

ORDINANCE _____

1
2 AN ORDINANCE relating to land use and zoning, amending Sections 23.22.062, 23.22.100,
3 23.24.040, 23.24.045, 23.24.046, 23.28.030, 23.41.012, and 23.44.010, to require
4 standards for configuration of platted lots and to add specific standards for development
5 on lots qualifying for exceptions to minimum lot area standards in Single Family zones.

6 WHEREAS, the City of Seattle lacks specific standards for configuration of platted lots,
7 although lot configuration standards are required by land use regulations in many other
8 urban jurisdictions; and

9 WHEREAS, lack of lot configuration standards has resulted in odd shaped lots out of character
10 with the platting pattern of a neighborhood or development that is out of character with a
11 neighborhood, such as concentration of development near a street instead of more evenly
12 distributed over an entire lot; and

13 WHEREAS, odd shaped lots in all zones raise issues of confusion as to location of property
14 lines, present issues of access to portions of lots for use and maintenance, potential
15 confusion of ownership and loss of property or creation of nonconformity due to claims
16 of adverse possession, and may interfere with the purpose of other development standards
17 including but not limited to yard, setback, or lot coverage requirements; and

18 WHEREAS, development of some lots not meeting minimum area standards has further
19 contributed to lots out of character with the platting pattern of a neighborhood or
20 development that is out of character with a neighborhood or out of scale with the size of
21 the lot;

22 NOW THEREFORE,

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

24 Section 1. Section 23.22.100 of the Seattle Municipal Code, which Section was last
25 amended by Ordinance 122615, is amended as follows:

26 **23.22.100 Design standards((=))**

27 Except as provided in Section 23.22.106, design of all subdivisions shall conform to the
28 standards set forth in this subsection 23.22.100:

1 A. Streets and Alleys.

2 1. All subdivisions shall be served by one (~~((1))~~) or more streets providing
3 adequate ingress and egress to and from the subdivision.

4 2. New streets within each subdivision shall conform (~~((with))~~)to the City's
5 thoroughfare and circulation plans and shall provide for the continuation of streets that serve the
6 property contiguous to the subdivision. Streets serving lots on two (~~((2))~~) sides shall be at least
7 (~~((sixty-))~~)60(~~(())~~) feet wide unless a narrower street is warranted by special physical
8 circumstances as determined by the Director, in consultation with the Director of Transportation,
9 or as specified in Section 3.1.2b (for nonarterial streets) or 3.1.1a (for arterials) of the Right-of-
10 Way Improvements Manual.
11

12 3. Street intersections shall be as nearly at right angles as practicable and in no
13 event shall the angle formed be less than (~~((thirty-))~~)30(~~(())~~) degrees.

14 4. A cul-de-sac shall be designed according to the Right-of-Way Improvements
15 Manual to provide a circular turnaround at the closed end. A tee or other reasonable alternative
16 may be authorized by the Hearing Examiner in lieu of the turnaround. Cul-de-sac streets shall not
17 exceed (~~((four hundred fifty-))~~)450(~~(())~~) feet in length and the right-of-way shall be at least (~~((fifty-))~~)
18 (~~(())~~)50(~~(())~~) feet wide, except under special circumstances a lesser width (~~((will be))~~)is permitted.
19

20 5. Street networks shall provide ready access for fire and other emergency
21 vehicles and equipment, and routes of escape for inhabitants.
22

23 6. Alleys shall be at least (~~((sixteen-))~~)16(~~(())~~) feet wide plus such additional width
24 as (~~((shall be))~~)is necessary for an adequate turning radius.
25

1 B. Blocks. Blocks shall be designed to assure traffic safety and ease of traffic control and
2 circulation. Blocks shall be identified by letters or numbers.

3 C. Lots.

4 1. Every lot shall be provided with convenient pedestrian and vehicular access to
5 a street or to a permanent appurtenant easement that satisfies the requirements of Sections
6 23.53.005 and 23.53.006.

8 2. Lots shall be numbered with reference to blocks.

9 3. Every lot, except unit lots and lots proposed to be platted for individual live-
10 work units in zones where live-work units are permitted, shall conform to the following
11 standards for lot configuration, unless a waiver or modification is authorized under section
12 23.22.100.D:

14 a. If a lot is proposed with street frontage, then one lot line shall abut the
15 street for at least 10 feet; and

16 b. No lot shall be less than 10 feet wide for a distance of more than 10 feet
17 as measured at any point; and

19 c. No proposed lot shall have more than six separate lot lines. The lot
20 lines must be straight lines; and

21 d. If there is an alley adjacent to the property proposed for subdivision,
22 and the adjacent alley is either improved or required to be improved according to the standards of
23 Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except
24 that access from a street to an existing use or structure is not required to be changed to alley
25

1 access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for
2 the zone in which the property is located.

3 D. Waiver or modification. The standards of subsection 23.22.100.C.3 may be waived or
4 modified by the Director, as a part of the review of a proposed platting action, if the applicant
5 demonstrates that the proposed plat meets the following criteria:

6 1. The property has at least one of the following conditions not created by the
7 applicant:

8 a. Location of streets adjacent to the property forms an irregular pattern
9 instead of a grid system and the street pattern requires platting of one or more lots that cannot
10 reasonably meet the standards of subsection 23.22.100.C.3;

11 b. The existing property lines prior to platting form an irregular shape that
12 requires platting of one or more lots that cannot reasonably meet the standards of subsection
13 23.22.100.C.3;

14 c. Natural topographic features or natural obstructions prevent the platting
15 of one or more lots according to the standards of subsection 23.22.100.C.3;

16 d. Location of existing structures on existing lots prior to the proposed
17 platting require a platting configuration of one or more lots that cannot reasonably meet the
18 standards of subsection 23.22.100.C.3;

19 e. Location of existing easements or feasibility of access to portions of the
20 property prevents the configuration of proposed plat lines that meet the standards of subsection
21 23.22.100.C.3.

1 f. Other similar conditions are present that prevent application of the
2 standards of subsection 23.22.100.C.3

3 2. Waiver or modification of the standards of subsection 23.22.100.C.3 shall be
4 the minimum necessary to allow platting of lots that each contain a building area for
5 development that meets the development standards of the zone in which the proposed plat is
6 located.

7 3. Lots created under the waiver or modification standards of this subsection
8 23.22.100.D shall not have a configuration that requires a variance from setbacks and yard
9 requirements of the Land Use Code or a variance or exception from the Regulations for
10 Environmentally Critical Areas for any development that may be proposed on the lots.

11 ~~((D))~~E. Design Standards for Pedestrian Access and Circulation. Design of sidewalks
12 and private sidewalk easements for pedestrian access and circulation shall meet the standards of
13 the Right-of-Way Improvement Manual.

14 ~~((E))~~F. Drainage, Storm Sewer and Utility Easements.

15 1. Easements for drainage channels and ways shall be of sufficient width to
16 assure that they may be maintained and improved. Easements for storm sewers shall be provided
17 and shall be of sufficient width and in proper location to permit future installation. Utility
18 easements shall be in accordance with plans and specifications prepared by the appropriate City
19 department.

20 2. Easements for electric, telephone, water, gas and similar utilities shall be of
21 sufficient width to assure installation and maintenance.

1 ((F))G. Underground Utility Installation. Subdivisions located adjacent to subdivisions
2 having underground utility lines shall provide underground utility lines including but not limited
3 to those for electricity, telephone, CATV and street lighting.

4 Section 2. Section 23.24.040 of the Seattle Municipal Code, which Section was last
5 amended by Ordinance 122615, is amended as follows:

6 **23.24.040 Criteria for approval((F))**

7 A. The Director shall, after conferring with appropriate officials, use the following
8 criteria to determine whether to grant, condition or deny a short plat:
9

10 1. Conformance to the applicable Land Use Code provisions, as modified by this
11 chapter;

12 2. Adequacy of access for pedestrians, vehicles, utilities and fire protection as
13 provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and
14 circulation;

15 3. Adequacy of drainage, water supply and sanitary sewage disposal;

16 4. Whether the public use and interests are served by permitting the proposed
17 division of land;
18

19 5. Conformance to the applicable provisions of Section 25.09.240, Short
20 subdivisions and subdivisions, in environmentally critical areas;

21 6. Whether the proposed division of land is designed to maximize the retention of
22 existing trees;
23

1 7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions,
2 when the short subdivision is for the purpose of creating separate lots of record for the
3 construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-
4 family housing; and

5 8. Conformance to the provisions of Section 23.24.046, Multiple single-family
6 dwelling units on a single-family lot, when the short subdivision is for the purpose of creating
7 two ~~((2))~~ or more lots from one ~~((1))~~ lot with more than one ~~((1))~~ existing single-family
8 dwelling unit.

9 9. Every lot except unit lots and lots proposed to be platted for individual live-
10 work units in zones where live-work units are permitted, shall conform to the following
11 standards for lot configuration, unless a waiver or modification is authorized under section
12 23.24.040.B:

13 a. If a lot is proposed with street frontage, then one lot line shall abut the
14 street for at least 10 feet; and

15 b. No lot shall be less than 10 feet wide for a distance of more than 10 feet
16 as measured at any point; and

17 c. No proposed lot shall have more than six separate lot lines. The lot
18 lines must be straight lines; and

19 d. If there is an alley adjacent to the property proposed for subdivision,
20 and the adjacent alley is either improved or required to be improved according to the standards of
21 Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except
22

1 that access from a street to an existing use or structure is not required to be changed to alley
2 access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for
3 the zone in which the property is located.

4 B. Waiver or modification. The standards of subsection 23.24.040.A.9 may be waived or
5 modified by the Director, as a part of the review of a proposed platting action, if the applicant
6 demonstrates that the proposed plat meets the following criteria:

7 1. The property has at least one of the following conditions not created by the
8 applicant:

9 a. Location of streets adjacent to the property forms an irregular pattern
10 instead of a grid system and the street pattern requires platting of one or more lots that cannot
11 reasonably meet the standards of subsection 23.24.040.A.9;

12 b. The existing property lines prior to platting form an irregular shape that
13 requires platting of one or more lots that cannot reasonably meet the standards of subsection
14 23.24.040.A.9;

15 c. Natural topographic features or natural obstructions prevent the platting
16 of one or more lots according to the standards of subsection 23.24.040.A.9;

17 d. Location of existing structures on existing lots prior to the proposed
18 platting require a platting configuration of one or more lots that cannot reasonably meet the
19 standards of subsection 23.24.040.A.9;

1 e. Location of existing easements or feasibility of access to portions of the
2 property prevents the configuration of proposed plat lines that meet the standards of subsection
3 23.24.040.A.9.

4 f. Other similar conditions are present that prevent application of the
5 standards of subsection 23.24.040.A.9

6 2. Waiver or modification of the standards of subsection 23.24.040.A.9 shall be
7 the minimum necessary to allow platting of lots that each contain a building area for
8 development that meets the development standards of the zone in which the proposed plat is
9 located.

10 3. Lots created under the waiver or modification standards of this subsection
11 23.24.040.B shall not have a configuration that requires a variance from setbacks and yard
12 requirements of the Land Use Code or a variance or exception from the Regulations for
13 Environmentally Critical Areas for any development that may be proposed on the lots.

14 ((B))C. If the short subdivision contains a proposed dedication, the Director shall refer
15 the matter to the Director of Transportation for report and recommendation. The short plat or
16 dedication instrument shall be transmitted to the City Council for acceptance of the dedication by
17 ordinance.

18 Section 3. Section 23.24.046 of the Seattle Municipal Code, which Section was last
19 amended by Ordinance 121476, is amended as follows:

20 **23.24.046 Multiple single-family dwelling units on a single-family lot((=))**

1 3. Every proposed adjusted lot shall conform to the following standards for lot
2 configuration, unless a waiver or modification is authorized under section 23.28.030.A.4:

3 a. If a lot is proposed with street frontage, then one lot line shall abut the
4 street for at least 10 feet; and

5 b. No lot shall be less than 10 feet wide for a distance of more than 10 feet
6 as measured at any point; and

7 c. No proposed lot shall have more than six separate lot lines. The lot
8 lines must be straight lines; and

9 d. If there is an alley adjacent to the property proposed for subdivision,
10 and the adjacent alley is either improved or required to be improved according to the standards of
11 Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except
12 that access from a street to an existing use or structure is not required to be changed to alley
13 access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for
14 the zone in which the property is located.

15 4. Waiver or modification. The standards of subsection 23.28.030.A.3 may be
16 waived or modified by the Director, as a part of the review of a proposed lot boundary
17 adjustment, if the applicant demonstrates that the proposed lot boundary adjustment meets the
18 following criteria:

19 a. The property has at least one of the following conditions not created by
20 the applicant:

1 1) Location of streets adjacent to the property forms an irregular
2 pattern instead of a grid system and the street pattern requires configuration of one or more
3 adjusted lots that cannot reasonably meet the standards of subsection 23.28.030.A.3;

4 2) The existing property lines prior to platting form an irregular
5 shape that requires configuration of one or more adjusted lots that cannot reasonably meet the
6 standards of subsection 23.28.030.A.3;

7 3) Natural topographic features or natural obstructions prevent the
8 configuration of one or more adjusted lots according to the standards of subsection
9 23.28.030.A.3;

10 4) Location of existing structures on existing lots prior to the
11 proposed lot boundary adjustment require a configuration of one or more adjusted lots that
12 cannot reasonably meet the standards of subsection 23.28.030.A.3;

13 5) Location of existing easements or feasibility of access to
14 portions of the property prevents the configuration of adjusted lot lines that meet the standards of
15 subsection 23.28.030.A.3.

16 6) Other similar conditions are present that prevent application of
17 the standards of subsection 23.28.030.A.3.

18 b. Waiver or modification of the standards of subsection 23.28.030.A.3
19 shall be the minimum necessary to allow adjusted lots that each contain a building area for
20 development that meets the development standards of the zone in which the proposed lot
21 boundary adjustment is located.

1 c. Adjusted lots created under the waiver or modification standards of this
2 subsection 23.28.030.A.4 shall not have a configuration that requires a variance from setbacks
3 and yard requirements of the Land Use Code or a variance or exception from the Regulations for
4 Environmentally Critical Areas for any development that may be proposed on the adjusted lots.

5 ((3))5. No lot is created ((which))that does not have adequate drainage, water
6 supply and sanitary sewage disposal, and access for vehicles, utilities and fire protection;

7 ((4))6. The lot boundary adjustment is consistent with applicable provisions of
8 the Land Use Code, Title 23.

9 B. An application for a lot boundary adjustment on a parcel containing an((d))
10 environmentally critical area or buffer shall include the information described in Section
11 25.09.330, unless the Director determines that some of the information listed is not necessary for
12 reviewing the application.

13 Section 5. Section 23.41.012 of the Seattle Municipal Code, which Section was last
14 amended by Ordinance 123392, is amended as follows:

15 **23.41.012 Development standard departures**

16 A. Departure from Land Use Code requirements may be permitted for new multifamily,
17 commercial, and Major Institution development as part of the design review process. Departures
18 may be allowed if an applicant demonstrates that departures from Land Use Code requirements
19 would result in a development that better meets the intent of adopted design guidelines.

20 B. Departures may be granted from any Land Use Code standard or requirement, except
21 for the following:

* * *

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2 23. Lot configuration standards in subsections 23.22.100.C.3, 23.24.040.A.9, and
3 23.28.030.A.3.

4 Section 6. Section 23.44.010 of the Seattle Municipal Code, which Section was last
5 amended by Ordinance 123046, is amended as follows:

6 **23.44.010 Lot requirements**

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8 * * *

9 B. Exceptions to Minimum Lot Area. The following exceptions to minimum lot area are
10 subject to the limits of subsection 23.44.010.B.5 and to the development standards for undersized
11 lots in subsection 23.44.010.C. A lot (~~which~~)that does not satisfy the minimum lot area
12 requirements of its zone may be developed or redeveloped as a separate building site according
13 to the following:
14

15 1. In order to recognize separate building sites established in the public record
16 under previous codes, to allow the consolidation of very small lots into larger lots, to adjust lot
17 lines to permit more orderly development patterns, and to create additional buildable sites out of
18 oversized lots which are compatible with surrounding lots, the following exceptions are
19 permitted if the Director determines that:
20

21 a. The lot was established as a separate building site in the public records
22 of the county or City prior to July 24, 1957 by deed, contract of sale, mortgage, property tax
23 segregation, platting or building permit and has an area of at least seventy-five (75) percent of
24 the minimum required lot area and at least eighty (80) percent of the mean lot area of the lots on
25

1 the same block face and within the same zone in which the lot is located (Exhibit 23.44.010 A),

2 or

3 b. The lot is or was created by subdivision, short subdivision or lot
4 boundary adjustment, and is at least seventy-five (75) percent of the minimum required lot area
5 and is at least eighty (80) percent of the mean lot area of the lots on the same block face within
6 which the lot will be located and within the same zone (Exhibit 23.44.010 A); and

7
8 c. New lots created pursuant to subsection 23.44.010.B.1.b shall comply
9 with the configuration requirements of subsections 23.22.100.C.3, 23.24.040.A.9, and
10 23.28.030.A.3 or with the waiver or modification provisions of subsections 23.22.100.D,
11 23.24.040.B, or 23.28.030.A.4, as applicable; or

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

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

20 4. The lot was established as a separate building site in the public records of the
21 county or City prior to July 24, 1957 by deed, contract of sale, mortgage, property tax

1 segregation, platting or building permit, and falls into one (1) of the following categories;

2 provided that, lots on totally submerged lands shall not qualify for this exception:

3 a. The lot is not held in common ownership with any contiguous lot on or
4 after the effective date of the ordinance from which this subsection derives,¹ or

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

12 c. The lot is or has been held in common ownership with a contiguous lot
13 on or after the effective date of the ordinance from which this subsection derives¹ and is not
14 developed with all or part of a principal structure; provided, that no portion of the lot is required
15 to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in
16 effect for a principal structure on the contiguous lot at the time of the construction of the
17 principal structure, at the time of its subsequent additions, or which are in effect at the time of the
18 development of the lot (Exhibit 23.44.010 B); and provided further, that if any portion of the lot
19 to be developed has been used to meet the parking requirement in effect for a principal structure
20 on a contiguous lot, such parking requirement can and shall be legally met on the contiguous lot.
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1 For purposes of this subsection B4, removal of all or any part of a
2 principal structure or destruction by fire or act of nature on or after the effective date of the
3 ordinance from which this subsection derives¹ shall not qualify the lot for the minimum lot area
4 exception (Exhibit 23.44.010 C) except that minor features containing no interior floor area
5 including but not limited to eaves and unenclosed decks extending onto an adjacent property do
6 not serve to tie the properties together for purposes of this exception, and these features may be
7 removed to allow separate development of the lots if they otherwise qualify; or
8

9 5. Development may occur on a substandard lot containing a riparian corridor, a
10 shoreline habitat and shoreline habitat buffer, a wetland and wetland buffer, or a steep slope and
11 steep slope buffer pursuant to the provisions of SMC Chapter 25.09, Regulations for
12 Environmentally Critical Areas, if the following conditions apply:
13

14 a. The substandard lot is not held in common ownership with an adjacent
15 lot or lots at any time after the effective date of SMC Chapter 25.09, Regulations for
16 Environmentally Critical Areas, or
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18 b. The substandard lot is held in common ownership with an adjacent lot
19 or lots, or has been held in common ownership at any time after the effective date of SMC
20 Chapter 25.09, Regulations for Environmentally Critical Areas², but proposed and future
21 development will not intrude upon the environmentally critical area or buffer;
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23 6. Lots contained in a clustered housing planned development (Section
24 23.44.024), a planned residential development (Section 23.44.034), or a clustered development
25 in an environmentally critical area.
26

1 Section 7. Section 23.44.012.A of the Seattle Municipal Code, which Section was
2 last amended by Ordinance 123564, is amended as follows:

3 **23.44.012 Height Limits**

4 A. Maximum Height Established.

5 1. Except as permitted in Section 23.44.041.B, and except as provided in
6 subsections 23.44.012.A.2 and A.3, the maximum permitted height for any structure not located
7 in a required yard is 30 feet.

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9 2. The maximum permitted height for any structure on a lot 30 feet or less in
10 width is 25 feet.

11 3. The maximum permitted height for any structure on a lot of less than 2,500
12 square feet total area is 22 feet.

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14 4. The method of determining structure height and lot width is detailed in Chapter
15 23.86, Measurements.

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17 Section 8. The provisions of this ordinance are declared to be separate and severable.
18 The invalidity of any particular provision shall not affect the validity of any other provision.

19 Section 9. Except as otherwise provided herein, this ordinance shall take effect and be in
20 force 60 days from and after its approval by the Mayor, but if not approved and returned by the
21 Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal
22 Code Section 1.04.020.
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Passed by the City Council the ____ day of _____, 2011, and
signed by me in open session in authentication of its passage this
____ day of _____, 2011.

President _____ of the City Council

Approved by me this ____ day of _____, 2011.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

City Clerk

(Seal)