

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

1  
2 AN ORDINANCE relating to land use and zoning; amending Sections 23.04.010, 23.22.064,  
3 23.22.074, 23.22.078, 23.40.002, 23.41.004, 23.42.040, 23.42.050, 23.42.106, 23.42.112,  
4 23.42.122, 23.44.008, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.022, 23.44.041,  
5 23.45.518, 23.45.520, 23.47A.012, 23.47A.014, 23.47A.016, 23.47A.032, 23.48.010,  
6 23.48.016, 23.48.034, 23.49.008, 23.49.020, 23.49.056, 23.49.166, 23.50.012, 23.50.024,  
7 23.50.038, 23.53.005, 23.53.015, 23.53.020, 23.53.025, 23.53.030, 23.54.015, 23.54.030,  
8 23.54.035, 23.55.028, 23.55.030, 23.55.036, 23.57.002, 23.57.010, 23.57.013, 23.69.024,  
9 23.69.030, 23.69.032, 23.71.016, 23.76.004, 23.76.006, 23.76.010, 23.76.026, 23.76.058,  
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.048, 23.86.006, 23.88.010, 23.88.020, 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 Official Land Use Map  
pages 117, 145, and 189; and adding a new Section 23.48.036.

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

11 Section 1. Section 23.04.010 of the Seattle Municipal Code, which section was last  
12 amended by Ordinance 120117, is amended as follows:

13 **23.04.010 Transition to the Land Use Code((~~r~~))**

14 \* \* \*

15  
16 B. Existing Contract Rezones. Contract rezones approved under Title 24 shall remain in  
17 effect until the date specified in the rezone property use and development agreement. If no  
18 expiration date is specified, the rezone shall remain in effect for two ~~((2))~~ years from the  
19 effective date of Title 23 zoning for the property or, in the case of downtown, from the effective  
20 date of Ordinance 112303 adopting permanent Title 23 zoning for downtown. When Title 23  
21 zoning goes into effect, the property may, at the election of the property owner, be developed  
22 pursuant to either the existing rezone property use and development agreement or Title 23. If the  
23 property owner elects to develop the property under Title 23 regulations, then the existing rezone  
24 property use and development agreement may be released by City Council action without  
25 following the amendment procedures for property use and development agreements in subsection  
26  
27  
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1 23.76.058.B.2. When the contract rezone expires the property shall be regulated solely by the  
2 requirements of Title 23.

3 \* \* \*

4 Section 2. Section 23.22.064 of the Seattle Municipal Code, which section was last  
5 amended by Ordinance 118409, is amended as follows:

6 **23.22.064 Filing with Director of Transportation((;))**  
7

8 A. Time of Filing.

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

12 2. Within thirty ((~~30~~)) days of the date of filing of the final plat, unless the  
13 applicant consents to an extension of the time period, final plats shall be approved or  
14 disapproved by action of the Council, or returned to the applicant. This approval shall proceed  
15 pursuant to the procedures of this chapter.  
16

17 \* \* \*

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

20 **23.22.074 Council determination of final plat((;))**  
21

22 A. The Council shall determine:

23 1. Whether the final plat is in substantial conformance with the approved  
24 preliminary plat;  
25

26 2. Whether the requirements imposed when the preliminary plat was approved  
27 have been met;  
28

1                   3. Whether the bond, if required by the City, is sufficient in its terms to assure  
2 completion of improvements; and

3                   4. Whether the requirements of state law and the Seattle Municipal Code  
4 ~~((which))~~that were in effect at the time of preliminary plat approval have been satisfied by the  
5 subdivider.

6                   B. The Council shall approve by ordinance, disapprove, or return the proposed final plat.  
7 If the Council approves the plat, it shall inscribe and execute its written approval on the face of  
8 the plat, and the Director of Transportation shall transmit the original plat to the King County  
9 Director of Records and Elections for filing, and forward one ~~((+))~~ copy to the Director and one  
10 ~~((+))~~ copy to the County Assessor. At least one ~~((+))~~ copy of the approved final plat shall be  
11 retained in the files of the Director of Transportation.  
12

13                   C. A subdivision shall be governed by the terms of approval of the final plat and any lots  
14 created thereunder shall be deemed to meet lot requirements imposed by this Land Use Code for  
15 a period of no less than ~~((five-5))~~seven years unless the City Council finds that a change in  
16 circumstances creates a serious threat to the public health or safety in the subdivision.  
17

18                   Section 4. Section 23.22.078 of the Seattle Municipal Code, which section was last  
19 amended by Ordinance 118012, is amended as follows:  
20

21 **23.22.078 Resubmission~~((+))~~**

22                   A. Any final plat disapproved by the Council or returned to the applicant may, at the  
23 subdivider's option, be resubmitted for approval upon satisfaction of the following conditions:  
24

25                   1. The subdivider has corrected those deficiencies of the final plat, attachments to  
26 it, or improvements, any or all of which caused the final plat to be returned or disapproved;  
27  
28



Section 6. Section 23.41.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123282, is amended as follows:

**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:

<b>Table A for 23.41.004 Thresholds for Design Review</b>		
<b>Zone</b>		<b>Threshold</b>
a.	Lowrise (L3, L4)	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.



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

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

6                   ~~((5))~~4. New light rail transit facilities that have been subject to review by the  
7 Seattle Design Commission.  
8

9                   Section 7. Section 23.42.040 of the Seattle Municipal Code, which section was last  
10 amended by Ordinance 123106, is amended as follows:

11 **23.42.040 Intermittent and temporary uses**

12                   The Director may grant, deny or condition applications for the following intermittent or  
13 temporary uses not otherwise permitted or not meeting development standards in the zone.  
14

15                   A. Intermittent Uses.

16                   1. A Master Use Permit for a time period of up to one ~~((1))~~ year may be  
17 authorized for any use that occurs no more than two ~~((2))~~ days per week and does not involve  
18 the erection of a permanent structure, provided that:

19                                   a. The use shall not be materially detrimental to the public welfare; and  
20

21                                   b. The use shall not result in substantial injury to the property in the  
22 vicinity; and

23                                   c. The use shall be consistent with the spirit and purpose of the Land Use  
24 Code.  
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28

1 B. Temporary Four (~~((4))~~) Week Use. A Master Use Permit for a time period of up to  
2 four (~~((4))~~) weeks may be authorized for any use that does not involve the erection of a  
3 permanent structure and that meets the requirements of section 23.42.040.A.1.a-c above.

4 C. Temporary Uses for Up to (~~((Six (6) Months))~~)One Year. A Master Use Permit for a  
5 time period of up to (~~((six (6) months))~~)one year may be authorized for any use that does not  
6 involve the erection of any permanent structure and that meets the requirements of section  
7 23.42.040.A.1.a-c above.  
8

9 \* \* \*

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 **23.42.050 Home occupations(=)**

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

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

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

23 C. To discourage drop-in traffic, the address of the home occupation shall not be given  
24 in any advertisement, including but not limited to commercial telephone directories, newspapers,  
25 magazines, signs, flyers, radio, television or other media. Addresses may be listed on business  
26 cards, but a statement must be included to the effect that business is by appointment only.  
27  
28

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

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

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

14 G. Except for child care programs, not more than one (~~((4))~~) person, whether full-time  
15 or part-time, who is not a resident of the dwelling unit may work in the dwelling unit of the home  
16 occupation whether or not compensated. This includes persons working off-site who come to the  
17 site for business purposes at any time as well as persons working on site.  
18

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

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

25 J. The home occupation shall be conducted so that odor, dust, light and glare, and  
26 electrical interference and other similar impacts are not detectable by sensory perception at or  
27 beyond the property line of the lot where the home occupation is located.  
28

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

2 L. Child care programs in the home of the operator (~~shall be~~)are limited to (~~twelve~~  
3 ~~)~~12~~(+)~~) children per day including the children of the operator.

4 Section 9. Section 23.42.106.F of the Seattle Municipal Code, which section was last  
5 amended by Ordinance 122311, is amended as follows:

6 **23.42.106 Expansion of Nonconforming Uses(~~(-)~~)**

7 \* \* \*

8  
9 F. Existing cemeteries shall not be expanded in size. For purposes of this section, a  
10 change in a cemetery boundary is not considered an expansion in size and is permitted provided  
11 that:

12 1. the change does not result in a net increase in the land area occupied by the  
13 cemetery;

14 2. the land being added to the cemetery is contiguous to the existing cemetery  
15 and is not separated from the existing cemetery by a public street or alley whether or not  
16 improved; and

17 3. the use of the land being added as a cemetery will not result in the loss of  
18 housing;

19 4. structures may be added to existing cemeteries in accordance with the  
20 development standards for institutions in the applicable zone.

21  
22 Section 10. Section 23.42.112 of the Seattle Municipal Code, which Section was last  
23 amended by Ordinance 123046, is amended as follows:

24 **23.42.112 Nonconformity to development standards**

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

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

13 2. mechanical equipment may be added or replaced, even if nonconformity is  
14 created by the addition or replacement, provided that the new mechanical equipment serves the  
15 same function as existing equipment and incorporates new green building technology;

16 ~~((2))~~3. ~~((A))~~as otherwise required by law;

17 ~~((3))~~4. ~~((A))~~as necessary to improve access for the elderly or disabled; or

18 ~~((4))~~5. ~~((A))~~as specifically permitted for nonconforming uses and nonconforming  
19 structures elsewhere in this Code.

20 6. existing light poles that exceed the height limit of the zone and are located in  
21 parks may either be moved or replaced by new poles to the same height and configuration,  
22 without approval by City Council.

23 \* \* \*

1 Section 11. Section 23.42.122 of the Seattle Municipal Code, which section was adopted  
2 by Ordinance 120293, is amended as follows:

3 **23.42.122 Height nonconformity((=))**

4 A. In single-family and multifamily zones, a principal structure nonconforming as to  
5 height may be expanded or extended to add eaves, dormers and/or clerestories to an existing  
6 pitched roof provided the additions are constructed below the highest point of the roof. An  
7 existing pitched roof that is above the height limit shall not be converted into a flat roof nor shall  
8 the slope of the roof be lowered below a ~~((four in twelve-))~~ 4:12 ~~((=))~~ pitch.

9  
10 \* \* \*

11 Section 12. Section 23.44.008 of the Seattle Municipal Code, which section was last  
12 amended by Ordinance 122190, is amended as follows:

13 **23.44.008 Development standards for uses permitted outright((=))**

14 A. The development standards set out in this subchapter apply to principal and accessory  
15 uses permitted outright in single-family zones.

16 B. All structures or uses shall be built or established on a lot or lots.

17 C. Floating homes ~~((shall be))~~are subject to the provisions of Chapter 23.60, Shoreline  
18 Master Program, ~~((except))~~and ~~((they shall be))~~are also subject to the parking provisions of this  
19 chapter.  
20

21 D. An exception from one ~~((=))~~ specific standard does not relieve the applicant from  
22 compliance with any other standard.  
23

24 E. Methods for measurements are provided in Chapter 23.86. Standards for parking  
25 access and design are provided in Chapter 23.54.  
26  
27  
28

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

7  
8 G. Development standards governing lots containing an environmentally critical area or  
9 buffer may be modified according to the provisions of Chapter 25.09.

10 H. Exterior lighting shall be shielded and directed away from residentially zoned lots.  
11 The Director may require that the intensity of illumination be limited and that the location of the  
12 lighting be changed.

13  
14 I. Tree Requirements.

15 1. Trees ~~((shall be))~~ are required when single-family dwelling units are  
16 constructed. The minimum number of caliper inches of tree required per lot may be met  
17 ~~((through))~~ by using either the tree preservation option or tree planting option ~~((set~~  
18 ~~forth))~~ described below, or ~~((through))~~ by a combination of preservation and planting. This  
19 requirement may be met by planting or preserving street trees in the public right-of-way.  
20 Submerged land shall not be included in calculating lot area for purposes of either the tree  
21 preservation option or tree planting option described below.

22  
23 a. Tree Preservation Option. For lots over ~~((three thousand (3,000 (3)))~~  
24 square feet, at least ~~((two (2 (2)))~~ caliper inches of existing tree per ~~((one thousand (1,000 (1)))~~  
25 square feet of lot area must be preserved. On lots that are ~~((three thousand (3,000 (3)))~~ square  
26  
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feet or smaller, at least ~~((three-))3((+))~~ caliper inches of existing tree must be preserved per lot.

When this option is used, a tree preservation plan is required.

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

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

3. Tree Preservation Plans. If the tree preservation option is chosen, a tree preservation plan must be submitted and approved. Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the ~~((Department of Planning and Development))~~ Director.

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

**23.44.010 Lot requirements**

\* \* \*

1 B. Exceptions to Minimum Lot Area Requirements. In order to recognize separate  
2 building sites established in the public record under previous codes, to allow the consolidation of  
3 very small lots into larger lots, to adjust lot lines to permit more orderly development patterns,  
4 and to create additional buildable sites out of oversized lots that are compatible with surrounding  
5 lots, the ((The))following exceptions to minimum lot area requirements are allowed:

6 1. Except as limited under ((subject to the limits of)) subsection ((B5-))  
7 23.44.010.B2, ((A)) a lot ((which))that does not satisfy the minimum lot area requirements of its  
8 zone may be developed or redeveloped separately ((as a separate building site according to))  
9 under one of the following circumstances:

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

15 a. “The Seventy-Five/Eighty Rule.”

16 1) If the ((The)) lot was established as a separate building site in  
17 the public records of the county or City prior to July 24, 1957 by deed, contract of sale,  
18 mortgage, property tax segregation, platting or building permit and has an area of at least  
19 ((seventy five-)75( )) percent of the minimum required lot area and at least ((eighty-)80( ))  
20 percent of the mean lot area of the lots on the same block face and within the same zone in which  
21 the lot is located (Exhibit A for 23.44.010 ((A)), or

22 ((b-)) 2) If the((The)) lot is or was created by subdivision, short  
23 subdivision or lot boundary adjustment, ((and)) is at least ((seventy five-)75( )) percent of the  
24

1 minimum required lot area, and is at least ~~((eighty-))80((+))~~ percent of the mean lot area of the  
2 lots on the same block face within which the lot will be located and within the same zone  
3 ~~(Exhibit A for 23.44.010 ((A))).~~ ~~((;or))~~

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

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

9 ~~((2))~~ b. The lot area deficit is the result of a dedication or sale of a portion  
10 of the lot to the City or state for street or highway purposes, ~~((and))~~ payment was received for  
11 only that portion of the lot, and the lot area remaining is at least ~~((fifty-))50((+))~~ percent of the  
12 minimum required. ~~((;or))~~

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

19 ~~((4-))~~ d. The lot was established as a separate building site in the public  
20 records of the county or City prior to July 24, 1957 by deed, contract of sale, mortgage, property  
21 tax segregation, platting or building permit, and falls into one ~~((1))~~ of the following categories:  
22 ~~(( provided that, lots on totally submerged lands shall not qualify for this exception:))~~

1                   ((a-)) (1) The lot ~~((is not))~~ has not been held in common ownership  
2 with any contiguous lot on or after January 18, 1987 ~~((the effective date of the ordinance from~~  
3 ~~which this subsection derives))~~, or

4                   ((b-)) (2) The lot is or has been held in common ownership with a  
5 contiguous lot on or after January 18, 1987 ~~((the effective date of the ordinance from which this~~  
6 ~~subsection derives))~~ and is or has been developed with a principal structure ~~((which))~~ that is  
7 wholly within the ~~((lot))~~ lot's boundaries, ~~((; provided, that))~~ but only if no portion of any  
8 contiguous lot is required to meet the least restrictive of lot area, lot coverage, setback or yard  
9 requirements ~~((which))~~ that were in effect at the time of the original construction of the principal  
10 structure, at the time of its subsequent additions, or ~~((which))~~ that are in effect at the time of  
11 redevelopment of the lot (Exhibit B for 23.44.010 ~~((B))~~), or

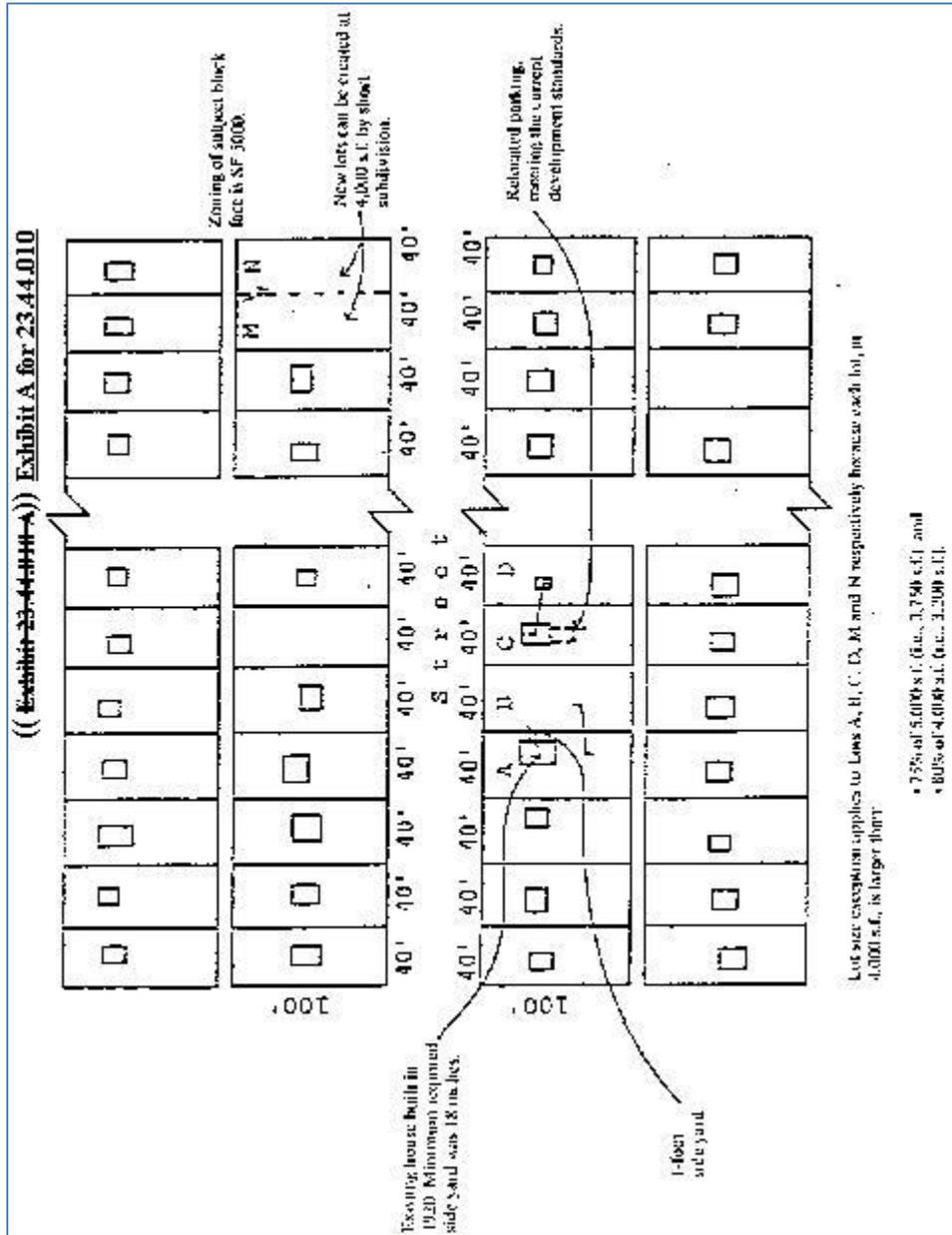
12  
13                   ((c-)) (3) The lot is or has been held in common ownership with a  
14 contiguous lot on or after ~~((the effective date of the ordinance from which this subsection~~  
15 ~~derives))~~ January 18, 1987 and is not developed with all or part of a principal  
16 structure, ~~((; provided, that))~~ but only if no portion of the lot is required to meet the least restrictive  
17 of lot area, lot coverage, setback or yard requirements ~~((which))~~ that were in effect for a principal  
18 structure on the contiguous lot at the time of the construction of the principal structure, at the  
19 time of its subsequent additions, or ~~((which))~~ that are in effect at the time of the development of  
20 the lot (Exhibit B for 23.44.010 ~~((B))~~), ~~((; and provided further, that if))~~ If any portion of the lot  
21 to be developed has been used to meet the parking requirement in effect for a principal structure  
22 on a contiguous lot, such parking requirement ~~((can and shall be legally met on the contiguous~~  
23 ~~lot))~~ must continue to be met on the lot to be developed or alternative parking that meets the  
24 requirements of this Code must be provided for the contiguous lot.  
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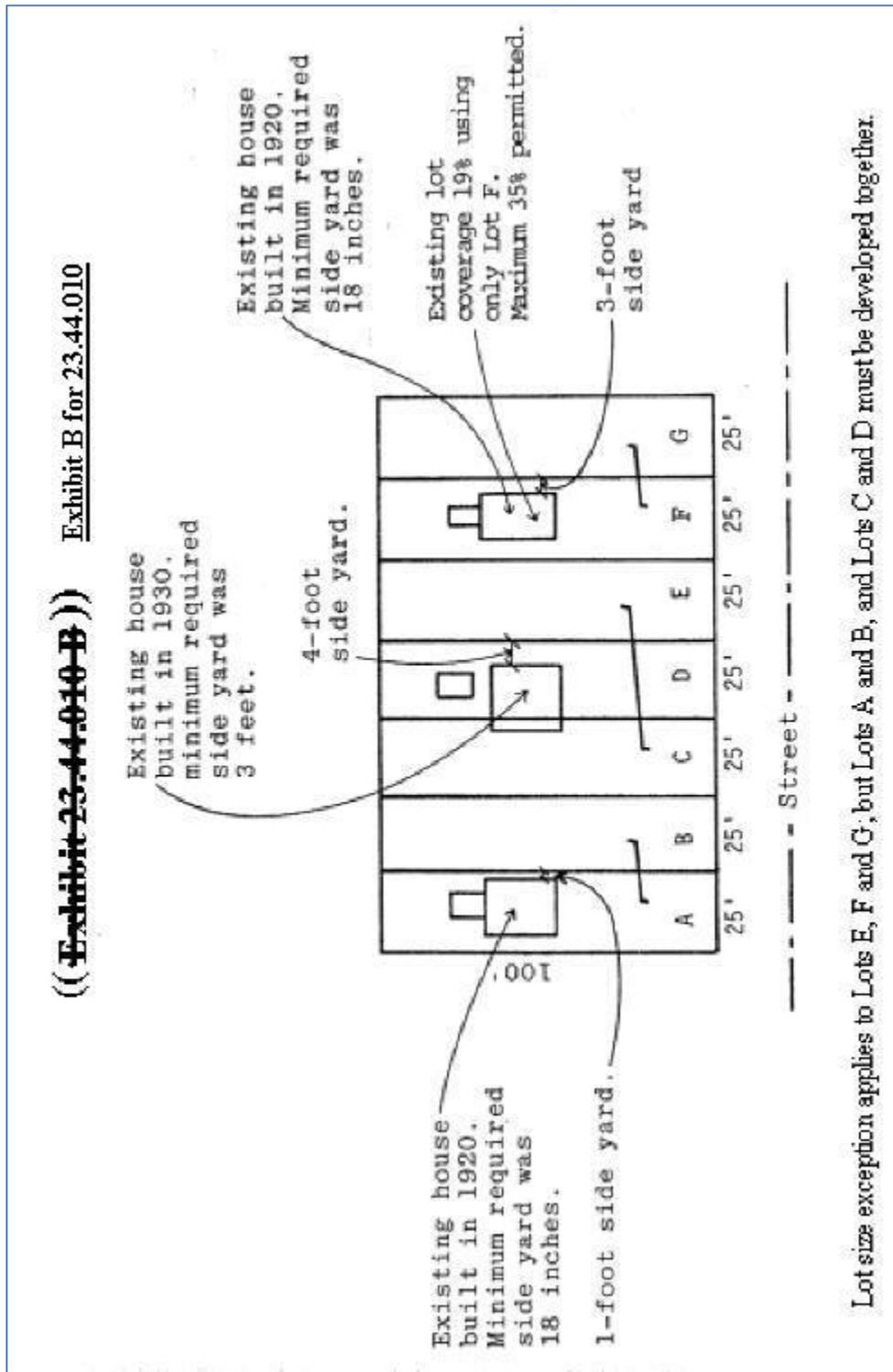
**Exhibit A for 23.44.010**

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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.

Exhibit C for 23.44.010

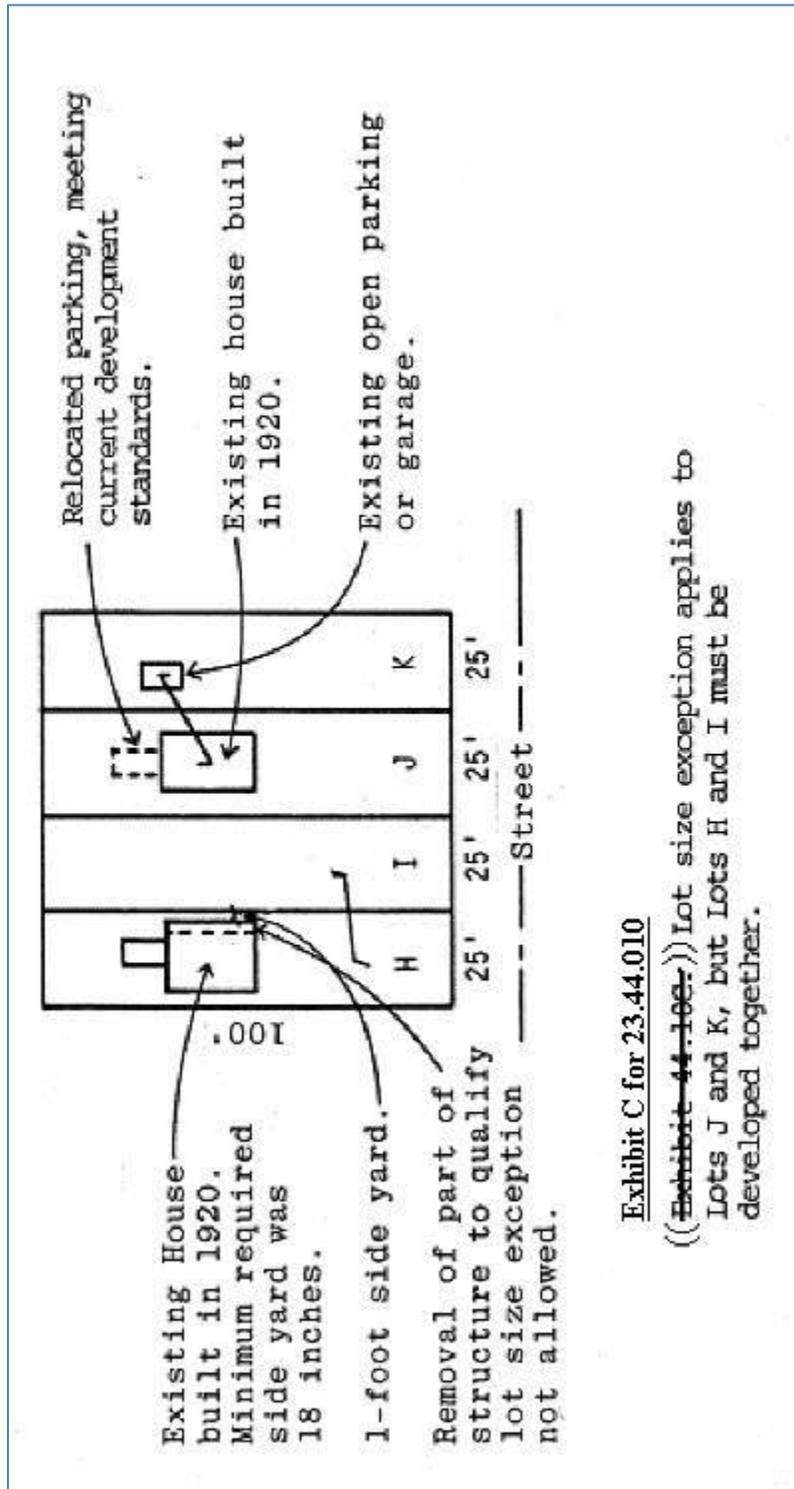


Exhibit C for 23.44.010

((~~Exhibit 44-100~~)) Lot size exception applies to Lots J and K, but Lots H and I must be developed together.

Section 14. Section 23.44.012 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

## 23.44.012 Height Limits

\* \* \*

### C. Height Limit Exemptions.

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

2. Other Features. Open rails and planters may extend no higher than the ridge of a pitched roof permitted under subsection 23.44.012.B or ~~((four-))4((+))~~ feet above the maximum height limit in subsection 23.44.012.A~~((a flat roof))~~. For any structure with a green roof and having a minimum rooftop coverage of 50 percent, up to 24 inches of additional height above the height limit is allowed to accommodate structural requirements, roofing membranes, and soil. Chimneys may extend ~~((four-))4((+))~~ feet above the ridge of a pitched roof or above a flat roof.

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

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

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

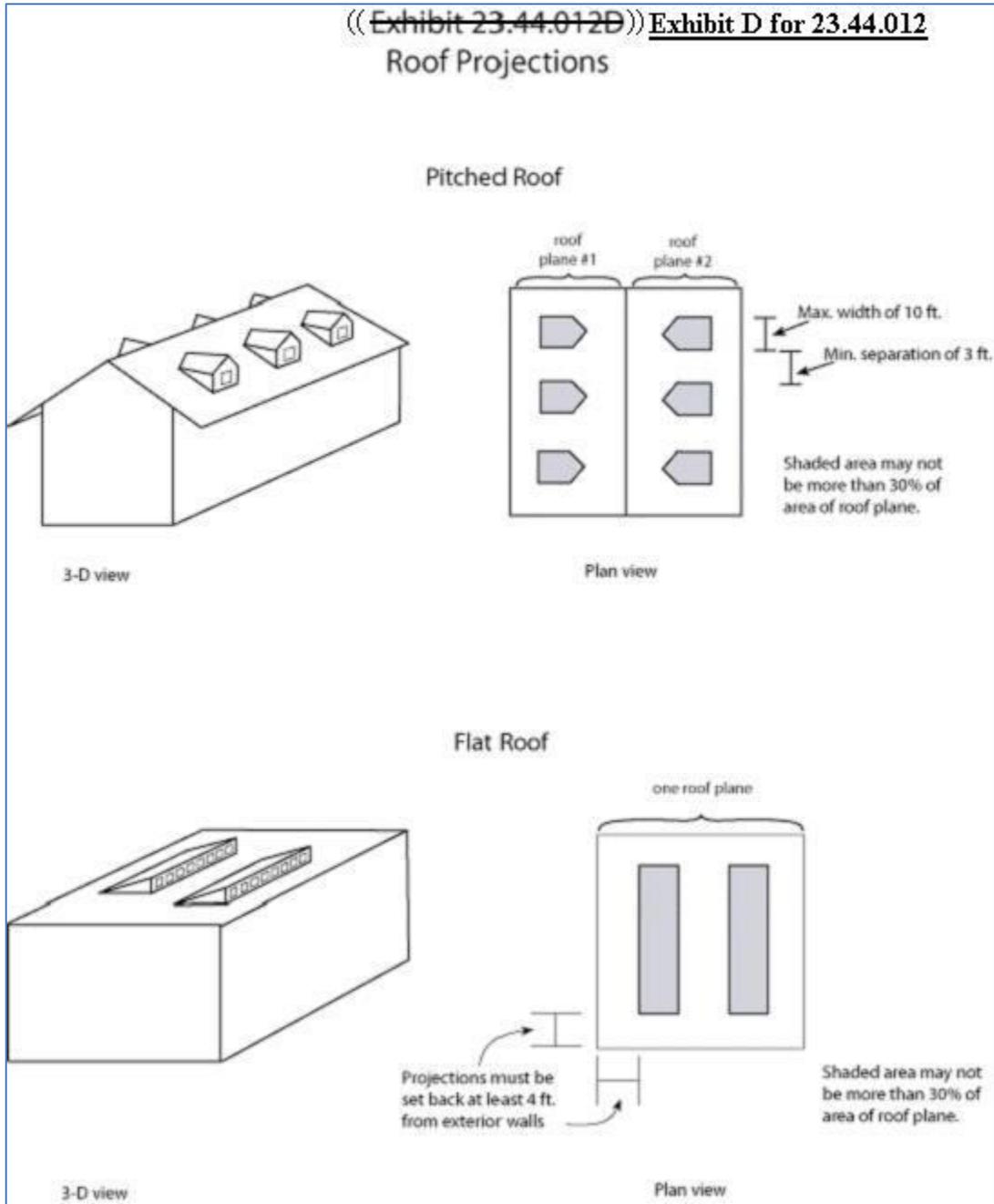
c. On flat roofs, projections are set back at least 4 feet from exterior

walls.

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Exhibit D for 23.44.012

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4. Solar Collectors. For height exceptions for solar collectors, not including solar greenhouses, see Section 23.44.046.



1 requirements of Chapter 25.08, Noise Control. Any heat pump or similar equipment shall not be  
2 located within 3 feet of any lot line. Charging devices for electric cars are considered mechanical  
3 equipment and are permitted in required yards if not located within 3 feet of any lot line.

4 \* \* \*

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

12 \* \* \*

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

15 a. Standalone cisterns or connected systems shall be allowed without  
16 setback restrictions if each cistern is less than 4.5 feet tall excluding piping, less than 4 feet wide,  
17 and the system's total storage capacity is no greater than 600 gallons.

18 b. Larger cisterns or systems may be permitted in required yards provided that  
19 they do not exceed ten percent coverage in any required yard, and they are not located closer  
20 than 2.5 feet from a side lot line, 20 feet from a rear lot line or centerline of an alley abutting the  
21 rear lot line, or 15 feet from the front lot line.

22 \* \* \*

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

3 **23.44.016 Parking and Garages**

4 \* \* \*

5 C. Location of Parking.

6 1. Parking shall be located on the same lot as the principal use, except as  
7 ((otherwise)) provided in this subsection.  
8

9 2. Parking on planting strips is prohibited.

10 3. For lots developed with one single family residence, ~~((N))~~ no more than three  
11 vehicles may be parked outdoors on any lot.

12 4. Parking accessory to a floating home may be located on another lot if within  
13 600 feet of the lot on which the floating home is located. The accessory parking shall be  
14 screened and landscaped according to subsection 23.44.016.G.

15 5. Parking accessory to a single-family structure existing on June 11, 1982 may be  
16 established on another lot if all the following conditions are met:

17 a. There is no vehicular access to permissible parking areas on the lot.

18 b. Any garage constructed is for no more than two two-axle, or two up to  
19 four-wheeled vehicles.  
20

21 c. Parking is screened or landscaped as required by the Director, who shall  
22 consider development patterns of the block or nearby blocks.  
23

24 d. The lot providing the parking is within the same block or across the  
25 alley from the principal use lot.  
26

1 e. The accessory parking shall be tied to the lot of the principal use by a  
2 covenant or other document recorded with the King County Department of Records and  
3 Elections.

4 D. Parking and Garages in Required Yards.

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

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

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

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

16 b. An agreement between the owners of record of the abutting properties,  
17 authorizing the garage in that location, is executed and recorded, pursuant to subsection  
18 23.44.014.D.2.a.

19 \* \* \*

20 Section 17. Section 23.44.022 of the Seattle Municipal Code, which section was last  
21 amended by Ordinance 123209, is amended as follows:

22 **23.44.022 Institutions**

23 \* \* \*

D. General Provisions.

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

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

9 3. Institutions seeking to establish or expand on property ~~((which))~~that is  
10 developed with residential structures may expand their campus up to a maximum of ~~((two and  
11 one half ()))~~2 1/2((~~2~~)) acres. An institution campus may be established or expanded beyond ~~((two  
12 and one half ()))~~2 1/2((~~2~~)) acres if the property proposed for the expansion is substantially vacant  
13 land.  
14

15 4. An institution ~~((which))~~that finds that the development standards of the single-  
16 family zone classification are inadequate to its development needs may apply for reclassification  
17 to Major Institution status if it is a type of institution otherwise meeting the definition of “major  
18 institution” as set forth in the Land Use Code.  
19  
20

21 \* \* \*

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

24 **23.44.041 Accessory Dwelling Units**  
25  
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1           A. Accessory dwelling units, general provisions. The Director may authorize an  
2 accessory dwelling unit, and that dwelling unit may be used as a residence, only under the  
3 following conditions:

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

6  
7                   2. The owner(s) of the lot shall comply with the owner occupancy requirements  
8 of subsection (~~C of Section~~) 23.44.041.C.

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

12                   4. All accessory dwelling units are required to meet the development standards  
13 in Table A, 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.	

1                   5. Except on lots located within areas that are defined as either an urban center or  
2 urban village in the City's Comprehensive Plan, one off-street parking space is required for the  
3 accessory dwelling unit and may be provided as tandem parking with the parking space provided  
4 for the principal dwelling unit. An existing required parking space may not be eliminated to  
5 accommodate an accessory dwelling unit unless it is replaced elsewhere on the lot. Except for  
6 lots located in either the University District Parking Overlay Area (Map A for 23.54.015), or the  
7 Alki Area Parking Overlay (Map B for 23.54.015), the Director may waive the off-street parking  
8 space requirement for an accessory dwelling unit if:  
9

10   a. The topography or location of existing principal or  
11 accessory structures on the lot makes provision of an off-street parking space physically  
12 infeasible; or  
13

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

17                   B. Accessory dwelling units, detached, additional provisions. A detached accessory  
18 dwelling unit is also known as a backyard cottage. The Director may authorize a detached  
19 accessory dwelling unit, and that unit may be used as a residence, only under the conditions set  
20 forth in subsection ~~((A of Section))~~ 23.44.041.A and the following additional conditions:  
21

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

24   2. Detached accessory dwelling units are required to meet the additional  
25 development standards set forth in Table B for ~~((Section))~~ 23.44.041:  
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**Table B for 23.44.041  
 Development Standards for Detached Accessory Dwelling Units<sup>1</sup>**

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.				
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

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

(3) Maximum Structure Height with Shed or Butterfly Roof (feet); see Exhibit A for 23.44.041.	15	18	19	20	20
1. Minimum Separation from Principal Structure	5 feet				

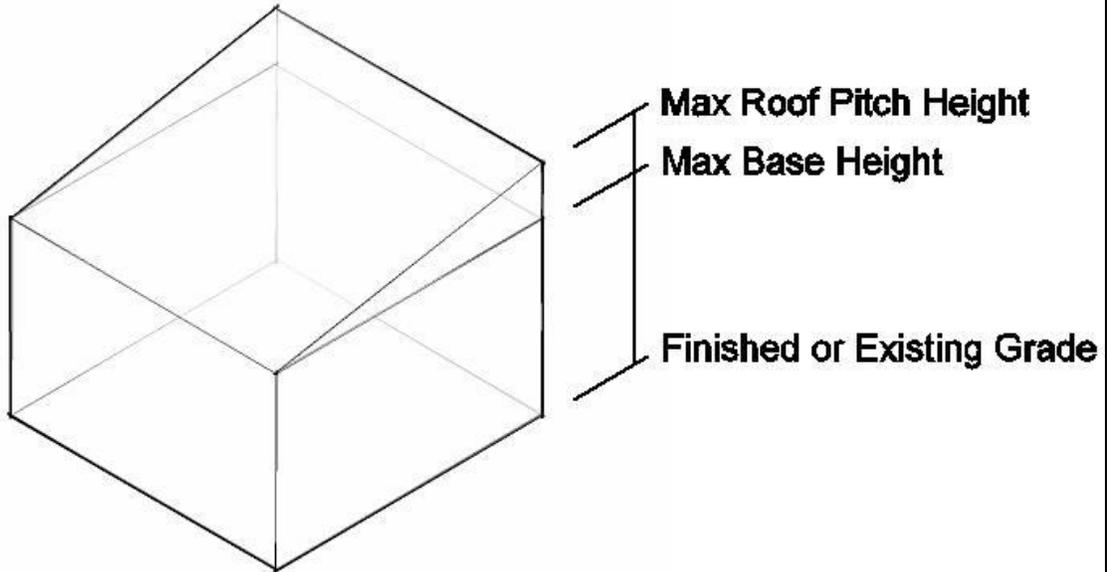
Footnotes:

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.

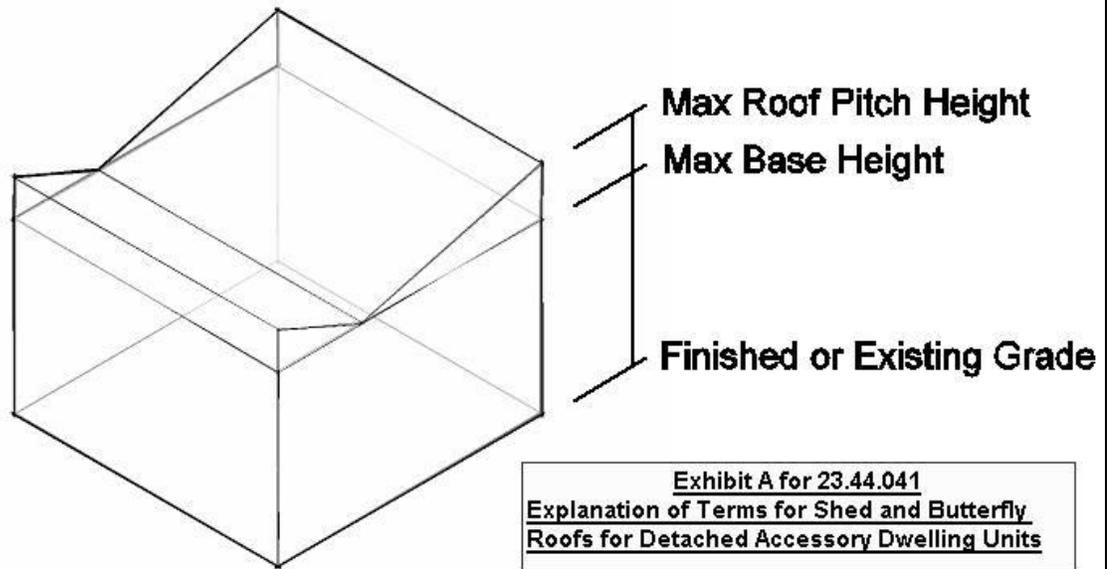
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1                   Exhibit A for 23.44.041: Explanation of Terms for Shed and Butterfly Roofs for  
2 Detached Accessory Dwelling Units.

3                   **Shed Roof Example**



13  
14  
15                   **Butterfly Roof Example**



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

20  
21                   2. Violation. If an owner is unable or unwilling to fulfill the requirements of  
22 subsection 23.44.041.C.1, the owner shall remove those features of the accessory dwelling unit  
23 that make it a dwelling unit. Failure to do so will constitute a violation of this Title and the  
24 owner will be subject to penalties pursuant to Sections 23.90.018, 23.90.019 and 23.90.020.

25  
26                   3. Covenant recording. Prior to issuance of a permit establishing an accessory  
27 dwelling unit, the owner(s) shall sign under oath and record in the King County Office of  
28

1 Records and Elections a covenant by the owner(s) to the City of Seattle stating that the owner(s)  
2 agree to restrict use of the principal and accessory dwelling units in compliance with the  
3 requirements of this subsection 23.44.041.C and notify all prospective purchasers of those  
4 requirements.

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

11  
12             4. Covenant release. At the request of a property owner and after an inspection  
13 finding that an accessory dwelling unit has been removed from the owner's property, the  
14 Department of Planning and Development shall record a release of any previously recorded  
15 covenant for that accessory dwelling unit.

16  
17             D. Single-family status unaffected. A single-family lot with an accessory dwelling unit  
18 shall be considered a single-family residence for purposes of rezone criteria (Section 23.34.011).

19             E. Reporting. DPD shall report annually to the (~~Planning, Land Use and~~  
20 ~~Neighborhoods~~) Committee on the Built Environment or its successor committee on city-wide  
21 accessory dwelling unit permit activity. This annual report shall encompass all attached and  
22 detached accessory dwelling unit permits issued and all permits finalized since the previous annual  
23 report, the number of permits issued and the number of permits finalized, a map that shows the  
24 location and dispersion of both types of accessory dwelling units, and the number of parking  
25 waivers granted. For each detached accessory dwelling unit permit issued, the report shall state  
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1 the height, gross floor area, total square footage of the lot where the detached accessory dwelling  
2 unit is located, and total lot coverage of all structures on the lot, and whether any garage space is  
3 incorporated into the detached accessory dwelling unit. For each permit finalized, the report shall  
4 include a photograph of the detached accessory dwelling unit. The report shall be delivered to  
5 the Council by no later than January 31 of the following calendar year.

6 Section 19. Section 23.45.518, which section was enacted by Ordinance 123209, is  
7 amended as follows:  
8

9 **23.45.518 Setbacks and (~~Separations~~) separations in Midrise and Highrise zones**

10 \* \* \*

11 G. Structures in Required Setbacks or (~~separations~~) Separations.

12 1. Detached garages, carports or other accessory structures are permitted in  
13 required separations and required rear or side setbacks, provided that any accessory structure  
14 located between a principal structure and the side lot line shall provide the setback required for  
15 the principal structure subject to the following requirements:  
16

- 17 a. A minimum setback of 5 feet is maintained from all lot lines; and  
18 b. The accessory structure is no taller than 12 feet, as measured from  
19 existing or finished grade, whichever is lower, except for garages and carports as specified  
20 below:  
21

22 1) garages and carports are limited to 12 feet in height as measured  
23 from the facade containing the vehicle entrance; and

24 2) open rails are allowed to extend an additional 3 feet above the  
25 roof of the accessory structure if any portion of the roof is within 4 feet of existing grade.  
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1           2. If the applicant (~~uses~~) earns bonus residential floor area by providing all of  
2 the affordable housing within the project pursuant to Section 23.58A.014, the maximum facade  
3 width of the structure above 45 feet in height is 150 feet, provided that the average gross floor  
4 area of all stories above 45 feet in height does not exceed 12,000 square feet.

5           B. All portions of structures that reach the maximum facade width limit specified in  
6 subsection 23.45.520.A must be separated from any other portion of a structure on the lot above  
7 45 feet at all points by the minimum horizontal distance shown on Table (~~(B)~~)C for 23.45.518,  
8 except that projections permitted in required setbacks and separations pursuant to subsection  
9 23.45.518.F are permitted.

10           Section 21. 23.47A.012 of the Seattle Municipal Code, which section was last amended  
11 by Ordinance 123378, is amended as follows:

12           **23.47A.012 Structure height**

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

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

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

23           1) Either

1 i. A floor-to-floor height of 13 feet or more is provided for  
2 nonresidential uses at street level; or

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

6 2) The additional height allowed for the structure will not allow an  
7 additional story beyond the number that could be built under the otherwise applicable height  
8 limit.  
9

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

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

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

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

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

22 5) The structure is not allowed additional height under subsection  
23 23.47A.012.A.1.a.  
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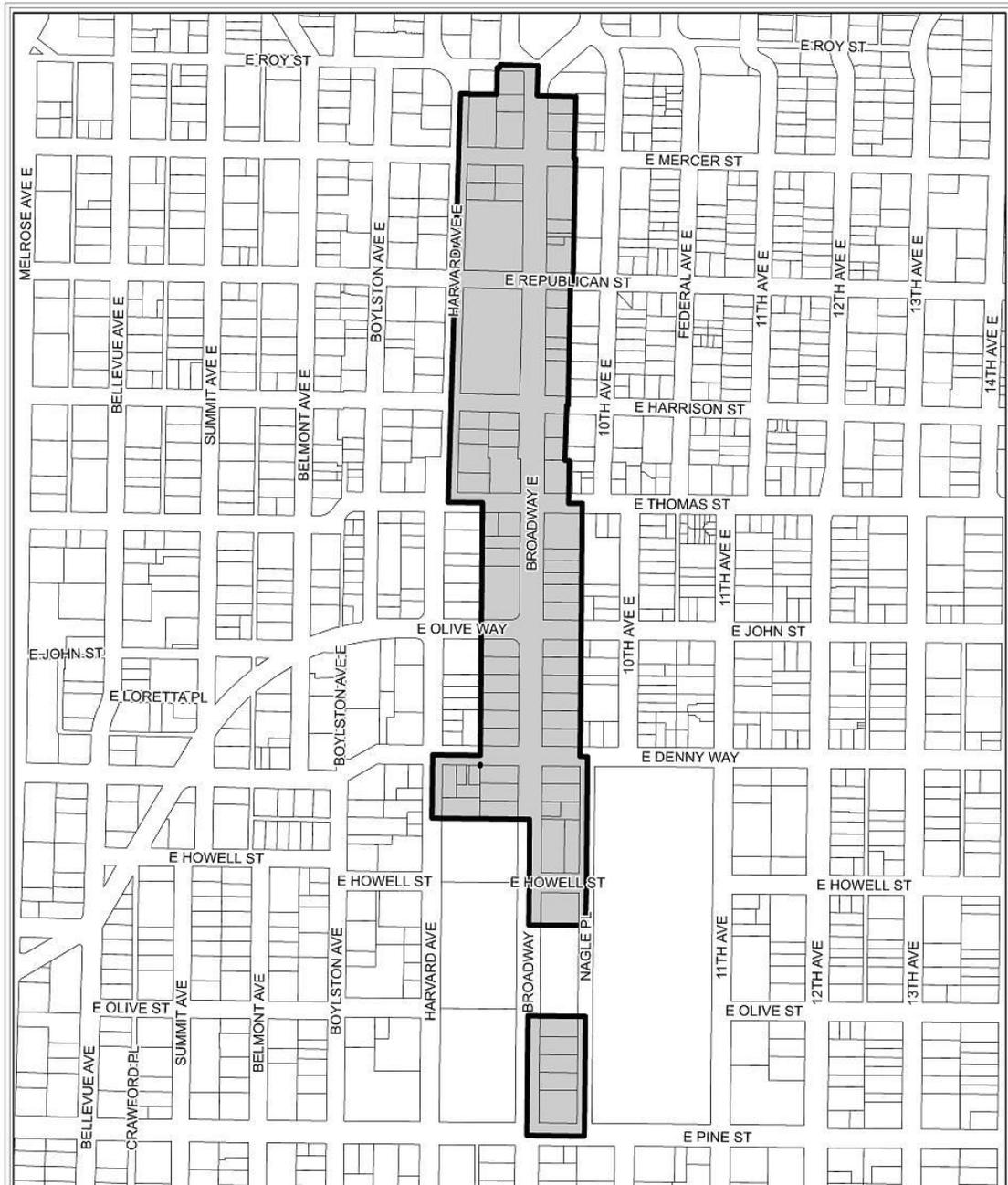
c. The Director shall reduce or deny the additional structure height

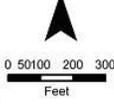
1 permitted by this subsection 23.47A.012.A.1 if the additional height (~~otherwise~~) would  
2 significantly block views from neighboring residential structures of any of the following: Mount  
3 Rainier, the Olympic and Cascade Mountains, the downtown skyline, Green Lake, Puget Sound,  
4 Lake Washington,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

6  
7 2. For any lot within the designated areas shown on Map A of 23.47A.012, the  
8 height limit in NC zones or C zones designated with a 40-foot height limit on the Official Land  
9 Use Map may be increased to 65 feet and may contain floor area as permitted for a 65 foot zone,  
10 pursuant to Section 23.47A.013, provided that all portions of the structure above 40 feet contain  
11 only residential uses, and provided that no additional height is allowed under subsection  
12 23.47A.012.A.1.  
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Map A for 23.47A.012

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<b>Map A for 23.47A.012</b>	<b>Legend</b>	N	No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.
<i>Areas Where Additional Height is Allowed</i>	 25 feet of Additional Height Permitted Pursuant to 23.47.012,A	 0 50 100 200 300 Feet	Copyright 2005, All Rights Reserved, June 6, 2005

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

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

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

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

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

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

17                                   e. This subsection 23.47A.012.A.2.e can be used only once per  
18 functionally related development.

19                   ((6))5. On a lot containing a peat settlement-prone environmentally critical area,  
20 the height of a structure may exceed the otherwise applicable height limit and the other height  
21 allowances provided by this section by up to 3 feet. In addition, 3 more feet of height may be  
22 allowed for any wall of a structure on a sloped lot, provided that on the uphill side(s) of the  
23 structure, the maximum elevation of the structure height shall be no greater than the height  
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1 allowed by the first sentence of this subsection 12.47A.012.A.6 (Exhibit 23.47A.012\_A). The

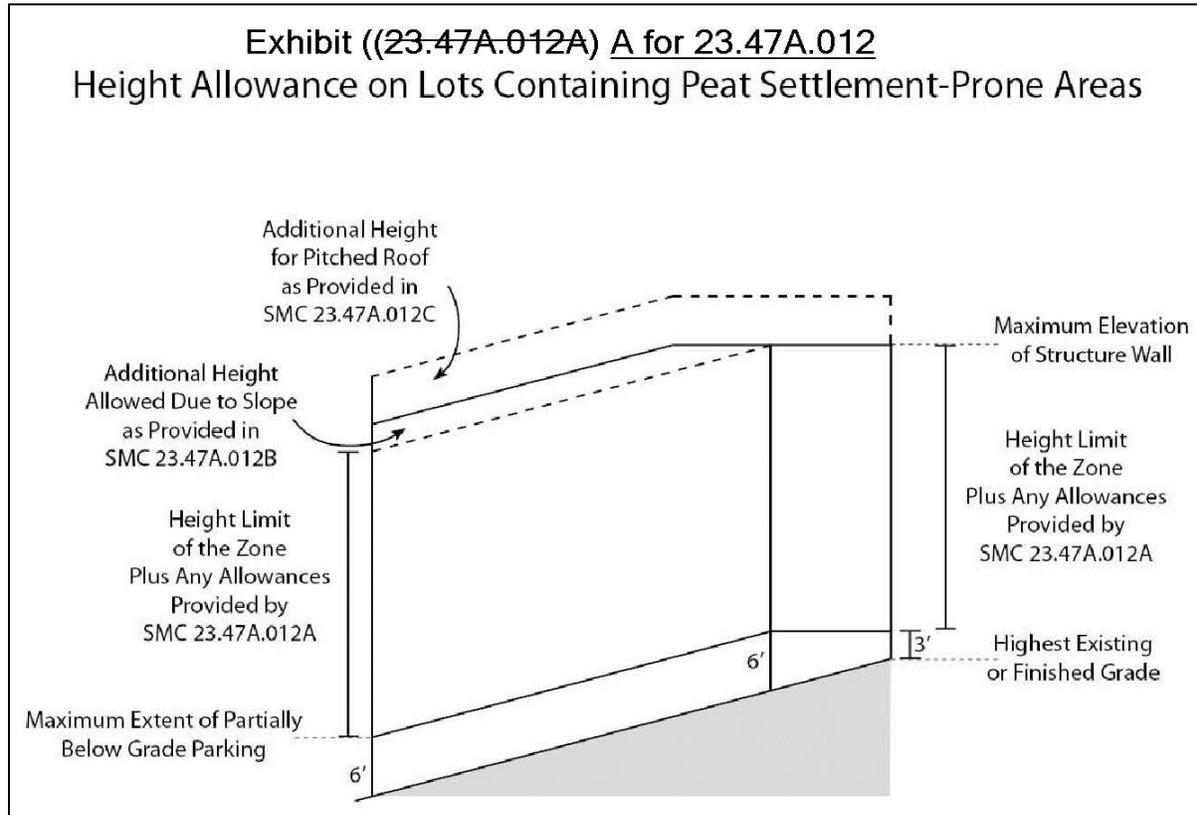
2 Director may apply the allowances in this subsection 12.47A.012.A.6 only if the following  
3 conditions are met:

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

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

12 c. Other than the additional story of parking allowed pursuant to  
13 subsection 23.47A.012.A.6, the additional height allowed for the structure by subsection  
14 23.47A.012.A.6 ~~((with))~~ shall not allow an additional story beyond the number of stories that  
15 could be built under the otherwise applicable height limit.  
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Exhibit A for 23.47A.012



15 ((7))6. In zones with a 65 foot mapped height limit or with a 40 foot mapped  
16 height limit with provisions allowing for additional height up to 65 feet pursuant to subsection  
17 23.47A.012.A.2 that are located within the Pike/Pine Conservation Overlay District, the  
18 provisions of Section 23.73.010 apply.

19 \* \* \*

20 Section 22. Section 23.47A.014 of the Seattle Municipal Code, which section was last  
21 amended by Ordinance 122935, is amended as follows:

22 **23.47A.014 Setback requirements**

23 A. Definition. For the purposes of this section, "portions of structures" include those  
24 features listed in Section 23.47A.012\_D, Rooftop Features.

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



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

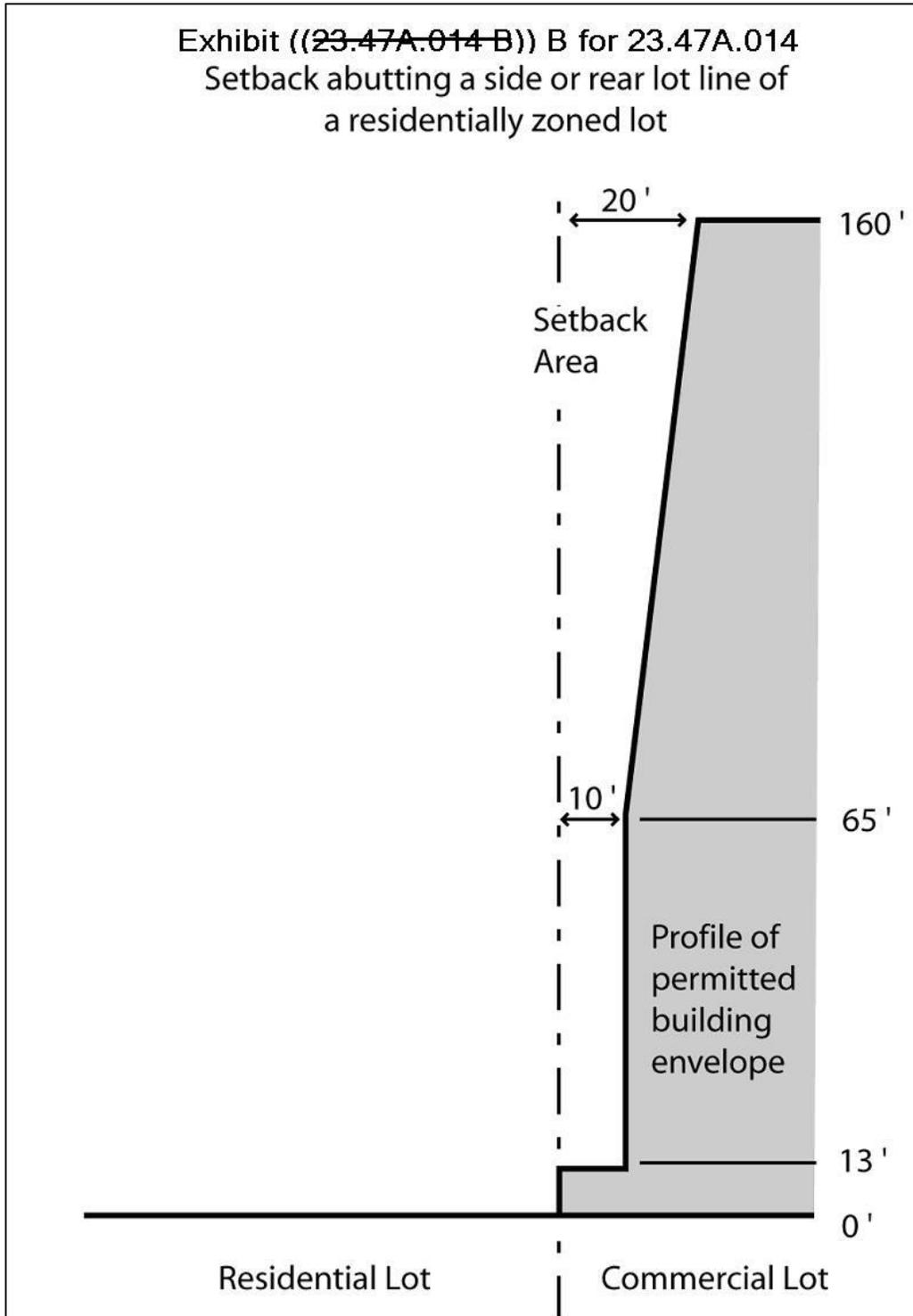
3                   a. Ten feet for portions of structures above 13 feet in height to a  
4 maximum of 65 feet; and

5                   b. For each portion of a structure above 65 feet in height, additional  
6 setback at the rate of 1 foot of setback for every 10 feet by which the height of such portion  
7 exceeds 65 feet (Exhibit B for 23.47A.014).  
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Exhibit B for w23.47A.014

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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:

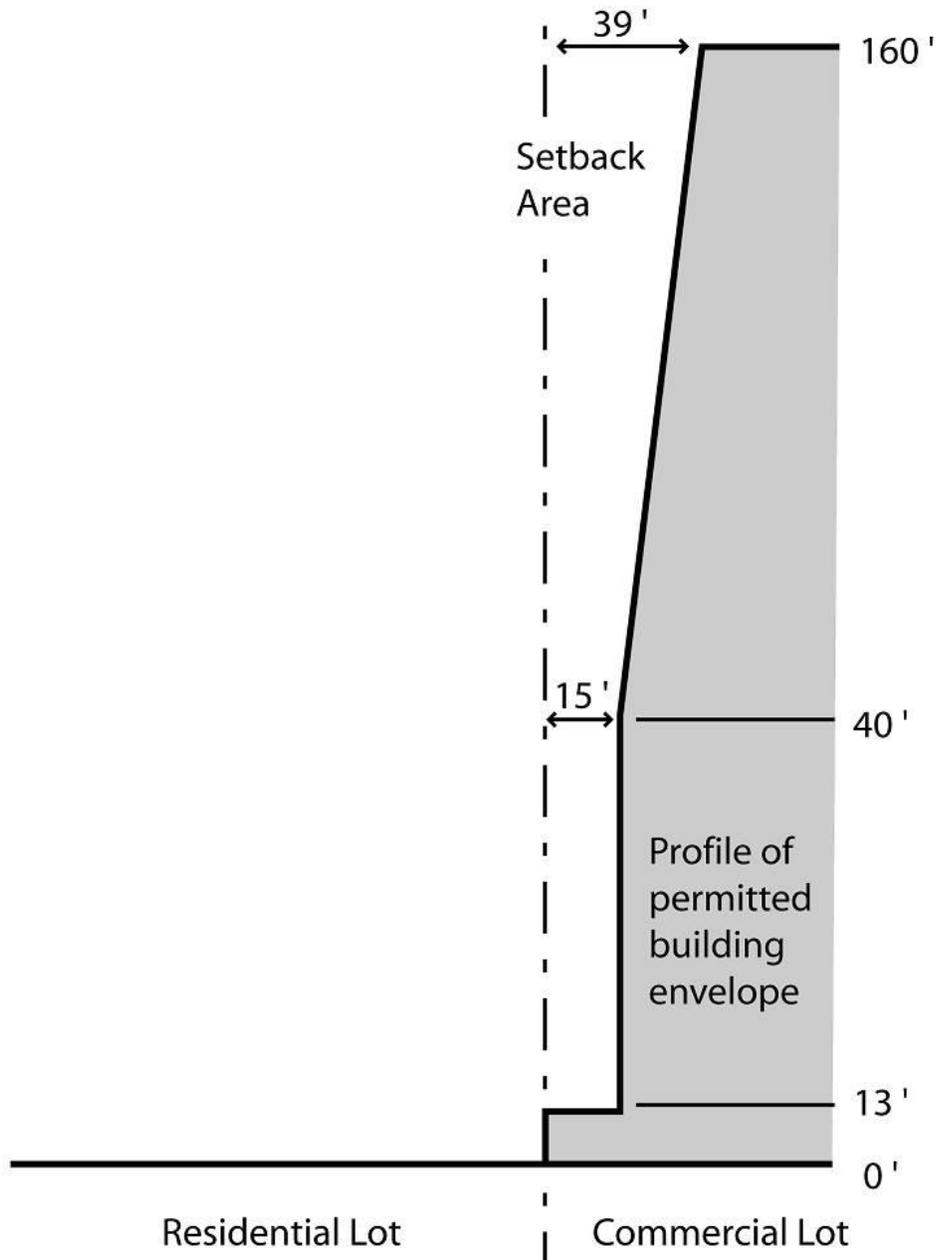
4                           a. Fifteen feet for portions of structures above 13 feet in height to a  
5 maximum of 40 feet; and

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).  
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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





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

A. Access to parking.

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

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

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

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

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

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

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

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

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

8                   4. In the event of conflict between the standards for curb cuts in this subsection  
9 23.47A.032.A and the provisions of subsection 23.54.030.F, the standards in subsection  
10 23.54.030.F shall control.

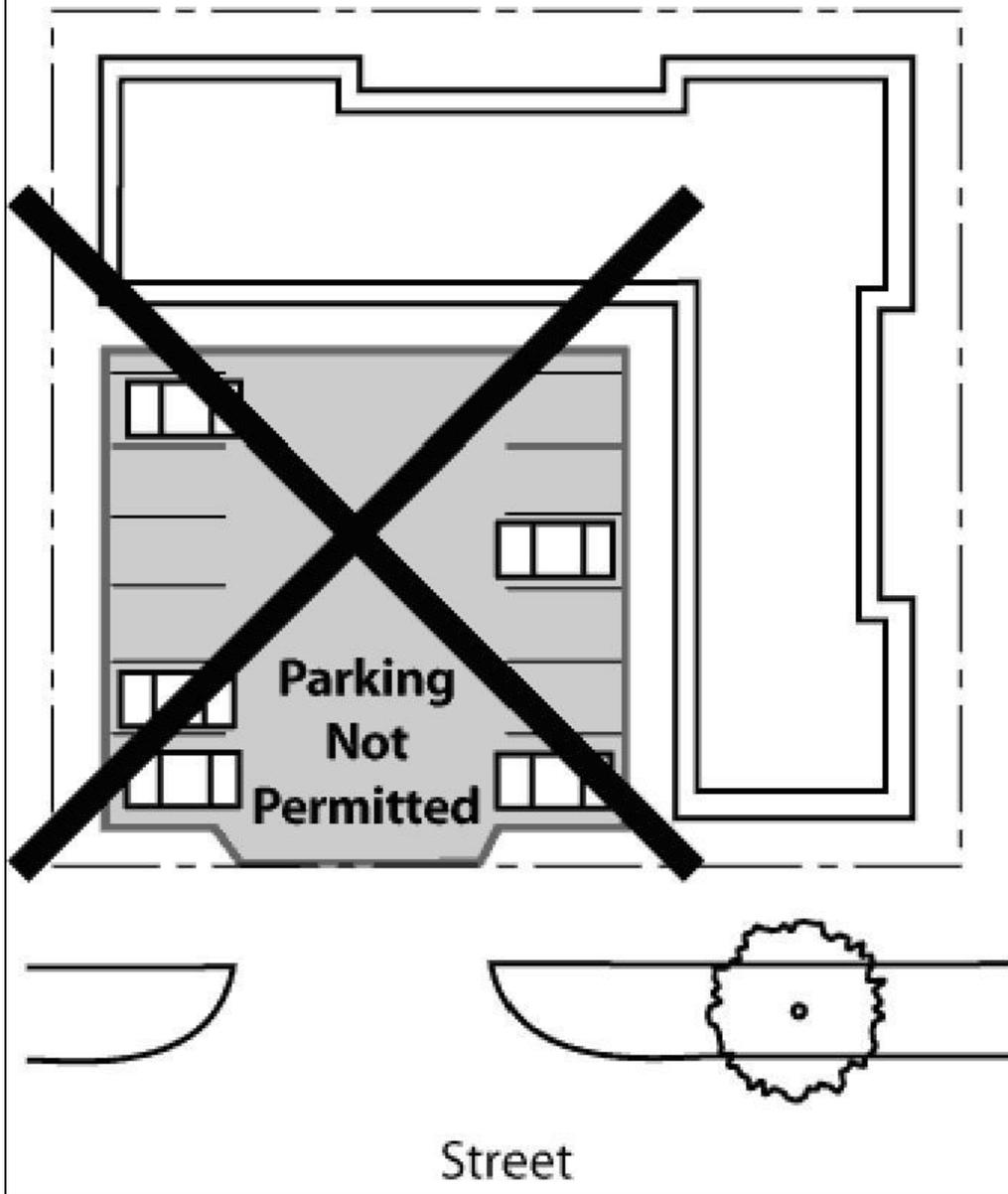
11                   B. Location of parking.

12                   1. The following rules apply in NC zones, except as provided in subsection  
13 23.47A.032.D.  
14

15                   a. Parking shall not be located between a structure and a street lot line  
16 (Exhibit A for 23.47A.032).  
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Exhibit 23.47A.032.A

**Exhibit (~~23.47A.032-A~~) A for 23.47A.032**  
**Parking not permitted between a structure**  
**and street in NC zones**



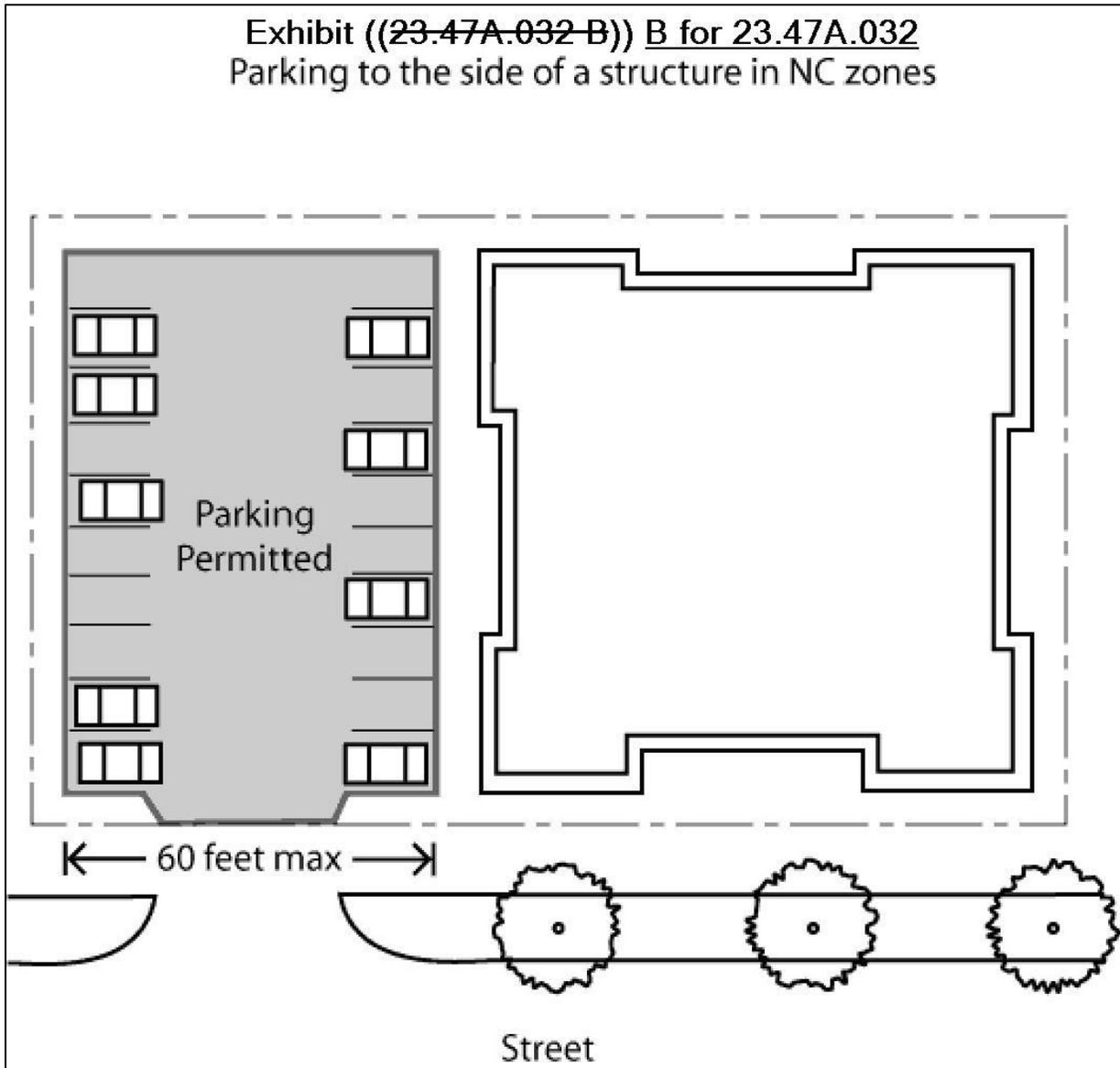
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1 b. Within a structure, street-level parking shall be separated from street-  
2 level, street-facing facades by another permitted use. This requirement does not apply to access  
3 to parking meeting the standards of subsection 23.47A.032.A.

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 Exhibit 23.47A.032.B

7  
8 **Exhibit ((23.47A.032-B)) B for 23.47A.032**  
9 **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 23.54.025, Parking  
3 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 25. 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  
27  
28



1 4. Projections Allowed in Setback. If a setback is required under subsection  
2 23.48.016.C.3 (~~(of this section)~~), the first (~~(four)~~) 4 feet of horizontal projection of decks,  
3 balconies with open railings, eaves, cornices, and gutters is permitted in the required setback.

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

9  
10 Section 27. Section 23.48.034 of the Seattle Municipal Code, which Section was last  
11 amended by Ordinance 121782, is amended as follows:

12 **23.48.034 Parking and loading location, access and curbcuts(~~(r)~~)**

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

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

17 1. All accessory surface parking shall be located at the rear or to the side of the  
18 principal structure.  
19

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

22 C. Parking and Loading Access. When a lot abuts more than one (~~((H)))~~ right-of-way,  
23 the location of access for parking and loading shall be determined by the Director, depending on  
24 the classification of rights-of-way, as shown on Map B, located at the end of this Chapter,  
25 according to the following:  
26  
27  
28

1           1. Access to parking and loading shall be from the alley when the lot abuts an  
2 alley improved to the standards of Section 23.53.030\_C and use of the alley for parking and  
3 loading access would not create a significant safety hazard as determined by the Director.

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

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

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

16           5. Curbcut width and number of curbcuts shall satisfy the provisions of Section  
17 23.54.030, Parking space standards, except as modified in this section.

18           Section 28. A new Section 23.48.036 of the Seattle Municipal Code is added as  
19 follows:

20           **23.48.036 Pet Daycare Centers**

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

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

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

6           C. Facilities for the boarding of animals may occupy no more than 30 percent of the gross  
7 floor area of the pet daycare center.  
8

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

12           E. Applicants must submit at the time of permit application, written operating procedures,  
13 such as those recommended by the American Boarding and Kennel Association (ABKA) or the  
14 American Kennel Club (AKC). Such procedures shall be followed for the life of the business and  
15 shall prevent animal behavior that impacts surrounding uses, including excessive barking.  
16

17           F. Violations of this Section.

18                 1. The exemption in SMC 25.08.500.A of the Noise Control Ordinance to uses  
19 permitted under SMC 10.72, provisions for pet kennels and similar uses, does not apply to pet  
20 daycare centers.  
21

22                 2. When a notice of violation is issued for animal noise, the Director may require  
23 the pet daycare center to submit a report from an acoustical consultant that describes potential  
24 measures to be taken by the pet daycare center to prevent or mitigate noise impacts. The  
25 Director may require measures, including but not limited to: development or modification of  
26 operating procedures; cessation of the use of outdoor area(s); closure of windows and doors;  
27  
28

1 reduction in hours of operation; and use of sound attenuating construction or building materials  
2 such as insulation and noise baffles. The Director may order the pet daycare center to be closed  
3 on a temporary or permanent basis.

4 Section 29. Section 23.49.008 of the Seattle Municipal Code, which section was last  
5 amended by Ordinance 123378, is amended as follows:

6 **23.49.008 Structure height**  
7

8 The following provisions regulating structure height apply to all property in downtown  
9 zones except the DH1, PSM, IDM, and IDR zones.

10 \* \* \*

11 D. Rooftop Features.

12 1. The following rooftop features are permitted with unlimited rooftop coverage  
13 and may not exceed the height limits as indicated:  
14

- 15 a. Open railings, planters, clerestories, skylights, play equipment,  
16 parapets and firewalls up to 4 feet above the applicable height limit;  
17 b. Solar collectors up to 7 feet above the applicable height limit; and  
18 c. The rooftop features listed below shall be located a minimum of 10  
19 feet from all lot lines and may extend up to 50 feet above the roof of the structure on which they  
20 are located or 50 feet above the applicable height limit, whichever is less, except as regulated by  
21 Chapter 23.64, Airport Height Overlay District:  
22

- 23 1) Religious symbols for religious institutions,  
24 2) Smokestacks, and  
25 3) Flagpoles.  
26  
27  
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1                   2. The following rooftop features are permitted up to the heights indicated  
2 below, as long as the combined coverage of all rooftop features, whether or not listed in this  
3 subsection 23.49.008.D.2, does not exceed 55 percent of the roof area for structures that are  
4 subject to maximum floor area limits per story pursuant to Section 23.49.058, or 35 percent of  
5 the roof area for other structures.

6                   a. The following rooftop features are permitted to extend up to 15 feet  
7 above the applicable height limit:

8                                   1) Solar collectors;  
9                                   2) Stair penthouses;  
10                                  3) Play equipment and open-mesh fencing, as long as the fencing  
11 is at least 15 feet from the roof edge;

12                                   4) Covered or enclosed common recreation area; (~~and~~)

13                                   5) Mechanical equipment;

14                                   6) Mechanical equipment, whether new or replacement, may be  
15 allowed up to 15 feet above the roof elevation of a structure existing prior to June 1, 1989; and

16                                   7) Wind turbines.

17                                   \* \* \*

18                   Section 30. Section 23.49.020 of the Seattle Municipal Code, which section was last  
19 amended by Ordinance 122611, is amended as follows:

20                   **23.49.020 Demonstration of LEED Silver rating((=))**

21                   A. Applicability. This section applies whenever a commitment to earn a LEED Silver  
22 rating or substantially equivalent standard is a condition of a permit.

23                   B. Demonstration of Compliance; Penalties.

1                   1. The applicant shall demonstrate to the Director the extent to which the  
2 applicant has complied with the commitment to earn a LEED Silver rating no later than ~~((ninety~~  
3 ~~(90))~~)180 days after issuance of final Certificate of Occupancy for the new structure, or such  
4 later date as may be allowed by the Director for good cause, by submitting a report analyzing the  
5 ~~((extent))~~ credits earned toward such rating from the U.S. Green Building Council or another  
6 independent entity approved by the Director. For purposes of this section, if the Director ~~((shall~~  
7 ~~have))~~has approved ~~((a commitment to achieve))~~ a substantially equivalent standard, the term  
8 "LEED Silver rating" shall mean such other standard.  
9

10                   2. Failure to submit a timely report regarding a LEED Silver rating from an  
11 approved independent entity by the date required is a violation of the Land Use Code. The  
12 penalty for such violation ~~((shall be Five Hundred Dollars (-)))~~is \$500~~((+))~~ per day from the date  
13 when the report was due to the date it is submitted~~((, without any requirement of notice to the~~  
14 ~~applicant))~~. The owner is subject to this fine regardless of whether the City provides the owner  
15 with notice that the report is overdue or that the fine is accruing.  
16

17                   3. Failure to demonstrate, through an independent report as provided in this  
18 subsection, full compliance with the applicant's commitment to earn a LEED Silver rating, is a  
19 violation of the Land Use Code. The penalty for each violation is an amount determined as  
20 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.B.3 (~~(of this section)~~), no  
20 additional penalty shall be imposed for the failure to comply with the commitment.  
21

22 5. If the Director determines that the report submitted provides satisfactory  
23 evidence that the applicant's commitment is satisfied, the Director shall issue a certificate to the  
24 applicant so stating. If the Director determines that the applicant did not demonstrate compliance  
25 with its commitment to earn a LEED Silver rating in accordance with this section, the Director  
26 may give notice of such determination, and of the calculation of the penalty due, to the applicant.  
27  
28

1                   6. If, within (~~ninety~~) 90 (~~(+)~~) days, or such longer period as the Director may  
2 allow for good cause, after initial notice from the Director of a penalty due under this subsection  
3 23.49.020.B, the applicant shall demonstrate, through a supplemental report from the  
4 independent entity that provided the initial report, that it has made sufficient alterations or  
5 improvements to earn a LEED Silver rating, or to earn more credits toward such a rating, then  
6 the penalty owing shall be eliminated or recalculated accordingly. The amount of the penalty as  
7 so redetermined shall be final. If the applicant does not submit a supplemental report in  
8 accordance with this subsection by the date required under this subsection, then the amount of  
9 the penalty as set forth in the Director's original notice shall be final.

11                   7. Any owner, other than the applicant, of any lot on which the bonus  
12 development was obtained or any part thereof, shall be jointly and severally responsible for  
13 compliance and liable for any penalty due under this subsection.

15                   C. Use of Penalties. A sub\_fund shall be established in the City's General Fund to receive  
16 revenue from penalties under subsection 23.49.020.B (~~(of this section)~~). Revenue from penalties  
17 under (~~that~~) subsection 23.49.020.B shall be allocated to activities or incentives to encourage  
18 and promote the development of sustainable buildings. The Director shall recommend to the  
19 Mayor and City Council how these funds should be allocated.

21                   Section 31. Section 23.49.056 of the Seattle Municipal Code, which section was last  
22 amended by Ordinance 123046, is amended as follows:

23 **23.49.056 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed**  
24 **Commercial street facade and street setback requirements(~~(-)~~)**

25                   Standards for the street facades of structures are established in this section for DOC1,  
26 DOC2, and DMC zones, for the following elements:  
27  
28

1 Minimum facade heights;

2 Setback limits;

3 Facade transparency;

4 Blank facade limits;

5 Street trees; and

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

7  
8 These standards apply to each lot line that abuts a street designated on Map 1F as having  
9 a pedestrian classification, except lot lines of open space TDR sites. The standards for each street  
10 frontage shall vary according to the pedestrian classification of the street on Map 1F, and  
11 whether property line facades are required by Map 1H. Standards for street landscaping and  
12 setback requirements in subsection ~~((G))~~ 23.49.056.F ~~((of this section))~~ also apply along lot lines  
13 abutting streets in the Denny Triangle Urban Village, as shown on Exhibit F for 23.49.056 ~~((F))~~.

14  
15 A. Minimum Facade Height.

16 1. Minimum facade height(s) are prescribed in ~~((the table below))~~ Table A for  
17 23.49.056, and Exhibit A for 23.49.056 ~~((A))~~, but minimum facade heights ~~((shall))~~ do not apply  
18 when all portions of the structure are lower than the elevation of the required minimum facade  
19 height listed below.  
20

21 Table A for 23.49.056

Street Classification	Minimum Facade 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, when it is less than the minimum facade height required in subsection 23.49.024.A.1 ((of this section)).

B. Facade Setback Limits.

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

a. The facades of structures ((fifteen-))15((+)) feet or less in height shall be located within ((two-))2((+)) feet of the street property line.

b. Structures greater than ((fifteen-))15((+)) feet in height ((shall be))are governed by the following criteria:

((+))1 No setback limits ((shall)) apply up to an elevation of ((fifteen-))15((+)) feet above sidewalk grade.

((+))2 Between the elevations of ((fifteen-))15((+)) and ((thirty-five-))35((+)) feet above sidewalk grade, the facade shall be located within ((two-))2((+)) feet of the street property line, except that:

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



1 feet in height, the setback limits apply to the facade between an elevation of ~~((fifteen-))15(())~~  
2 feet above sidewalk grade and the minimum facade height established in subsection 23.49.056.A  
3 ~~((of this section))~~ and Exhibit C for 23.49.056 ~~((C))~~.

4 ~~((C))2~~ When the entire structure is ~~((fifteen-))15(())~~ feet or less  
5 in height, the setback limits apply to the entire street facade.

6 ~~((C))3~~ When the minimum facade height is ~~((fifteen-))15(())~~  
7 feet, the setback limits apply to the portion of the street facade that is ~~((fifteen-))15(())~~  
8 less in height.

9  
10 b. The maximum area of all setbacks between the lot line and facade  
11 along each street frontage of a lot shall not exceed the area derived by multiplying the averaging  
12 factor by the width of the street frontage of the structure along that street (see Exhibit D for  
13 23.49.056 ~~((D))~~). The averaging factor ~~((shall be))~~ is five ~~((5))~~ on Class I pedestrian streets and  
14 ten ~~((10))~~ on Class II pedestrian streets and designated green streets.

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

20  
21 d. The maximum setback of the facade from ~~((the))~~ street property lines  
22 at intersections ~~((shall be ten-))~~ is 10(()) feet. The minimum distance the facade must conform to  
23 this limit ~~((shall be twenty-))~~ is 20(()) feet along each street. (See Exhibit E for 23.49.056 ~~((E))~~.)

24  
25 e. Any exterior public open space that meets the Downtown Amenity  
26 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 ~~((€))~~.)

3 f. When sidewalk widening is required by Section 23.49.022, setbacks  
4 ~~((standards))~~ shall be measured to the line established by the new sidewalk width rather than the  
5 street property line.

6 C. Facade Transparency Requirements.

7  
8 1. Facade transparency requirements apply to the area of the facade between  
9 ~~((two-))~~2~~(( ))~~ feet and ~~((eight-))~~8~~(( ))~~ feet above the sidewalk, except that when the slope along  
10 the street frontage of the facade exceeds ~~((seven and one half-))~~7 1/2~~(( ))~~ percent, the  
11 transparency requirements apply to the area of the facade between ~~((four-))~~4~~(( ))~~ feet and ~~((eight-))~~8~~(( ))~~  
12 ~~(( ))~~8~~(( ))~~ feet above sidewalk grade. Only clear or lightly tinted glass in windows, doors, and  
13 display windows is considered to be transparent. Transparent areas shall allow views into the  
14 structure or into display windows from the outside.

15  
16 2. Facade transparency requirements do not apply to portions of structures in  
17 residential use.

18  
19 3. When the transparency requirements of this subsection are inconsistent with  
20 the glazing limits in the Energy Code, this subsection ~~((shall apply))~~applies.

21 4. Transparency requirements are as follows:

22 a. Class I pedestrian streets and designated green streets: A minimum of  
23 ~~((sixty-))~~60~~(( ))~~ percent of the street\_level facade shall be transparent.

24 b. Class II pedestrian streets: A minimum of ~~((thirty-))~~30~~(( ))~~ percent of  
25 the street\_level facade shall be transparent.  
26  
27  
28

1 c. Where the slope along the street frontage of the facade exceeds ~~((seven~~  
2 ~~and one-half (7 1/2))~~ percent, the required amount of transparency shall be reduced to ~~((fifty~~  
3 ~~)50~~) percent on Class I pedestrian streets and designated green streets and ~~((twenty-five~~  
4 ~~)25~~) percent on Class II pedestrian streets.

5 D. Blank Facade Limits.

6 1. General Provisions.

7 a. Blank facade limits apply to the area of the facade between ~~((two~~  
8 ~~)2~~) feet and ~~((eight (8))~~) feet above the sidewalk, except that where the slope along the  
9 street frontage of the facade exceeds ~~((seven and one-half (7 1/2))~~ percent, blank facade  
10 limits apply to the area of the facade between ~~((four (4))~~) feet and ~~((eight (8))~~) feet above  
11 sidewalk grade.

12 b. Any portion of a facade that is not transparent ~~((shall be))~~ is  
13 considered to be a blank facade.

14 c. Blank facade limits do not apply to portions of structures in residential  
15 use.

16 2. Blank Facade Limits for Class I Pedestrian Streets and ~~((designated))~~  
17 Designated Green Streets.

18 a. Blank facades shall be no more than ~~((fifteen (15))~~) feet wide  
19 except for garage doors which may exceed ~~((fifteen (15))~~) feet. Blank facade width may be  
20 increased to ~~((thirty (30))~~) feet if the Director determines that the facade is enhanced by  
21 architectural detailing, artwork, landscaping, or similar features that have visual interest. The  
22 width of garage doors ~~((shall be))~~ is limited to the width of the driveway plus ~~((five (5))~~) feet.  
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1                   b. Any blank segments of the facade shall be separated by transparent  
2 areas at least ~~((two-))2((+))~~ feet wide.

3                   c. The total of all blank facade segments, including garage doors, shall  
4 not exceed ~~((forty-))40((+))~~ percent of the street facade of the structure on each street frontage,  
5 or ~~((fifty-))50((+))~~ percent if the slope of the street frontage of the facade exceeds ~~((seven and  
6 one half-))7-1/2((+))~~ percent.

8                   3. Blank Facade Limits for Class II Pedestrian Streets.

9                   a. Blank facades shall be no more than ~~((thirty-))30((+))~~ feet wide, except  
10 for garage doors, which may exceed ~~((thirty-))30((+))~~ feet. Blank facade width may be increased  
11 to ~~((sixty-))60((+))~~ feet if the Director in a Type I decision determines that the facade is  
12 enhanced by architectural detailing, artwork, landscaping, or similar features that have visual  
13 interest. The width of garage doors ~~((shall be))~~ is limited to the width of the driveway plus ~~((five  
14 -))5((+))~~ feet.

15                   b. Any blank segments of the facade shall be separated by transparent  
16 areas at least ~~((two-))2((+))~~ feet wide.

17                   c. The total of all blank facade segments, including garage doors, shall  
18 not exceed ~~((seventy-))70((+))~~ percent of the street facade of the structure on each street  
19 frontage; or ~~((seventy-five-))75((+))~~ percent if the slope of the street frontage of the facade  
20 exceeds ~~((seven and one half-))7 1/2((+))~~ percent.

21                   E. Street Tree Requirements. Street trees are required on all streets abutting a lot.  
22 When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade  
23 containers with provisions for watering the trees. Street trees shall be planted according to the  
24 Seattle Department of Transportation Tree Planting Standards.  
25  
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F. Setback and Landscaping Requirements for Lots Located Within the Denny Triangle

Urban Village.

1. Landscaping in the Street Right-of-Way for All Streets Other Than Those With Green Street Plans Approved by Director's Rule. All new development in DMC zones in the Denny Triangle Urban Village, as shown on Exhibit F for 23.49.056 (~~(F)~~), shall provide landscaping in the sidewalk area of the street right-of-way, except on streets with a Green Street plan approved by Director's Rule. The square footage of landscaped area provided shall be at least (~~(one and one-half (1 1/2))~~) 1 1/2(~~(1)~~) times the length of the street property line (in linear feet).

The following standards apply to the required landscaped area:

a. The landscaped area shall be at least (~~(eighteen (18))~~) 18(~~(1)~~) inches wide and shall be located in the public right-of-way along the entire length of the street property line, except for building entrances, vehicular access or other connections between the sidewalk and the lot, provided that the exceptions may not exceed (~~(fifty (50))~~) 50(~~(1)~~) percent of the total length of the street property line(s).

b. As an alternative to locating the landscaping at the street property line, all or a portion of the required landscaped area may be provided in the sidewalk area within (~~(five (5))~~) 5(~~(1)~~) feet of the curbline.

c. Landscaping provided within (~~(five (5))~~) 5(~~(1)~~) feet of the curbline shall be located and designed in relation to the required street tree planting and be compatible with use of the curb lane for parking and loading.

d. All plant material shall be planted directly in the ground or in permanently installed planters where planting in the ground is not feasible. A minimum of (~~(fifty (50))~~) 50(~~(1)~~) percent of the plant material shall be perennial.

1                   2. Landscaping on a Designated Green Street. Where required landscaping is on  
2 a designated Green Street, or on a street with urban design and/or landscaping guidelines  
3 promulgated by Seattle Department of Transportation, the planting shall conform to those  
4 ~~((provisions))~~ guidelines.

5                   3. Landscaping in Setbacks.

6                   a. In the Denny Triangle Urban Village, as shown on Exhibit F for  
7 23.49.056 ~~((F))~~, at least ~~((twenty-))~~20~~((%))~~ percent of the total square footage of all areas  
8 abutting the street property line that are not covered by a structure, have a depth of ~~((ten~~  
9 ~~))~~10~~((%))~~ feet or more from the street property line and are larger than ~~((three hundred-))~~300~~((%))~~  
10 square feet, shall be landscaped. Any area under canopies or marquees is considered uncovered.  
11 Any setback provided to meet the minimum sidewalk widths established by Section 23.49.022 is  
12 exempt from the calculation of the area to be landscaped.

13                   b. All plant material shall be planted directly in the ground or in  
14 permanently installed planters where planting in the ground is not feasible. A minimum of ~~((fifty~~  
15 ~~))~~50~~((%))~~ percent of the plant material shall be perennial and shall include trees when a  
16 contiguous area, all or a portion of which is landscaped pursuant to subsection  
17 23.49.056,~~((G))~~F.1.a above, exceeds ~~((six hundred-))~~600~~((%))~~ square feet.

18                   4. Terry and 9th Avenues Green Street Setbacks.

19                   a. In addition to the requirements of subsections 23.49.056,~~((G))~~F.2 and  
20 23.49.056,~~((G))~~F.3 of this section, a ~~((two-))~~2~~((%))~~ foot wide setback from the street property  
21 line is required along the Terry and 9th Avenue Green Streets within the Denny Triangle Urban  
22 Village as shown on Exhibit F for 23.49.056 ~~((F))~~. The Director may allow averaging of the  
23  
24  
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28

1 setback requirement of this subsection 23.49.056.F.4.a to provide greater conformity with an  
2 adopted Green Street plan.

3 b. ~~((Fifty (50)))~~50((+)) percent of the setback area must be landscaped.  
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Exhibit A and B for 23.49.056

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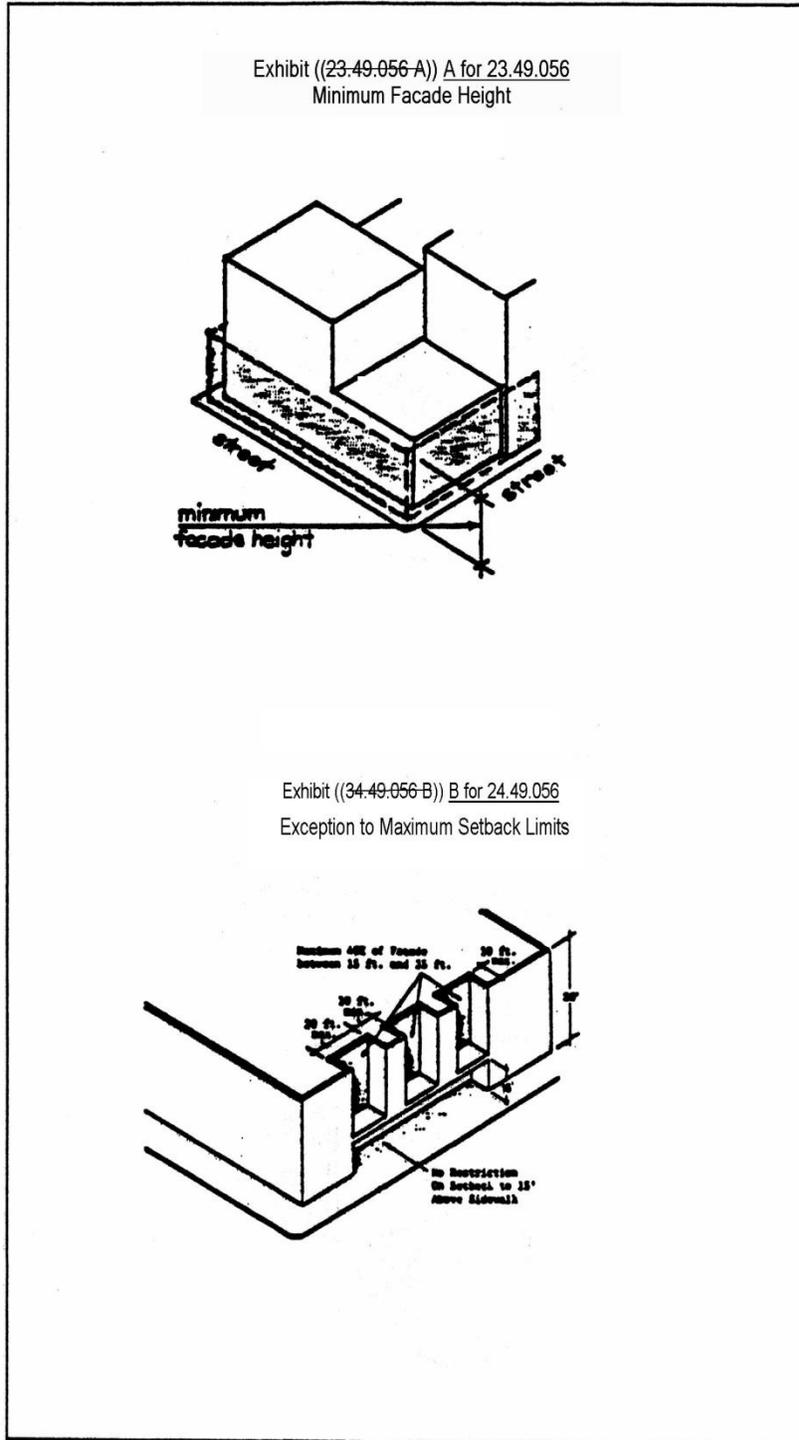


Exhibit C, D, and E for 23.49.056

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Exhibit ((23-49-056-C)) C for 23.49.056  
Application of Maximum Setback Limits

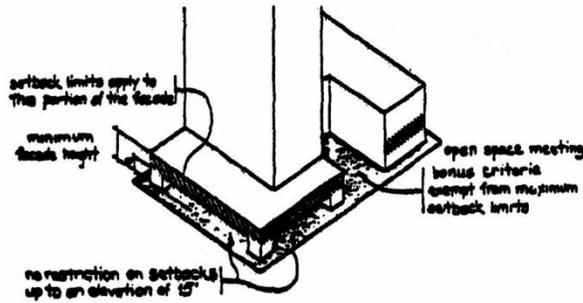


Exhibit ((23-49-056-D)) D for 23.49.056  
Maximum Width of Setback

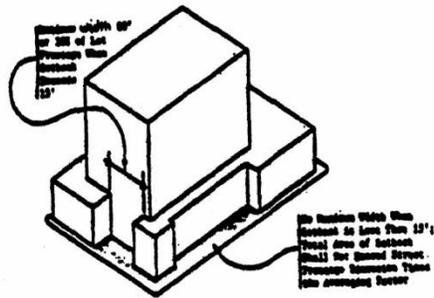
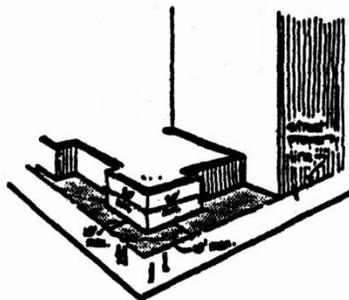


Exhibit ((23-49-056-E)) E for 23.49.056  
Maximum Setback at Intersections





B. Green Street Setbacks. Except on lots located in a DMR/R ~~((eighty-five (85) foot~~  
~~((height districts))~~ zone, a setback from the street property line at an elevation of 65 feet~~((shall~~  
~~be))~~ is required on all green streets designated on Map 1 ~~((G))~~ F<sup>1</sup> ~~((at an elevation of sixty-five~~  
~~(65) feet))~~. The setback ~~((shall be))~~ is as follows:

<b>Elevation of Portion of Structure</b>	<b>Required Setback</b>
65' to 85'	10'
86' to 240'	$(H - 85') \times .2 + 10'$

where H equals the highest point of the portion of the structure located within ~~((one hundred~~  
~~twenty (120) feet~~) of the green street lot line, in feet.

<b>Elevation of Portion of Structure</b>	<b>Required Setback</b>
65' to 85'	10'
86' to 240'	$(H - 85') \times .2 + 10'$

where H equals the highest point of the portion of the structure located within ~~((one hundred~~  
~~twenty (120) feet~~) of the green street lot line, in feet.

**Editor's note—**

1. Editor's Note: Map 1 ~~((G))~~ F is codified at the end of this chapter.

Section 33. Section 23.50.012 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

**23.50.012 Permitted and prohibited uses**

1 A. All uses (~~shall be~~)are either permitted outright, prohibited or permitted as a  
2 conditional use according to Table A for 23.50.012. (~~See Table A for Section 23.50.012.~~)

3 B. All permitted uses (~~shall be~~)are allowed as either a principal use or as an accessory  
4 use, unless otherwise indicated in Table A for 23.50.012.

5 \* \* \*

6 D. Rooftop Recreational Space in IG1 and IG2 Zones. Recreational space may be  
7 located on the rooftop of a building (including the rooftop of an attached parking structure)  
8 existing as of December 31, 1998. Rooftop recreational space shall be used only for the purposes  
9 of active recreational uses and/or passive open spaces accessory to office uses of at least (~~one~~  
10 ~~hundred thousand~~(~~±~~)100,000(~~±~~)) square feet that are located in the same building or within an  
11 attached structure(s) and that are established on or before December 31, 1998. When any portion  
12 of the rooftop recreational space is covered by a structure, the following standards (~~shall~~)  
13 apply:  
14

15 1. The height of the structure shall not exceed (~~thirty~~(~~±~~)30(~~±~~)) feet as measured  
16 from the existing rooftop elevation and be limited to only one (~~(+)~~) story;

17 2. The height shall not exceed the height of the highest portion or feature of the  
18 building or attached structure(s);

19 3. The footprint of the structure shall not exceed (~~thirty~~(~~±~~)30(~~±~~)) percent of the  
20 total roof area on which the structure is located; and

21 4. The structure shall be designed to include a minimum of (~~thirty~~(~~±~~)30(~~±~~))  
22 percent transparent and/or translucent exterior building materials.

23 Rooftop recreational space meeting the above standards (~~shall~~)is not (~~be~~) subject to  
24 the limits on maximum size of nonindustrial uses, and the gross floor area of the rooftop  
25

1 recreational space (~~shall be~~)is exempt from FAR calculations. The rooftop recreational space  
2 permitted under ~~((S))~~this subsection 23.50.012.D shall be used only for active or passive  
3 recreational uses and cannot be used or converted to office or other non-recreational uses.

4 Section 23.50.012.D does not preclude the use of rooftop decks for passive open space use on  
5 structures otherwise permitted, including structures constructed after December 31, 1998, or if  
6 the decks are associated with an otherwise permitted use.

7 \* \* \*

8  
9 Section 34. Section 23.50.024 of the Seattle Municipal Code, which section was last  
10 amended by Ordinance 122311, is amended as follows:

11 **23.50.024 Industrial Buffer – Structure height**~~((:))~~

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

18 \* \* \*

19  
20  
21 Section 35. Section 23.50.038 of the Seattle Municipal Code, which section was adopted  
22 by Ordinance 113658, is amended as follows:

23 **23.50.038 Industrial Commercial--Screening and landscaping**~~((:))~~

24 A. Screening and Landscaping Requirements for All Uses.

25 1. Street Trees.  
26  
27  
28

1 a. All uses shall provide street trees, unless it is determined by the  
2 Director to be infeasible.

3 b. If it is not feasible to plant street trees in the planting strip, then they  
4 shall be provided in the required ~~((five))~~5-foot ~~((5'))~~ deep landscaped area along street property  
5 lines.

6 2. Blank Facades.

7 a. Blank facade requirements ~~((shall))~~ apply to the area of the facade  
8 between ~~((two))~~2 feet ~~((2'))~~ and ~~((eight))~~8 feet ~~((8'))~~ above the sidewalk.

9 b. Any portion of a facade that is not transparent ~~((shall be))~~is considered  
10 to be a blank facade. Clear or lightly tinted glass in windows, doors and display windows ~~((shall  
11 be))~~are considered transparent. Transparent areas shall allow views into the structure or into  
12 display windows from the outside.

13 c. Portions of a facade of a structure ~~((which))~~that are separated by  
14 transparent areas of at least ~~((two))~~2 feet ~~((2'))~~ in width ~~((shall be))~~are considered separate  
15 facade segments for the purposes of this subsection 23.50.038.A.2.

16 d. Blank facades ~~((which))~~that are greater than ~~((sixty))~~60 feet ~~((60'))~~ in  
17 width ~~((which))~~that are within ~~((twenty))~~20 feet ~~((20'))~~ of the street front shall provide one  
18 ~~((1))~~ of the following:

19 (1) A hedge ~~((which))~~that would achieve a height of at least  
20 ~~((five))~~5 feet ~~((5'))~~ within three ~~((3))~~ years of planting and a height of at least ~~((ten))~~10 feet  
21 ~~((10'))~~ at full maturity; or

22 (2) Trellises and vining plants attached to the wall up to a  
23 minimum height of ~~((ten))~~10 feet ~~((10'))~~; or  
24

(3) A landscaped area meeting the provisions of Section

23.50.034\_C, landscaped areas or berms.

((C))B. Additional Screening and Landscaping Requirements for Specific Uses.

\* \* \*

Section 36. Section 23.53.005 of the Seattle Municipal Code, which section was last amended by Ordinance 121196, is amended as follows:

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

A. Street or Private Easement Abutment Required.

1. For residential uses, at least ~~((ten-))~~10~~((:))~~ 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 shall be met.

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.

\* \* \*

1 Section 37. Section 23.53.015 of the Seattle Municipal Code, which Section was last  
2 amended by Ordinance 123046, is amended as follows:

3 **23.53.015 Improvement requirements for existing streets in residential and**  
4 **commercial zones((:))**

5 \* \* \*

6 D. Exceptions.

7 \* \* \*

8  
9 2. Projects With Reduced Improvement Requirements.

10 a. One or Two Dwelling Units. If no more than two dwelling units are  
11 proposed to be constructed, or no more than two new Single Family zoned lots are proposed to  
12 be created, the following requirements shall be met:

13 1) If there is no existing hard-surfaced roadway, a crushed-rock  
14 roadway at least 16 feet in width is required, as specified in the Right-of-Way Improvements  
15 Manual.

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

18 3) A no-protest agreement to future street improvements is  
19 required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King  
20 County Department of Records and Elections.

21 4) Pedestrian access and circulation is required as specified in  
22 Section 23.53.006.

23 b. Other Projects With Reduced Requirements. The types of projects  
24 listed in this subsection 23.53.015.D.2.b are exempt from right-of-way dedication requirements  
25  
26  
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28

~~((and are))~~ but may be subject to the street improvement requirements of this subsection

23.53.015.D.2.b as determined by the Director:

1) Types of Projects.

i. Proposed developments that contain more than two but fewer than ten units in SF, RSL, LDT and L1 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;

ii. 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;

iii. Non-residential structures that have less than 4,000 square feet of gross floor area and that do not contain uses listed in subsection 23.53.015.D.2.b.1.ii that are larger than 750 square feet;

iv. Structures containing a mix of residential uses and either nonresidential uses or live-work units, if there are fewer than ten units in SF, RSL, LDT and L1 zones, or fewer than six residential units in all other zones, and the square footage of nonresidential use is less than specified in subsections 23.53.D.2.b.1.ii and D.2.b.1.iii;

v. Remodeling and use changes within existing structures, except for minor interior remodels and use changes, in consultation with the Seattle Department of Transportation;

vi. Additions to existing structures that are exempt from environmental review; and



1 23.53.020.B, 23.53.020.C and 23.53.020.D (~~(of this section)~~), but shall meet the pedestrian  
2 access and circulation requirements specified in Section 23.53.006 and the requirements of  
3 subsection 23.53.020.E.1.b if the street right-of-way abutting the lot has less than the minimum  
4 right-of-way width established in subsection 23.53.020.A (~~(of this section)~~) or does not meet the  
5 grade of future street improvements.

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

7 b. The following uses when they are smaller than (~~(seven hundred fifty~~  
8 ~~(750)(750))~~) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose  
9 retail sales uses;

10 c. Nonresidential structures that have less than (~~(four thousand~~  
11 ~~(4,000)(4,000))~~) square feet of gross floor area and that do not contain uses listed in subsection  
12 23.53.020.E.2.b (~~(of this section)~~) that are larger than (~~(seven hundred fifty (750)(750))~~) square  
13 feet;

14 d. Structures containing a mix of artist's studio dwellings and  
15 nonresidential uses, if there are fewer than ten (~~((10))~~) artist's studio dwellings, and the square  
16 footage of nonresidential use is less than specified in subsections 23.53.020.E.2.b and  
17 23.53.020.E.2.c (~~(of this section)~~);

18 e. Remodeling and use changes within existing structures, except for  
19 minor interior remodels and use changes, in consultation with the Seattle Department of  
20 Transportation;

21 f. Additions to existing structures that are exempt from environmental  
22 review; and  
23

1 g. Expansions of surface parking, outdoor storage, outdoor sales or  
2 outdoor display of rental equipment of less than ~~((twenty-))~~20~~((+))~~ percent of the parking,  
3 storage, sales or display area, or number of parking spaces.

4 \* \* \*

5 Section 39. Section 23.53.025 of the Seattle Municipal Code, which section was last  
6 amended by Ordinance 122205, is amended as follows:

7 **23.53.025 Access easement standards~~((+))~~**

8 ~~((When))~~If access by easement has been approved by the Director, the easement shall meet the  
9 following standards. Surfacing of easements, pedestrian walkways required within easements,  
10 and turnaround dimensions shall meet the requirements of the Right-of-Way Improvements  
11 Manual.  
12

13 A. Vehicle Access Easements Serving One ~~((+))~~ or Two ~~((+))~~ Single-Family  
14 Dwelling Units or One ~~((+))~~ Duplex.

15 1. Easement width shall be a minimum of ~~((ten-))~~10~~((+))~~ feet, or ~~((twelve~~  
16 ~~))~~12~~((+))~~ feet if required by the Fire Chief due to distance of the structure from the easement, or  
17 a minimum width as needed to meet the driveway standards of subsection 23.54.030.D.1.  
18

19 2. No maximum easement length shall be set. If easement length is more than  
20 ~~((one hundred fifty-))~~150~~((+))~~ feet, a vehicle turnaround shall be provided.

21 3. Curbcut width from the easement to the street shall be the minimum necessary  
22 for safety and access.  
23

24 \* \* \*

1 C. Vehicle Access Easements Serving at Least Five (~~(5)~~) but Fewer Than Ten (~~(10)~~)  
2 Single-Family Dwelling Units, or at Least Three (~~(3)~~) but Fewer than Ten (~~(10)~~) Multifamily  
3 Dwelling Units.

4 1. Easement width, surfaced width, length, turn around and curbcut width shall  
5 be as required in subsection 23.53.025.B;

6 2. No single-family structure shall be closer than (~~(five-)~~)5(~~(9)~~) feet to the  
7 easement, except that structural features allowed to extend into required yards under Section  
8 23.44.014.D.6 are also allowed to extend into the five-foot setback from an easement.

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11 \* \* \*

12 Section 40. Section 23.53.030 of the Seattle Municipal Code, which section was last  
13 amended by Ordinance 123046, is amended as follows:

14 **23.53.030 Alley improvements in all zones**

15 \* \* \*

16  
17 E. Existing Alleys That Meet (~~(the)~~) Minimum Width. Except as provided in subsection  
18 23.53.030.G and except for one and two dwelling unit developments that abut an alley that is not  
19 improved but is in common usage, if an existing alley meets the minimum right-of-way width  
20 established in subsection 23.53.030.D, the following requirements shall be met:

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

23 a. For the following types of projects, the entire width of the portion of  
24 the alley abutting the lot, and the portion of the alley between the lot and a connecting street,  
25 shall be improved to at least the equivalent of a crushed rock surface, according to the Right-of-  
26  
27  
28

1 Way Improvements Manual. The applicant may choose the street to which the improvements  
2 will be installed. If the alley does not extend from street to street, and the connecting street is an  
3 arterial designated on the Arterial street map, Section 11.18.010, either the remainder of the alley  
4 shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided.  
5 The turnaround may be provided by easement.

- 6 1) Residential structures with fewer than ten units;
- 7 2) The following uses if they are smaller than 750 square feet of  
8 gross floor area: major and minor vehicle repair uses, and multipurpose retail sales;
- 9 3) Nonresidential structures or structures with one or more live-  
10 work units that: (a) have less than 4,000 square feet of gross floor area; and (b) do not contain  
11 uses listed in subsection 23.53.030.E.1.a.2 that are larger than 750 square feet;
- 12 4) Structures containing a mix of residential and either  
13 nonresidential uses or live-work units, if the residential use is less than ten units, and the total  
14 square footage of nonresidential uses and live-work units is less than specified in subsections  
15 23.53.030.E.1.a.2 and E.1.a.3;
- 16 5) Remodeling and use changes within existing structures, except  
17 for minor interior remodels and use changes, in consultation with the Seattle Department of  
18 Transportation;
- 19 6) Additions to existing structures that are exempt from  
20 environmental review; and  
21 7) Expansions of a surface parking area or open storage area of  
22 less than 20 percent of the parking area, storage area or number of parking spaces.  
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1                   b. For projects not listed in subsection 23.53.030.E.1.a, the entire width  
2 of the portion of the alley abutting the lot, and the portion of the alley between the lot and a  
3 connecting street, shall be paved. The applicant may choose the street to which the pavement  
4 will be installed. If the alley does not extend from street to street, and the connecting street is an  
5 arterial designated on the Arterial street map, Section 11.18.010, either the remainder of the alley  
6 shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided.  
7  
8 The turnaround may be provided by easement.

9                   2. If the alley is not used for access, if the alley is not fully improved, all  
10 structures shall be designed to accommodate the grade of the future alley improvements, and a  
11 no-protest agreement to future alley improvements shall be required, as authorized by RCW  
12 Chapter 35.43. The agreement shall be recorded with the King County Department of Records  
13 and Elections.  
14

15                   Section 41. Section 23.54.015 of the Seattle Municipal Code, which section was last  
16 amended by Ordinance 123209, is amended as follows:

17 **23.54.015 Required parking((;))**

18 \* \* \*

19                   B. Parking requirements for specific zones,  
20

21                   1. Parking in downtown zones is regulated by Section 23.49.019 and not by this  
22 Section 23.54.015;

23                   2. Parking for major institution uses in major institution overlay zones is regulated  
24 by Section 23.54.016 and not by this Section 23.54.015; and  
25  
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3. Parking (~~for motor vehicles for uses located~~) in the Northgate Overlay

District is regulated by Chapter 23.54 except as modified by Section 23.71.016 (~~and not by this Section 23.54015~~)).

4. No parking is required for single-family residential uses in single-family zones on parcels less than (~~three thousand~~)3,000(~~(+)~~) square feet in size or (~~thirty~~)30(~~(+)~~) feet in width where access to parking is permitted through a required yard abutting a street according to the standards of (~~(\*)~~)Section 23.44.016.B.2.

\* \* \*

D. Parking waivers for nonresidential uses.

1. In pedestrian-designated zones, parking is waived for uses listed on Table D for 23.54.015. The parking waivers permitted in Table D for 23.54.015 apply to each business establishment on a lot.

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

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

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

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

(~~(1)~~)1 Anticipated parking demand for the proposed use;

1                                   ((~~€~~)2) The extent to which an additional parking waiver is likely to  
2 create or add significantly to spillover parking in adjacent residential areas;

3                                   ((~~€~~)3) The availability of shared parking within (~~(eight hundred~~  
4 ~~€)~~800(~~(€)~~) feet of the business; and

5                                   ((~~€~~)4) Whether land is available for parking without demolishing  
6 an existing commercial structure, displacing a commercial use, or rezoning property to  
7 commercial.  
8

9                                   2. In all other commercial zones and in pedestrian designated zones for uses not  
10 listed in Table D, no parking is required for the first (~~(one thousand five hundred €)~~1,500(~~(€)~~)  
11 square feet of each business establishment or the first 15 fixed seats for motion picture and  
12 performing arts theaters.

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

- 15                                   a. structures or portions of structures occupied by restaurants with drive-in  
16 lanes,  
17  
18                                   b. motion picture theaters,  
19  
20                                   c. offices, or  
21                                   d. institution(~~(at)~~) uses, including Major Institution uses.

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

25 \* \* \*

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

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

\* \* \*

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

**PARKING FOR PUBLIC USES AND INSTITUTIONS**

Use	Minimum parking required
<b>A. Adult care centers (1), (2)</b>	<b>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>
<b>B. Child care centers (1), (2), (3)</b>	<b>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</b>
<b>C. Colleges</b>	<b>A number of spaces equal to 15 percent of the maximum number of students that the facility is</b>

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		<p><b>designed to accommodate; plus</b></p> <p><b>30 percent of the number of employees the facility is designed to accommodate; plus</b></p> <p><b>1 space for each 100 square feet of spectator assembly area in outdoor spectator sports facilities</b></p>
<p><b>D.</b></p>	<p><b>Community centers owned and operated by the Seattle Department of Parks and Recreation (DOPAR)</b></p> <p><b>(1), (4)</b></p>	<p><b>1 space for each 555 square feet; or</b></p> <p><b>For family support centers, 1 space for each 100 square feet</b></p>
<p><b>E.</b></p>	<p><b>Community clubs, and community centers not owned and operated by DOPAR</b></p> <p><b>(1), (5)</b></p>	<p><b>1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; plus</b></p> <p><b>1 space for every 8 fixed seats for floor area containing fixed seats; or</b></p> <p><b>if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts</b></p>
<p><b>F.</b></p>	<p><b>Hospitals</b></p>	<p><b>1 space for each 2 staff doctors; plus</b></p> <p><b>1 additional space for each 5 employees other than staff doctors; plus</b></p> <p><b>1 space for each 6 beds</b></p>
<p><b>G.</b></p>	<p><b>Institutes for advanced study, except</b></p>	<p><b>1 space for each 1,000 square feet of offices and</b></p>

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	<p><b>as provided in line H below</b></p>	<p><b>similar spaces; plus</b></p> <p><b>1 space for each 10 fixed seats in all auditoria and public assembly rooms; or</b></p> <p><b>1 space for each 100 square feet of public assembly area not containing fixed seats</b></p>
	<p><b>H. Institutes for advanced study in single family zones (existing) (1)</b></p>	<p><b>3.5 spaces for each 1,000 square feet of office space; plus</b></p> <p><b>10 spaces for each 1,000 square feet of additional building footprint to house and support conference center activities; or</b></p> <p><b>37 spaces for each 1,000 square feet of conference room space, whichever is greater</b></p>
	<p><b>I. Libraries (1) (6)</b></p>	<p><b>1 space for each 80 square feet of floor area of all auditoria and public meeting rooms; plus</b></p> <p><b>1 space for each 500 square feet of floor area, excluding auditoria and public meeting rooms</b></p>
	<p><b>J. Museums</b></p>	<p><b>1 space for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; plus</b></p> <p><b>1 space for every 10 fixed seats for floor area containing fixed seats; plus</b></p> <p><b>1 space for each 250 square feet of other gross</b></p>

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		<b>floor area open to the public</b>
	<b>K. Private clubs</b>	<b>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</b>
	<b>L. Religious facilities (1)</b>	<b>1 space for each 80 square feet of all auditoria and public assembly rooms</b>
	<b>M. Schools, private elementary and secondary (1)</b>	<b>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</b>
	<b>N. Schools, public elementary and secondary (7) (8)</b>	<b>1 space for each 80 square feet of all auditoria or public assembly rooms, or  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</b>
	<b>O. Vocational or fine arts schools</b>	<b>1 space for each 2 faculty that the facility is</b>

**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**

(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.

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

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

1 (5) Indoor gymnasiums ~~((shall))~~are not ~~((be))~~ considered ball courts, nor ~~((shall))~~are they ~~((be))~~  
2 considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the  
3 gymnasium contains bleachers, the parking requirement for the ~~((entire))~~ gymnasium ~~((shall~~  
4 ~~be))~~is one ~~((1))~~ parking space for every eight ~~((8))~~ fixed seats. Each ~~((twenty-))~~20~~(( ))~~ inches  
5 of width of bleachers ~~((shall be))~~is counted as one ~~((1))~~ fixed seat for the purposes of  
6 determining parking requirements. If the gymnasium does not contain bleachers and is in a  
7 school, there is no parking requirement for the gymnasium. If the gymnasium does not contain  
8 bleachers and is in a community center, the parking requirement ~~((shall be))~~is one ~~((1))~~ space  
9 for each ~~((three-hundred-fifty-))~~350~~(( ))~~ square feet.

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

17 (7) For public schools, when an auditorium or other place of assembly is demolished and a new  
18 one built in its place, parking requirements ~~((shall be))~~are determined based on the new  
19 construction. When an existing public school on an existing public school site is remodeled,  
20 additional parking is required if any auditorium or other place of assembly is expanded or  
21 additional fixed seats are added. Additional parking is required as shown on Table ~~((A))~~C for  
22 23.54.015 for the increase in floor area or increase in number of seats only. If the parking  
23 requirement for the increased area or seating is ~~((ten-))~~10~~(( ))~~ percent or less than that for the  
24 existing auditorium or other place of assembly, then no additional parking ~~((shall be))~~is required.  
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(8) Development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.

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

**PARKING WAIVERS FOR PEDESTRIAN-DESIGNATED ZONES**

Use	Parking waivers (1)
<b>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></b>	<b>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>
<b>B. Motion picture theaters  <u>Performing arts theaters</u></b>	<b>Parking waived for first 150 seats  <u>Parking waived for first 150 seats</u></b>
<b>C. Eating and drinking establishments</b>	<b>NC1, NC2 and NC3 — Parking waived for first 2,500 square feet of each business establishment</b>

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

Section 42. Section 23.54.030 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

**23.54.030 Parking space standards**

1 Parking spaces required by Section 23.54.015, and required barrier-free parking, shall meet the  
2 standards of this Section 23.54.030. Parking for residential uses provided in excess of the  
3 quantity required by Section 23.54.015 is exempt from the requirements of subsections  
4 23.54.030.A and 23.54.030.B (~~of this Section 23.54.030~~)).

5 A. Parking Space Dimensions.

6 1. "Large vehicle" means the minimum size of a large vehicle parking space  
7 shall be 8.5 feet in width and 19 feet in length.  
8

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

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

13 4. "Barrier-free parking" means a parking space meeting the following standards:  
14 a. ~~((8))~~Eight feet in width and shall have an adjacent access aisle not less  
15 than 5 feet in width. Van-accessible parking spaces shall have an adjacent access aisle not less  
16 than 8 feet in width. Where ~~((2))~~two adjacent spaces are provided, the access aisle may be shared  
17 between the ~~((2))~~two spaces. Boundaries of access aisles shall be marked so that aisles will not  
18 be used as parking space.  
19

20 b. A minimum length of 19 feet or when more than one barrier-free  
21 parking space is provided, at least one shall have a minimum length of 19 feet, and other spaces  
22 may be the lengths of small, medium or large spaces in approximate proportion to the number of  
23 each size space provided on the lot.  
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1 5. "Tandem parking" means a parking space equal to the width and 2 times the  
2 length of the vehicle size standards in subsections 23.54.030.A.1, A\_2, and A\_3 for the size of the  
3 vehicle to be accommodated.

4 6. Columns or other structural elements may encroach into the parking space a  
5 maximum of 6 inches on a side, except in the area for car door opening, 5 feet from the  
6 longitudinal centerline or 4 feet from the transverse centerline of a parking space (see Exhibit A  
7 for 23.54.030). No wall, post, guardrail, or other obstruction, or property line, (~~shall be~~)is  
8 permitted within the area for car door opening.  
9

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

12 \* \* \*

13  
14 F. The number of permitted curb cuts is determined by whether the parking served by  
15 the curb cut is for residential or nonresidential use, and by the zone in which the use is located.  
16 When a curb cut is used for more than one use or for one or more live-work units, the  
17 requirements for the use with the largest curb cut requirements apply.

18 1. Residential uses.

19 a. For lots not located on a principal arterial designated on the Arterial  
20 street map, Section 11.18.010, curb cuts are permitted according to Table A for 23.54.030:

21 Table A for 23.54.030: Curb Cuts for Non-Arterial Street or Easement Frontage  
22  
23

Street or Easement Frontage of the Lot	Number of Curb Cuts Permitted
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1	80(±) <u>feet</u> or less	1
2	Greater than 80(±) <u>feet</u> up to 160(±) <u>feet</u>	2
3	Greater than 160(±) <u>feet</u> up to 240(±) <u>feet</u>	3
4		
5	Greater than 240(±) <u>feet</u> up to 320 (±) <u>feet</u>	4

6 For lots with frontage in excess of 320 feet, the pattern established in Table A for 23.54.030  
 7 continues.

8 b. Curb cuts shall not exceed a maximum width of 10 feet except that:

9 1) One curb cut greater than 10 feet but in no case greater than 20  
 10 feet in width may be substituted for each two curb cuts permitted by subsection 23.54.030.F.1.a;

11 and

12 2) A greater width may be specifically permitted by the  
 13 development standards in a zone; and

14 3) If subsection D of this Section 23.54.030 requires a driveway  
 15 greater than 10 feet in width, the curb cut may be as wide as the required width of the driveway.  
 16

17 c. For lots on principal arterials designated on the Arterial street map,  
 18 Section 11.18.010, curb cuts of a maximum width of 23 feet are permitted on the principal  
 19 arterial according to Table B for 23.54.030:  
 20

21 Table B for 23.54.030: Curb Cuts for Principal Arterial Street Frontage  
 22

24	Street or Easement Frontage of the Lot	Number of
25		Curb Cuts Permitted
26	160(±) <u>feet</u> or less	1

Greater than 160(′) <u>feet</u> up to 320(′) <u>feet</u>	2
Greater than 320(′) <u>feet</u> up to 480(′) <u>feet</u>	3

1) For lots with street frontage in excess of 480 feet, the pattern established in Table B for 23.54.030 continues.

2) On a lot that has both principal arterial and non-principal arterial street frontage, the total number of curb cuts on the principal arterial is calculated using only the length of the street lot line on the principal arterial.

d. There must be at least 30 feet between any two curb cuts located on a lot.

e. A curb cut may be less than the maximum width permitted but shall be at least as wide as the minimum required width of the driveway it serves.

f. If two adjoining lots share a common driveway according to the provisions of Section 23.54.030.D.1, the combined frontage of the two lots will be considered as one in determining the maximum number of permitted curb cuts.

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 Major Institution Overlay District((s))

Street Frontage of the Lot	Number of Curb cuts Permitted
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. 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.

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

3) 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 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.

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

5) In NC zones, curb cuts shall be provided according to subsection 23.47A.032.A, or, when 23.47A.032.A does not specify the maximum number of curb cuts, according to subsection 23.54.030.F.2.a.1).

6) For police and fire stations, the Director shall permit the minimum number of curb cuts that the Director determines is necessary to provide adequate maneuverability for emergency vehicles and access to the lot for passenger vehicles.

\* \* \*

G. Sight Triangle.

1. For exit-only driveways and easements, and two way driveways and easements less than 22 feet wide, a sight triangle on both sides of the driveway or easement shall be provided, and shall be kept clear of any obstruction for a distance of 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk or curb intersection if there is no sidewalk, as depicted in Exhibit D for 23.54.030.

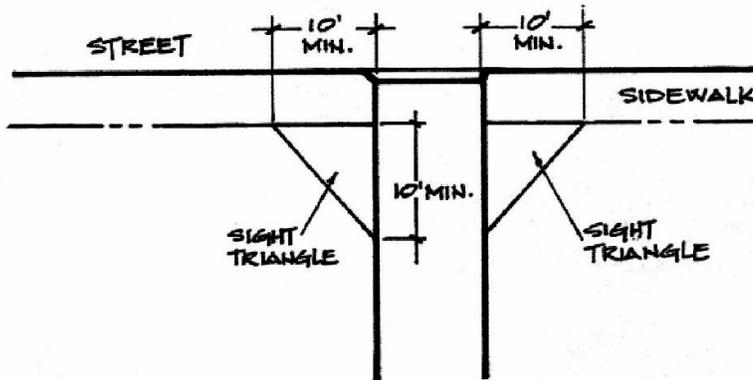


Exhibit D for 23.54.030: Sight Triangle

2. For two way driveways or easements 22 feet wide or more, a sight triangle on the side of the driveway used as an exit shall be provided, and shall be kept clear of any obstruction for a distance of 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk, or curb intersection if there is no sidewalk. The entrance and exit lanes shall be clearly identified.

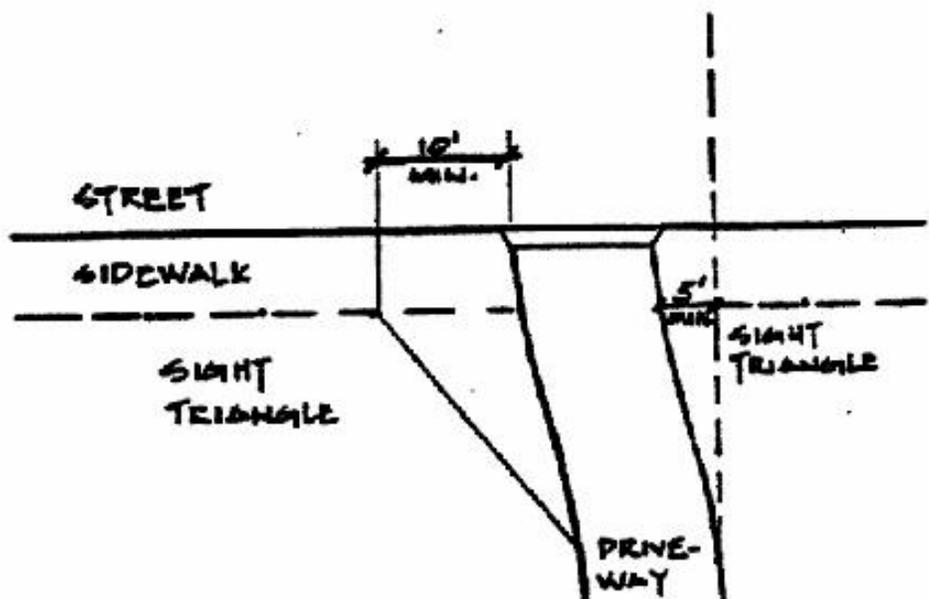
1           3. The sight triangle shall also be kept clear of obstructions in the vertical spaces  
2 between 32 inches and 82 inches from the ground.

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

5           a. An easement may be provided sufficient to maintain the sight triangle.  
6 The easement shall be recorded with the King County Department of Records and Elections; or

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

8           c. The driveway or easement may begin 5 feet from the lot line, as  
9 depicted in Exhibit E for 23.54.030.  
10



21  
22 **Exhibit E for 23.54.030: Sight Triangle Exception**

23           5. An exception to the sight triangle requirement may be made for driveways  
24 serving lots containing only residential uses and fewer than three parking spaces, when providing  
25 the sight triangle would be impractical.  
26  
27  
28

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

3           7. Sight triangles ~~((shall))~~are not ~~((be))~~ required for one-way entrances into a  
4 parking garage or surface parking area.

5           Section 43. Section 23.54.035 of the Seattle Municipal Code, which section was last  
6 amended by Ordinance 123046, is amended as follows:

7  
8 **23.54.035 Loading berth requirements and space standards~~((:))~~**

9 \* \* \*

10           B. Exception to Loading Requirements.

11           1. For uses with less than ~~((sixteen thousand (€)))~~16,000~~((+))~~ square feet of gross  
12 floor area ~~((which))~~that provide a loading space on a street or alley, the loading berth  
13 requirements may be waived by the Director ~~((following a))~~if, after review, ~~((by))~~ the ~~((Seattle~~  
14 ~~Department))~~Director of Transportation ~~((which))~~ finds that the street or alley berth is adequate.

15  
16           2. Within the South Lake Union ~~((Hub))~~ Urban ~~((Village))~~Center and when  
17 multiple buildings share a central loading facility, loading berth requirements may be waived or  
18 modified if the Director finds, in consultation with the ~~((Seattle Department))~~Director of  
19 Transportation, the following:

- 20  
21           a. All loading is proposed to occur on-site; or  
22           b. Loading that is proposed to occur in a public right-of-way can take  
23 place without disrupting pedestrian circulation or vehicular traffic; and  
24           c. Once located at a central loading facility, goods can be distributed to  
25 other buildings on-site without disrupting pedestrian circulation or vehicular traffic.

26  
27 \* \* \*

1 Section 44. 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 b. Memorial signs or tablets, and the names of buildings and dates of  
16 building erection if cut into a masonry surface or constructed of bronze or other noncombustible  
17 materials;  
18

19 c. Signs for public facilities indicating danger and/or providing service or  
20 safety information;  
21

22 d. National, state and institutional flags;

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

24 f. One electric, externally illuminated or non-illuminated sign bearing the  
25 name of a home occupation, not exceeding 64 square inches in area.  
26

27 2. Number and Type of Signs Allowed for Business Establishments.  
28

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

4 b. In addition to the signs permitted by subsection 23.55.028.D.2.a, each  
5 business establishment may have one wall, awning, canopy, marquee, or under-marquee sign  
6 (Type B sign) for each 30 lineal feet, or portion thereof, of frontage on public rights-of-way,  
7 except alleys.  
8

9 c. ~~((In addition to the signs permitted by subsections 23.55.028.D.2.a and~~  
10 ~~D.2.b, each multiple business center and drive-in business))~~Multiple business centers may have  
11 one pole, ground, wall, marquee, under-marquee, projecting or combination sign for each 300  
12 lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys. ~~((Such pole~~  
13 ~~signs may be for a drive-in business or for an individual business establishment located in a~~  
14 ~~multiple business center, or may identify a multiple business center))~~.

15 d. Individual businesses that are not drive-in businesses and that are not  
16 located in a multiple business center may have one pole sign in lieu of ~~((another))~~ a Type A sign  
17 permitted by Section 23.55.028.D.2.a for each 300 lineal feet, or portion thereof, of frontage on  
18 public rights-of-way, except alleys.  
19

20 e. In addition to the signs permitted by subsections 23.55.028.D.2.a and  
21 23.55.028.D.2.b, drive-in business establishments may have one pole sign for each 300 lineal  
22 feet, or portion thereof, of frontage on public rights-of-way, except alleys.  
23

24 \* \* \*

25 Section 45. Section 23.55.030 of the Seattle Municipal Code, which Section was last  
26 amended by Ordinance 123046, is amended as follows:  
27  
28

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

1  
2 A. No sign shall have rotating or moving parts that revolve at a speed in excess of 7  
3 revolutions per minute.

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

7  
8 C. ~~((No-f))~~ Flashing signs ~~((shall be permitted))~~ are prohibited.

9 D. In the Pike/Pine Conservation Overlay District, internally illuminated cabinet signs  
10 and backlit awning signs are prohibited.

11 E. On-Premises Signs.

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

14 a. Electric, externally illuminated or non\_illuminated signs bearing the  
15 name of the occupant of a dwelling unit, not exceeding 64 square inches in area;

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

25 f. One electric, externally illuminated or non\_illuminated sign bearing the  
26 name of a home occupation, not to exceed 64 square inches in area.  
27  
28

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

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

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

c. ~~((In addition to the signs permitted by subsections 23.55.030.E.2.a and 23.55.030.E.2.b, each multiple business center and drive-in business))~~Multiple business centers may have one pole, ground, wall, marquee, under-marquee, projecting or combination sign for each 300 lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys. ((Such pole signs may be for a drive-in business or for an individual business establishment located in a multiple business center, or may identify a multiple business center)).

d. Individual businesses that are not drive-in businesses and that are not located in multiple business centers may have one pole sign in lieu of ~~((another))~~a Type A sign permitted by subsection 23.55.030.E.2.a for each 300 lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

e. In addition to the signs permitted by subsections 23.55.030.D.2.a and 23.55.030.D.2.b, drive-in business establishments may have one pole sign for each 300 lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

1                   f. If the principal use or activity on the lot is outdoor retail sales, banners  
2 and strings of pennants maintained in good condition are permitted in addition to the signs  
3 permitted by subsections 23.55.030.E.2.a, 23.55.030.E.2.b and 23.55.030.E.2.(e)e.

4 \* \* \*

5                   Section 46. Section 23.55.036 of the Seattle Municipal Code, which section was last  
6 amended by Ordinance 120611, is amended as follows:

7 **23.55.036 Signs in IB, IC, IG1 and IG2 zones((=))**

8                   A. No sign shall have rotating or moving parts that revolve at a speed in excess of seven  
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-f))Flashing signs ((shall be permitted))are prohibited.

14                   D. On-premises Signs.

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

17                   a. Electric, externally illuminated or non\_illuminated signs bearing the  
18 name of the occupant of a dwelling unit, not exceeding ((sixty-four(=))64((=)) square inches in  
19 area;

20                   b. Memorial signs or tablets, and the names of buildings and dates of  
21 building erection ((when))if cut into a masonry surface or constructed of bronze or other  
22 noncombustible materials;

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))~~ that does not exceed ~~((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 alleys. ~~((Such pole signs may be for a drive in business or for an individual business~~  
26 ~~establishment located in a multiple business center, or may identify a multiple business center)).~~  
27  
28

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

5 e. In addition to the signs allowed by subsections 23.55.036.d.2.a and  
6 23.55.036.D.2.b, drive-in business establishments may have one pole sign for each 300 lineal  
7 feet, or portion thereof, of frontage on public rights-of-way, except alleys.

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

11 \* \* \*

12  
13 Section 47. Section 23.57.002 of the Seattle Municipal Code, which section was last  
14 amended by Ordinance 120928, is amended as follows:

15 **23.57.002 Scope and applicability of provisions(~~(-)~~)**

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

18 1. Direct broadcast satellite service, video programming service, or fixed wireless  
19 service antennas, as defined in applicable federal regulations, that measure (~~((one-€))~~)1(~~(+))~~) meter  
20 (3.28 feet) or less in diameter or diagonal measurement are exempt from the provisions of this  
21 chapter, except in special review, historic and landmark districts and on buildings designated by  
22 the Seattle Landmarks Preservation Board.

23 2. Special Rule for Satellite Dish Antennas. Satellite dish antennas are exempt  
24 from the provisions of this chapter when:  
25  
26  
27  
28

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

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

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

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

13 D. Communication Utilities and Accessory Communication Devices Located in the  
14 Major Institution(~~a~~) Overlay District(~~s~~). Communication Utilities located in the Major  
15 Institution(~~a~~) Overlay District(~~s~~) (Chapter 23.69) (~~shall be~~)are subject to the use provisions  
16 and development standards of Chapter 23.57. Communication devices accessory to major  
17 institution uses located in a Major Institution(~~a~~) Overlay District (~~shall be~~)are subject to the  
18 use provisions and development standards of Chapter 23.57 unless such devices are addressed in  
19 a Master Plan adopted pursuant to Subchapter VI of Chapter 23.69. Accessory Communication  
20 Devices associated with the University of Washington are subject to Section (~~23.69.006~~  
21 A)23.69.006.B.

22 Section 48. Section 23.57.010 of the Seattle Municipal Code, which section was last  
23 amended by Ordinance 120928, is amended as follows:  
24  
25  
26  
27  
28

**23.57.010 Single Family and Residential Small Lot zones((=))**

A. Uses Permitted Outright.

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

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

B. Accessory Communication Devices.

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

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

C. Uses Permitted by Administrative Conditional Use.

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

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

b. Mechanical equipment associated with minor communication utilities

1 whose antennas are located on another site or in the right-of-way, where the equipment is  
2 completely enclosed within a structure that meets the development standards of the zone. The  
3 equipment shall not emit radiofrequency radiation, and shall not result in the loss of a dwelling  
4 unit. Antennas attached to City-owned poles in the right-of-way shall follow the terms and  
5 conditions contained in Section 15.32.300.  
6

7  
8 2. Administrative Conditional Use Criteria.

9 a. The proposal shall not be significantly detrimental to the residential  
10 character of the surrounding residentially zoned area, and the facility and the location proposed  
11 shall be the least intrusive facility at the least intrusive location consistent with effectively  
12 providing service. In considering detrimental impacts and the degree of intrusiveness, the  
13 impacts considered shall include but not be limited to visual, noise, compatibility with uses  
14 allowed in the zone, traffic, and the displacement of residential dwelling units.  
15

16 b. The visual impacts that are addressed in Section 23.57.016 shall be  
17 mitigated to the greatest extent practicable.

18 c. Within a Major Institution Overlay District, a Major Institution may  
19 locate a minor communication utility or an accessory communication device, either of which  
20 may be larger than permitted by the underlying zone, when:  
21

22 ~~((4))1~~ The antenna is at least ~~((one hundred (1)))100((1))~~ feet from  
23 a Major Institution Overlay District boundary, and

24 ~~((#))2~~ The antenna is substantially screened from the  
25 surrounding neighborhood's view.  
26  
27  
28

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

3 ((~~h~~))1) The requested height is the minimum necessary for the  
4 effective functioning of the minor communication utility, and

5 ((~~h~~))2) Construction of a network of minor communication  
6 utilities that consists of a greater number of smaller less obtrusive utilities is not technically  
7 feasible.  
8

9 e. If the proposed minor communication utility is proposed to be a new  
10 freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible  
11 for the proposed facility to be on another existing transmission tower or on an existing building  
12 in a manner that meets the applicable development standards. The location of a facility on a  
13 building on an alternative site or sites, including construction of a network that consists of a  
14 greater number of smaller less obtrusive utilities, shall be considered.  
15

16 f. If the proposed minor communication utility is for a personal wireless  
17 facility and it would be the third separate utility, or any subsequent separate utility after the third  
18 utility, on the same lot, the applicant shall demonstrate that it meets the criteria contained in  
19 subsection 23.57.009.A, except for minor communication utilities located on a freestanding  
20 water tower or similar facility.  
21

22 D. Uses Permitted by Council Conditional Use. The establishment or expansion of a  
23 minor communication utility other than as described in subsection 23.57.010.C (~~above~~) may be  
24 permitted as a Council Conditional Use, pursuant to the following criteria, as applicable:  
25

26 1. The proposal is for a personal wireless facility that meets the criteria  
27 contained in subsection 23.57.009.A;  
28

1                   2. If located on a lot developed with a single family dwelling, the proposed  
2 minor communication utility is clearly incidental to the use of the property as a dwelling;

3                   3. If the proposed minor communication utility is proposed to exceed the  
4 permitted height of the zone, the applicant shall demonstrate that the requested height is the  
5 minimum necessary for the effective functioning of the minor communication utility.

6                   E. Development Standards.

7                   1. Location. Minor communication utilities and accessory communication  
8 devices regulated pursuant to Section 23.57.002 and amateur radio towers:  
9

10                   a. Are prohibited in the required front yard, and amateur radio towers are  
11 additionally prohibited in side yards.

12                   b. When ground-mounted, shall be included in lot coverage and rear yard  
13 coverage calculations. For dish antennas, lot coverage shall be calculated with the dish in a  
14 horizontal position.

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

18                   2. Height and Size.

19                   a. The height limit of the zone (~~(shall apply)~~) applies to minor  
20 communication utilities and accessory communication devices. Exceptions to the height limit  
21 may be authorized through the approval of an Administrative Conditional Use (~~((see))~~) pursuant  
22 to subsection 23.57.010.C (~~((above))~~) or a Council Conditional Use (~~((~~) pursuant to subsection  
23 23.57.010.D (~~((above))~~)).  
24  
25  
26  
27  
28

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

4                   c. The maximum height of an accessory amateur radio tower (~~((shall~~  
5 ~~be))~~) is no more than (~~((fifty (50)))~~) 50(50) feet above existing grade. Cages and antennas may extend to  
6 a maximum additional (~~((fifteen (15)))~~) 15(15) feet. The base of the tower shall be setback from any  
7 lot line a distance at least equivalent to one-half (~~((1/2))~~) the height of the total structure,  
8 including tower or other support, cage and antennas.

9  
10                   3. Visual Impacts. All minor communication utilities and accessory  
11 communication devices, except for facilities located on buildings designated by the Seattle  
12 Landmarks Preservation Board, facilities governed by Section 23.57.014, and amateur radio  
13 towers, shall meet the standards set forth in Section 23.57.016.

14  
15                   4. Access and Signage. Access to transmitting accessory communication devices  
16 and to minor communication utilities shall be restricted to authorized personnel by fencing or  
17 other means of security. If located on a residential structure or on a public utility, warning signs  
18 at every point of access to the transmitting antenna shall be posted with information on the  
19 existence of radiofrequency radiation.

20  
21                   5. Reception Window Obstruction. (~~((When))~~) If, in the case of an accessory  
22 communications device or minor communications utility that would otherwise comply with this  
23 section, the strict adherence to all development standards would result in reception window  
24 obstruction in all permissible locations on the subject lot, the Director may grant a waiver from  
25 development standards of subsection(~~((s))~~) 23.57.010.E.1((b)).c (~~((and E1d of this section))~~) and the  
26 screening requirements of Section 23.57.016. The first waiver to be considered will be reduction,  
27  
28

1 then waiver from screening. Only if these waived regulations would still result in obstruction  
2 shall rooftop location be considered. Approval of a waiver (~~shall be~~)is subject to the following  
3 criteria:

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

8  
9 b. The applicant (~~shall be~~)is required to use material, shape and color to  
10 minimize visual impact.

11 c. If a waiver is sought per this subsection 23.57.005.E.5.c to permit a  
12 rooftop location, the maximum permitted height of the device (~~shall be four (4)~~)is 4(~~(4)~~) feet  
13 above the existing roofline or (~~four (4)~~)4(~~(4)~~) feet above the zone height limit, whichever is  
14 higher.  
15

16 Section 49. Section 23.57.013 of the Seattle Municipal Code, which section was last  
17 amended by Ordinance 122054, is amended as follows:

18 **23.57.013 Downtown zones**(~~(s)~~)

19 A. Permitted Uses. Minor communication utilities and accessory communication  
20 devices (~~shall be~~)are permitted outright when meeting development standards of the zone in  
21 which the site is located, except for height(~~(s)~~) limits, and subsection 23.57.013.B.  
22

23 B. Development Standards.

24 1. Access to transmitting minor communication utilities and accessory  
25 communication devices shall be restricted to authorized personnel when located on rooftops or  
26  
27  
28

1 other common areas. Warning signs at every point of access to the rooftop or common area shall  
2 be posted with information on the existence of radiofrequency radiation.

3 2. Height.

4 a. Except for special review, historic and landmark districts (see Section  
5 23.57.014), minor communication utilities and accessory communication devices may be located  
6 on rooftops of buildings, including sides of parapets and equipment penthouses above the  
7 roofline, as follows:

8  
9 ~~((i))1~~ ~~((These))~~ Those utilities and devices located on a rooftop  
10 of a building nonconforming as to height may extend up to ~~((fifteen-))15((+))~~ feet above the  
11 height of the building existing as of ~~((the date of Ordinance 120928))~~ November 1, 2002;

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

15  
16 The additional height permitted in 23.57.013.B.2.a.(1) and (2) ~~((i))~~  
17 ~~and (ii) above~~) is permitted if the combined total of communication utilities and accessory  
18 communication devices in addition to the roof area occupied by rooftop features listed in Section  
19 23.49.008.D.2, does not exceed ~~((thirty-five-))35((+))~~ percent of the total rooftop area.

20  
21 b. The height of minor communications utilities and accompanying  
22 screening may be further increased through the design review process, not to exceed ~~((ten~~  
23 ~~))10((+))~~ percent of the applicable height limit for the structure. For new buildings this increase  
24 in height may be granted through the design review process provided for in Section 23.41.014.  
25 For minor communication utilities on existing buildings this increase in height may be granted  
26 through administrative design review provided for in Section 23.41.016.  
27  
28

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

5                   4. Antennas may be located on rooftops of buildings, including sides of parapets  
6 above the roofline. Rooftop space within the following parameters (~~shall~~)do not count toward  
7 meeting open space requirements: the area (~~eight~~)8(±) feet away from and in front of a  
8 directional antenna and at least (~~two~~)2(±) feet from the back of a directional antenna, or, for  
9 an omnidirectional antenna, (~~eight~~)8(±) feet away from the antenna in all directions. The  
10 Seattle-King County Department of Public Health may require a greater distance for paging  
11 facilities after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

12                   Section 50. Section 23.69.024 of the Seattle Municipal Code, which section was last  
13 amended by Ordinance 122311, is amended as follows:

14 **23.69.024 Major Institution designation(±)**

15                   A. Major Institution designation shall apply to all institutions (~~which~~)that conform to  
16 the definition of Major Institution.

17                   B. New Major Institutions.

18                   1. When a medical or educational institution makes application for new  
19 development, or when a medical or educational institution applies for designation as a Major  
20 Institution, the Director will determine whether the institution meets, or would meet upon  
21 completion of the proposed development, the definition of a Major Institution in Section  
22 23.84A.025. Measurement of an institution's site or gross floor area in order to determine  
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1 whether it meets minimum standards for Major Institution designation must be according to the  
2 provisions of Section 23.86.036.

3           2. If the Director determines that Major Institution designation is required, the  
4 Director may not issue any permit that would result in an increase in area of Major Institution  
5 uses until the institution is designated a Major Institution, a Major Institution Overlay District is  
6 established, and a master plan is prepared according to the provisions of Part 2, Major Institution  
7 Master Plan.  
8

9           3. The Director's determination that an application for a Major Institution  
10 designation is required will be made in the form of an interpretation (~~and is~~) subject to the  
11 procedures of Section 23.88.020.

12           4. The procedures for designation of a Major Institution are as provided in  
13 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The  
14 Council will grant or deny the request for Major Institution designation by resolution.  
15

16           5. (~~When~~)If the Council designates a new Major Institution, a Major Institution  
17 Overlay District must be established by ordinance according to the procedures for amendments  
18 to the Official Land Use Map (rezones) in Chapter 23.76, Procedures for Master Use Permits and  
19 Council Land Use Decisions.  
20

21           6. A new Major Institution Overlay District may not be established and a Major  
22 Institution Overlay District Boundary may not be expanded in Single-family or Industrial zones.

23           7. Boundaries of a Major Institution Overlay District and maximum height limits  
24 (~~must~~)shall be established or amended in accordance with the rezone criteria contained in  
25 Section 23.34.124, and the purpose and intent of this chapter as described in Section  
26  
27  
28

1 ~~((23.69.006))~~ 23.69.002, except that acquisition, merger or consolidation involving two ~~((2))~~

2 Major Institutions is governed by the provisions of Section 23.69.023.

3 \* \* \*

4 Section 51. Section 23.69.030 of the Seattle Municipal Code, which section was last  
5 amended by Ordinance 122173, is amended as follows:

6 **23.69.030 Contents of a master plan**~~((.)~~

7  
8 A. The master plan is a conceptual plan for a Major Institution consisting of three ~~((3))~~  
9 components: the development standards component, the development program component and  
10 the transportation management program component.

11 \* \* \*

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

13  
14 1. A description of alternative proposals for physical development including an  
15 explanation of the reasons for considering each alternative, but only if an Environmental Impact  
16 Statement is not prepared for the master plan; and

17  
18 2. Density as defined by total maximum developable gross floor area for the MIO  
19 District and an overall floor area ratio (FAR) for the MIO District. Limits on total gross floor  
20 area and floor area ratios may also be required for sub-areas within the MIO District but only  
21 when an MIO District is over ~~((four hundred ()))~~400~~((+))~~ acres in size or when an MIO District  
22 has distinct geographical areas; and

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

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

1 a. The height, description, gross floor area and location of existing and  
2 planned physical development, and

3 b. The location of existing open space landscaping and screening, and  
4 areas of the MIO District to be designated open space. Designated open space shall be open  
5 space within the MIO District that is significant and serves as a focal point for users of the Major  
6 Institution. Changes to the size or location of designated open space (~~(will)~~) requires an  
7 amendment pursuant to Section 23.69.035, and  
8

9 c. Existing public and private street layout, and

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

11 5. A site plan showing: property lines and ownership of all properties within the  
12 applicable MIO District, or areas proposed to be included in an expanded MIO District, and all  
13 structures and properties a Major Institution is leasing or using or owns within (~~(two thousand~~  
14 ~~five hundred~~)2,500(~~(3)~~) feet of the MIO District; and  
15

16 6. Three(~~(3)~~)-dimensional drawings to illustrate the height, bulk and form of  
17 existing and planned physical development. Information on architectural detailing such as  
18 window placement and color and finish materials (~~(shall)~~)is not (~~(be)~~) required; and  
19

20 7. A site plan showing any planned infrastructure improvements and the timing of  
21 those improvements; and

22 8. A description of planned development phases and plans, including development  
23 priorities, the probable sequence for such planned development and estimated dates of  
24 construction and occupancy; and  
25

26 9. A description of any planned street or alley vacations or the abandonment of  
27 existing rights-of-way; and  
28

1                   10. At the option of the Major Institution, a description of potential uses,  
2 development, parking areas and structures, infrastructure improvements or street or alley  
3 vacations. Information about potential projects is for the purpose of starting a dialogue with the  
4 City and the community about potential development, and changes to this information will not  
5 require an amendment to the master plan; and

6                   11. An analysis of the proposed master plan's consistency with the purpose and  
7 intent of this chapter as described in Section ~~((23.69.006))~~23.69.002; and  
8

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

11                   13. A description of the following shall be provided for informational purposes  
12 only. The Advisory Committee, pursuant to Section 23.69.032\_D\_1, may comment on the  
13 following but may not subject these elements to negotiation nor shall such review delay  
14 consideration of the master plan or the final recommendation to Council:  
15

16                   a. A description of the ways in which the institution will address goals and  
17 applicable policies under Education and Employability and Health in the Human Development  
18 Element of the Comprehensive Plan, and  
19

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

24 \* \* \*

25                   Section 52.    Section 23.69.032 of the Seattle Municipal Code, which section was last  
26 amended by Ordinance 122497, is amended as follows:  
27  
28

**23.69.032 Master plan process(~~(-)~~)**

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

4 \* \* \*

5 D. Development of Master Plan.

6  
7 1. The Advisory Committee shall participate directly in the formulation of the  
8 master plan from the time of its preliminary concept so that the concerns of the community and  
9 the institution are considered. The primary role of the Advisory Committee is to work with the  
10 Major Institution and the City to produce a master plan that meets the intent of Section  
11 23.69.025. Advisory Committee comments shall (~~(be)~~) focus(~~(ed)~~) on identifying and mitigating  
12 the potential impacts of institutional development on the surrounding community based on the  
13 purpose and intent of this chapter as described in Section (~~((23.69.006))~~)23.69.002, and as  
14 prescribed in Chapter 25.05, Environmental Policies and Procedures. The Advisory Committee  
15 may review and comment on the mission of the institution, the need for the expansion, public  
16 benefits resulting from the proposed new development and the way in which the proposed  
17 development will serve the public purpose mission of the Major Institution, but these elements  
18 are not subject to negotiation nor shall such review delay consideration of the master plan or the  
19 final recommendation to Council.  
20  
21

22 2. The Advisory Committee shall hold open meetings with the institution and City  
23 staff to discuss the master plan and resolve differences. The institution shall provide adequate  
24 and timely information to the Advisory Committee for its consideration of the content and level  
25 of detail of each of the specific elements of the master plan.  
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 Policies and  
3 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))~~) 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(~~(7))~~) 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 Transportation, the Director,  
18 and the institution shall submit comments on the preliminary draft master plan and the  
19 preliminary draft EIS to the lead agency within three (~~((3))~~) weeks of receipt, or on the  
20 environmental checklist and supplemental studies if an EIS is not required. If DPD is the lead  
21 agency, a compiled list of the comments shall be submitted to the institution within ten (~~((10))~~)  
22 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 and evaluating in writing the comments of all parties. The lead agency shall review the  
27  
28

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

7  
8 9. The Director shall publish the draft master plan. If an EIS is required, the lead  
9 agency shall publish the draft EIS.

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

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

15 12. Within ~~((thirteen-))~~13~~(())~~ weeks after receipt of the comments, the institution  
16 shall review the comments on the draft master plan and shall prepare the final master plan.

17 13. If an EIS is required, the lead agency shall be responsible for the preparation  
18 of a preliminary final EIS, following the public hearing and within six ~~((6))~~ weeks after receipt  
19 of the comments on the draft EIS. Seattle Department of Transportation, the Director, and the  
20 institution shall submit comments on the preliminary final EIS.

21 14. The lead agency shall review the comments on the preliminary final EIS and  
22 shall be responsible for the revision of the preliminary final EIS, if necessary. The Director shall  
23 review the revised final document and may require further documentation or analysis on the part  
24 of the institution.  
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1 15. Within seven (~~(7)~~) weeks after preparation of the preliminary final EIS, the  
 2 Director shall publish the final master plan and, if an EIS is required, the lead agency shall  
 3 publish the final EIS.

4 \* \* \*

5 Section 53. Section 23.71.016 of the Seattle Municipal Code, which Section was last  
 6 amended by Ordinance 123046, is amended as follows:

7 **23.71.016 Parking and access**

8 A. Required Parking.

9 1. Off-street parking requirements are prescribed in Chapter 23.54, except as  
 10 modified by this chapter. Minimum and maximum parking requirements for specified uses in the  
 11 Northgate Overlay District are identified in Table A for 23.71.016.

12 **Table A for 23.71.016**

13 Minimum and Maximum Parking Requirements

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

Max: ¼ 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 54. Section 23.76.004 of the Seattle Municipal Code, which Section was last  
amended by Ordinance 123046, is amended as follows:

**23.76.004 Land use decision framework**~~((:))~~

A. Land use decisions are classified into five ~~((5))~~ categories based on the amount of  
discretion and level of impact associated with each decision. Procedures for the five ~~((5))~~  
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 ~~((Exhibit))~~ Table A for 23.76.004.A.

B. Type I and II decisions are made by the Director and are consolidated in Master Use  
Permits. **Type I** decisions are ~~((nonappealable))~~ decisions made by the Director ~~((which))~~ that  
require the exercise of little or no discretion and that are not appealable to the Hearing  
Examiner. **Type II** decisions are discretionary decisions made by the Director ~~((which))~~ that are  
subject to an administrative open record appeal hearing to the Hearing Examiner; provided  
that **Type II** decisions enumerated in Section 23.76.006\_C\_2 shall be made by the Council when  
associated with a Council land use decision and are not subject to administrative appeal. **Type**  
**III** decisions are made by the Hearing Examiner after conducting an open record hearing and not  
subject to administrative appeal. Type I, II or III decisions may be subject to land use  
interpretation pursuant to Section 23.88.020.

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

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

9 E. Certain land use decisions are subject to additional procedural requirements beyond  
10 the standard procedures established in this chapter. ~~((Code references for such additional  
11 requirements, where applicable, are provided in Seattle Municipal Code (SMC) Sections  
12 23.76.006 and 23.76.036.))~~ These requirements may be prescribed in the regulations for the  
13 zone in which the proposal is located, in other provisions of this title, or in other titles of the  
14 Seattle Municipal Code.

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

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

- 20
- 21 1. Use the integrated and consolidated process established in this chapter;
  - 22 2. If the applicant includes a variance, lot boundary adjustment, or short  
23 subdivision approval and no environmental review is required for the proposed project pursuant  
24 to SMC Chapter 25.05, SEPA Policies and Procedures, file a separate Master Use Permit  
25  
26  
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1 application for the variance, lot boundary adjustment, or short subdivision sought and use the  
2 integrated and consolidated process established in this chapter for all other required decisions; or

3 3. Proceed with separate applications for each permit decision sought.  
4

5 **Table A for 23.76.004**

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8 **LAND USE DECISION FRAMEWORK**

9  
10 **DIRECTOR'S AND HEARING EXAMINER'S**

11  
12 **DECISIONS REQUIRING MASTER USE PERMITS**

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14  
15 TABLE INSET:

16 17 18 19 20 21 22 23 24	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)
25 26 27 28	• Compliance with development standards	• Temporary uses, more than four weeks, except for temporary	• Subdivisions (preliminary plats)

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	relocation of police and fire stations	
• Uses permitted outright	• Variances	
• Temporary uses, four weeks or less	• Administrative conditional uses	
• Intermittent uses	• Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals)	
• Certain street uses		
• Lot boundary adjustments	• Short subdivisions	
• Modifications of features bonused under Title 24	• Special Exceptions	
• Determinations of significance (EIS required) except for determinations of significance based solely on historic and	• Design review	

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cultural preservation		
• Temporary uses for relocation of police and fire stations	• Light rail transit facilities	
• Exemptions from right-of-way improvement requirements	• The following environmental determinations:	
• Special accommodation	1. Determination of non-significance (EIS not required)	
• Reasonable accommodation	2. Determination of final EIS adequacy	
• Minor amendment to a Major Phased Development Permit	3. Determinations of significance based solely on historic and cultural preservation	
• Determination of public benefit for combined lot FAR	4. A decision by the Director to approve, condition or deny a project based on SEPA Policies	

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<ul style="list-style-type: none"> <li>• Determination of whether an amendment to a property use and Development Agreement is major or minor</li> </ul>		
<ul style="list-style-type: none"> <li>• Other Type I decisions that are identified as such in the Land Use Code</li> </ul>	5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required)	
	<ul style="list-style-type: none"> <li>• Major Phased Development</li> </ul>	
	<ul style="list-style-type: none"> <li>• Downtown Planned Community Developments</li> </ul>	

**COUNCIL LAND USE DECISIONS**

TABLE INSET:

TYPE IV (Quasi-Judicial)	TYPE V (Legislative)
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<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>

1  
2  
3 Section 55. Section 23.76.006 of the Seattle Municipal Code, which section was last  
4 amended by Ordinance 122824, is amended as follows:

5 **23.76.006 Master Use Permits required((=))**

6  
7 A. Type I, II and III decisions are components of Master Use Permits. Master Use  
8 Permits are required for all projects requiring one or more of these decisions.

9 \* \* \*

10 C. The following are Type II decisions:

11 1. The following procedural environmental decisions for Master Use Permits and  
12 for building, demolition, grading and other construction permits are subject to appeal to the  
13 Hearing Examiner and are not subject to further appeal to the City Council (supplemental  
14 procedures for environmental review are established in SMC Chapter 25.05, Environmental  
15 Policies and Procedures):

- 16  
17 a. Determinations of Nonsignificance (DNSs), including mitigated DNSs;  
18  
19 b. Determination that a final environmental impact statement (EIS) is  
20 adequate; and  
21  
22 c. Determination of Significance based solely on historic and cultural  
23 preservation.

24 2. The following decisions, including any integrated decisions to approve,  
25 condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except  
26 shoreline decisions and related environmental determinations which are appealable to the  
27 Shorelines Hearings Board):  
28

1 a. Establishment or change of use for temporary uses more than four  
2 weeks not otherwise permitted in the zone or not meeting development standards, including the  
3 establishment of temporary uses and facilities to construct a light rail transit system for so long  
4 as is necessary to construct the system as provided in Section 23.42.040\_E, but excepting  
5 temporary relocation of police and fire stations for 24 months or less;

6 b. Short subdivisions;

7  
8 c. Variances; provided that, variances sought as part of a Type IV decision  
9 may be granted by the Council pursuant to Section 23.76.036;

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

12 e. Design review;

13  
14 f. Administrative conditional uses; provided that, administrative  
15 conditional uses sought as part of a Type IV decision may be approved by the Council pursuant  
16 to Section 23.76.036;

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

19 ((f))1) Shoreline substantial development permits,

20 ((f))2) Shoreline variances,

21 ((f))3) Shoreline conditional uses;

22 h. Major Phased Development;

23  
24 i. Determination of project consistency with a planned action ordinance  
25 and EIS;

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

3 ~~((k. Establishment of monorail transit facilities necessary to operate and~~  
4 ~~maintain a monorail transit system, in accordance with the provisions of Section 23.80.004 and~~  
5 ~~Section 15.54.020; and))~~

6 ((~~l~~)k. Downtown planned community developments.

7  
8 \*\*\*

9 Section 56. Section 23.76.010 of the Seattle Municipal Code, which section was last  
10 amended by Ordinance 121476, is amended as follows:

11 **23.76.010 Applications for Master Use Permits((~~l~~))**

12 A. Applications for Master Use Permits shall be made by the property owner, lessee,  
13 contract purchaser, a City agency, or other public agency proposing a project the location of  
14 which has been approved by the City Council by ordinance or resolution, or by an authorized  
15 agent thereof. A Master Use Permit applicant shall designate a single person or entity to receive  
16 determinations and notices from the Director.

17 B. All applications for Master Use Permits shall be made to the Director on a form  
18 provided by the Department.

19 C. Applications shall be accompanied by payment of the applicable filing fees, if any, as  
20 established in Chapters 22.901\_A-22.901\_T, Permit Fee Subtitle.

21 D. All applications shall contain the submittal information required by the applicable  
22 sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter  
23 25.05, SEPA Policies and Procedures; SMC Chapter 25.09, Regulations for Environmentally  
24 Critical Areas; SMC Chapter 25.12, Landmarks Preservation; SMC Chapter 25.16, Ballard  
25  
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1 Avenue Landmark District; SMC Chapter 25.20, Columbia City Landmark District; SMC  
2 Chapter 25.22, Harvard-Belmont Landmark District; SMC Chapter 25.24, Pike Place Market  
3 Historical District; and other codes as determined applicable by the Director. All shoreline  
4 substantial development, conditional use or variance applications shall also include applicable  
5 submittal information as specified in WAC 173-27-180. The following information shall also be  
6 required as further specified in the Director's Rule on Application Submittal Guidelines, unless  
7 the Director indicates in writing that specific information is not necessary for a particular  
8 application:  
9

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

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

17 3. Scale drawings with all dimensions shown that include, but are not limited to,  
18 the following information:  
19

20 a. Existing site conditions showing adjacent streets (by name), alleys or  
21 other adjacent public property, existing street uses, such as street trees and sidewalk displays,  
22 buildings and structures, open space and landscape, access driveways and parking areas,  
23

24 b. Elevations and sections of the proposed new features,

25 c. Floor plans showing the proposed new features,

26 d. Drainage plan,  
27  
28

- e. Landscape plan,
- f. Right-of-way information showing any work proposed in the public right-of-way,
- g. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable,
- h. Parking layout and vehicular access,
- i. Vicinity map,
- j. Topographic map, and
- k. Open space plan;

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

- a. Date the buildings on the site were constructed,
- b. Name of the architect(s) or builder(s), and
- c. For any building (~~fifty~~50) or more years old, clear exterior photos of all elevations of the building;

5. For all transmitting antennas, the applicant shall submit a signed copy of the Applicant's Statement of Federal Communications Commission (FCC) Compliance. If the

1 transmitting antenna requires Seattle-King County Public Health Department review, the  
2 applicant must also submit a letter from the Public Health Department certifying that the facility  
3 does not exceed radio frequency radiation levels allowed by the FCC;

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

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

- 10 a. Soils and geology,
- 11 b. Grading,
- 12 c. Drainage,
- 13 d. Construction impacts,
- 14 e. Air quality,
- 15 f. Water quality,
- 16 g. Water discharge,
- 17 h. View impairment,
- 18 i. Energy consumption,
- 19 j. Animal habitat impacts,
- 20 k. Plant ecology, botany and vegetation,
- 21 l. Noise,
- 22 m. Release and disposal of toxic and hazardous materials,
- 23 n. Soil contamination,
- 24 o. Dredging,
- 25
- 26
- 27
- 28

- 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 57. Section 23.76.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 122611, is amended as follows:

**23.76.026 Vesting of development rights((:))**

A. Master Use Permit Components Other Than Subdivisions and Short Subdivisions.  
Except as provided in Subsection 23.76.026 C, ((A))applications for ((aH)) Master Use Permit components ((except))other than subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date:

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

4           2. A fully complete building permit application, meeting the requirements of  
5 Section 106 of the Seattle Building Code, is filed.

6           B. Subdivision and Short Subdivision Components of Master Use Permits. An  
7 application for approval of a subdivision or short subdivision of land shall be considered under  
8 the Land Use Code and other land use control ordinances in effect when a fully complete Master  
9 Use Permit application for such approval that satisfies the requirements of Section 23.22.020  
10 (subdivision) or Sections 23.24.020 and 23.24.030 (short subdivision) is submitted to the  
11 Director.

12           C. Design Review Component of Master Use Permits.

13           1. If a complete application for a Master Use Permit is filed prior to the date  
14 design review becomes required for that type of project, ~~((no))~~ design review ~~((component shall  
15 be))~~ is not required.

16           2. A complete application for a Master Use Permit that includes a design review  
17 component shall be considered under the Land Use Code and other land use control ordinances  
18 in effect on the date a complete application for the design review early design guidance process  
19 is submitted to the Director, provided that such Master Use Permit application is filed within  
20 ~~((ninety-))~~90~~((+))~~ days of the date of the early design guidance public meeting. If more than one  
21 early design guidance public meeting is held, then the application for a Master Use Permit that  
22 contains a design review component shall be considered under the Land Use Code and other land  
23 use control ordinances in effect at the time of the first design review meeting only if the Master  
24  
25  
26  
27  
28

1 Use Permit application is filed within 90 days of the first meeting. If the application is filed  
2 more than 90 days after the first meeting, the application shall be considered under the Land Use  
3 Code and other land use control ordinances in effect at the time of the most recent meeting,  
4 provided that the application must still be submitted within 90 days of the most recent meeting.

5 ~~((D. Notwithstanding any other provision of this section or this chapter, no application~~  
6 ~~for a permit for development that is subject to Chapter 25.09 and that is proposed for a landslide-~~  
7 ~~prone area as described in Section 25.09.020 B1a, shall vest during the term of the ordinance~~  
8 ~~codified in this section unless the Director permits the work pursuant to subsections A, B, C, D,~~  
9 ~~or E of Section 25.09.010.~~

11 ~~E. Notwithstanding any other provision of this section or this chapter, all development~~  
12 ~~that is subject to Chapter 25.09 and that is proposed for a landslide prone area as described in~~  
13 ~~Section 25.09.020 B1a, shall have its vested rights suspended as follows during the term of the~~  
14 ~~ordinance codified in this section:~~

16 ~~1. No notice of the Director's decision on an application for a Master Use Permit~~  
17 ~~shall be published unless the Director is satisfied that no significant changes in conditions at the~~  
18 ~~site or surrounding area have occurred that render invalid or out of date the analysis and~~  
19 ~~recommendations contained in the technical reports and other application materials previously~~  
20 ~~submitted to DPD as part of the application for the Master Use Permit;~~

22 ~~2. No building permit shall issue; and~~

23 ~~3. No approval of the foundation and site of a building or structure, as required~~  
24 ~~by Section 108.5.2 of the Seattle Building Code<sup>1</sup>, shall be granted. This suspension of vested~~  
25 ~~rights shall not apply to the extent that development is permitted by the Director pursuant to~~  
26 ~~subsections A, B, C, D, or E of Section 25.09.010.)~~

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

6           Section 58. Section 23.76.058 of the Seattle Municipal Code, which Section was last  
7 amended by Ordinance 123046, is amended as follows:

8  
9 **23.76.058 Rules for specific decisions**

10 \* \* \*

11           B. Contract Rezones.

12           1. If a property use and development agreement is required as a condition to an  
13 amendment of the Official Land Use Map, the amendment ~~((shall))~~does not take effect until the  
14 later of:  
15

16                   a. the effective date of the ordinance approving the map amendment and  
17 accepting the property use and development agreement, as specified in the ordinance or pursuant  
18 to Section 1.04.020, or

19                   b. the recording in the King County Recorder's Office of the agreement  
20 executed by the legal and beneficial owners. The agreement shall be recorded in the real property  
21 records of King County and filed with the City Clerk within 30 days after adoption of the  
22 ordinance approving the map amendment and accepting the agreement.

23  
24           2. Amendment of Property Use and Development Agreements. Property use and  
25 development agreements recorded as a condition to a map amendment may be amended by  
26  
27  
28

1 agreement between the owner and the City, provided that any such amendment shall be approved  
2 by the Council.

3 a. A request to amend a Property Use and Development Agreement shall  
4 be submitted to the Department (~~(of Planning and Development)~~) and filed with the City Clerk.  
5 Notice of a request to amend and an opportunity to comment shall be provided in accordance  
6 with the notice requirements of Section 23.76.012.B.1 or B.2, and B.3, and notice and  
7 opportunity to comment shall also be provided to the parties of record in the original rezone  
8 decision and to those persons who were provided written notice of the Hearing Examiner's  
9 recommendation in the original rezone decision.  
10

11 b. The Director shall determine whether the requested amendment is major  
12 or minor. This determination is a Type I decision.

13 1) Minor amendments. A minor amendment is one that is within  
14 the spirit and general purpose of the prior decision of the Council, is generally consistent with  
15 the uses and development standards approved in the prior decision of the Council, would not  
16 result in significant adverse impacts that were not anticipated in the prior decision of the Council,  
17 and does not request any additional waivers or changes in the waivers of bulk or off-street  
18 parking and loading requirements other than those approved in the prior decision of the Council.  
19 If the Director determines that a proposed amendment is minor, the Director shall transmit to  
20 Council the request to amend, the Director's determination that the request is minor, any  
21 comments received by the Director on the proposed amendment, the Director's environmental  
22 determination, and the Director's recommendation on the amendment. A request to amend that is  
23 minor and that complies with the rezone criteria of Chapter 23.34 may be approved by the  
24 Council by ordinance after receiving any additional advice that it deems necessary.  
25  
26  
27  
28

2) Major Amendments. Requests that are not minor are major. The

Council shall not approve a major amendment to a property use and development agreement until the Council has received a recommendation from the Hearing Examiner after a public hearing held as provided for rezones in Section 23.76.052.

c. This subsection 23.76.058.B.2 applies only to Property Use and Development Agreements adopted under Seattle Municipal Code Title 23, and not to any Property Use and Development Agreements previously adopted under former Seattle Municipal Code Title 24.

\* \* \*

Section 59. Section 23.76.066 of the Seattle Municipal Code, which section was last amended by Ordinance 118012, is amended as follows:

**23.76.066 Shoreline Master Program amendments((:))**

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

Section 60. Section 23.80.004 of the Seattle Municipal Code, which section was last amended by Ordinance 122198, is amended as follows:

**23.80.004 Review criteria((:))**

\* \* \*

~~((D. Monorail transit facilities.~~

~~1. Monorail transit facilities necessary to support the operation and maintenance of a monorail transit system are permitted in all zones within the City of Seattle, except that a~~

1 ~~monorail operations and/or maintenance center is prohibited in a residential or neighborhood~~  
2 ~~commercial zone. Any commercial use over two hundred (200) square feet as part of a monorail~~  
3 ~~transit station is prohibited unless otherwise permitted in the underlying zone.~~

4           2. ~~The Director may approve a monorail transit facility, pursuant to Chapter~~  
5 ~~23.76, Procedures for Master Use Permits and Council Land Use Decisions, only if the~~  
6 ~~horizontal and vertical alignment and locations of the monorail guideway, monorail transit~~  
7 ~~stations, and monorail operations center have been approved by the City Council by ordinance or~~  
8 ~~resolution. The City Council may also approve the horizontal and vertical alignment and location~~  
9 ~~of other monorail transit facilities.~~

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

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

23           a. ~~Where necessary to achieve consistency with the terms of the City~~  
24 ~~Council's approval of the monorail transit system, development standards, including but not~~  
25 ~~limited to, height, setbacks, yards, landscaping, or lot coverage, may be waived or modified,~~  
26 ~~provided that height may be waived only for the monorail guideway or monorail transit stations~~  
27

1 ~~and not for any other monorail transit facilities, and further provided that height of monorail~~  
2 ~~transit stations shall not exceed sixty five feet (65') or the height limit in the underlying zone,~~  
3 ~~whichever is greater.~~

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

8  
9 ~~e. Development standards may be waived or modified under this~~  
10 ~~subsection only for structures or portions of structures that are devoted to a use directly~~  
11 ~~associated with operation of the monorail transit facility and not for other portions of the~~  
12 ~~structure unrelated to the monorail transit use.~~

13  
14 ~~6. The Director may impose reasonable conditions:~~

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

17 ~~b. Pursuant to Chapter 25.05 to lessen identified impacts caused by the~~  
18 ~~monorail transit facilities; or~~

19 ~~c. To ensure consistency with any monorail transit system specific design~~  
20 ~~guidelines to be developed by the City and a city transportation authority and approved by the~~  
21 ~~City Council by ordinance.~~

22  
23 ~~7. Within twenty (20) days after issuing a Master Use Permit for a monorail~~  
24 ~~transit station, the Director shall send a written report to the City Council describing any~~  
25 ~~development standards that were waived or modified pursuant to this section, and describing any~~  
26 ~~conditions that were imposed on the permit pursuant to this section.))~~

1 Section 61. Section 23.84A.010 of the Seattle Municipal Code, which section was last  
2 amended by Ordinance 122411, is amended as follows:

3 **23.84A.010 “E((;))”**

4 \* \* \*

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

7 \* \* \*

8  
9 Section 62. Section 23.84A.016 of the Seattle Municipal Code, which section was added  
10 by Ordinance 122311, is amended as follows:

11 **23.84A.016 “H((;))”**

12 \* \* \*

13 "Household" means a housekeeping unit consisting of any number of related persons; eight  
14 ~~((8))~~ or fewer non-related, non-transient persons; or eight ~~((8))~~ or fewer related and non-  
15 related non-transient persons, plus any number of adult family home residents as defined and  
16 allowed by the State of Washington, unless a grant of special or reasonable accommodation  
17 allows an additional number of persons.

18 \* \* \*

19  
20  
21 Section 63. Section 23.84A.024 of the Seattle Municipal Code, which section was last  
22 amended by Ordinance 123046, is amended as follows:

23 **23.84A.024 “L”**

24 "Laboratory, research and development" means a use in which research and experiments  
25 leading to the development of new products are conducted. This use may be associated with an  
26 institutional, clinical or commercial use. This use includes but is not limited to the operation of a  
27

laboratory subject to any level of biosafety containment standard described by the U.S.

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

*Laboratories*, current edition. Space designed for this use typically includes ~~((features))~~ such

~~features~~ as ~~((:))~~ floor \_ to \_ floor ceiling heights ~~((, generally fourteen (4)))~~ of at least 14 ~~((:))~~ feet ~~((in height or greater))~~ to accommodate mechanical equipment, and laboratory benches plumbed for water service.

\* \* \*

“Land Use Information Bulletin.” See “General mailed release.”

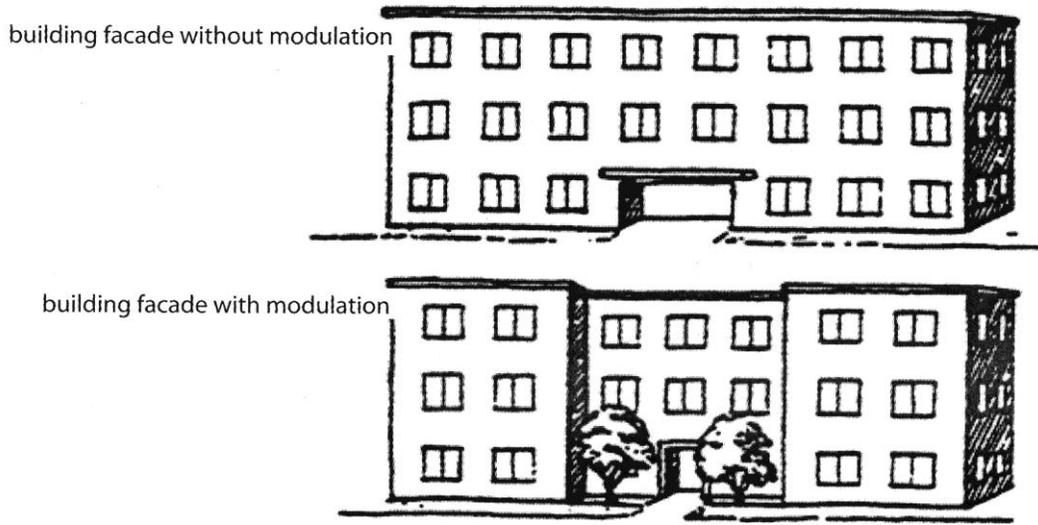
Section 64. Section 23.84A.025 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

**23.84A.025 “M~~((:))~~”**

\* \* \*

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

**Exhibit 23.84A.025 A**  
Modulation



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

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

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

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

"Mortuary service." See "Medical services".

\* \* \*

Section 65. Section 23.84A.036 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

**23.84A.036 "S"**

\* \* \*

"Sales and services, automotive" means a commercial use in which motorized vehicles or vehicle parts are rented, sold, serviced or repaired. Automotive sales and services uses exclude sales and

1 services primarily relating to electric scooters or electric assisted bicycles. Automotive sales and  
2 services uses include but are not limited to the following:

3 1. "Retail sales and services, automotive" means an automotive sales and service use in  
4 which goods are rented or sold primarily for use in motor vehicles or minor services are provided  
5 to motor vehicles. Uses in this category may include gas stations, car washes, minor repair of  
6 vehicles not falling under the definition of major automotive vehicle repair, battery stations for  
7 electric vehicles, and towing of vehicles when no more than two (~~(2)~~) trucks are used or kept  
8 on site for towing purposes.  
9

10 2. "Sales and rental of motorized vehicles" means an automotive sales and service use in  
11 which operable motorized vehicles, such as cars, trucks, buses, recreational vehicles or  
12 motorcycles, or related non-motorized vehicles, such as trailers, are rented or sold.  
13

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

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

18 b. Collision services, including body, frame or fender straightening or repair;

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

20 d. Dismantling of motorized vehicles in an enclosed structure.  
21

22  
23 \* \* \*

24 "Sign, message board" means an electric sign (~~(which))~~that has a reader\_board for the display of  
25 information, such as time, temperature, of public service or commercial messages, (~~(which))~~that  
26  
27  
28

1 can be changed through the turning on and off of different combinations of light bulbs within the  
2 display area.

3 “Sign, multiple business center” means an on-premises sign directing attention to a grouping of  
4 two or more business establishments that either share common parking on the lot where the sign  
5 is located or occupy a single structure or separate structures that are physically attached or both.

6 A multiple business center sign may be used to identify a multiple business center and may  
7 identify individual business establishments within a multiple business center but not the products  
8 or services offered by the business establishments. (See also “multiple business center” and  
9 “sign, business.”)

10  
11 "Sign, off-premises" means a sign relating, through its message and content, to a business  
12 activity, use, product or service not available on the premises upon which the sign is erected.  
13

14  
15 Section 66. Section 23.84A.038 of the Seattle Municipal Code, which section was last  
16 amended by Ordinance 123046, is amended as follows:

17 **23.84A.038 “T”**

18 \* \* \*

19 "Transportation facility" means a use that supports or provides a means of transporting people  
20 and/or goods from one location to another. Transportation facilities include but are not limited to  
21 the following:  
22

- 23 1. "Cargo terminal" means a transportation facility in which quantities of goods or  
24 container cargo are, without undergoing any manufacturing processes, transferred to carriers or  
25 stored outdoors in order to transfer them to other locations. Cargo terminals may include  
26 accessory warehouses, railroad yards, storage yards, and offices.  
27  
28

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

4           a. "Boat moorage" means a use, in which a system of piers, buoys or floats is  
5 used to provide moorage for vessels except barges, for sale or rent usually on a monthly or yearly  
6 basis. Minor vessel repair, haul out, dry boat storage, and other services are also often provided.

7 Boat moorage includes, but is not limited to:

8           1) "Commercial moorage" means a boat moorage primarily intended for  
9 commercial vessels except barges.

10           2) "Recreational marina" means a boat moorage primarily intended for  
11 pleasure craft. (See also, "Boat moorage, public".)

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

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

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

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

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

4                                   d. "Towing services" means a parking and moorage use in which more than two  
5 tow trucks are employed in the hauling of motorized vehicles, and where vehicles may be  
6 impounded, stored or sold, but not disassembled or junked.  
7

8  
9                                   Section 67. Section 23.84A.048 of the Seattle Municipal Code, which section was last  
10 amended by Ordinance 122311, is amended as follows:

11 **23.84A.048 "Z((̄))"**

12 "Zone" means a portion of the City designated on the Official Land Use Map of The City of  
13 Seattle within one (1) of the land use classifications.  
14

15 "Zone, commercial" means a zone with a classification that includes one of the following: NC1,  
16 NC2, NC3, C1, C2 and SM, which classification also may include one or more suffixes.

17 "Zone, general commercial" or "Zone, C" means a zone with a classification that includes one of  
18 the following: Commercial 1 (C1) or Commercial 2 (C2), which classification also may include  
19 one or more suffixes.  
20

21 "Zone, downtown" means a zone with a classification that includes any of the following: DOC1,  
22 DOC2, DRC, DMC, DMR, IDM, IDR, PSM, PMM, DH1 and DH2, which classification also  
23 may include one or more suffixes.

24 "Zone, industrial" means a zone with a classification that includes any of the following: General  
25 Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial  
26 (IC).  
27  
28

1 "Zone, lowrise" means zone with a classification that includes any of the following: Lowrise  
2 Duplex/Triplex, Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 multifamily residential zones, ~~(;~~  
3 ~~which))~~ The listed classifications also may include one or more suffixes, except the RC  
4 designation.

5 "Zone, multifamily" means a zone with a classification that includes any of the following:  
6 Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Lowrise 2 (L2), Lowrise 3 (L3), Lowrise 4  
7 (L4), Midrise (MR), Midrise/85 (MR/85), or Highrise (HR). ~~(;~~ ~~which))~~ The listed classifications  
8 also may include one or more suffixes, except the RC designation.

9 "Zone, neighborhood commercial" or "Zone, NC" means a zone with a classification that  
10 includes any of the following: Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2  
11 (NC2), or Neighborhood Commercial 3 (NC3), which classification also may include one or  
12 more suffixes.

13 "Zone, next more intensive" means, with respect to a zone with one of the following  
14 designations, a zone that has the designation listed immediately after that designation in the  
15 following list:

- 16 1. Neighborhood Commercial 1 (NC1)
- 17 2. Neighborhood Commercial 2 (NC2)
- 18 3. Neighborhood Commercial 3 (NC3)
- 19 4. Commercial 1 (C1)
- 20 5. Commercial 2 (C2)
- 21 6. Industrial Buffer (IB)
- 22 7. Industrial Commercial (IC)
- 23 8. General Industrial 2 (IG2)

9. General Industrial 1 (IG1)

"Zone, pedestrian-designated" means a Neighborhood Commercial 1P (NC1P), Neighborhood Commercial 2P (NC2P), or Neighborhood Commercial 3P (NC3P) zone designated on the Official Land Use (Zoning) map.

"Zone, residential" means a zone with a classification that includes any of the following: SF9600, SF7200, SF5000, RSL, LDT, L1, L2, L3, L4, MR, HR, RC, DMR and IDR, which classification also may include one or more suffixes(~~(, but not including any zone with an RC designation)~~)).

"Zone, residential-commercial" or "RC zone" means a zone assigned a residential zone classification on the Official Land Use Map in which live-work units and certain commercial uses are also permitted.

"Zone, single family" or "SF zone" means a zone with a classification that includes any of the following: SF5000, SF7200 and SF9600. Solely for the purposes of the provisions of this title that impose standards or regulations based upon adjacency or any other juxtaposition or relationship to a single-family zone, "zone, single family" also shall include any zone with a classification that includes RSL, which classification also may include one or more suffixes.

Section 68. Section 23.86.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 123206, is amended as follows:

**23.86.006 Structure height**

A. Height measurement technique in all zones except downtown zones, and within the South Lake Union ((~~Hub~~)) Urban ((~~Village~~))Center, and for the Living Building Pilot Program authorized by Section 23.40.060.

1           1. The height shall be measured at the exterior walls of the structure.

2 Measurement shall be taken at each exterior wall from the existing or finished grade, whichever  
3 is lower, up to a plane essentially parallel to the existing or finished grade. For determining  
4 structure height, the exterior wall shall include a plane between supporting members and  
5 between the roof and the ground. The vertical distance between the existing grade, or finished  
6 grade, if lower, and the parallel plane above it shall not exceed the maximum height of the zone.  
7

8           2. When finished grade is lower than existing grade, in order for an upper  
9 portion of an exterior wall to avoid being considered on the same vertical plane as a lower  
10 portion, it must be set back from the lower portion a distance equal to two (2) times the  
11 difference between existing and finished grade on the lower portion of the wall (Exhibit  
12 23.86.006 A1).  
13

14           3. Depressions such as window wells, stairwells for exits required by other  
15 codes, "barrier free" ramps on grade, and vehicle access driveways into garages shall be  
16 disregarded in determining structure height when in combination they comprise less than fifty  
17 percent (50%) of the facade on which they are located. In such cases, the grade for height  
18 measurement purposes shall be a line between the grade on either side of the depression.  
19

20           4. No part of the structure, other than those specifically exempted or excepted  
21 under the provisions of the zone, shall extend beyond the plane of the maximum height limit.

22           5. Underground portions of structures are not included in height calculations.  
23 The height of structures shall be calculated from the point at which the sides meet the surface of  
24 the ground.  
25

26           B. Within the South Lake Union ((Hub)) Urban ((Village))Center, structure height shall  
27 be measured for all portions of the structure. All measurements shall be taken vertically from  
28

1 existing or finished grade, whichever is lower, to the highest point of the structure located  
2 directly above each point of measurement.

3 Existing or finished grade shall be established by drawing straight lines between the  
4 corresponding elevations at the perimeter of the structure. The straight lines will be existing or  
5 finished grade for the purpose of height measurement. When a contour line crosses a facade  
6 more than once, that contour line will be disregarded when establishing existing or finished  
7 grade.  
8

9 \* \* \*

10 Section 69. Section 23.88.010 of the Seattle Municipal Code, which Section was last  
11 amended by Ordinance 121477, is amended as follows:

12 **23.88.010 Rulemaking.**

13 A. The Director may promulgate rules consistent with this title pursuant to the authority  
14 granted in Section 3.06.040 and pursuant to the procedures established for rulemaking in the  
15 Administrative Code, Chapter 3.02. In addition to the notice provisions of Chapter 3.02, notice  
16 of the proposed adoption of a rule shall be placed in the Land Use Information Bulletin.  
17

18 B. The Director may update, by rule, performance standards for determining whether a  
19 proposed new structure has earned, at a minimum, a Leadership in Energy and Environmental  
20 Design (LEED) Silver rating or a Built Green 4-star rating of the Master Builders Association of  
21 King and Snohomish Counties. If an applicant is applying for funding from the Washington  
22 State Housing Trust Fund and/or the Seattle Office of Housing to develop new affordable  
23 housing, the Director may also update, by rule, performance standards as determined by  
24 application of the Washington Evergreen Sustainable Development Standards (ESDS). No rule  
25 may assign authority for making a final determination to any person other than an officer of the  
26  
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1 Department of Planning and Development or another City agency with regulatory authority and  
2 expertise in green building practices.

3 Section 70. Section 23.88.020 of the Seattle Municipal Code, which section was last  
4 amended by Ordinance 121477, is amended as follows:

5 **23.88.020 Land Use Interpretations((=))**

6 A. Interpretations Generally. A decision by the Director as to the meaning, application  
7 or intent of any development regulation in Title 23, Land Use Code, or in Chapter 25.09,  
8 Regulations for Environmentally Critical Areas, as it relates to a specific property is known as an  
9 "interpretation." An interpretation may be requested in writing by any person or may be initiated  
10 by the Director. Procedural provisions and statements of policy ~~((shall))~~ are not ~~((be))~~ subject to  
11 the interpretation process. A decision by the Director that an issue is not subject to an  
12 interpretation request ~~((shall be))~~ is final and not subject to administrative appeal. A request for  
13 an interpretation, and a subsequent appeal to the Hearing Examiner~~((, when))~~ if available, are  
14 administrative remedies that must be exhausted before judicial review of a decision subject to  
15 interpretation may be sought. An interpretation decision by the Director may affirm, reverse, or  
16 modify all or any portion of a Type I or Type II land use decision.

17  
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21 B. Filing and Fees. Any request for interpretation shall be filed with the Director  
22 accompanied by the required fee ~~((for interpretation provided in Table 6, SMC Section~~  
23 ~~22.901E.010))~~. If a request for interpretation is included in an appeal to the Hearing Examiner of  
24 a related project decision, a copy shall be filed with the Director, accompanied by the applicable  
25 fee.

26 \* \* \*

1 Section 71. Section 23.91.004 of the Seattle Municipal Code, which Section was last  
2 amended by Ordinance 119896, is amended as follows:

3 **23.91.004 Citation((;))**

4 A. Citation. If after investigation the Director determines that the standards or  
5 requirements of provisions referenced in Section 23.91.002 have been violated, the Director may  
6 issue a citation to the owner and/or other person or entity responsible for the violation. The  
7 citation shall include the following information: (1) the name and address of the person to whom  
8 the citation is issued; (2) a reasonable description of the location of the property on which the  
9 violation occurred; (3) a separate statement of each standard or requirement violated; (4) the date  
10 of the violation; (5) a statement that the person cited must respond to the citation within  
11 ((eighteen (18)))15 days after service; (6) a space for entry of the applicable penalty; (7) a  
12 statement that a response must be sent to the Hearing Examiner and received not later than ((five  
13 )5:00((;)) p.m. on the day the response is due; (8) the name, address and phone number of the  
14 Hearing Examiner where the citation is to be filed; (9) a statement that the citation represents a  
15 determination that a violation has been committed by the person named in the citation and that  
16 the determination shall be final unless contested as provided in this chapter; and (10) a certified  
17 statement of the inspector issuing the citation, authorized by RCW 9A72.085, setting forth facts  
18 supporting issuance of the citation.  
19  
20  
21

22 Section 72. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is  
23 amended to rezone certain properties located on page 145 of the Official Land Use Map, as  
24 shown on Exhibit A attached to this ordinance.

25 Section 73. The Official Land Use Map, Section 23.32.016, Page 189, is hereby  
26 amended to change the zone classification of the designated area from an erroneous designation,  
27  
28

1 as set forth in Seattle City Ordinance 123086, of IC/U-85 to Industrial Commercial with an 85-  
2 foot height limit (IC/85), as shown on Exhibit B attached to this ordinance.

3 Section 74. The Official Land Use Map, Section 23.32.016, Page 117, is hereby  
4 amended to correct the zone classification of the designated area from Neighborhood  
5 Commercial 3 with an 85-foot height limit (NC3/85) to Industrial Commercial with a 65-foot  
6 height limit (IC/65) due to reversion of the zone to the IC classification under the terms of the  
7 contract rezone approved pursuant to Seattle City Ordinance 122918, as shown on Exhibit C  
8 attached to this ordinance.  
9

10 Section 75. Section 25.05.675 of the Seattle Municipal Code, which Section was last  
11 amended by Ordinance 123209, is amended as follows:

12 **25.05.675 Specific environmental policies**

13 \* \* \*

14  
15 M. Parking.

16 1. Policy Background.

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

19 b. Parking regulations to mitigate most parking impacts and to  
20 accommodate most of the cumulative effects of future projects on parking are implemented  
21 through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-  
22 street parking, streets are unable to absorb parking spillover. The City recognizes that the cost of  
23 providing additional parking may have an adverse effect on the affordability of housing.  
24

25 2. Policies.  
26  
27  
28

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

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

6 1) No SEPA authority is provided to mitigate the impact of  
7 development on parking availability in the downtown zones;  
8

9 2) In Seattle Mixed (SM) zones, and for residential uses located  
10 within the Capitol Hill/First Hill Urban Center, the University District Northwest Urban Center  
11 Village, and the Station Area Overlay District, no SEPA authority is provided for the  
12 decisionmaker to require more parking than the minimum required by the Land Use Code;  
13

14 3) Parking impact mitigation for multifamily development, except  
15 in the Alki area, as described in subsection 25.05.675.M.2.c below, may be required only where  
16 on-street parking is at capacity, as defined by the Seattle Department of Transportation or where  
17 the development itself would cause on-street parking to reach capacity as so defined.  
18

19 c. For the Alki area, as identified on Map B for ~~((23.45.015))~~23.54.015, a  
20 higher number of spaces per unit than is required by SMC Section 23.54.015 may be required to  
21 mitigate the adverse parking impacts of specific multifamily projects. Projects that generate a  
22 greater need for parking and that are located in places where the street cannot absorb that need  
23 — for example, because of proximity to the Alki Beach Park — may be required to provide  
24 additional parking spaces to meet the building's actual need. In determining that need, the size of  
25 the development project, the size of the units and the number of bedrooms in the units shall be  
26 considered.  
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Section 76. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2010, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2010.

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2010.

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

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2010.

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

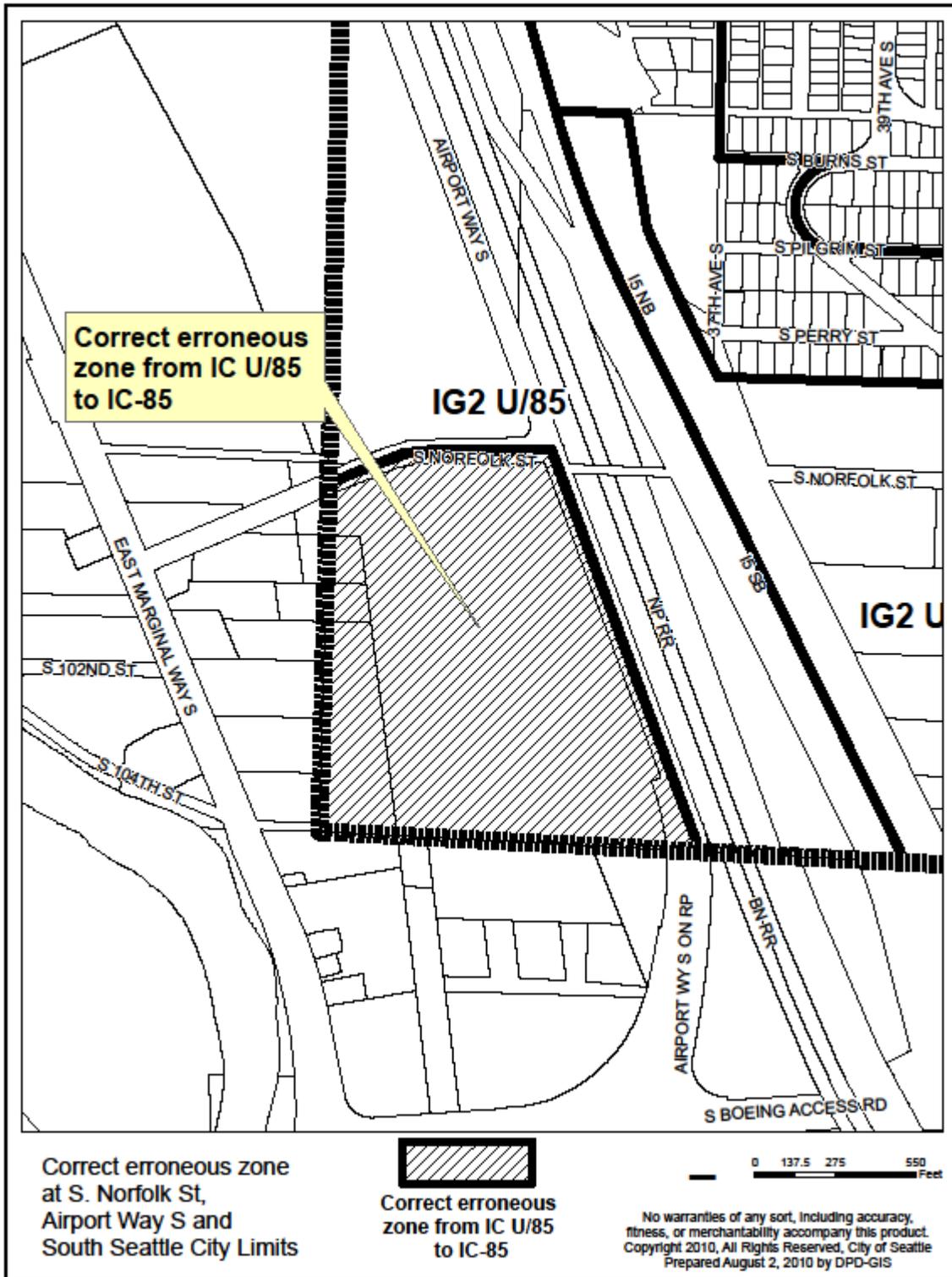
(Seal)

Exhibit A



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