~~((2.))~~3. Residential development for which a home ownership association or other
22 single entity exists or will exist as a sole source for utility billing may meet the requirement in
23 subsection 23.54.040.A.~~((1.))~~2, or the requirement in Table A for 23.54.040.

1 ~~((3))~~4. Non-residential development shall meet the requirement in Table A for
 2 23.54.040.

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

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

Table A for 23.54.040:
 Shared Storage Space for Solid Waste Containers

Residential development	Minimum area for shared storage space
2-8 dwelling units	84 square feet
9-15 dwelling units	150 square feet
16-25 dwelling units	225 square feet
26-50 dwelling units	375 square feet
51-100 dwelling units	375 square feet plus 4 square feet for each additional unit above 50
More than 100 dwelling units	575 square feet plus 4 square feet for each additional unit above 100, except as permitted in subsection 23.54.040.C

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.

Non-residential development (Based on gross floor area of all structures on the lot)	Minimum area for shared storage space
0—5,000 square feet	82 square feet

5,001—15,000 square feet	125 square feet
15,001—50,000 square feet	175 square feet
50,001—100,000 square feet	225 square feet
100,001—200,000 square feet	275 square feet
200,001 plus square feet	500 square feet

~~((Mixed use development that contains both residential and nonresidential uses, shall meet the requirements of subsection 23.54.040.B.))~~

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B. Mixed use development that contains both residential and non-residential use~~((s))~~ shall meet the minimum solid waste storage space requirement for residential development~~((, plus))~~ 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 ~~((a))~~ minimum horizontal dimensions (width and depth) of 20 feet.

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

1. For development~~((s))~~ with eight or fewer dwelling units, the minimum horizontal dimensions (width and depth) for required storage space for residential uses is 7 feet. For development~~((s))~~ with nine dwelling units or more, the minimum horizontal dimensions (width and depth) ~~((e))~~ for required storage space for residential uses is 12 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

1 minimum horizontal dimension (width and depth) for required storage for non-residential uses is
2 12 feet.

3 ~~((2.))~~3. The floor of the storage space shall be level and hard-surfaced, and the
4 floor beneath garbage or recycling compactors shall be made of concrete; and

5 ~~((3.))~~4. If located outdoors, the storage space shall be screened from public view
6 and designed to minimize light and glare impacts.

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

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

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

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

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

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

19 ~~((6.))~~5. The storage space shall not be used for purposes other than solid waste
20 ~~((and recyclable materials))~~ storage and access.

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

23 1. For containers 2 cubic yards or smaller:

1 a. Containers to be manually pulled shall be ~~((placed))~~ stored or staged no
2 more than 50 feet from ~~((a curb cut or))~~ the collection location;

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

5 c. ~~((Access))~~ The slope of access ramps ~~((to))~~ between the storage space
6 and collection location, the slope of the staging location, and the slope of the collection location,
7 shall not exceed a grade of 6 percent; ~~((and))~~

8 d. Any gates or access routes for trucks shall be a minimum of 10 feet
9 wide~~((-))~~; and

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

12 2. For containers larger than 2 cubic yards and all containers storing compacted
13 ~~((refuse containers))~~ materials:

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

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

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

20 d. ~~((If accessed directly by a collection vehicle, whether into a structure or~~
21 ~~otherwise, a 21-foot overhead clearance shall be provided.))~~ A 24 foot overhead clearance shall
22 be provided at the collection location; and

1 e. Collection locations shall not be located such that drivers would need to
2 turn containers larger than 4 cubic yards, or containers that store compacted materials.

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

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

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

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

17 ~~((I. The Director, in consultation with the Director of Seattle Public Utilities, has the~~
18 ~~discretion to modify the requirements of this Section 23.54.040 as a Type I decision, if the~~
19 ~~applicant proposes alternative, workable measures that meet the intent of this Section 23.54.040~~
20 ~~and if either:~~

21 ~~1. The applicant can demonstrate difficulty in meeting any of the requirements of~~
22 ~~this Section 23.54.040; or~~

1 2. ~~—The applicant proposes to construct or expand a structure, and the~~
2 ~~requirements of this Section 23.54.040 conflict with opportunities to increase residential~~
3 ~~densities and/or retain ground level retail uses.))~~

4 J. Ramps to accommodate solid waste container access

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

- 7 a. Access to solid waste containers is not from an alley;
8 b. No on-site parking is provided;
9 c. The lot contains solid waste containers that are 1 cubic yard or larger;

10 and

11 d. There are no existing ramps to accommodate solid waste container
12 access or other curb cuts within 150 feet of the street lot line, as measured parallel to the street
13 lot line. For purposes of this subsection 23.54.040.J.1.d, curb ramps at crosswalks are not
14 considered existing ramps.

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

19 K. Collection areas for residential development

20 1. New structures that contain more than one dwelling unit, except single-family
21 structures with accessory dwelling units, townhouses and rowhouses, that are 30 feet or greater
22 in height excluding rooftop features, shall provide individual containers for solid waste on every
23 floor in:

1 a. A dedicated area for garbage, recycling, and composting containers;
2 b. Individual chutes for garbage, recycling, and composting that extend to
3 the solid waste storage room; or,

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

6 2. Collection areas and the area of chutes provided pursuant to this subsection
7 23.54.040.K are exempt from FAR limits. The amount of exempt floor area for collection areas
8 may be calculated according to actual area dimensions, or approximated as 25 square feet for
9 each floor that has a collection area.

10 L. The Director may modify the provisions of Section 23.54.040, except subsection
11 23.54.040.J, in consultation with the Director of Seattle Public Utilities and the Director of
12 Transportation, as a Type I decision, if the applicant proposes alternative, workable measures
13 that meet the intent of this Section 23.54.040. Exceptions may be granted if the Director
14 determines that the development will maintain adequate solid waste storage and access and shall
15 consider the following factors:

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

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

20 a. Affordable housing;

21 b. Small efficiency dwelling units;

22 c. Congregate housing

23 d. Buildings using compaction of solid waste.

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

2 a. Minimizing the number of days for collection service;

3 b. Providing safe access to the collection area; or,

4 c. Providing an efficient route between the solid waste storage area and the
5 collection area.

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

8 **23.75.085 Residential floor area limits; affordable housing incentive program**

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

11 * * *

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

14 Section 8. Section 23.84A.036 of the Seattle Municipal Code, last amended by Ordinance
15 125869, is amended as follows:

16 **23.84A.036 “S”**

17 * * *

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

20 “Solid waste incineration facilities.” See “Solid waste management” under “Utility.”

21 “Solid waste landfills.” See “Solid waste management” under “Utility.”

22 “Solid waste management.” See “Utility.”

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

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

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

8 * * *

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

14 Section 10. This ordinance shall take effect and be in force 30 days after its approval by
15 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
16 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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

20 _____
21 President _____ of the City Council

22 Approved by me this _____ day of _____, 2020.

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Jenny A. Durkan, Mayor

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Filed by me this _____ day of _____, 2020.

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Monica Martinez Simmons, City Clerk

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(Seal)