

ORDINANCE _____

AN ORDINANCE related to land use and zoning, adopting new development standards for solid waste transfer stations and utility services uses, and amending Seattle Municipal Code Sections 23.44.022, 23.45.504, 23.47A.016, 23.48.024, 23.49.029, 23.50.034, 23.50.036, 23.50.038, and 23.50.040.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection K of Section 23.44.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 123209, is amended as follows:

23.44.022 Institutions

K. Bulk and Siting.

2. Yards. Yards of institutions shall be as required for uses permitted outright ~~((in))~~ pursuant to Section 23.44.014~~((23.44.008))~~, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ~~((ten-))~~10~~((+))~~ feet to the side lot line. The Director may permit yards less than ~~((ten-))~~10~~((+))~~ feet but not less than ~~((five-))~~5~~((+))~~ feet after finding that the reduced setback will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the structure in relation to nearby buildings.~~((the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.))~~

a. Fences and freestanding walls of utility services uses, regulated under this Section 23.44.022 pursuant to Section 23.44.036, shall be set back a minimum of 10 feet. Landscaping shall be provided between the fence and the right-of-way. The Director may reduce

this fence setback after finding that the reduced setback still meets the intent of the setback requirement, and will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the structure in relation to nearby buildings.

Section 2. Section 23.45.504 of the Seattle Municipal Code, which Section was last amended by Ordinance 123209, is amended as follows:

23.45.504 - Permitted and Prohibited Uses

A. All uses are permitted outright, prohibited or permitted as a conditional use according to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A are prohibited, unless otherwise indicated in this Chapter 23.45 or Chapters 23.51A or 23.51B.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in this Chapter 23.45.

Table A for Section 23.45.504: Permitted and Prohibited Uses

Uses	Permitted and Prohibited Uses by Zone	
	LDT, L1, L2, L3 and L4	MR and HR
A. Residential use	P	P
B. Institutions	P/CU ¹	P/CU ¹
C. Public Facilities		
C.1. Uses in public facilities that are similar to uses permitted outright in this Section 23.45.504	P ²	P ²
C.2. Police precinct stations; fire stations; public boat moorages; utility services ³ ; and other similar public facilities that meet the development standards for institutions in 23.45.570	P	P
C.3. Police precinct stations; fire stations; public boat moorages; utility service uses; and other similar public facilities not meeting the development standards for institutions in 23.45.570	Type IV or Type V decision ⁽⁽³⁾⁾⁴	Type IV or Type V decision ⁽⁽³⁾⁾⁴

1	C.4. New public facilities not listed in subsections C.1 and C.2 of this Table A for Section 23.45.504, and major expansions of such public facilities	Type IV or Type V decision ⁽⁽³⁾⁾⁴	Type IV or Type V decision ⁽⁽³⁾⁾⁴
2			
3	D. Park and pool and park and ride lots	X/CU ⁽⁽⁴⁾⁾⁵	X/CU ⁽⁽⁴⁾⁾⁵
4	E. Parks and playgrounds including customary uses	P	P
5			
6	F. Ground floor commercial uses ⁽⁽⁵⁾⁾⁶	RC	P
7	G. Medical Service Uses other than permitted ground floor commercial uses	P/X ⁽⁽⁶⁾⁾⁷	P/CU/X ⁽⁽⁶⁾⁾⁷
8	H. Uses not otherwise permitted in landmark structures	CU	CU
9			
10	I. Cemeteries	P/X ⁽⁽⁷⁾⁾⁸	P/X ⁽⁽⁷⁾⁾⁸
11	J. All other uses	X	X

12 1. Institutions meeting development standards are permitted outright; all others are
 13 administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter
 14 shall apply to Major Institution uses as provided in Chapter 23.69.

15 2. These public facilities are subject to the same use regulations and development standards that
 16 govern the similar use.

17 3. Subject to subsection 23.45.504.H.

18 4. These public facilities may be permitted pursuant to Section 23.51A.004.

19 ~~((4-))5.~~ Prohibited in Station Area Overlay Districts; otherwise, permitted as an administrative
 20 conditional use pursuant to Section 23.45.506.

21 ~~((5-))6.~~ Subject to subsection 23.45.504.E.

22 ~~((6-))7.~~ Subject to subsection 23.45.504.G and 23.45.506.F.

23 ~~((7-))8.~~ Subject to subsection 23.45.504.F.

24 P = Permitted outright
 25 CU = Permitted as an Administrative Conditional Use
 26 RC = Permitted in areas zoned Residential Commercial (RC) zones, and subject to the provisions
 27 of the RC zone, Chapter 23.46.

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2 Section 4. Subsection B of Section 23.48.024 of the Seattle Municipal Code, which
3 Section was last amended by Ordinance 121782, is amended as follows:

4 **23.48.024 Screening and landscaping standards**

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6 B. Screening for Specific Uses

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9 4. Utility services uses shall provide either:

10 a) A 5-foot-deep landscaped area between any wall or fence and the street
11 lot line; or

12 b) Architectural detailing, artwork, vegetated trellises, or similar features
13 to provide visual interest on any walls or fences facing the street lot line, as determined by the
14 Director.

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16 Section 5. A new Section 23.49.029 of the Seattle Municipal Code is adopted to read as
17 follows:

18 **23.49.029 Utility services uses**

19 Utility services uses permitted as conditional use public facilities are subject to the
20 following additional standards.

21 A. Utility services uses shall provide either:

22 1. A 5-foot-deep landscaped area between any wall or fence and the street lot line;
23
24 or

1 Section 8. Subsection C of Section 23.50.038 of the Seattle Municipal Code, which
2 Section was last amended by Ordinance 113658, is amended as follows:

3 **23.50.038 Industrial Commercial—Screening and landscaping.**

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5 C. Additional Screening and Landscaping Requirements for Specific Uses.

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8 6. Solid waste transfer stations.

9 a. All transfer stations shall provide landscaping meeting a minimum
10 Green Factor score of 0.40, pursuant to Section 23.86.019. If the transfer station is part of a
11 development including several adjacent parcels, Green Factor scoring may be calculated for
12 multiple parcels together, following this order of preference:

13 1. Calculate the Green Factor score for each individual parcel.

14 2. Calculate the Green Factor score by combining landscape
15 amenities for abutting parcels. If parcels are in zones with different Green Factor requirements,
16 apply the highest minimum score.

17 3. Calculate the Green Factor score by combining landscape
18 amenities for abutting and adjacent parcels. If parcels are in zones with different Green Factor
19 requirements, apply the highest minimum score.

20 b. Transfer stations abutting or across the street from a lot in a
21 commercial or residential zone, shall provide screening pursuant to Section 23.50.034.B.

22 7. Utility services uses. If abutting or across the street from a lot in a residential
23 zone, utility services uses shall provide either:

1 a) A 5-foot-deep landscaped area between any wall or fence and the street
2 lot line; or

3 b) Architectural detailing, artwork, vegetated trellises, or similar features
4 to provide visual interest on any walls or fences facing the street lot line, as determined by the
5 Director.

6 Section 9. A new Section 23.50.040 of the Seattle Municipal Code is adopted to read as
7 follows:
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9 **23.50.040 Industrial General—Screening and landscaping for specific uses**

10 A. Solid waste transfer stations.

11 1. Transfer stations shall provide landscaping meeting a minimum Green Factor
12 score of 0.40, pursuant to the procedures set forth in Section 23.86.019. If the transfer station is
13 part of a development including several adjacent parcels, Green Factor scoring may be calculated
14 for multiple parcels together, following this order of preference:

15 a. Calculate the Green Factor score for each individual parcel.
16 b. Calculate the Green Factor score by combining landscape amenities for
17 abutting parcels. If parcels are in zones with different Green Factor requirements, apply the
18 highest minimum score.

19 c. Calculate the Green Factor score by combining landscape amenities for
20 abutting and adjacent parcels. If parcels are in zones with different Green Factor requirements,
21 apply the highest minimum score.

22 2. When a transfer station is abutting or across the street from a lot in a
23 commercial or residential zone, screening is required pursuant to 23.50.034.B.
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1 B. Utility services uses. If adjacent to or across the street from a lot in a residential zone,
2 utility services uses with fences or free standing walls shall provide either:

- 3 1. A 5-foot-deep landscaped area between the wall and the street lot line; or
4 2. Architectural detailing, artwork, vegetated trellises, or similar features
5 providing visual interest, as determined by the Director.
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7 Section 10. The provisions of this ordinance are declared to be separate and severable.
8 The invalidity of any clause, sentence, paragraph, sub-division, section or portion of this
9 ordinance, or the invalidity of the application thereof to any person or circumstance shall not
10 affect the validity of the remainder of this ordinance, or the validity of its application to other
11 persons or circumstances.
12

13 Section 11. This ordinance shall take effect and be in force thirty (30) days from and
14 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
15 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

16 Passed by the City Council the ____ day of _____, 2010, and signed by me in
17 open session in authentication of its passage this ____ day of _____, 2010.
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20 _____
21 President Conlin of the City Council

22 Approved by me this ____ day of _____, 2010.
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25 _____
26 Michael McGinn, Mayor
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Filed by me this ____ day of _____, 2010.

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City Clerk

(Seal)