CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; amending Sections 23.22.062, 23.22.066, 23.22.074, 23.22.100, 23.24.020, 23.24.040, 23.24.045, 23.28.030, 23.40.020, 23.41.004, 23.41.012, 23.42.124, 23.43.008, 23.43.010, 23.43.012, 23.44.014, 23.44.016, 23.44.018, 23.44.026, 23.44.028, 23.44.030, 23.44.036, 23.44.041, 23.44.044, 23.45.502, 23.45.508, 23.45.510, 23.45.514, 23.45.518, 23.45.520, 23.45.522, 23.45.526, 23.45.529, 23.45.532, 23.45.536, 23.45.545, 23.45.570, 23.47A.004, 23.47A.005, 23.47A.008, 23.47A.009, 23.47A.013, 23.47A.014, 23.47A.032, 23.49.013, 23.49.014, 23.49.015, 23.49.025, 23.49.181, 23.50.038, 23.50.044, 23.52.002, 23.52.008, 23.53.005, 23.53.006, 23.53.035, 23.54.015, 23.54.025, 23.54.030, 23.55.034, 23.55.040, 23.58A.024, 23.66.030, 23.66.032, 23.66.115, 23.66.318, 23.69.032, 23.71.014, 23.71.018, 23.72.008, 23.72.010, 23.75.015, 23.75.020, 23.75.140, 23.75.170, 23.76.004, 23.76.012, 23.76.020, 23.76.022, 23.76.024, 23.76.026, 23.76.032, 23.76.046, 23.76.050, 23.76.056, 23.79.010, 23.84A.002, 23.84A.006, 23.84A.018, 23.84A.028, 23.84A.030, 23.84A.032, 23.84A.036, 23.84A.038, 23.84A.040, 23.84A.048, 23.86.007, 23.86.016, 23.88.020, 23.90.018, 23.90.019, 23.91.002, 25.05.350, and 25.05.675 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.22.062 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.22.062 Unit lot subdivisions

A. The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of land for townhouse, rowhouse, ((~~and~~))cottage housing developments in all zones in which these uses are permitted, ((~~as permitted in Single-Family, Residential Small Lot and Lowrise zones~~)) for existing apartment structures in multifamily zones that were built prior to January 1, 1982 as single-family dwelling units that meet the conditions for a FAR exemption in subsection 23.45.510.E.3 or a density exception in subsection 23.45.512.E, but not individual apartment units, and for single-family dwelling units in ((~~Lowrise~~))LR zones, or any combination of the above types of residential development, as permitted in the applicable zones.

* * *

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open spaces for cottage housing), and other similar features, as recorded with the((~~Director of the~~)) King County ((~~Department of Records and Elections~~))Recorder.

E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the ((~~Director of the~~))King County ((~~Department of Records and Elections~~))Recorder.

F. The fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the King County ((~~Department of Records and Elections~~))Recorder.

Section 2. Section 23.22.066 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.22.066 Technical standards for final plat

A. A final plat shall ((~~be prepared upon the best grade of tracing medium and shall~~))be 18 inches by ((~~22~~))24 inches in size. The accuracy and completeness of the map are the sole responsibility of a registered land surveyor whose seal shall appear on the plat and who shall make field surveys and investigations as necessary to insure that the map is complete and accurate in every detail. The preparation of the ((~~tracing~~))final plat shall be by an experienced drafts person and work shall conform to established standards of workmanship. The final plat shall be presented at a scale not smaller than 100 feet to 1((-)) inch and shall contain and show the following:

1. The name of the subdivision;

2. The lines, widths and names of all streets, avenues, places, parks or other public property, and the location of monuments marking the same;

3. The length and direction of all lot lines, also the angles made by lot lines with the street lines;

4. The location of control points and monuments together with all ties;

5. The names of all subdivisions immediately adjacent;

6. The scale and north point;

7. The boundary of the tract as covered by the plat showing courses and distance on the plat;

8. The initial point;

9. All protective improvements and restrictions on uses; and

10. All dedications and all conveyances to a homeowner's nonprofit maintenance corporation in lieu of dedication.

* * *

Section 3. Section 23.22.074 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.22.074 Council determination of final plat

A. The Council shall determine:

1. Whether a final plat is in substantial conformance with the approved preliminary plat;

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

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

4. Whether the covenant described in subsection 23.22.070.E.2, if required, has been executed in form and substance acceptable to the Council; and

5. Whether the requirements of state law and the Seattle Municipal Code that were in effect at the time of preliminary plat approval have been satisfied by the sub-divider.

B. The Council shall approve by ordinance, disapprove, or return the proposed final plat. If the Council approves the plat, it shall inscribe and execute its written approval on the face of the plat, and the Director of Transportation shall transmit the original plat to the King County Recorder for filing, and forward one copy to the Director and one copy to the County Assessor. At least one copy of the approved final plat shall be retained in the files of the Director of Transportation.

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

Section 4. Section 23.22.100 of the Seattle Municipal Code, last amended by Ordinance 123809, is amended as follows:

23.22.100 Design standards

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

* * *

C. Lots((~~.~~))

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

2. Lots shall be numbered with reference to blocks.

3. Every lot, except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection

23.22.100.D:

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

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

c. No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly-shaped lot line is caused by an existing right-of-way or an existing lot line; and

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

* * *

Section 5. Section 23.24.020 of the Seattle Municipal Code, last amended by Ordinance 122615, is amended as follows:

23.24.020 Content of application((~~.~~))

Applications for approval of a short subdivision shall include the following:

* * *

G. Specific location and description of all trees at least ((~~six (~~))6((~~)~~)) inches in diameter measured ((~~four and one-half (4½)~~))4.5 feet above the ground, with complete scientific and common names of species indicated.

Section 6. Section 23.24.040 of the Seattle Municipal Code, last amended by Ordinance 123809, is amended as follows:

23.24.040 Criteria for approval

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

* * *

9. Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:

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

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

c. No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and

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

* * *

Section 7. Section 23.24.045 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.24.045 Unit lot subdivisions

A. The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of land for townhouse, rowhouse, ((~~and~~))cottage housing developments in all zones in which these uses are permitted, ((~~as permitted in Single-Family, Residential Small Lot and Lowrise zones~~)) for existing apartment structures in multifamily zones that were built prior to January 1, 1982 as single-family dwelling units and that meet the conditions for a FAR exemption in subsection 23.45.510.E.3 or a density exception in subsection 23.45.512.E, but not individual apartment units, and for single-family dwelling units in ((~~Lowrise~~))LR zones, or any combination of the above types of residential development, as permitted in the applicable zones.

* * *

Section 8. Section 23.28.030 of the Seattle Municipal Code, last amended by Ordinance 123809, is amended as follows:

23.28.030 Criteria for approval

A. The Director shall approve an application for a lot boundary adjustment if it is determined that:

1. No additional lot, tract, parcel, site or division is created by the proposed adjustment;

2. No lot contains insufficient area and dimensions to meet the minimum requirements for development as calculated under the development standards of the zone in which the lots affected are situated, except as provided in Section 23.44.010, and under any applicable regulations for siting development on parcels with riparian corridors, shoreline habitat, shoreline habitat buffers, wetlands, wetland buffers or steep slopes in Chapter 25.09. Adjusted lots shall continue to be regarded as existing lots for purposes of Chapter 25.09. Any required nondisturbance area shall be legibly shown and described on the site plan, and a

covenant shall be required as set out in Section 25.09.335;

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

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

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

c. No adjusted lot shall have more than six separate lot lines. The lot lines shall be straight lines unless the irregularly shaped lot line is caused by an existing right-of-way or existing lot line; and

d. If an adjusted lot is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no adjusted lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Either ((~~P~~))proposed adjusted lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located or provide an access easement from the adjusted lot or lots to the alley that meets access standards for the zone in which the property is located.

* * *

Section 9. Section 23.40.020 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.40.020 Variances

A. Variances may be sought from the provisions of Subtitle III, Divisions 2, 3 and 4 of this ((~~Land Use Code~~))Title 23, except for the establishment of a use that is otherwise not permitted in the zone in which it is proposed, for a structure height in excess of that shown on the Official Land Use Map or in excess of a height limit established in ((~~this Land Use Code~~))Chapter 23.75, from the provisions of ((~~S~~))subsection 23.55.014.A, or from the provisions

of Chapters 23.52 and 23.58A. Applications for prohibited variances shall not be accepted for filing.

* * *

Section 10. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 123963, 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:

Table A for 23.41.004((~~:~~))
Thresholds for Design Review

	((~~***Zone***~~))**Zone**	((~~***Threshold***~~))**Threshold**
a.	Lowrise 3(LR3)	((~~8~~))Eight dwelling units
b.	Midrise (MR)	((~~20~~))Twenty dwelling units
c.	Highrise (HR)	((~~20~~))Twenty dwelling units
d.	Neighborhood Commercial (NC1, NC2, NC3)	((~~4~~))Four dwelling units or 4,000 square feet of non-residential gross floor area
e.	Commercial (C1, C2)	((~~4~~))Four dwelling units or 12,000 square feet of non-residential gross floor area, located on a lot in an urban center or urban village[1], or on a lot that abuts or is across a street or alley from a lot zoned single family, or on a lot located in the area bounded by: NE 95th St., NE 145th St., 15th Ave. NE, and Lake Washington
f.	Seattle Mixed (SM)	((~~20~~))Twenty dwelling units or 12,000 square feet of non-residential gross floor area
g.	Industrial Commercial (IC) zone within all designated urban villages and centers	12,000 square feet of non-residential gross floor area
h.	Master Planned Community (MPC)[2]	((~~20~~))Twenty dwelling units or 12,000 square feet of non-residential gross floor area

Footnotes to Table A for 23.41.004:

[1] Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

[2] If an application in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020. If an application in a Master Planned Community zone includes a request for departures, then the applicable design review procedures are in Section 23.41.014.

((~~Footnotes to Table A for 23.41.004~~

~~1 Urban centers and urban villages are identified in the Seattle Comprehensive Plan.~~

~~2 If an application in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020. If an application in a Master Planned Community zone includes a request for departures, then the applicable design review procedures are in Section 23.41.014.~~))

* * *

5. Streamlined administrative design review to protect trees. As provided in Sections 25.11.070 and 25.11.080, streamlined administrative design review pursuant to Section 23.41.018 is required for <u>any</u> new ((~~multifamily and commercial~~))development proposals in ((~~Lowrise~~))<u>LR</u>, ((~~Midrise~~))<u>MR</u>, and commercial zones if an exceptional tree, as defined in Section 25.11.020, is located on the lot and is not proposed to be preserved, if design review would not otherwise be required by this subsection 23.41.004.A.

* * *

8. Streamlined administrative design review (SDR) pursuant to Section 23.41.018 is required for all new ((~~townhouse~~))developments that include at least three townhouse units, if design review is not otherwise required by this subsection 23.41.004.A.

B. Design ((~~R~~))<u>r</u>eview <u>-</u> ((~~—O~~))<u>o</u>ptional((~~.~~))

1. <u>Full</u> ((~~D~~))<u>d</u>esign review is optional to any applicant for new multifamily, commercial or Major Institution development proposals not otherwise subject to this Chapter 23.41, <u>if the new development proposal not otherwise subject to this Chapter 23.41 is</u> in the Stadium Transition Area Overlay District <u>or if the new proposal is</u> ((~~and~~))in ((~~all~~))<u>any</u> multifamily, commercial ((~~and~~))<u>or</u> downtown zone((~~s~~)).

2. Administrative design review is optional for any applicant for new multifamily or commercial development proposals <u>if the new multifamily or commercial development proposal does not exceed the thresholds provided in Table A for 23.41.004 and is not otherwise</u>

subject to this Chapter 23.41 if the proposal is in the Stadium Transition Area Overlay District, or is ((~~and~~))in any multifamily, commercial, ((~~and~~))or downtown zone((~~s~~)), according to the process described in Section 23.41.016. Projects that are not otherwise subject to this Chapter 23.41 and are in any multifamily zone not listed in Table A for 23.41.004 are eligible only for optional full design review under subsection 23.41.004.B.1 if the unit count exceeds 20 units. If the unit count is 20 units or less, then the project applicant may pursue administrative design review.

* * *

Section 11. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.41.012 Development standard departures

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

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

* * *

16. Structure height, except that:

a. Within the Roosevelt Commercial Core building height departures up to an additional 3 feet may be granted for properties zoned NC3-65, (Map A for 23.41.012, Roosevelt Commercial Core);

b. Within the Ballard Municipal Center Master Plan area building height departures may be granted for properties zoned NC3-65, (Map B for 23.41.012, Ballard Municipal Center Master Plan Area). The additional height may not exceed 9 feet, and may be

granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan;

c. In Downtown zones building height departures may be granted for minor communication utilities as set forth in subsection 23.57.013.B;

d. Within the Uptown Urban Center building height departures up to 3 feet of additional height may be granted if the top floor of the structure is set back at least 6 feet ((~~in addition to all required building setbacks~~))from all lot lines abutting streets;

e. Within the Upper Queen Anne Hill Residential Urban Village and Neighborhood Commercial zones within the Upper Queen Anne neighborhood, (Map C for 23.41.012, Upper Queen Anne Commercial Areas), building height departures up to 3 feet of additional height may be granted if the top floor of the structure is set back at least 6 feet ((~~in addition to all required building setbacks~~))from all lot lines abutting streets;

f. Within the PSM 85-120 zone in the area shown on Map A for 23.49.180, departures may be granted from development standards that apply as conditions to additional height, except for floor area ratios and provisions for adding bonus floor area above the base FAR;

* * *

29. Measurements; ((~~and~~))

30. Lot configuration standards in subsections 23.22.100.C.3, 23.24.040.A.9, and 23.28.030.A.3, which may be modified as authorized in those provisions; and

31. Standards for structural building overhangs in Section 23.53.035.

* * *

E. Departures for retaining character structures on lots in the Pike/Pine Conservation Overlay District. Departures from the conditions in subsections 23.73.010.B.2.((~~b~~))c and 23.73.014.B.2 when retaining a character structure as part of a new project may be granted if the following conditions are met:

1. The retained portion of the character structure is sufficient to give the appearance of a free-standing structure; or

2. The newly-constructed portion of the project, through vertical or horizontal modulation or other design treatments, generally provides for better integration of the physical appearance and arrangement of interior spaces between the character structure and the new project than would occur through the strict application of subsection 23.73.010.B.2.((~~b~~))c or 23.73.014.B.2; or

3. Additional flexibility is necessary to maintain a character structure on a small development lot that is 8,000 square feet or less in size; and

4. The ground story of the character structure can accommodate the elements of the proposed new structure, such as a mezzanine or additional story, while maintaining the original character of the character structure by((~~:~~)) retaining sufficient portions of the ground floor that are visible from the street at the original floor to ceiling height, through appropriate placement and design of the new structure, or through other design means that are consistent with the Pike/Pine Urban Center Design Guidelines.

* * *

Section 12. Section 23.42.124 of the Seattle Municipal Code, last amended by Ordinance 123209, is amended as follows:

23.42.124 Light and glare standards nonconformity

When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of the light and glare standards of the respective zone. See subsection 23.44.008.H ((~~of Section 23.44.008~~))for single-family zones; Section((~~s 23.45.017 and~~)) 23.45.534 for multifamily zones; Section 23.46.020 for residential-commercial zones; Section 23.47A.022 for C zones or NC zones; Section 23.48.030 for Seattle Mixed zones; Section 23.49.025 for downtown zones; and Section 23.50.046 for industrial buffer and industrial commercial zones.

Section 13. Section 23.43.008 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.43.008 Development standards for one dwelling unit per lot

* * *

D. Yards and setbacks((~~.~~))

* * *

3. Exceptions from ((~~S~~))standard ((~~Y~~))yard and ((~~S~~))setback ((~~R~~))requirements. The following parts of structures may project into a required yard or setback, provided that the applicable restrictions in subsections 23.43.008.D.3 and 23.43.008.D.4 are met:

a. Uncovered porches or steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, are no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard. The heights of porches and steps are to be calculated separately.

b. Certain features of a structure((~~.~~))

1) External architectural features with no living area, such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard or setback.

2) Bay windows that are no wider than 8 feet and project no more than 2 feet into a required front or rear yard or street side setback.

3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required yard or setback, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width.

c. A structure may be permitted to extend into front and rear yards as necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to Section

25.11.060.

* * *

Section 14. Section 23.43.010 of the Seattle Municipal Code, last amended by Ordinance 123046, is amended as follows:

23.43.010 Tandem housing

* * *

C. Yards and ((~~S~~))setbacks((~~.~~))

* * *

7. Exceptions from ((~~S~~))standard ((~~Y~~))yard, ((~~S~~))setback and ((~~I~~))interior ((~~S~~))separation ((~~R~~))requirements. For all developments, only structures that comply with the following may project into a required yard, setback or interior separation:

a. Uncovered ((~~P~~))porches or ((~~S~~))steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard, and no more than 3 feet into the interior separation between residential structures. The heights of porches and steps are to be calculated separately.

b. Certain ((~~F~~))features of a ((~~S~~))structure((~~.~~))

1) External architectural features with no living area such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard, setback or interior separation between residential structures;

2) Bay windows that are no wider than 8 feet in width and project no more than 2 feet into a required front or rear yard or street side setback;

3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required yard, setback, or interior separation between residential structures starting a minimum of 30 inches above the

height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;

4) The combined area of features that project into a required yard, setback or interior separation between residential structures pursuant to subsection 23.43.010.C.7.b may comprise no more than 30 percent of the area of the facade on which the features are located.

c. A structure may be permitted to extend into front and rear yards as necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to Section 25.11.060.

* * *

Section 15. Section 23.43.012 of the Seattle Municipal Code, last amended by Ordinance 123046, is amended as follows:

23.43.012 Cottage Housing Developments (CHDs)

* * *

E. Yards and ((~~S~~))setbacks((~~.~~))

* * *

5. Exceptions from ((~~S~~))standard ((~~Y~~))yard, ((~~S~~))setback and ((~~I~~))interior ((~~S~~))separation ((~~R~~))requirements. For all developments, only structures that comply with the following may project into a required yard, setback or interior separation:

a. Uncovered ((~~P~~))porches or ((~~S~~))steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required front setback, a side or a rear yard, if the porch or steps are no higher than 4 feet on average above existing grade, no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front setback or rear yard. The heights of porches and steps are to be calculated separately. If an interior separation of 10 feet is required pursuant to subsection 23.43.012.E.4, uncovered, unenclosed steps no higher than 4 feet on average above existing grade may project up to 3 feet into the interior separation. If an interior separation of 6 feet or less is required, porches and steps

may not project into the interior separation.

b. Certain ((~~F~~))features of a ((~~S~~))structure((~~.~~))

1) External architectural features with no living area such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard or into a required interior separation between structures;

2) Bay windows that are no wider than 8 feet and project no more than 2 feet into a required front setback or rear yard;

3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required front setback or rear yard, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;

4) The combined area of features that project into a required yard or interior separation pursuant to subsection 23.43.012.E.5.b may comprise no more than 30 percent of the area of the facade on which the features are located.

c. A structure may be permitted to extend into front setbacks and rear yards as necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to Section 25.11.060.

* * *

Section 16. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance 123939, is amended as follows:

23.44.014 Yards

* * *

C. Side ((~~Y~~))yards. The side yard shall be 5 feet except ((~~as follows:~~

~~1. I~~))in the case of a reversed corner lot, the key lot of which is in a single-family zone, the width of the side yard on the street side of the reversed corner lot shall be not less than 10 feet.

((~~2. If the side yard of a lot borders on an alley, a single-family structure may be located in the required side yard, provided that no portion of the structure may cross the side lot line.~~))

D. Exceptions from ((~~S~~))standard ((~~Y~~))yard ((~~R~~))requirements. No structure shall be placed in a required yard except pursuant to the following:

* * *

6. Certain ((~~F~~))features of a ((~~S~~))structure. Unless otherwise provided elsewhere in this ((~~c~~))Chapter 23.44, certain features of a principal or accessory structure, except for accessory dwelling units, may extend into required yards ((~~only~~))if they comply with the following:

a. External architectural details with no living area, such as chimneys, eaves, cornices and columns, may project no more than 18 inches into any required yard;

b. Bay windows are limited to 8 feet in width and may project no more than 2 feet into a required front, rear, and street side yard;

c. Other projections that include interior space, such as garden windows, may extend no more than 18 inches into any required yard, starting a minimum of 30 inches above finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;

d. The combined area of features permitted by subsections 23.44.014.D.6.b and 23.44.014.D.6.c may comprise no more than 30 percent of the area of the facade.

* * *

18. If the side yard of a lot borders on an alley, a single-family structure may be located in the required side yard, provided that no portion of the structure may cross the side lot line.

19. A structure may be permitted to extend into front and rear yards as necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to Section 25.11.060.

* * *

F. Setback standards from access easements. Setbacks are required for principal structures according to the standards in subsection 23.53.025.C.2 and 23.53.025.D.6.

Section 17. Section 23.44.016 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.44.016 Parking and ((~~G~~))garages

* * *

D. Parking and ((~~G~~))garages in ((~~R~~))required ((~~Y~~))yards((~~.~~))

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

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

3. Garages shall not be located in a required side yard that abuts the rear or side yard of another lot or in that portion of the rear yard of a reversed corner lot within 5 feet of the key lot's side lot line unless:

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

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

4. Detached garages with vehicular access facing an alley shall not be located within 12 feet of the centerline of the alley except as provided in subsections 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11 and 23.44.016.D.12.

5. Attached garages shall not be located within 12 feet of the centerline of any alley, nor within 12 feet of any rear lot line that is not an alley lot line, except as provided in subsections 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11 and 23.44.016.D.12.

6. On a reversed corner lot, no garage shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot unless the provisions of subsection 23.44.016.D.9 apply.

7. If access to required parking passes through a required yard, automobiles, motorcycles and similar vehicles may be parked on the open access located in a required yard.

8. Trailers, boats, recreational vehicles and similar equipment shall not be parked in required front and side yards or the first 10 feet of a rear yard measured from the rear lot line.

9. Lots ((~~W~~))with ((~~U~~))uphill ((~~Y~~))yards ((~~A~~))abutting ((~~S~~))streets. Parking for one two-axle or one up to four-wheeled vehicle may be established in a required yard abutting a street according to subsection 23.44.016.D.9.a or 23.44.016.D.9.b only if access to parking is permitted through that yard pursuant to subsection 23.44.016.B.

a. Open ((~~P~~))parking ((~~S~~))space((~~.~~))

1) The existing grade of the lot slopes upward from the street lot line an average of at least 6 feet above sidewalk grade at a line that is 10 feet from the street lot line; and

2) The parking area shall be at least an average of 6 feet below the existing grade prior to excavation and/or construction at a line that is 10 feet from the street lot line; and

3) The parking space shall be no wider than 10 feet for one parking space at the parking surface and no wider than 20 feet for two parking spaces if permitted as provided in subsection 23.44.016.D.12.

b. Terraced ((~~G~~))garage((~~.~~))

1) The height of a terraced garage is limited to no more than 2 feet above existing or finished grade, whichever is lower, for the portions of the garage that are 10 feet or more from the street lot line. The ridge of a pitched roof on a terraced garage may extend up to 3 feet above this 2 foot height limit. All parts of the roof above the 2 foot height limit shall be pitched at a rate of not less than ((~~four to twelve (~~))4:12((~~)~~)). No portion of a shed roof shall be permitted to extend beyond the 2 foot height limit of this provision. Portions of a terraced garage that are less than 10 feet from the street lot line shall comply with the height standards in ((~~S~~))subsection 23.44.016.E.2;

2) The width of a terraced garage structure shall not exceed 14 feet for one two-axle or one up to four-wheeled vehicle, or 24 feet if permitted to have two two-axle or two up to four-wheeled vehicles as provided in subsection 23.44.016.D.12;

3) All above ground portions of the terraced garage shall be included in lot coverage; and

4) The roof of the terraced garage may be used as a deck and shall be considered to be a part of the garage structure even if it is a separate structure on top of the garage.

10. Lots ((~~W~~))with ((~~D~~))downhill ((~~Y~~))yards ((~~A~~))abutting ((~~S~~))streets. Parking, either open or enclosed in an attached or detached garage, for one two-axle or one up to four-wheeled vehicle may be located in a required yard abutting a street if the following conditions are met:

a. The existing grade slopes downward from the street lot line that the parking faces;

b. For front yard parking, the lot has a vertical drop of at least 20 feet in the first 60 feet, measured along a line from the midpoint of the front lot line to the midpoint of the rear lot line;

c. Parking is not permitted in required side yards abutting a street;

d. Parking in a rear yard complies with subsections 23.44.016.D.2, 23.44.016.D.5 and 23.44.016.D.6;

e. Access to parking is permitted through the required yard abutting the street by subsection 23.44.016.B; and

f. A driveway access bridge is permitted in the required yard abutting the street if necessary for access to parking. The access bridge shall be no wider than 12 feet for access to one parking space or 18 feet for access to two or more parking spaces. The driveway access bridge may not be located closer than 5 feet to an adjacent property line and shall not be included in lot coverage calculations.

11. Through ((~~L~~))lots. On through lots less than 125 feet in depth, parking, either open or enclosed in an attached or detached garage, for one two-axle or one up to four-wheeled vehicle may be located in one of the required front yards. The front yard in which the parking may be located shall be determined by the Director based on the location of other garages or parking areas on the block. If no pattern of parking location can be determined, the Director shall determine in which yard the parking shall be located based on the prevailing character and setback patterns of the block.

12. Lots ((~~W~~))with ((~~U~~))uphill ((~~Y~~))yards ((~~A~~))abutting ((~~S~~))streets or ((~~D~~))downhill or ((~~T~~))through ((~~L~~))lot ((~~F~~))front ((~~Y~~))yards ((~~F~~))fronting on ((~~S~~))streets ((~~T~~))that ((~~P~~))prohibit ((~~P~~))parking. Parking for two two-axle or two up to four-wheeled vehicles may be located in uphill yards abutting streets or downhill or through lot front yards as provided in subsections 23.44.016.D.9, 23.44.016.D.10 or 23.44.016.D.11 if, in consultation with Seattle Department of Transportation, it is found that uninterrupted parking for 24 hours is prohibited on at least one side of the street within 200 feet of the lot line over which access is proposed. The Director may authorize a curb cut wider than would be permitted under Section 23.54.030 if necessary for access.

E. Standards for ((~~G~~))garages if ((~~A~~))allowed in ((~~R~~))required ((~~Y~~))yards. Garages that

are either detached structures or portions of a principal structure for the primary purpose of enclosing a two-axle or four-wheeled vehicle may be permitted in required yards according to the following conditions:

1. Maximum ((~~C~~))coverage and ((~~S~~))size((~~.~~))

a. Garages, together with any other accessory structures and other portions of the principal structure, are limited to a maximum combined coverage of 40 percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

b. Garages located in side or rear yards shall not exceed 1,000 square feet in area.

c. In front yards, the area of garages is limited to 300 square feet with 14 foot maximum width if one space is provided, and 600 square feet with 24 foot maximum width if two spaces are provided. Access driveway bridges permitted under ((~~S~~))subsection 23.44.016.D.10.f shall not be included in this calculation.

2. Height ((~~L~~))limits((~~.~~))

a. Garages are limited to 12 feet in height measured on the ((~~façade~~))facade containing the entrance for the vehicle.

b. The ridge of a pitched roof on a garage located in a required yard may extend up to 3 feet above the 12 foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than ((~~four to twelve (~~))4:12((~~)~~)). No portion of a shed roof is permitted to extend beyond the 12 foot height limit under this provision.

c. Open rails around balconies or decks located on the roofs of garages may exceed the 12 foot height limit by a maximum of 3 feet. The roof over a garage shall not be used as a balcony or deck in rear yards.

3. Separations. Any garage located in a required yard shall be separated from its principal structure by a minimum of 5 feet. This requirement does not apply to terraced garages

that comply with ((~~S~~))subsection 23.44.016.D.9.b and attached garages permitted in rear yards by subsection 23.44.016.D.5.

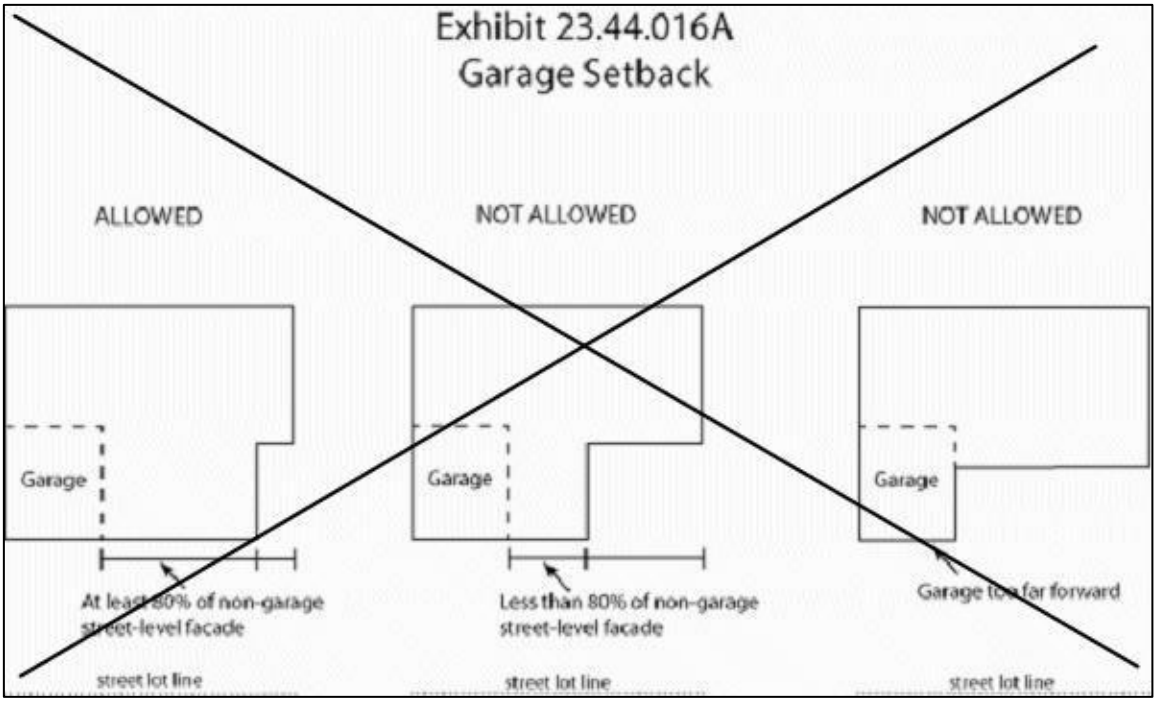
* * *

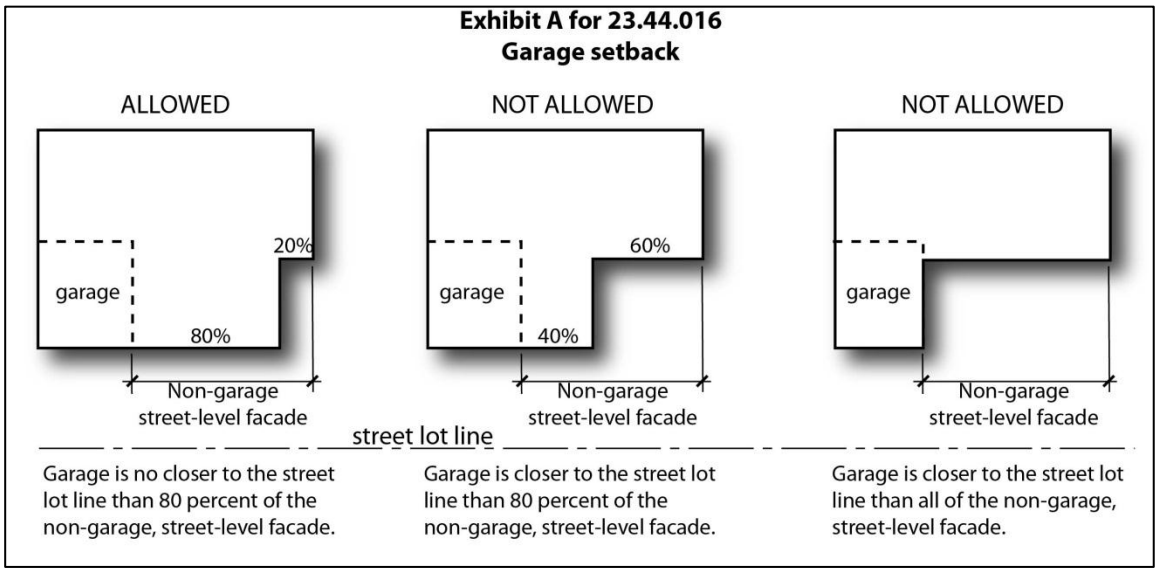
F. Appearance of ((~~G~~))garage ((~~E~~))entrances((~~.~~))

1. Garage ((~~S~~))setback. No portion of a garage, whether attached to a principal structure or within a detached accessory structure, ((~~that is part of a principal structure~~))may be closer to the street lot line than 80((~~%~~)) percent of the remaining non-garage street-level ((~~façade~~))facade (see Exhibit A for 23.44.016((~~A~~))) of the principal structure to which the garage is accessory. If the entire street-level ((~~façade~~))facade of either a principal or accessory structure is garage, no portion of the garage may be closer to the street lot line than 80((~~%~~)) percent of the facade of the story above the street-level facade.

Exhibit A for 23.44.016

Garage setback





2. Garage ((~~E~~))entrance ((~~W~~))width. The total combined horizontal width of all garage entrances located on the front facade may be up to 50 percent of the horizontal width of the front facade or 10 feet, whichever is greater. On corner lots, a garage entrance shall be allowed on only one street-facing facade.

3. Exemptions((~~.~~))

a. Garages allowed under subsections 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11 and 23.44.016.D.12 are not subject to the standards of this subsection 23.44.016.F.

b. Garages that are set back more than 35 feet from the front lot line are not subject to the standards of this subsection 23.44.016.F.

c. The Director may waive or modify the standards of this subsection 23.44.016.F ((~~where irregular lot shape, topography, or structure configuration makes compliance with this subsection F unreasonable and when the modification will still achieve the objective of minimizing the visual impact of garage doors and walls from the street and adjacent properties~~))based on one or more of the following factors:

1) Irregular lot shape;

2) Topography of the lot;

3) Configuration of proposed or existing structures on the lot;

4) Location of exceptional trees as defined in Section 25.11.020; and

5) The proposed structure or addition has design features including but not limited to modulation, screening, and landscaping.

* * *

Section 18. Section 23.44.018 of the Seattle Municipal Code, last amended by Ordinance 123046, is amended as follows:

23.44.018 General provisions

* * *

F. Minor structural work that does not increase usable floor area or seating capacity and that does not exceed the development standards applicable to the use shall not be considered an expansion and does not require approval as a conditional use, unless the work would exceed the height limit of the zone for uses permitted outright. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, facilities for barrier-free access, bay windows, dormers, and eaves.

Section 19. Section 23.44.026 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.44.026 Use of landmark structures((~~.~~))

A. The Director may authorize a use not otherwise permitted in the zone as an administrative conditional use within a structure designated as a landmark pursuant to ((~~the Seattle Municipal Code,~~))Chapter 25.12, Landmark ((~~P~~))preservation ((~~O~~))ordinance, subject to the following development standards:

1. The use shall be compatible with the existing design and/or construction of the

structure without significant alteration; and

2. The use shall be allowed only when it is demonstrated that uses permitted in the zone are impractical because of structure design and/or that no permitted use can provide adequate financial support necessary to sustain the structure in a reasonably good physical condition; and

3. The use shall not be detrimental to other properties in the zone or vicinity or to the public interest.

* * *

Section 20. Section 23.44.028 of the Seattle Municipal Code, last amended by Ordinance 110669, is amended as follows:

23.44.028 Structures unsuited to uses permitted outright((~~.~~))

A. Uses not otherwise permitted in the zone may be permitted <u>as an administrative conditional use</u> in structures unsuited to uses permitted outright in single-family zones. The determination that a use may be permitted shall be based on the following factors:

1. The design of the structure is not suitable for conversion to a use permitted outright in a single-family zone; and

2. The structure contains more than ((~~four thousand (~~))4,000((~~)~~)) square feet; and

3. The proposed use will provide a public benefit.

* * *

Section 21. Section 23.44.030 of the Seattle Municipal Code, last amended by Ordinance 110669, is amended as follows:

23.44.030 Park and pool lot((~~.~~))

The Director may authorize a park and pool lot under the management of a public agency responsible for commuter pooling efforts <u>as an administrative conditional use</u>. The Director shall determine that:

A. It is to be located on an existing parking lot;

B. That parking proposed for the park and pool lot is not needed by the principal use or its accessory uses during the hours proposed for park and pool use; and

C. The park and pool use shall not interfere or conflict with the peak-hour activities associated with the principal use and its accessory uses. The Director may control the number and location of parking spaces to be used.

Section 22. Section 23.44.036 of the Seattle Municipal Code, adopted by Ordinance 123547, is amended as follows:

23.44.036 Public facilities

Public facilities may be permitted in single-family zones ((~~as a council conditional use,~~))according to the provisions of Section 23.51A.002 and the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions. Public facilities include, but are not limited to, police precinct stations, fire stations, public boat moorages, and utility services uses.

Section 23. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance 123939, is amended as follows:

23.44.041 Accessory ((~~D~~))dwelling ((~~U~~))units

A. Accessory dwelling units, general provisions. The Director may authorize an accessory dwelling unit, and that dwelling unit may be used as a residence, only under the following conditions:

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

2. The owner(s) of the lot shall comply with the owner occupancy requirements of subsection 23.44.041.C.

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

4. All accessory dwelling units are required to meet the development standards in

Table A for 23.44.041, unless modified in subsection 23.44.041.B:

((~~**Table A for 23.44.041**~~

~~**Development Standards for All Accessory Dwelling Units**~~))

Table A for 23.44.041 **Development standards for all accessory dwelling units**	
a. Maximum ((~~G~~))gross ((~~F~~))floor ((~~A~~))area	Attached accessory dwelling units are limited to 1,000 ((~~sq. ft.~~))square feet, including garage and storage area.[1] Detached accessory dwelling units are limited to 800((~~sq. ft.~~)) square feet, including any garage and storage area provided in the same structure as the accessory dwelling unit, 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.[2]
Footnotes((~~:~~)) to Table A for 23.44.041: ((~~1.~~))[1] The gross floor area of an attached accessory dwelling unit may exceed 1,000 ((~~sq. ft.~~))square feet 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. ((~~2.~~))[2] 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.	

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

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

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

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

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

2. Detached accessory dwelling units are required to meet the additional((~~The~~)) development standards set forth in Table B for 23.44.041.((~~:~~))

((~~**Table B for 23.44.041**~~

~~**Development Standards for Detached Accessory Dwelling Units**~~[1]))

Table B for 23.44.041 **Development standards for detached accessory dwelling units**[1]	
a. Minimum ((~~L~~))lot ((~~S~~))size	4,000 ((~~sq. ft.~~))square feet
b. Minimum ((~~L~~))lot ((~~W~~))width	25 feet
c. Minimum ((~~L~~))lot ((~~D~~))depth	70 feet[2]
d. Maximum ((~~L~~))lot ((~~C~~))coverage	The provisions of Section 23.44.010 apply.
e. Maximum ((~~R~~))rear ((~~Y~~))yard ((~~C~~))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((~~%~~)) percent of the rear yard.
f. Maximum ((~~G~~))gross ((~~F~~))floor ((~~A~~))area	800 ((~~sq. ft.~~))square feet including garage and storage area but excluding covered porches and covered decks that are less than 25 square feet in area, and underground areas ((~~below grade,~~))measured as set forth in Section 23.86.007.
g. Front ((~~Y~~))yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.A, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035 and row i of this Table B for 23.44.041
h. Minimum ((~~S~~))side ((~~Y~~))yard	The provisions of subsection 23.44.014.C apply.[7]

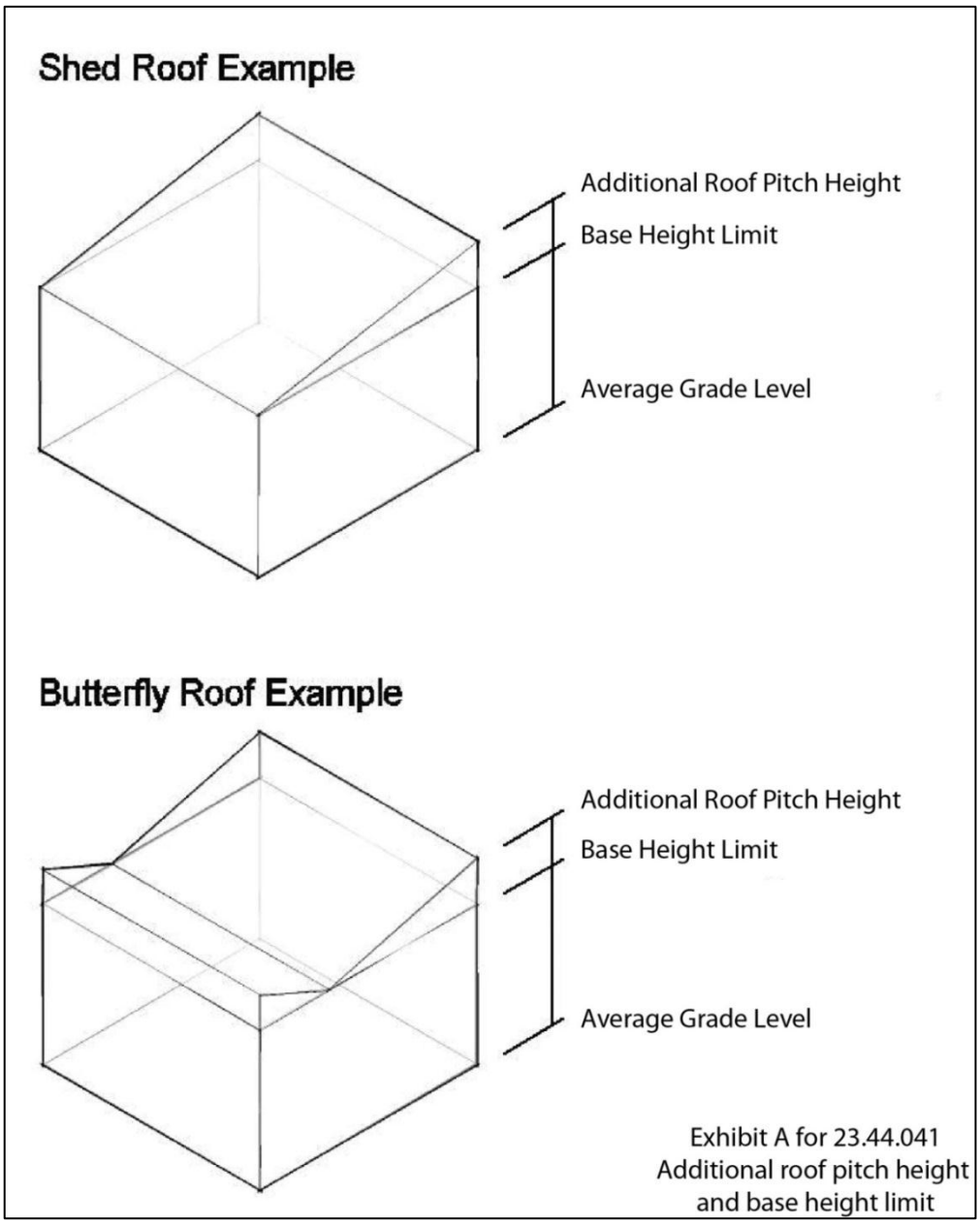
Table B for 23.44.041 **Development standards for detached accessory dwelling units[1]**					
i. Minimum ((~~R~~))rear ((~~Y~~))yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line.[3, 4, 7]				
j. Location of ((~~E~~))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 ((~~H~~))height ((~~L~~))limits[5]	Lot ((~~W~~))width (feet)				
	Less than 30	30 or greater up to 35	Above 35 up to 40	Above 40 up to 50[6]	((~~Greater than~~))50 or greater
(1) ((~~Maximum~~)) Base ((~~S~~))structure ((~~H~~))height limit(feet)	12	14	15	16	16
(2) ((~~Maximum Structure~~)) Height ((~~with~~))allowed for ((~~P~~))pitched ((~~R~~))roof above base structure height limit(feet) ((~~8~~))	((~~15~~))3	((~~21~~))7	((~~22~~))7	((~~22~~))6	((~~23~~))7
(3) ((~~Maximum Structure~~)) Height ((~~with~~))allowed for ((~~S~~))shed or ((~~B~~))butterfly ((~~R~~))roof above base structure height limit (feet); see Exhibit A for 23.44.041	((~~15~~))3	((~~18~~))4	((~~19~~))4	((~~20~~))4	((~~20~~))4
l. Minimum ((~~S~~))separation from ((~~P~~))principal ((~~S~~))structure	5 feet				
((~~Footnotes:~~))					
Footnotes to Table B for 23.44.041: ((~~1.~~))[1] The Director may allow an exception to standards a((—)) through f, h, i and j pursuant to subsection 23.44.041.B.3, for converting existing accessory structures. ((~~2.~~))[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.~~))square feet, a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard. ((~~3.~~))[3] If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with					

Table B for 23.44.041 **Development standards for detached accessory dwelling units[1]**
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.~~))[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.~~))[5] Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height. ((~~6.~~))[6]Detached accessory dwelling units on lots that have a width greater than 40 feet up to 50 feet may be built to the maximum height limit applicable in the column for lots greater than 50 feet when the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an alley. ((~~7.~~))[7] The exceptions from standard yard requirements in subsection 23.44.014.D.6.a shall also apply. ((~~8.All parts of the roof above the applicable base height shall be pitched at a rate of not less than 3:12.~~))

((~~Exhibit A for 23.44.041:Explanation of Terms for Shed and Butterfly Roofs for Detached Accessory Dwelling Units.~~))

Exhibit A for 23.44.041

Additional roof pitch height and base height limit



3. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, or that is located in a front yard where Section 23.40.030 or 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure

complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance Code and with the Seattle Residential Code, if work requiring a permit is performed on the structure or has previously been performed without a permit. The Director may allow an exception to one or more of the development standards for accessory dwelling units contained in subsection((~~s~~)) 23.44.041.A.4 and standards a((—)) through f, h, i and j listed in Table B for 23.44.041, provided the conversion does not increase the structure's nonconformity with the standard and the applicant can demonstrate that the accessory structure was constructed prior to June 1, 1999, as an accessory structure. If an accessory structure constructed prior to June 1, 1999, was replaced to the same configuration in accordance with the standards of Section 23.42.112, then the replacement structure also qualifies for conversion under this subsection 23.44.041.B.3.

C. Owner occupancy((~~.~~))

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

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

3. Covenant recording. Prior to issuance of a permit establishing an accessory dwelling unit, the owner(s) shall sign under oath and record in the King County Recorder a covenant by the owner(s) to the City of Seattle stating that the owner(s) agree to restrict use of the principal and accessory dwelling units in compliance with the requirements of this subsection

23.44.041.C and notify all prospective purchasers of those requirements. Falsely certifying to the terms of the covenant or failure to comply with the terms of the covenant is subject to penalties pursuant to Sections 23.90.018, 23.90.019 and 23.90.020.

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

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

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

((~~E. Reporting. DPD shall report annually to the City Council on city-wide accessory dwelling unit permit activity. This annual report shall encompass all attached and detached accessory dwelling unit permits issued and all permits finaled since the previous annual report, the number of permits issued and the number of permits finaled, a map that shows the location and dispersion of both types of accessory dwelling units, and the number of parking waivers granted. For each detached accessory dwelling unit permit issued, the report shall state the height, gross floor area, total square footage of the lot where the detached accessory dwelling unit is located, and total lot coverage of all structures on the lot, and whether any garage space is incorporated into the detached accessory dwelling unit. For each permit finaled, the report shall include a photograph of the detached accessory dwelling unit. The report shall be delivered to the Council by no later than January 31 of the following calendar year.~~))

Section 24. Section 23.44.044 of the Seattle Municipal Code, last amended by Ordinance 118414, is amended as follows:

23.44.044 Swimming pools((~~.~~))

Private, permanent swimming pools, hot tubs and other similar uses are permitted as accessory uses to a single-family structure subject to the following specific development standards:

A. Private, permanent swimming pools, hot tubs and other similar uses over ((~~eighteen (~~))18((~~)~~)) inches above existing grade are subject to the development standards for accessory uses.

B. Private, permanent swimming pools, hot tubs and other similar uses projecting not more than ((~~eighteen (~~))18((~~)~~)) inches above existing grade shall not be counted in lot coverage.

C. Private, permanent swimming pools, hot tubs and other similar uses may be placed in a required front or rear yard, provided that:

1. No part of the structure shall project more than ((~~eighteen (~~))18((~~)~~)) inches above existing lot grade in a required front yard; and

2. No part of the structure shall be placed closer than ((~~five (~~))5((~~)~~)) feet to any front or side lot line.

((~~D. All swimming pools shall be enclosed with a fence, or located within a yard enclosed by a fence, not less than four (4) feet high and designed to resist the entrance of children.~~))

Section 25. Section 23.45.502 of the Seattle Municipal Code, last amended by Ordinance 123770, is amended as follows:

23.45.502 Scope of provisions

A. This Chapter 23.45 establishes regulations for the following zones:

Lowrise 1 (LR1);

Lowrise 2 (LR2);

Lowrise 3 (LR3);

Midrise (MR) (references to ((~~Midrise~~))MR zones include the Midrise/85 (MR/85) zone unless otherwise noted); and

Highrise (HR).

B. Multifamily zones listed in subsection 23.45.502.A and having an incentive zoning suffix are subject to this Chapter 23.45 and Chapter 23.58A, Incentive ((~~P~~))provisions.

C. Areas in multifamily zones described in subsection 23.76.026.D are vested according to the provisions of subsection 23.76.026.D.

Section 26. Section 23.45.508 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.45.508 General provisions

* * *

F. Single-family dwelling units. In ((~~Lowrise~~))LR zones, single-family dwelling units shall meet the development standards for townhouse developments, ((~~except that Section 23.45.529, Design standards, does not apply~~))except as otherwise provided. In MR and HR zones, single-family dwelling units shall meet the development standards of the zone.

* * *

K. If more than one category of residential use is located on a lot, and if different development standards apply to the different categories of use, then each category's percentage of the total limit imposed by the development standard shall be calculated according to the formula for floor area ratio (FAR) in subsection 23.86.007.E.

Section 27. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.45.510 Floor area ratio (FAR) limits

A. General provisions((~~.~~))

1. All gross floor area not exempt under subsection 23.45.510.E counts toward

the maximum gross floor area allowed under the ((~~floor area ratio (~~))FAR((~~)~~)) limits.

2. The applicable FAR limit applies to the total non-exempt gross floor area of all structures on the lot.

3. If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone, and the floor area on the portion of the lot with the lower FAR limit may not exceed the amount that would be permitted if it were a separate lot.

B. FAR limits in LR zones. ((~~Floor area ratio~~))FAR limits apply in LR zones as shown in Table A for 23.45.510, provided that if the LR zone designation includes an incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive ((~~P~~))provisions, to obtain gross floor area exceeding that allowed by the FAR shown in the suffix designation.

((~~**Table A for 23.45.510**: **Floor Area Ratios in Lowrise Zones**~~))

Table A for 23.45.510
Floor Area Ratios in LR zones

Zone	Location	Category of ((~~R~~))residential ((~~U~~))use[1]			
	Outside or ((~~I~~))inside Urban Centers, Urban Villages, and the Station Area Overlay District	**Cottage ((~~H~~))housing ((~~D~~))developments and ((~~S~~))single-((~~F~~))family ((~~D~~))dwelling ((~~U~~))units**	**Rowhouse ((~~D~~))developments[2]**	**Townhouse ((~~D~~))developments[2]**	**Apartments[2]**
LR1	Either outside or inside	1.1	1.0 or 1.2	0.9 or 1.1	1.0
LR2	Either outside or inside	1.1	1.1 or 1.3	1.0 or 1.2	1.1 or 1.3
LR3	Outside	1.1	1.2 or 1.4	1.1 or 1.3	1.3 or 1.5[3]
	Inside	1.1	1.2 or 1.4	1.2 or 1.4	1.5 or 2.0

Footnotes for Table A for 23.45.510:

[1] If more than one type of residential use is provided on a lot, the FAR limit for each residential use is the higher FAR limit for each residential use in this Table A for 23.45.510 only if the conditions in subsection 23.45.510.C are satisfied for all residential uses on the lot.

[2] The higher FAR limit applies if the project meets the standards of subsection 23.45.510.C.

[3] On lots that abut a street with frequent transit service, the higher FAR limit is 1.6.

C. In LR zones, in order to qualify for the higher FAR limit shown in Table A for 23.45.510, the following standards shall be met:

1. Green building performance standards

a. Applicants shall make a commitment that the structure will meet green building performance standards by earning a Leadership in Energy and Environmental Design (LEED) Silver rating or a Built Green 4-star rating of the Master Builders Association of King and Snohomish Counties, except that an applicant who is applying for funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing to develop new affordable housing, may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS). The standards referred to in this subsection 23.45.510.C.1.a are those identified in Section 23.45.526, and ((~~that s~~))Section 23.45.526 shall apply as if the application were for new development gaining extra residential

floor area.

b. On sites developed with existing structures, the higher FAR limit is applicable to the site if new buildings and additions to existing buildings meet green building performance standards. Existing buildings are not required to be upgraded to current green building performance standards for the higher FAR to apply to the site.

2. For all categories of residential use, if the lot abuts an alley and the alley is used for access, improvements to the alley shall be required as provided in subsections 23.53.030.E and 23.53.030.F, except that the alley shall be paved rather than improved with crushed rock, even for lots containing fewer than ten dwelling units.

3. Parking location if parking is provided((.))

a. For rowhouse and townhouse developments, parking shall be totally enclosed within the same structure as the residential use, located in a structure or portion of a structure that meets the requirements of subsection 23.45.510.E.5, or located in a parking area or structure at the rear of the lot. A parking area not within a structure that is located at the rear of the lot shall be located behind all structures except, if accessed from an alley, the parking area may be located no closer to the front lot line than 50 percent of the lot depth.

b. For apartments, parking may either:

1) be totally enclosed within the same structure as the residential use; or

2) on lots located outside of Urban Centers, Urban Villages, and the Station Area Overlay District, be located off an alley at the rear of the lot, provided that all surface parking is limited to a single row of spaces along the alley and access to each surface parking space is taken directly from the alley.

4. Access to parking if parking is provided((.))

a. Access to required barrier-free parking spaces may be from either a street or an alley. Subsections 23.45.510.C.4.b, 23.45.510.C.4.c, and 23.45.510.C.4.d do not

apply to required barrier-free parking spaces.

b. If the lot abuts an alley, access to parking shall be from the alley, unless one or more of the conditions in subsection 23.45.536.C.2 are met.

c. If access cannot be provided from an alley, access shall be from a street if the following conditions are met:

1) on corner lots, the driveway shall abut and run parallel to the rear lot line of the lot or a side lot line that is not a street lot line.

2) on a non-corner lot, there is no more than one driveway per 160 feet of street frontage.

d. ((~~i~~))<u>I</u>f access to parking does not meet one of the standards in this subsection 23.45.510.C.4, or if an exception is granted that allows parking access from both an alley and a street pursuant to subsection 23.45.536.C, the lower FAR limit on Table A for 23.45.510 applies.

D. FAR limits in MR and HR zones. ((~~1.~~))FAR limits apply to all structures and lots in ((~~Midrise~~))<u>MR</u> and ((~~Highrise~~))<u>HR</u> zones as shown in Table B for 23.45.510<u>, provided that if the MR and HR zone designations include an incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive provisions, to obtain gross floor area exceeding that allowed by the FAR shown in the suffix designation</u>.

Table B for 23.45.510((~~:~~))

Floor Area Ratios in MR and HR zones

	MR	**HR**
Base FAR	3.2	8 on lots 15,000 square feet or less in size; 7 on lots larger than 15,000 square feet
Maximum FAR, allowed pursuant to Chapter 23.58A and Section 23.45.516	4.25	13 for structures 240((~~'~~)) <u>feet</u> or less in height; 14 for structures over 240((~~'~~)) <u>feet</u>

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

1. All underground stories.

2. The floor area contained in a landmark structure subject to controls and

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

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

a. no principal structure is located between the existing single-family dwelling unit and the street lot line along at least one street frontage. If the single-family dwelling unit is moved on the lot, the floor area of the dwelling remains exempt if it continues to meet this provision; and

b. the exemption is limited to the gross square footage in the single-family dwelling unit as of January 1, 1982.

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

a. apartments in LR zones that qualify for the higher FAR limit shown in Table A for 23.45.510;

b. rowhouse developments in LR zones located on lots that have a lot depth of 100 feet or less, do not have alley access, and that qualify for the higher FAR limit shown in Table A for 23.45.510, provided that parking access is located at the rear of the rowhouse development; and

c. all multifamily structures in MR and HR zones.

Exhibit A for 23.45.510

Area exempt from FAR

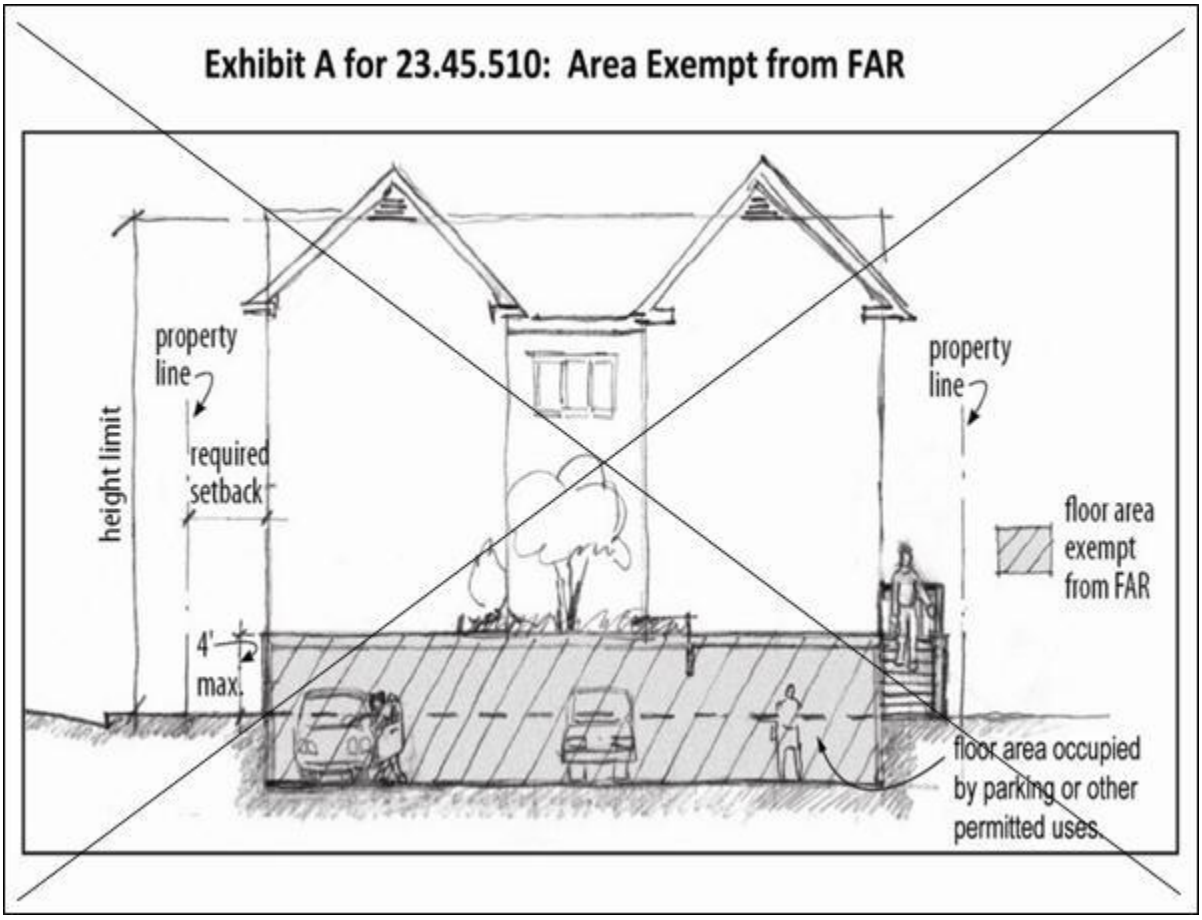
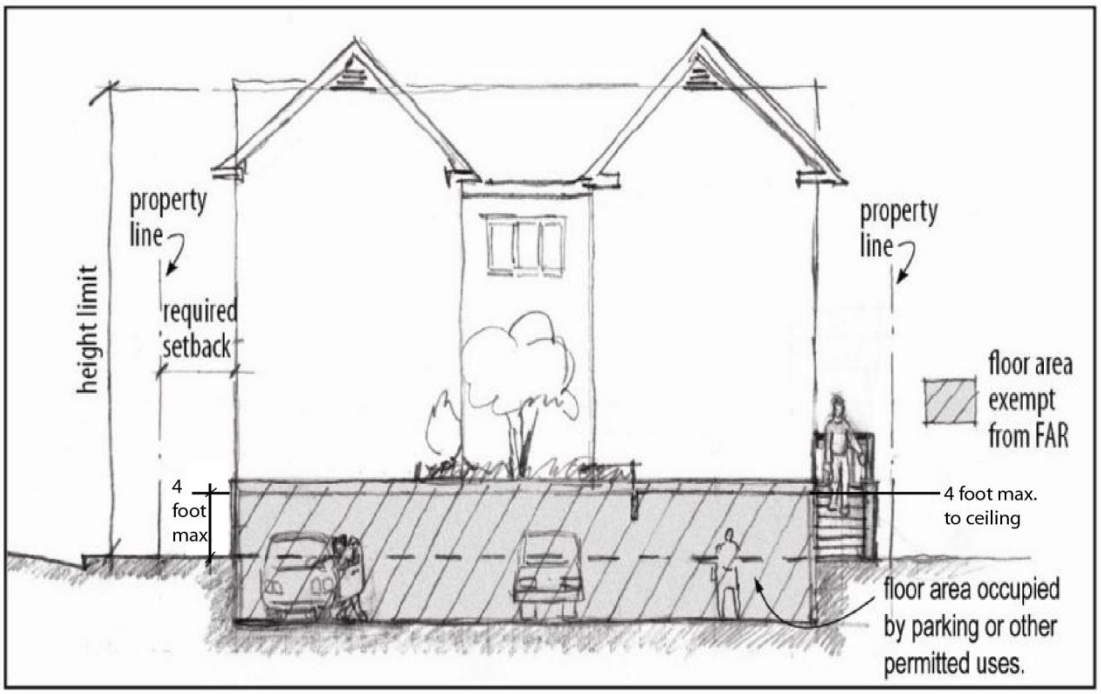


Exhibit A for 23.45.510: Area exempt from FAR



5. For rowhouse and townhouse developments and apartments that qualify for the higher FAR limit shown in Table A for 23.45.510, floor area within a structure or portion of a structure that is partially above grade, is used for parking or other accessory uses, and has no additional stories above, if the following conditions are met:

a. The average height of the exterior walls enclosing the floor area does not exceed ((~~4 feet~~))one story, measured from existing or finished grade, whichever is lower;

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

c. At least 25 percent of the perimeter of the amenity area on the roof above the floor area is not enclosed by the walls of the structure((~~; and~~

~~d. The amenity area is no more than 4 feet above the grade at a point where pedestrian access is provided to the lot~~)).

6. Enclosed common amenity area in ((~~Highrise~~))HR zones.

7. As an allowance for mechanical equipment, in any structure more than 85 feet in height, 3.5 percent of the gross floor area that is not exempt under this subsection 23.45.510.E.

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

F. If TDP is transferred from a lot pursuant to Section 23.58A.042, the amount of non-exempt floor area that may be permitted is the applicable base FAR, plus any net amount of TDP previously transferred to the lot, minus the sum of the existing non-exempt floor area on the lot and the amount of TDP transferred.

Section 28. Section 23.45.514 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.45.514 Structure height

A. Subject to the additions and exceptions allowed as set forth in this Section 23.45.514, the height limits for principal structures permitted in ((~~Lowrise~~))LR zones are as shown on Table A for 23.45.514.

((~~**Table A for 23.45.514: Structure Height for Lowrise Zones in Feet**~~))

Table A for 23.45.514

Structure height for LR zones (in feet)

Housing ((~~T~~))type	**LR1**	**LR2**	**LR3 outside Urban Centers, Urban Villages, and Station Area Overlay Districts**	**LR3 in Urban Centers, Urban Villages, and Station Area Overlay Districts**
Cottage ((~~H~~))housing ((~~D~~))developments	18	18	18	18
Rowhouse and ((~~T~~))townhouse ((~~D~~))developments	30	30	30	30
Apartments	30	30	30((~~1~~))	40((~~2~~))[1]

Footnotes for Table A for 23.45.514:
[1] The height limit is 30 feet on the portions of lots that are within 50 feet of a single-family zoned lot, unless the lot in the LR zone is separated from a single-family zoned lot by a street.

((~~Footnotes for Table A for 23.45.514:~~

~~[1] On lots located in the Delridge High Point Revitalization Area shown in Map A for Section 23.34.020 that were rezoned to Lowrise 4 subject to a property use and development agreement that was signed by a public agency, the height limit for apartments is 40 feet.~~

~~[2] The height limit is 30 feet on the portions of lots that are within 50 feet of a single-family zoned lot, unless the lot in the LR zone is separated from a single-family zoned lot by a street.~~))

B. The base and maximum height limits for principal structures permitted in ((~~Midrise~~))MR and ((~~Highrise~~))HR zones are as shown in Table B for 23.45.514, subject to the additions and exceptions allowed as set forth in this Section 23.45.514.

((~~**Table B for 23.45.514: Structure Height for Midrise and Highrise Zones, in Feet**~~))

Table B for 23.45.514
Structure height for MR and HR zones (in feet)

	MR	**MR/85**	**HR**
Base height limit	60	85	160
Maximum height limit if extra residential floor area is gained under Chapter 23.58A and Section 23.45.516	75	85	240 or 300

C. The maximum height for accessory structures that are located in required setbacks or separations is 12 feet, except as follows:

1. Garages and carports are limited to 12 feet in height as measured on the facade containing the vehicle entrance. Open rails may extend an additional 3 feet above the roof of the garage or carport if any portion of the roof is within 4 feet of existing grade.

2. The height limit is 20 feet for an accessory structure that contains an accessory dwelling unit for a rowhouse or townhouse unit. The height limit for an accessory dwelling unit that is accessory to a single-family dwelling unit shall be set according to Section 23.44.041.

3. Freestanding flagpoles and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are no closer to any lot line than 50 percent of their height above existing grade.

D. Exceptions for pitched roofs in LR zones that are not shed or butterfly roofs. Pitched roofs that are not shed or butterfly roofs may extend above the height limits set in Table A for 23.45.514 subject to the following limits, provided that all parts of the roofs above the height limit have a minimum slope of 6:12, except as provided in subsection 23.45.514.D.5:

1. For cottage housing developments in all LR zones, the ridge of pitched roofs on principal structures may extend up to 7 feet above the height limit.

2. In LR1 and LR2 zones, for structures subject to a 30 foot height limit, the ridge of pitched roofs on principal structures may extend up to 5 feet above the height limit if the height exception in subsection 23.45.514.F is not used.

3. In LR3 zones, for structures subject to a 30 foot height limit, the ridge of pitched roofs on principal structures may either:

a. extend up to 10 feet above the height limit, if the height exception provided in subsection 23.45.514.F is not used, and the number of full stories above grade is limited to three; or

b. extend up to 5 feet above the height limit, if the height exception provided in subsection 23.45.514.F is used.

4. In LR3 zones, for structures subject to a 40 foot height limit, the ridge of pitched roofs on principal structures may extend up to 5 feet above the height limit provided that the height exception in subsection 23.45.514.F is not used.

5. Portions of curved roof forms, such as barrel and domed roofs, may have a lesser slope than 6:12, if the Director determines that the massing of the roof form is comparable to a pitched roof form such as a gable or gambrel roof that would have a minimum slope of 6:12.

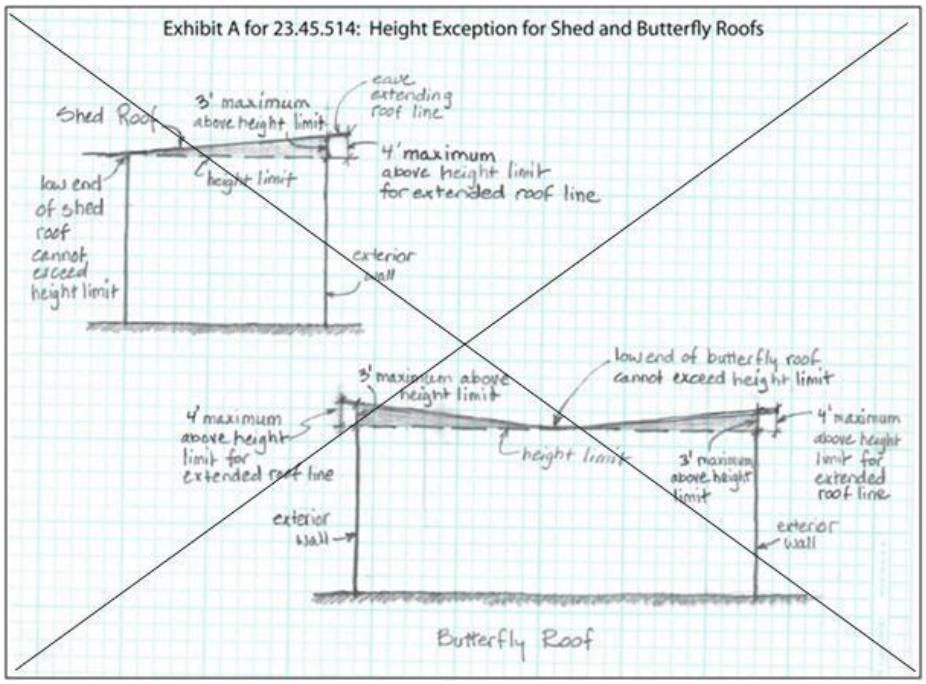
E. Shed and butterfly roofs in LR zones((~~.~~))

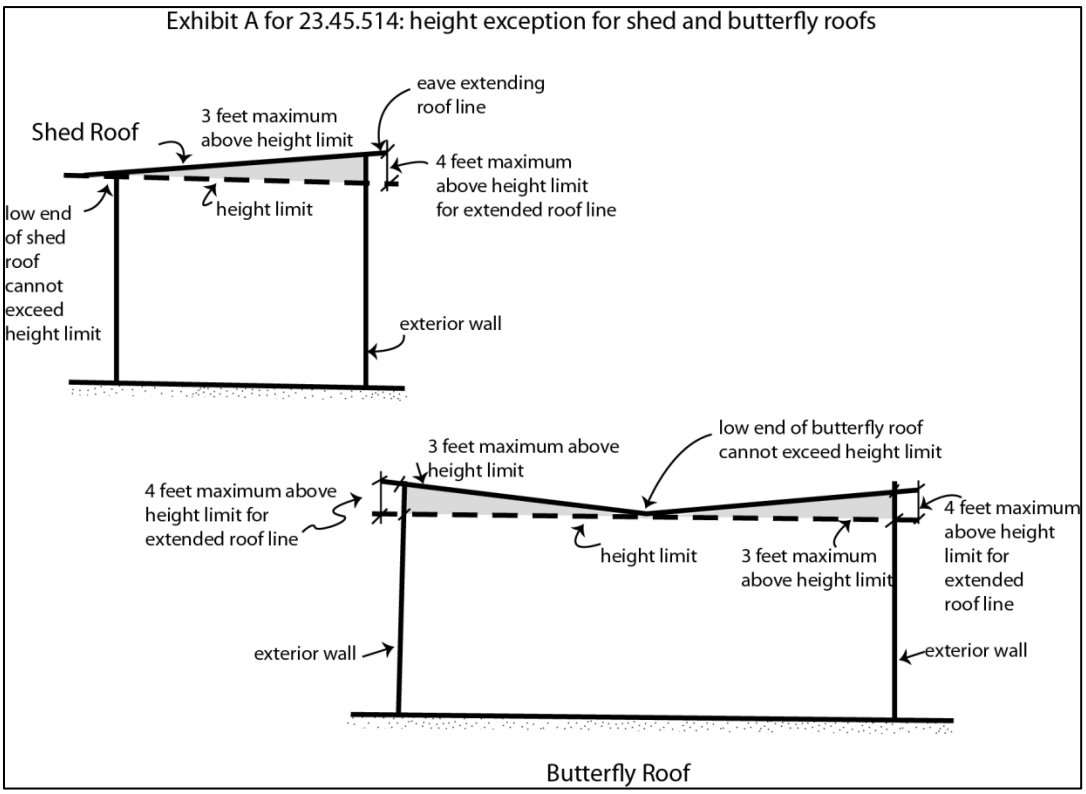
1. In LR zones, the high side(s) of a shed or butterfly roof may extend 3 feet above the height limits set in Table A for 23.45.514, provided that the low side(s) of the shed or butterfly roof are no higher than the height limit (see Exhibit A for 23.45.514) <u>if the height limit exception in subsection 23.45.514.F is not used</u>.

2. The roof line of a shed or butterfly roof may be extended in order to accommodate eaves((~~and gutters~~)), provided that the highest point of the roof extension is no more than 4 feet above the height limit.

Exhibit A for 23.45.514

Height exception for shed and butterfly roofs





F. For apartments in LR2 zones, and for all residential uses in LR3 zones, the applicable height limit is increased 4 feet above the height shown on Table A for 23.45.514 for a structure that includes a story that is partially below-grade, provided that:

1. This height exception does not apply to portions of lots that are within 50 feet of a single-family ((~~zoned lot~~))zone boundary line, unless the lot in the LR zone is separated from a single-family zoned lot by a street;

2. The number of stories above the partially below-grade story is limited to three stories for residential uses with a 30 foot height limit and to four stories for residential uses with a 40 foot height limit;

3. On the street-facing facade(s) of the structure, the story above the partially below-grade story is at least 18 inches above the elevation of the street, except that this requirement may be waived to accommodate units accessible to the disabled or elderly, consistent with the Seattle Residential Code, Section R322, or the Seattle Building Code, Chapter 11; and

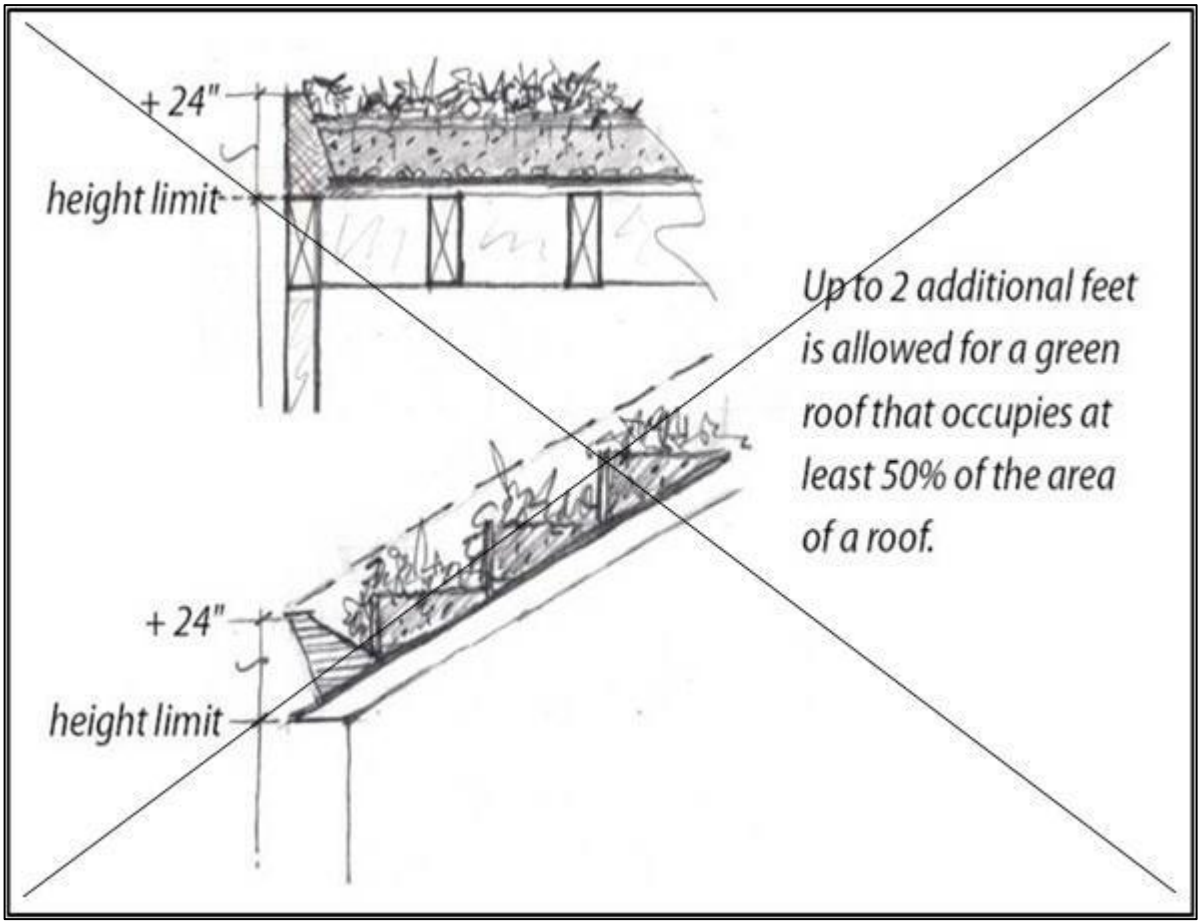
4. The ((~~average height of the exterior facades of the portion of the story that is partially below-grade does not exceed 4 feet, measured from existing or finished grade, whichever is less~~))height of the floor level of the floor above the partially below-grade story is on average no more than 4 feet above existing or finished grade, whichever is less.

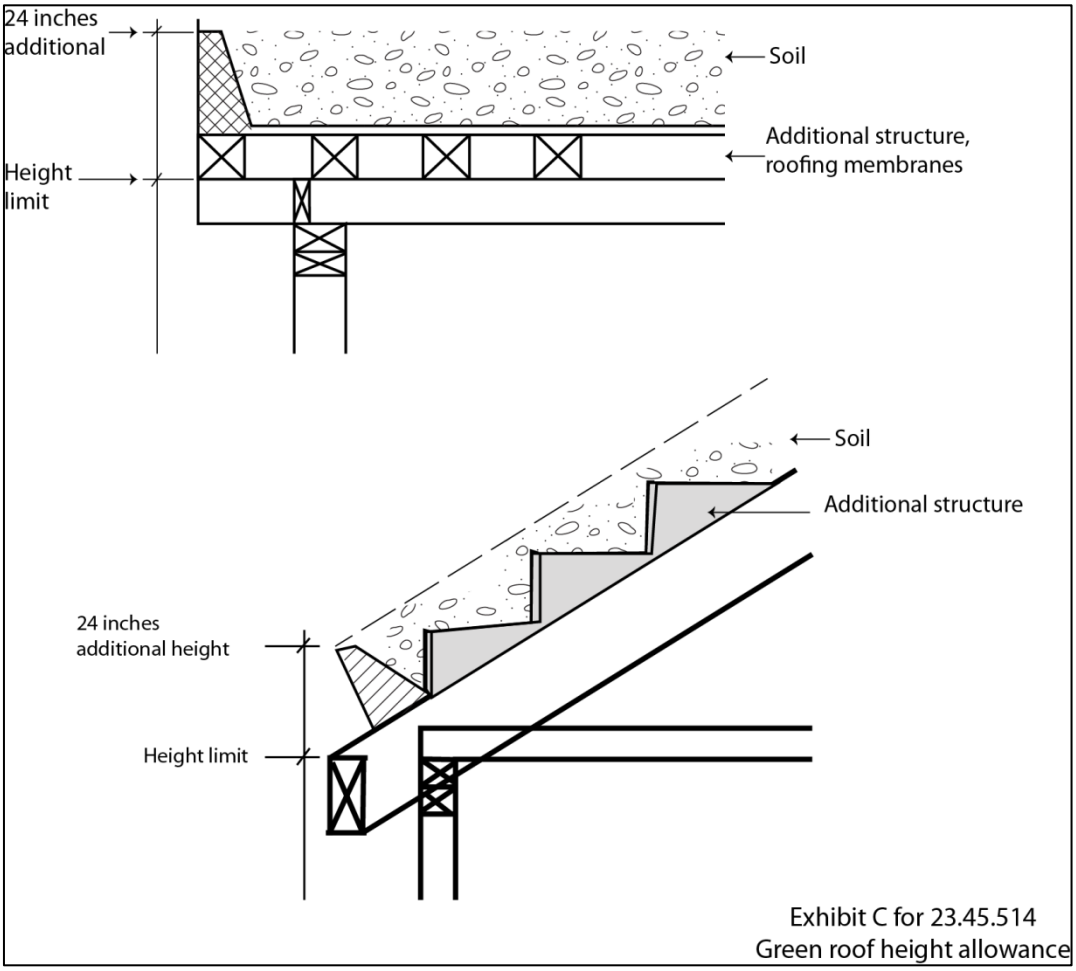
* * *

I. Green roofs. For any structure with a green roof that meets standards promulgated by the Director and that covers at least 50 percent of the surface of the roof, up to 2 feet of additional height above the maximum height otherwise allowed for the roof is allowed to accommodate structural requirements, roofing membranes, and soil. See Exhibit C for 23.45.514.

Exhibit C for 23.45.514((÷))

Green ((~~R~~))roof ((~~H~~))height ((~~A~~))allowance





J. Rooftop features((.))

* * *

8. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection 23.45.514.J at least 10 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses and solariums that meet minimum energy standards administered by the Director;

e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.011;

f. Play equipment;

g. Sun and wind screens;

h. Penthouse pavilions for the common use of residents.

((~~i. Penthouse pavilions for the common use of residents.~~))

* * *

Section 29. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.45.518 Setbacks and ((~~S~~))<u>s</u>eparations

A. LR zones. Required setbacks for the LR zones are shown in Table A for 23.45.518.

((~~**Table A for 23.45.518**~~

~~**Required Setbacks in LR Zones measured in feet**~~))

Table A for 23.45.518 **Required setbacks in LR zones measured in feet**				
All LR ((~~Z~~))zones	**Category of ((~~R~~))residential ((~~U~~))use**			
Setback	**Cottage ((~~H~~))housing ((~~D~~))developments and ((~~S~~))single-((~~F~~))family ((~~D~~))dwelling ((~~U~~))units**	**Rowhouse ((~~D~~))developments**	**Townhouse ((~~D~~))developments**	**Apartments**
Front	7 average; 5 minimum	5 minimum	7 average; 5 minimum	5 minimum
Rear	0 with Alley; 7 if no Alley	0 with Alley; With no alley: 7 average; 5 minimum	7 average; 5 minimum	10 minimum with alley; 15 minimum if no alley
Side Setback for ((~~F~~))facades 40 feet or less in length[1]	5	0, except that on side lot lines that abut a single-family zone, the setback is 5	5	5
Side Setback for ((~~F~~))facades greater than 40 feet in length	5 minimum	0, except that on side lot lines that abut a single-family zone, the setback is 7 average; 5 minimum	7 average; 5 minimum	7 average; 5 minimum
Footnote to Table A for 23.45.518: [1] Portions of structures that qualify for the FAR exemption in subsection 23.45.510.E.5 are not considered part of the facade length for the purposes of determining the side setback requirement.				

((~~Footnote to Table A for 23.45.518~~

~~[1] Portions of structures that qualify for the FAR exemption in subsection 23.45.510.E.5 are not considered part of the facade length for the purposes of determining the side setback requirement.~~))

* * *

E. Other setback requirements. Additional structure setbacks may be required in order to meet the provisions of Chapter 23.53, Requirements for ((~~S~~))streets, ((~~A~~))alleys and ((~~E~~))easements.

* * *

H. Projections permitted in ((~~all~~))required setbacks and separations((~~.~~))

1. Cornices, eaves, gutters, roofs and other forms of weather protection may

project into required setbacks and separations a maximum of 4 feet if they are no closer than 3 feet to any lot line.

2. Garden windows and other features that do not provide floor area may project a maximum of 18 inches into required setbacks and separations if they are:

a. a minimum of 30 inches above the finished floor;

b. no more than 6 feet in height and 8 feet wide; and

c. combined with bay windows and other features with floor area, make up no more than 30 percent of the area of the ((~~façade~~))facade.

3. Bay windows and other features that provide floor area may project a maximum of 2 feet into required setbacks and separations if they are:

a. no closer than 5 feet to any lot line;

b. no more than 10 feet in width; and

c. combined with garden windows and other features included in subsection 23.45.518.H.2, make up no more than 30 percent of the area of the ((~~façade~~))facade.

4. Unenclosed decks up to 18 inches above existing or finished grade, whichever is lower, may project into required setbacks or separations to the lot line.

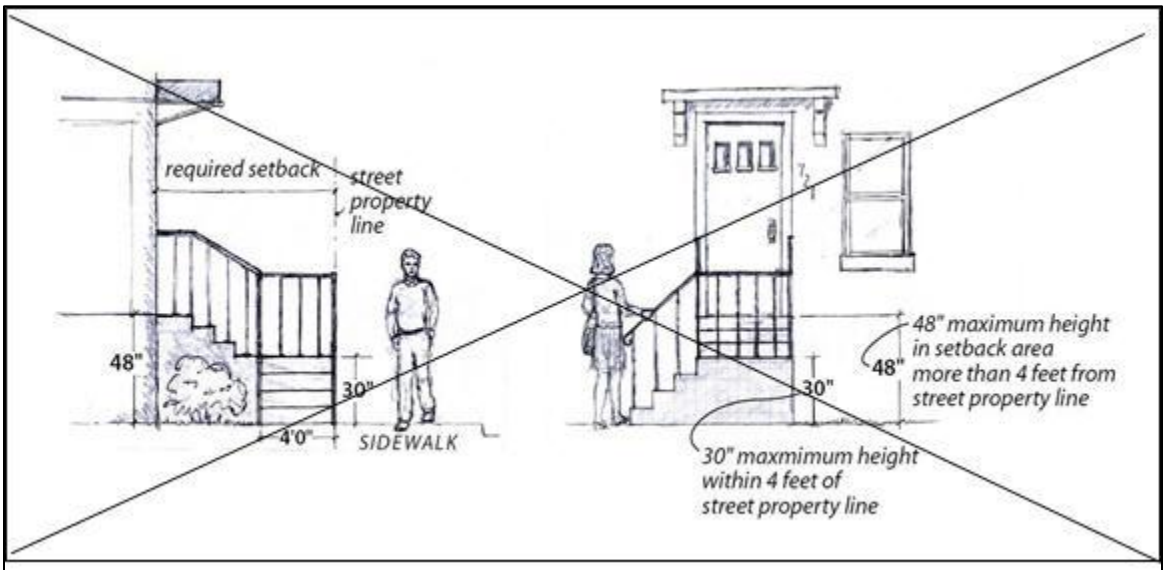
5. Unenclosed porches or steps((~~,~~))

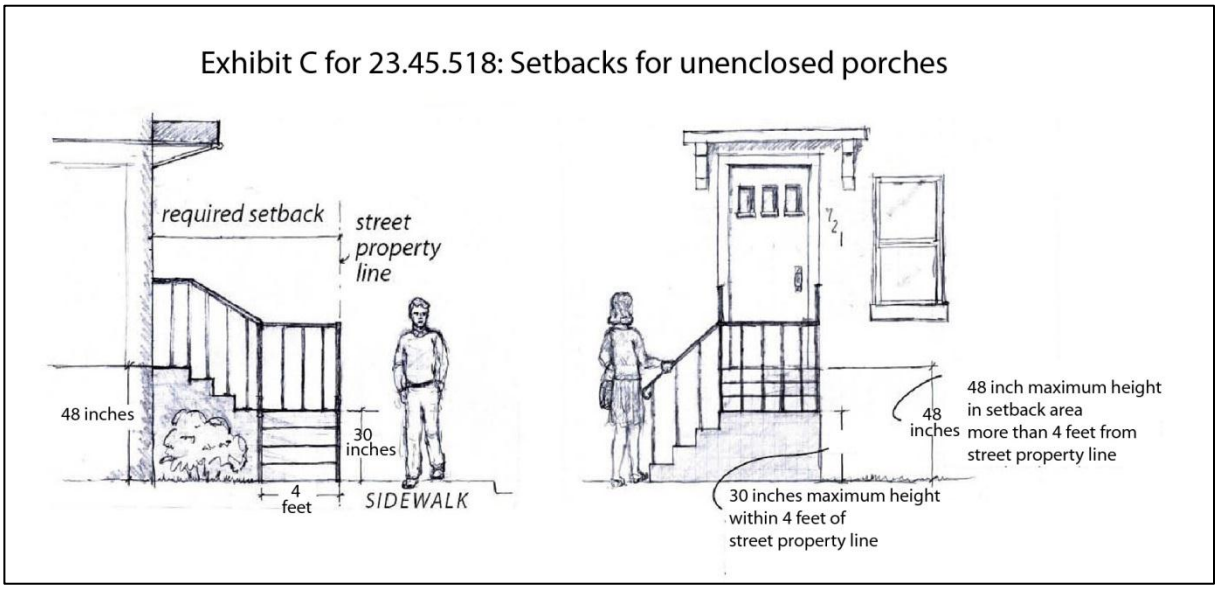
a. If setbacks are required pursuant to subsection 23.45.518.A.1((~~of this Section 23.45.518~~)), unenclosed porches or steps no higher than 4 feet above existing grade, or the grade at the street lot line closest to the porch, whichever is lower, may extend to within 4 feet of a street lot line, except that portions of entry stairs or stoops not more than 2.5 feet in height from existing or finished grade whichever is lower, excluding guard rails or hand rails, may extend to a street lot line. See Exhibit C for 23.45.518. Unenclosed porches or steps above existing grade may project into the required rear setback or required separation between structures a maximum of 4 feet provided they are a minimum of 5 feet from a rear lot line. Unenclosed porches or steps permitted in required setbacks and separations shall be limited to a

maximum width of 20 feet.

Exhibit C for 23.45.518((÷))

Setbacks for ((~~U~~))unenclosed ((~~P~~))porches





b. Permitted porches may be covered, provided that no portions of the cover-structure, including any supports, are closer than 3 feet to any lot line.

6. Fireplaces and chimneys may project up to 18 inches into required setbacks or separations.

I. Unenclosed decks and balconies may project a maximum of 4 feet into required setbacks if each one is:

1. no closer than 5 feet to any lot line;

2. no more than 20 feet wide; and

3. separated from other decks and balconies on the same ((~~façade~~))facade of the structure by a distance equal to at least ((~~one-half~~))1/2 the width of the projection.

* * *

Section 30. Section 23.45.520 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.45.520 ((~~Highrise~~))HR zone width ((~~&~~))and floor size limits

A. In HR zones, for structures over 85 feet in height, portions of structures above a height of 45 feet are limited to a maximum facade width of 110 feet. The width of the structure measured along the longest street lot line may be increased as follows, provided that if both street lot lines are of the same length, the increase in the width of the facade is only permitted along one street lot line:

1. A maximum facade width of 130 feet is permitted, provided that the average gross floor area of all stories above 45 feet in height does not exceed 10,000 square feet; or

2. If the applicant earns bonus residential floor area by providing all of the affordable housing within the project pursuant to Section 23.58A.014, the maximum facade width of the structure above 45 feet in height is 150 feet, provided that the average gross floor area of all stories above 45 feet in height does not exceed 12,000 square feet.

B. All portions of structures above 85 feet in height that reach the maximum facade width limit specified in subsection 23.45.520.A must be separated from any other portion of a structure on the lot above 45 feet at all points by the minimum horizontal distance shown on

Table ((~~C~~))D for 23.45.518, except that projections permitted in required setbacks and separations pursuant to subsections 23.45.518.((~~F~~))H and 23.45.518.I are permitted.

Section 31. Section 23.45.522 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.45.522 Amenity area

* * *

D. General requirements. Required amenity areas shall meet the following conditions:

1. All units shall have access to a common or private amenity area.

2. Enclosed amenity area((~~.~~))

a. In LR zones, an amenity area shall not be enclosed within a structure.

b. In MR and HR zones, except for cottage housing, no more than 50 percent of the amenity area may be enclosed, and this enclosed area shall be provided as common amenity area.

3. Projections into amenity areas. Structural projections that do not provide floor area, such as garden windows, may extend up to 2 feet into an amenity area if they are at least 8 feet above finished grade.

4. Private amenity area((~~.~~))

a. There is no minimum dimension for private amenity areas, except that if a private amenity area abuts a side lot line that is not a side street lot line, the minimum horizontal dimension measured from the side lot line is 10 feet.

b. An unenclosed porch that is a minimum of 60 square feet in size, and that faces a street or a common amenity area, may be counted as part of the private amenity area for the rowhouse, townhouse, or cottage to which it is attached.

5. Common amenity area for rowhouse and townhouse developments and apartments shall meet the following conditions:

a. No common amenity area shall be less than 250 square feet in area, and

common amenity areas shall have a minimum horizontal dimension of 10 feet.

b. Common amenity area shall be improved as follows:

1) At least 50 percent of common amenity area provided at ground level shall be landscaped with grass, ground cover, bushes and/or trees.

2) Elements that enhance the usability and livability of the space for residents, such as seating, outdoor lighting, weather protection, art, or other similar features shall be provided.

c. The common amenity area required at ground level for apartments shall be accessible to all apartment units.

((~~5~~))6. Parking areas, vehicular access easements, and driveways do not qualify as amenity areas, except that a woonerf may provide a maximum of 50 percent of the amenity area if the design of the woonerf is approved through a design review process pursuant to Chapter 23.41.

((~~6~~))7. Swimming pools, spas, and hot tubs may be counted toward meeting the amenity area requirement.

((~~7~~))8. Rooftop areas excluded because they are near minor communication utilities and accessory communication devices, pursuant to subsection 23.57.011.C.1, do not qualify as amenity areas.

E. No amenity area is required for a dwelling unit added to a single-family dwelling unit existing as of January 1, 1982, or for one new dwelling unit added to a multifamily residential use existing as of October 10, 2001.

Section 32. Section 23.45.526 of the Seattle Municipal Code, last amended by Ordinance 123939, is amended as follows:

23.45.526 LEED, Built Green, and Evergreen Sustainable Development ((~~S~~))standards

* * *

C. The applicant shall demonstrate to the Director the extent to which the applicant has

complied with the commitment to meet the green building performance standards no later than 90 days after issuance of final Certificate of Occupancy for the new structure, or such later date as may be allowed by the Director for good cause. Performance is demonstrated through an independent report from a third party, pursuant to ((~~S~~))subsection 23.90.018.((~~D~~))E.

* * *

Section 33. Section 23.45.529 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

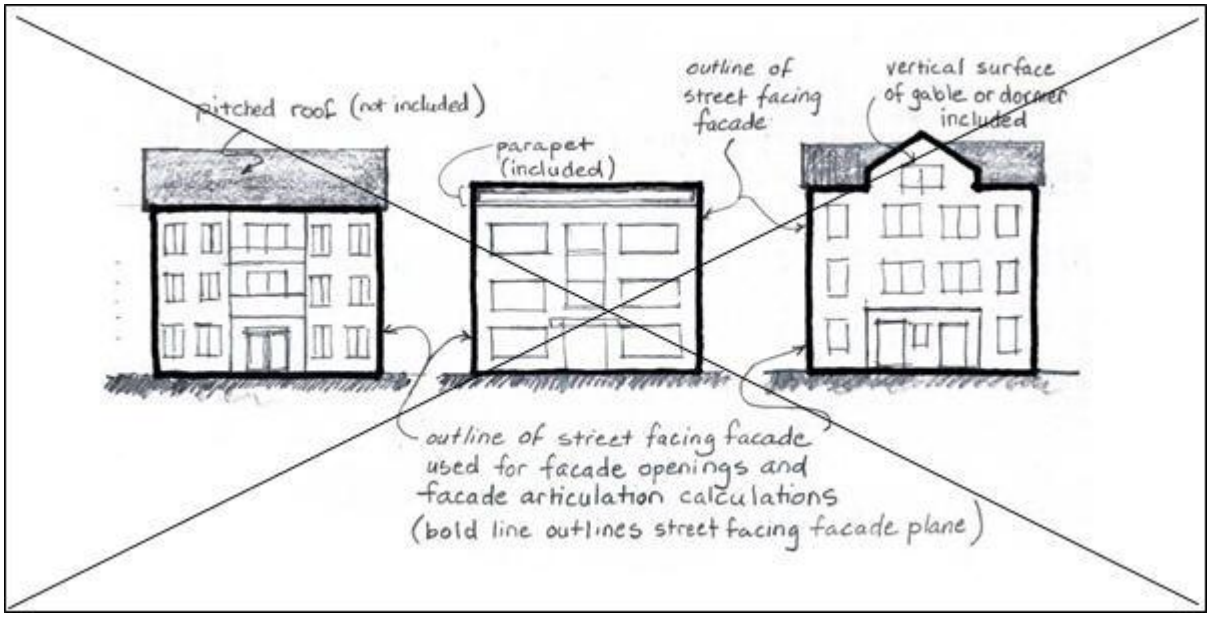
23.45.529 Design standards

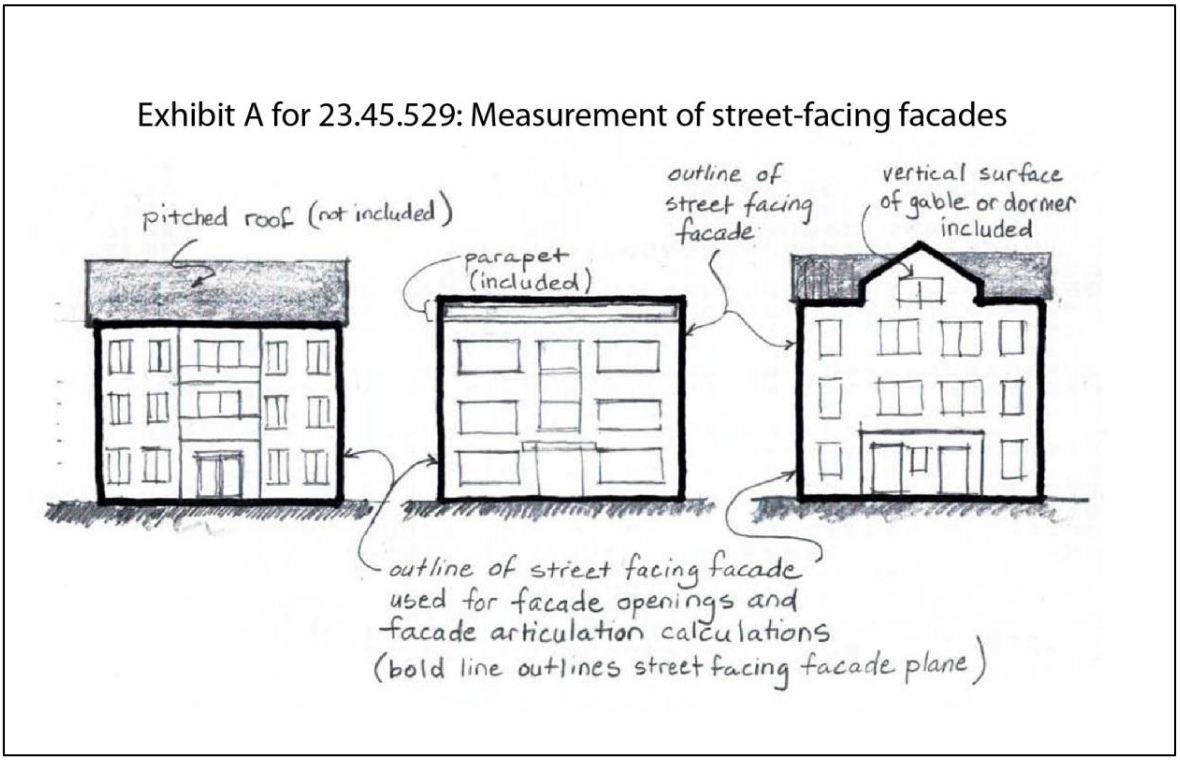
* * *

C. Treatment of street-facing facades. For the purposes of this subsection 23.45.529.C, a street-facing facade includes all vertical surfaces enclosing interior space, including gables and dormers, as shown in Exhibit A for 23.45.529.

Exhibit A for 23.45.529((~~:~~))

Measurement of ((~~S~~))street-facing ((~~F~~))facades





1. ((~~Façade~~))Facade openings((~~.~~))

a. At least 20 percent of the area of each street-facing ((~~façade~~))facade shall consist of windows and/or doors. If a front and side facade are street-facing, the two facades may be averaged to meet the 20 percent standard of this subsection 23.45.529.C.1.

b. Only transparent windows count toward the requirement for ((~~façade~~))facade openings in this subsection 23.45.529.C.1. Windows composed of glass blocks or opaque glass, garage doors, and doors to utility and service areas, do not count.

2. ((~~Façade~~))Facade articulation((~~.~~))

a. If a street-facing facade or portion of a street-facing ((~~façade~~))facade is not vertical, the Director shall determine whether the ((~~façade~~))facade is substantially vertical and required to comply with this subsection 23.45.529.C.

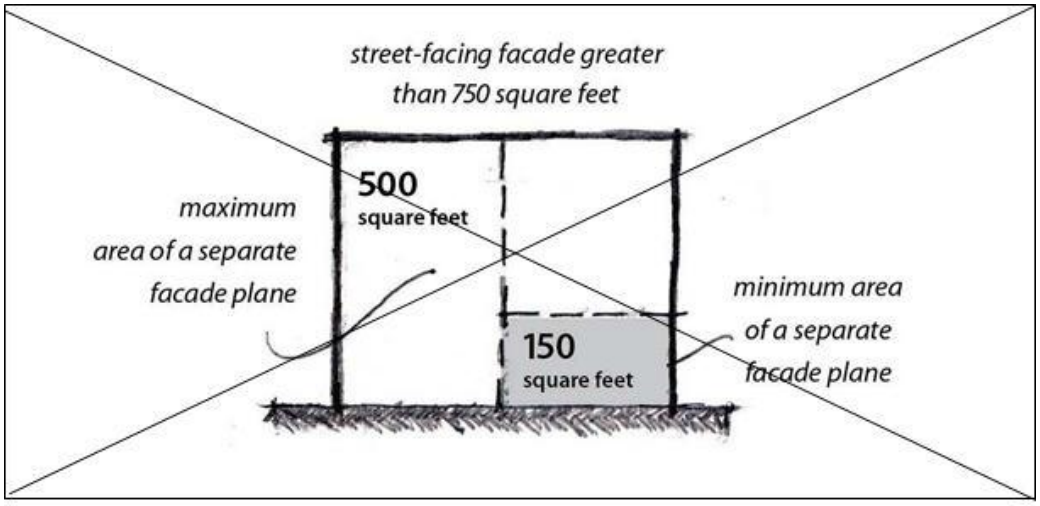
b. If the street-facing ((~~façade~~))facade of a structure exceeds 750 square feet in area, division of the ((~~façade~~))facade into separate facade planes is required (see Exhibit B for 23.45.529).

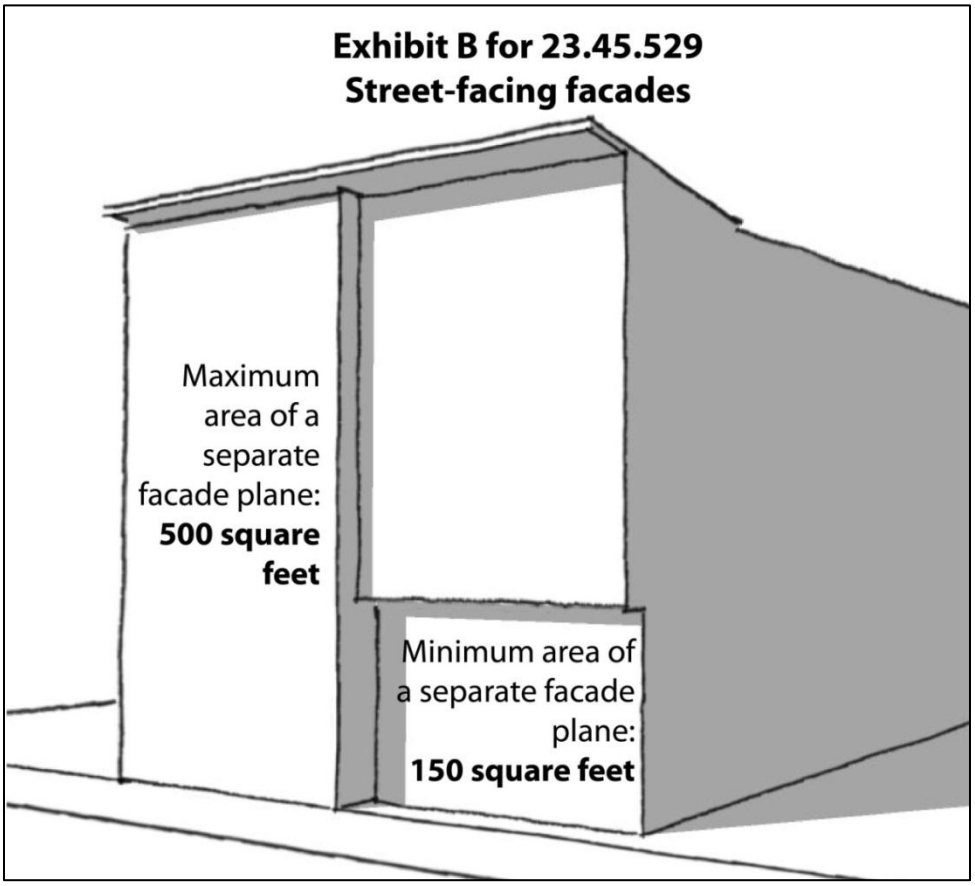
c. In order to be considered a separate ((~~façade~~))facade plane for the purposes of this subsection 23.45.529.C.2, a portion of the street-facing ((~~façade~~))facade shall have a minimum area of 150 square feet and a maximum area of 500 square feet, and shall project or be recessed from abutting ((~~façade~~))facade planes by a minimum depth of 18 inches.

d. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide is required to mark roof lines, porches, windows and doors on all street-facing facades.

Exhibit B for 23.45.529((÷))

Street-facing ((F))facades





e. The Director may allow exceptions to the ((~~façade~~))facade articulation requirements in this subsection 23.45.529.C.2, if the Director determines that the street-facing ((~~façade~~))facade will meet the intent of subsection 23.45.529.A.1, and the intent of subsections 23.45.529.D.2, 23.45.529.E.3, and 23.45.529.F.4 for cottage housing developments, rowhouse developments, and townhouse developments, respectively, through one or more of the following street-facing ((~~façade~~))facade treatments:

1) Variations in building materials and/or color, or both, that reflect the stacking of stories or reinforce the articulation of the ((~~faç~~))facade;

2) Incorporation of architectural features that add interest and dimension to the ((~~façade~~))facade, such as porches, bay windows, chimneys, pilasters, columns, cornices, and/or balconies;

3) Special landscaping elements provided to meet Green Factor requirements pursuant to Section 23.45.524, such as trellises, that accommodate vegetated walls covering a minimum of 25 percent of the ((~~façade~~))facade surface;

4) Special fenestration treatment, including an increase in the percentage of windows and doors to at least 25 percent of the street-facing ((~~façade~~))facade(s).

* * *

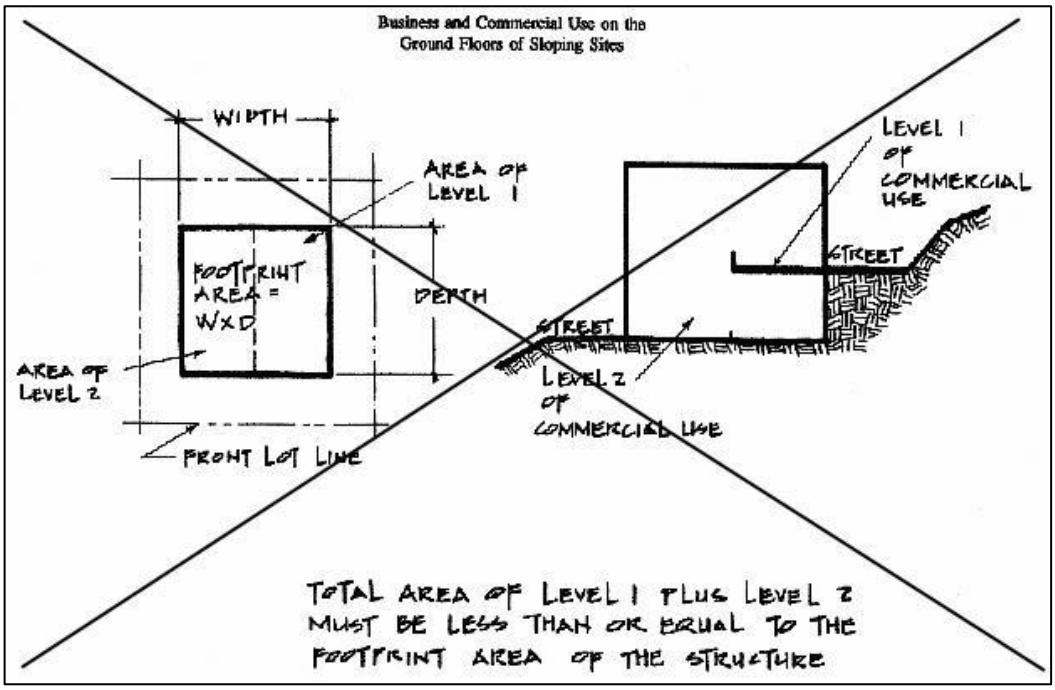
Section 34. Section 23.45.532 of the Seattle Municipal Code, last amended by Ordinance 123939, is amended as follows:

23.45.532 Standards for ground floor commercial uses in MR and HR zones

A. All ground-floor commercial uses permitted pursuant to Section 23.45.504, except medical service uses permitted pursuant to Section 23.45.506, shall meet the following conditions:

1. The commercial use is permitted only on the ground floor of a structure that contains at least one dwelling unit. On sloping lots, the commercial use may be located at more

than one level within the structure as long as the floor area in commercial use does not exceed the area of the structure's footprint. ((~~See Exhibit A for 23.45.532.~~))



((~~***Exhibit A for 23.45.532***~~))

2. The maximum size of use of any one business establishment is 4,000 square feet, except that the maximum size of use of a multi-purpose retail sales establishment is 10,000 square feet.

3. Vents for venting of odors, vapors, smoke, gas and fumes, and exterior heat exchangers and other similar devices (e.g., related to ventilation, air-conditioning, refrigeration) shall be at least 10 feet above finished sidewalk grade, and directed away to the extent possible from residential uses within 50 feet of the vent.

* * *

Section 35. Section 23.45.536 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.45.536 Parking location, access, and screening

* * *

D. Screening of parking((~~,~~))

1. Parking shall be screened from direct street view by the street facing facade of a structure, by garage doors, or by a fence or wall.

2. Screening by a fence or wall. If screening is provided by a fence or wall, the fence or wall shall not be located within any required sight triangle, and shall meet the following conditions:

a. the fence or wall shall be at least 3 feet tall measured from the elevation of the curb, or from the elevation of the street if no curb is present. If the elevation of the ground at the base of the fence or wall is higher than the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the fence or wall is a minimum of 3 feet in height. If located in a setback, the fence or wall shall meet the requirements of subsection 23.45.518.J.7.

b. the fence or wall shall be set back at least 3 feet from the lot line.

3. Screening by garage doors. If parking is provided in a garage in or attached to a principal structure((~~,~~)) and garage door(s) face a street, ((~~the following standards apply:~~

~~a. G~~))the garage door(s) may be no more than 75 square feet in area.((~~;~~

~~b.~~))E. Other provisions. Garage doors in LR zones and MR zones facing the street shall be set back at least 15 feet from the street lot line, and shall be no closer to the street lot line than the street-facing ((~~façade~~))facade of the structure.

Section 36. Section 23.45.545 of the Seattle Municipal Code, last amended by Ordinance 123939, is amended as follows:

23.45.545 Standards for certain accessory uses

A. Private, permanent swimming pools, hot tubs and other similar uses are permitted in any required setback, provided that:

1. No part of any swimming pools, hot tubs and other similar uses shall project more than 18 inches above existing grade in a required front setback; and

2. No swimming pool shall be placed closer than 5 feet to any front or side lot line.

((~~3. Swimming pools shall be enclosed with a fence, or located within an area enclosed by a fence, not less than 4 feet in height and designed to resist the entrance of children.~~))

B. Solar greenhouses, greenhouses and solariums((~~.~~))

1. Solar greenhouses, greenhouses and solariums, in each case that are attached to and integrated with the principal structure and no more than 12 feet in height are permitted in a required rear setback, subject to subsection 23.45.545.B.3, and may extend a maximum of 6 feet into required front and side setbacks, subject to subsection 23.45.545.B.2.

2. An attached solar greenhouse, greenhouse or solarium, in a required setback, shall be no closer than 3 feet from side lot lines and 8 feet from front lot lines.

3. A solar greenhouse, greenhouse or solarium allowed pursuant to subsection 23.45.545.B.1 shall not be closer than 5 feet to the rear lot line, except that it may abut an alley if it is no taller than 10 feet along the rear lot line, is of no greater average height than 12 feet for a depth of 15 feet from the rear lot line, and is no wider ((~~that~~))<u>than</u> 50 percent of lot width for a depth of 15 feet from the rear lot line.

C. Solar collectors((~~.~~))

1. Solar collectors that meet minimum written energy conservation standards administered by the Director are permitted in required setbacks, subject to the following:

a. Detached solar collectors are permitted in required rear setbacks, no closer than 5 feet to any other principal or accessory structure.

b. Detached solar collectors are permitted in required side setbacks, no closer than 5 feet to any other principal or accessory structure, and no closer than 3 feet to the

side lot line.

2. Sunshades that provide shade for solar collectors that meet minimum written energy conservation standards administered by the Director may project into southern front or rear setbacks. Those that begin at 8 feet or more above finished grade may be no closer than 3 feet from the lot line. Sunshades that are between finished grade and 8 feet above finished grade may be no closer than 5 feet to the lot line.

3. Solar collectors on roofs. Solar collectors that meet minimum written energy conservation standards administered by the Director and that are located on a roof are permitted as follows:

a. In ((~~Lowrise~~))LR zones up to 4 feet above the maximum height limit or 4 feet above the height of elevator penthouse(s), whichever is higher; and

b. In MR and HR zones up to 10 feet above the maximum height limit or 10 feet above the height of elevator penthouse(s), whichever is higher.

c. If the solar collectors would cause an existing structure to become nonconforming, or increase an existing nonconformity, the Director may permit the solar collectors as a special exception pursuant to Chapter 23.76. Such solar collectors may be permitted even if the structure exceeds the height limits established in this subsection 23.45.545.C.3, when the following conditions are met:

((~~a.~~))1) There is no feasible alternative solution to placing the collector(s) on the roof; and

((~~b.~~))2) Such collector(s) are located so as to minimize view blockage from surrounding properties and the shading of property to the north, while still providing adequate solar access for the solar collectors.

D. ((~~Solar Collectors on Roofs. Solar collectors that are located on a roof and meet minimum energy conservation standards administered by the Director are permitted as follows:~~

~~1. In ((Lowrise))LR zones, up to 4 feet above the maximum height limit or 4 feet~~

~~above the height of elevator penthouse(s), whichever is higher; and~~

~~2. In MR and HR zones, up to 10 feet above the applicable height limit or 10 feet above the height of elevator penthouse(s), whichever is higher.~~))[Reserved.]

E. Nonconforming ((~~S~~))solar ((~~C~~))collectors. The Director may permit the installation of solar collectors that meet minimum energy standards and that increase an existing nonconformity as a special exception pursuant to Chapter 23.76. Such an installation may be permitted even if it exceeds the height limits established in Sections 23.45.009 and 23.45.514 when the following conditions are met:

1. There is no feasible alternative solution to placing the collector(s) on the roof;

2. Such collector(s) are located so as to minimize view blockage from surrounding properties and the shading of property to the north, while still providing adequate solar access for the solar collectors.

F. Open wet moorage facilities for residential uses are permitted as an accessory use pursuant to Chapter 23.60, Shoreline District, if only one slip per residential unit is provided.

G. Bed and ((~~B~~))breakfast ((~~U~~))uses. A bed and breakfast use may be operated under the following conditions:

1. The bed and breakfast use has a business license issued by the Department of Finance;

2. The operation of a bed and breakfast use is conducted within a single dwelling unit;

3. The bed and breakfast use is operated within the principal structure and not in an accessory structure;

4. There shall be no evidence of a bed and breakfast use from the exterior of the structure other than a sign permitted by ((~~S~~))subsection 23.55.022.D.1, so as to preserve the residential appearance of the structure;

5. No more than two people who are not residents of the dwelling may be

employed in the operation of a bed and breakfast, whether or not compensated; and

6. Parking is required pursuant to Chapter 23.54. Interior and exterior alterations consistent with the development standards of the underlying zone are permitted.

H. Heat recovery incinerators, located on the same lot as the principal use, may be permitted by the Director as accessory administrative conditional uses, pursuant to Section 23.45.506.

I. In ((~~Lowrise~~))LR zones, accessory dwelling units are allowed, in rowhouse and townhouse units, as follows:

1. One accessory dwelling unit is allowed for each rowhouse or townhouse unit that is a "principal unit((~~.~~))". A "principal unit" is a dwelling unit that is not an accessory dwelling unit.

2. The owner of a principal unit shall comply with the owner occupancy requirements of subsection 23.44.041.C.

3. The maximum gross floor area of an accessory dwelling unit is 650 square feet, provided that the total gross floor area of the accessory dwelling unit does not exceed 40 percent of the total gross floor area in residential use on the lot or unit lot, if present, exclusive of garages, storage sheds, and other non-habitable spaces.

4. An accessory dwelling unit shall be located completely within the same structure as the principal unit or in an accessory structure located between the rowhouse or townhouse unit and the rear lot line.

5. The entrance to an accessory dwelling unit provided within the same structure as the principal unit shall be provided through one of the following configurations:

a. Through the primary entry to the principal unit; or

b. Through a secondary entry on a different facade than the primary entry to the principal unit; or

c. Through a secondary entry on the same facade as the primary entry to the principal unit that is smaller and less visually prominent than the entry to the principal unit, and does not have a prominent stoop, porch, portico or other entry feature.

6. Exterior stairs. Exterior stairs providing access to an accessory dwelling unit may not exceed 4 feet in height, except for exterior stairs providing access to an accessory dwelling unit located above a garage.

7. Parking. Parking is not required for an accessory dwelling unit.

J. An accessory dwelling unit within an established single-family dwelling unit or on the lot of an established single-family dwelling unit shall be considered an accessory use to the single-family dwelling unit, shall meet the standards listed for accessory dwelling units in Section 23.44.041, and shall not be considered a separate dwelling unit for any development standard purposes in multifamily zones.

K. Urban farms are subject to the standards in Section 23.42.051 and the conditional use requirement in subsection 23.45.504.C.8.

Section 37. Section 23.45.570 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.45.570 Institutions

* * *

G. Parking((.))

* * *

((5))4. Landscaping of ((P))parking. Accessory parking areas for more than 20 vehicles shall be landscaped according to the following requirements:

a. One tree per every five parking spaces is required.

b. Each required tree shall be planted in a landscaped area and shall be 3 feet away from any curb of a landscaped area or edge of the parking area. Permanent curbs or

structural barriers shall protect landscaping, but may include openings to allow movement of stormwater.

c. Hardy evergreen ground cover shall be planted to cover each landscaped area.

d. The trees and landscaped areas shall be located within the parking area to break up large expanses of pavement and cars.

* * *

Section 38. Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 123872, is amended as follows:

23.47A.004 Permitted and prohibited uses

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Table A for 23.47A.004 and this Section 23.47A.004, except as may be otherwise provided pursuant to Division 3, Overlay Districts, of this subtitle III of Title 23.

* * *

Table A for 23.47A.004 Uses in Commercial ((~~Z~~))zones						
		PERMITTED AND PROHIBITED USES BY ZONE(1)				
USES		**NC1**	**NC2**	**NC3**	**C1**	**C2**
* * *						
C. COMMERCIAL USES						
C.1. Animal ((~~S~~))shelters and ((~~K~~))kennels		X	X	X	X	P
C.2. Eating and drinking establishments						
	C.2.a. Drinking establishments	CU-10	CU-25	P	P	P
	C.2.b. Restaurants	10	25	P	P	P
C.3. Entertainment ((~~U~~))uses						
	C.3.a. Cabarets, adult (15)	X	P	P	P	P
	C.3.b. Motion picture theaters, adult	X	((~~25~~))X	((~~P~~))X	((~~P~~))X	((~~P~~))X
	C.3.c. Panorams, adult	X	X	X	X	X
	C.3.d. Sports and recreation, indoor	10	25	P	P	P
	C.3.e. Sports and recreation, outdoor	X	X	X(2)	P	P
	C.3.f. Theaters and spectator sports facilities	X	25	P	P	P
* * *						
J. RESIDENTIAL USES(9)						
J.1. Residential uses not listed below		P	P	P	P	CU(10)
J.2. Caretaker's quarters		P	P	P	P	P
***						
KEY A = Permitted as an accessory use only CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010) CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010) P = Permitted						

Table A for 23.47A.004
Uses in Commercial ((~~Z~~))zones

		PERMITTED AND PROHIBITED USES BY ZONE(1)				
USES		**NC1**	**NC2**	**NC3**	**C1**	**C2**

S = Permitted in shoreline areas only
X = Prohibited
10 = Permitted, business establishments limited to 10,000 square feet, pursuant to Section 23.47A.010
20 = Permitted, business establishments limited to 20,000 square feet, pursuant to Section 23.47A.010
25 = Permitted, business establishments limited to 25,000 square feet, pursuant to Section 23.47A.010
35 = Permitted, business establishments limited to 35,000 square feet, pursuant to Section 23.47A.010
40 = Permitted, business establishments limited to 40,000 square feet, pursuant to Section 23.47A.010
50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Section 23.47A.010
FOOTNOTES to Table for 23.47A.004
(1) In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in subsection 23.47A.005.D. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).
(2) Permitted at Seattle Center.
(3) Bed and breakfasts in existing structures are permitted outright with no maximum size limit.
(4) Medical services over 10,000 square feet within 2,500 feet of a medical Major Institution Overlay boundary require conditional use approval, unless they are included in a Major Institution Master Plan or dedicated to veterinary services.
(5) Office uses in C1 and C2 zones are permitted up to the greater of 1 FAR or 35,000 square feet as provided in subsection 23.47A.010.D. Office uses in C1 and C2 zones are permitted outright with no maximum size limit if they meet the standards identified in subsection 23.47A.010.D.
(6) Gas stations and other businesses with drive-in lanes are not permitted in pedestrian-designated zones (Section 23.47A.028). Elsewhere in NC zones, establishing a gas station may require a demonstration regarding impacts under Section 23.47A.028.
(7) Grocery stores meeting the conditions of subsection 23.47A.010.E are permitted up to 23,000 sq. ft. in size.
(8) Subject to subsection 23.47A.004.G.
(9) Residential uses may be limited to 20 percent of a street-level street-facing facade pursuant to subsection 23.47A.005.C.
(10) Residential uses are conditional uses in C2 zones under subsection 23.47A.006.A.3, except as otherwise provided above in Table A for 23.47A.004 or in that subsection 23.47A.006.A.3.
(11) Permitted at Seattle Center, see Section 23.47A.011
(12) In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to subsection 23.47A.032.B.2.
(13) Permitted only on parking lots existing at least five years prior to the establishment of the park and pool lot.
(14) See Chapter 23.57, Communications regulations, for regulation of communication utilities.
(15) Subject to subsection 23.47A.004.H.
(16) A recycling use that is located on the same development site as a solid waste transfer station may be permitted by administrative conditional use, subject to the requirements of subsection 23.47A.006.A.7.

((~~Key~~

~~A = Permitted as an accessory use only~~

~~CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, pursuant to Section 23.47A.010)~~

~~CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, pursuant to Section 23.47A.010)~~

~~P = Permitted~~

~~S = Permitted in shoreline areas only~~

~~X = Prohibited~~

~~10 = Permitted, business establishments limited to 10,000 sq. ft., pursuant to Section 23.47A.010~~

~~20 = Permitted, business establishments limited to 20,000 sq. ft., pursuant to Section 23.47A.010~~

~~25 = Permitted, business establishments limited to 25,000 sq. ft., pursuant to Section 23.47A.010~~

~~35 = Permitted, business establishments limited to 35,000 sq. ft., pursuant to Section 23.47A.010~~

~~40 = Permitted, business establishments limited to 40,000 sq. ft., pursuant to Section 23.47A.010~~

~~50 = Permitted, business establishments limited to 50,000 sq. ft., pursuant to Section 23.47A.010~~

~~NOTES~~

~~(1) In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in section 23.47A.005.D. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).~~

~~(2) Permitted at Seattle Center.~~

~~(3) Bed and Breakfasts in existing structures are permitted outright with no maximum size limit.~~

~~(4) Medical services over 10,000 sq. ft. within 2,500 feet of a medical Major Institution Overlay boundary require conditional use approval, unless they are included in a Major Institution Master Plan or dedicated to veterinary services.~~

~~(5) Office uses in C1 and C2 zones are permitted up to the greater of 1 FAR or 35,000 square feet as provided in subsection 23.47A.010 D. Office uses in C1 and C2 zones are permitted~~

~~outright with no maximum size limit if they meet the standards identified in subsection 23.47A.010 D.~~

~~(6) Gas stations and other businesses with drive-in lanes are not permitted in pedestrian-designated zones (Section 23.47A.028). Elsewhere in NC zones, establishing a gas station may require a demonstration regarding impacts under Section 23.47A.028.~~

~~(7) Grocery stores meeting the conditions of subsection 23.47A.010 E are permitted up to 23,000 sq. ft. in size.~~

~~(8) Subject to subsection 23.47A.004 G.~~

~~(9) Residential uses may be limited to 20 percent of a street-level street-facing facade pursuant to subsection 23.47A.005.C.~~

~~(10) Residential uses are conditional uses in C2 zones under Section 23.47A.006 B3, except as otherwise provided above in Table A or in that section.~~

~~(11) Permitted at Seattle Center, see Section 23.47A.011~~

~~(12) In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to Section 23.47A.032.B.2.~~

~~(13) Permitted only on parking lots existing at least 5 years prior to the establishment of the park and pool lot.~~

~~(14) See Chapter 23.57, Communications Regulations, for regulation of communication utilities.~~

~~(15) Subject to subsection 23.47A.004.H.~~

~~(16) A recycling use that is located on the same development site as a solid waste transfer station may be permitted by administrative conditional use, subject to the requirements of Section 23.47A.006.A.7.~~))

* * *

Section 39. Section 23.47A.005 of the Seattle Municipal Code, last amended by Ordinance 123939, is amended as follows:

23.47A.005 Street-level uses

A. The requirements of this Section 23.47A.005 apply in addition to the other applicable requirements of this Title 23.

B. Mini-warehouses, warehouses, or utility uses may not abut a street-level street-facing facade in a structure that contains more than one residential dwelling unit.

C. Residential uses at street level((~~,~~))

1. In all neighborhood commercial and C1 zones, residential uses may occupy, in the aggregate, no more than 20 percent of the street-level street-facing facade in the following circumstances or locations:

a. In a pedestrian-designated zone, facing a designated principal pedestrian street; or

b. Within the Bitter Lake Village Hub Urban Village; or

c. Within the Lake City Hub Urban Village, except as provided in subsection 23.47A.005.C.2; or

d. Within a zone that has a height limit of 85 feet or higher, except as provided in subsection 23.47A.005.C.2; or

e. Within an NC1 zone, except as provided in subsection 23.47A.005.C.2; or

f. Within the Northgate Overlay District, except as provided in Section 23.71.044; or

g. In areas shown on Maps 1 through 60 ((~~in Map Book A~~))for 23.47A.005.C at the end of this Chapter 23.47A when facing an arterial street.

2. Subsection 23.47A.005.C.1 notwithstanding, there is no restriction on the location of residential uses in the following circumstances:

a. Within a very low-income housing project existing as of May 1, 2006, or within a very low-income housing project replacing a very low-income housing project existing as of May 1, 2006, on the same site; or

b. The residential use is an assisted living facility or nursing home and private living units are not located at street level; or

c. Within the Pike/Pine Conservation Overlay District, for street-facing facades that do not face a designated principal pedestrian street, as shown on Map A for 23.73.008; or

d. In a structure existing on January 1, 2012, that is within an NC1 zone but not located in an area defined in Maps 1 through 60 for 23.47A.005.C, at the end of this Chapter 23.47A, a live-work space may be converted to an accessory dwelling unit if the residential use is established, if the area proposed to be converted meets the minimum housing standards of Chapter 22.206, and if the area proposed to be converted meets the owner occupancy requirement of subsection 23.44.041.C; or

e. Within a structure that:

1) is developed and owned by the Seattle Housing Authority; and

2) is located on a lot zoned NC1 or NC3 that was owned by the Seattle Housing Authority as of January 1, 2009.

3. Additions to, or on-site accessory structures for, existing single-family structures are permitted outright.

4. Where residential uses at street level are limited to 20 percent of the street-level street-facing ((~~façade~~))facade, such limits do not apply to residential structures separated from the street lot line by an existing structure meeting the standards of this Section 23.47A.005 and Section 23.47A.008, or by an existing structure legally nonconforming to those standards.

* * *

Section 40. Section 23.47A.008 of the Seattle Municipal Code, last amended by Ordinance 123939, is amended as follows:

23.47A.008 Street-level development standards

A. Basic street-level requirements((~~.~~))

1. The provisions of this subsection 23.47A.008.A apply to:

a. Structures in NC zones;

b. Structures that contain a residential use in C zones; and

c. Structures in C zones across the street from residential zones.

2. Blank facades((~~.~~))

a. For purposes of this ((~~s~~))Section 23.47A.008, facade segments are considered blank if they do not include at least one of the following:

1) Windows;

2) Entryways or doorways;

3) Stairs, stoops, or porticos;

4) Decks or balconies; or

5) Screening and landscaping on the facade itself.

b. Blank segments of the street-facing facade between 2 feet and 8 feet above the sidewalk may not exceed 20 feet in width.

c. The total of all blank facade segments may not exceed 40 percent of the width of the facade of the structure along the street.

3. Street-level street-facing facades shall be located within 10 feet of the street lot line, unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided.

B. Non-residential street-level requirements((~~.~~))

1. In addition to the provisions of subsection 23.47A.008.A, ((~~T~~))the provisions of this subsection 23.47A.008.B ((~~and subsection 23.47A.008.A~~))apply to:

a. Structures with street-level non-residential uses in NC zones;

b. Structures with street-level non-residential uses that also contain residential uses in C zones; ((~~and~~))

c. Structures with street-level non-residential uses in C zones across the street from residential zones((~~.~~)); and

d. All structures in pedestrian designated zones.

2. Transparency((~~.~~))

a. Sixty percent of the street-facing facade between 2 feet and 8 feet above the sidewalk shall be transparent.

b. Transparent areas of facades shall be designed and maintained to allow unobstructed views from the outside into the structure or, in the case of live-work units, into display windows that have a minimum 30((~~-~~)) inch depth.

3. Height and depth provisions for new structures or new additions to existing structures. Non-residential uses shall extend an average depth of at least 30 feet and a minimum depth of 15 feet from the street-level street-facing facade. If the combination of the requirements of Sections 23.47A.005 or 23.47A.008 and this depth requirement would result in a requirement that an area greater than 50 percent of the structure's footprint be dedicated to non-residential use, the Director may modify the street-facing facade or depth requirements, or both, so that no more than 50 percent of the structure's footprint is required to be non-residential.((

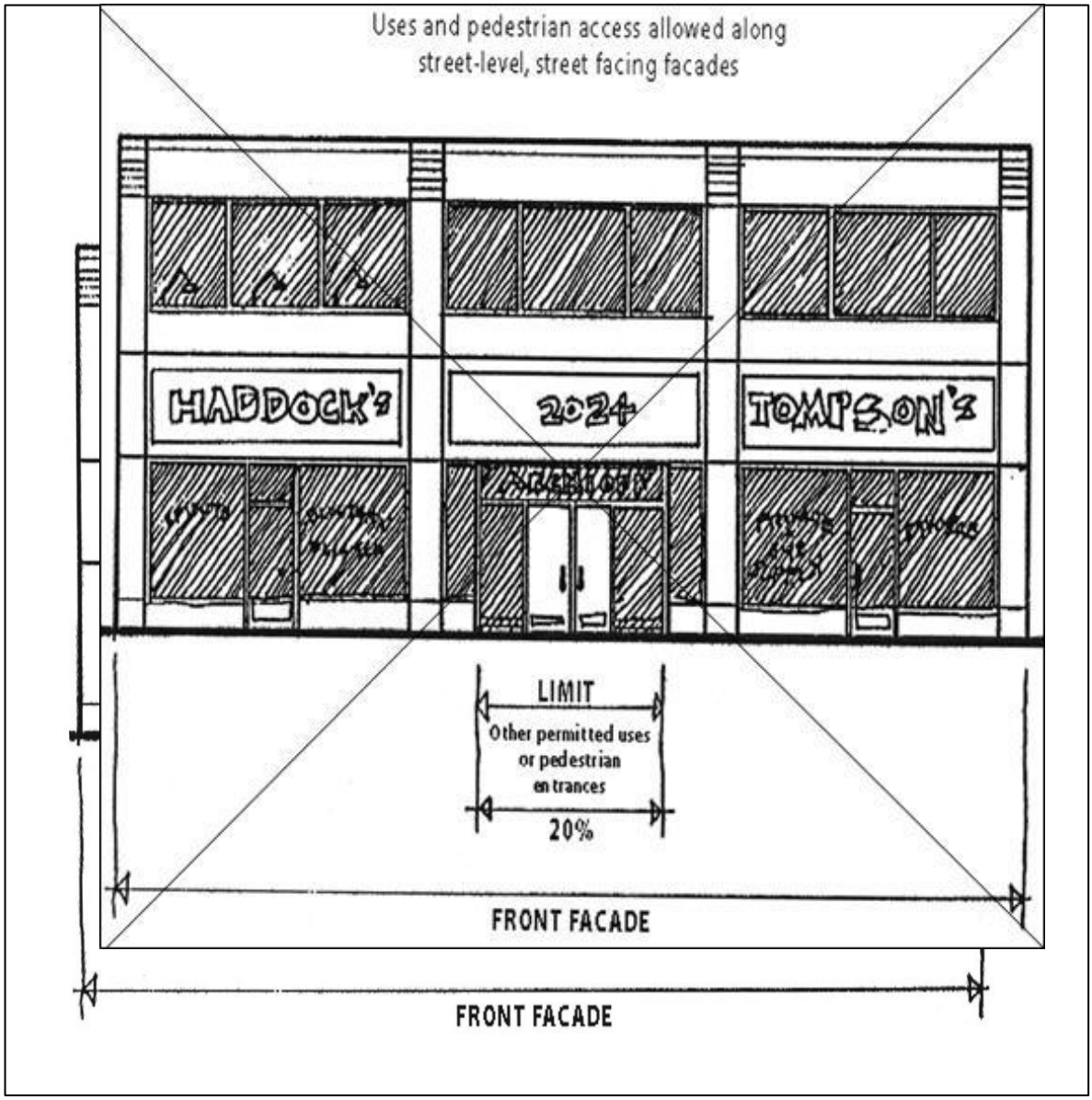
~~b.~~)) Non-residential uses at street level shall have a floor-to-floor height of at least 13 feet.

C. In ((~~pedestrian-designated zones,~~))addition to the provisions of subsections 23.47A.008.A and 23.47A.008.B, ((~~and~~))the following standards also apply in pedestrian designated zones:

1. A minimum of 80 percent of the width of a structure's street-level street-facing facade that faces a principal pedestrian street shall be occupied by uses listed in subsection 23.47A.005.D.1. The remaining 20 percent of the street frontage may contain other permitted uses and/or pedestrian entrances (see Exhibit A for 23.47A.008).

Exhibit A for 23.47A.008

<u>Uses and pedestrian access allowed along street-level, street-facing facades</u>



2. For purposes of calculating the 80 percent of a structure's street-level facade, the width of a driveway at street level, not to exceed 22 feet, may be subtracted from the width of the street-facing facade if the access cannot be provided from an alley or from a street that is not a designated principal pedestrian street.

3. If the street-facing facade and depth requirements would result in a requirement that an area greater than 50 percent of the structure's footprint be dedicated to the uses in subsection 23.47A.005.D.1, the Director may modify the street-facing facade or depth requirements, or both, so that no more than 50 percent of the structure's footprint is required to be dedicated to the uses in subsection 23.47A.005.D.1.

* * *

Section 41. Section 23.47A.009 of the Seattle Municipal Code, last amended by Ordinance 123816, is amended as follows:

23.47A.009 Standards ((~~A~~))applicable to ((~~S~~))specific ((~~A~~))areas

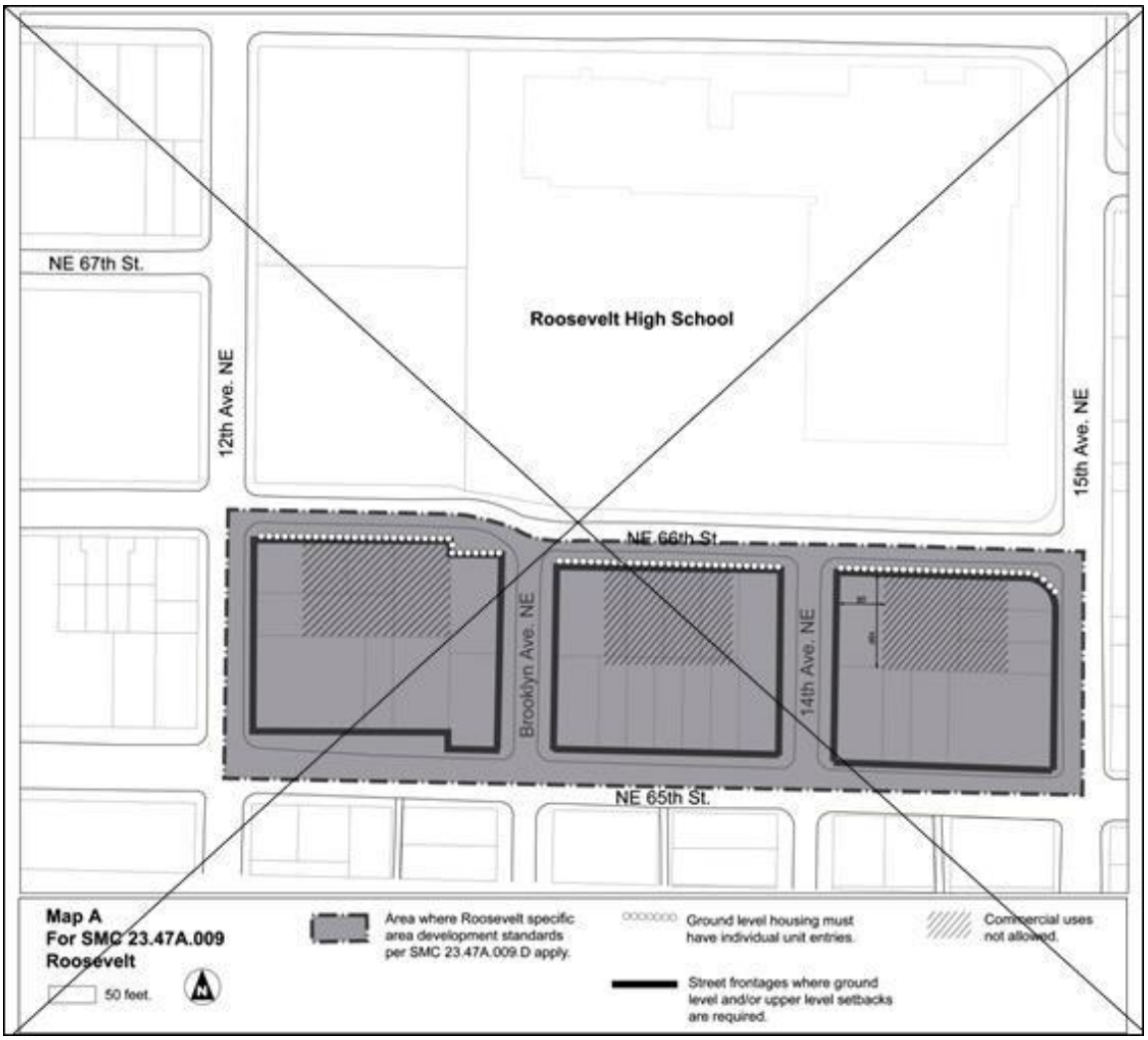
A. Resolution of ((~~S~~))standards ((~~C~~))conflicts. ((~~In the event~~))To the extent there is a conflict between this ((~~subs~~))Section 23.47A.009 and other sections of Title 23, the provisions of this ((~~subs~~))Section ((~~shall~~))23.47A.009 apply.

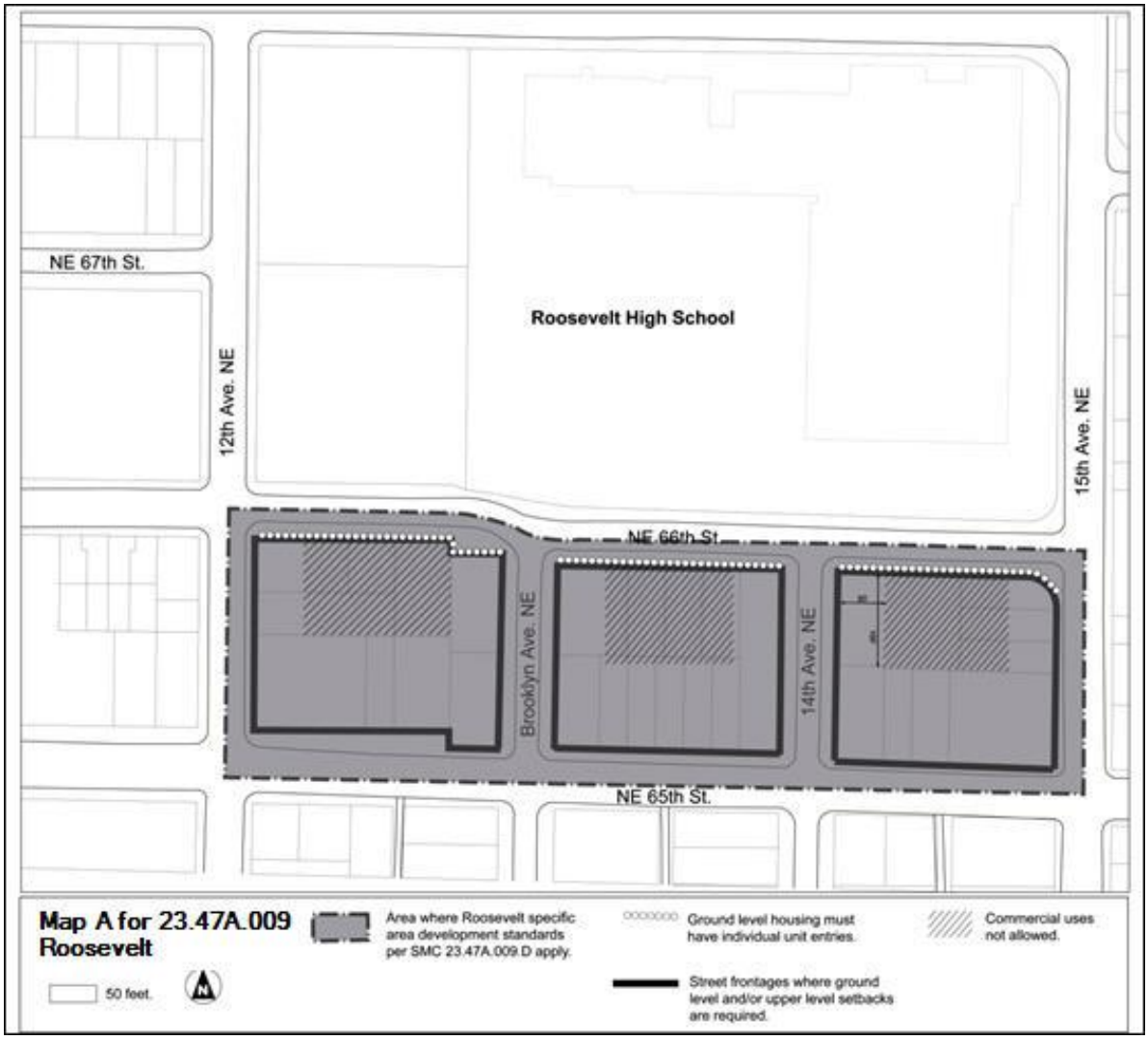
* * *

D. Roosevelt Urban Village. The following provisions apply within the area shown on Map A for ((~~SMC~~))23.47A.009.

Map A for 23.47A.009

Roosevelt





1. Setback ((~~R~~))requirements((~~.~~))

a. The following setbacks are required from the listed street property lines:

1) Northeast 66th Street. An average ground level setback of 10 feet along the length of the street property line and a minimum upper level setback of 4 feet. The minimum upper level setback shall be provided in addition to the required ground level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

2) Brooklyn Avenue Northeast. An average ground level setback of 5 feet along the length of the street property line and a minimum upper level setback of 4 feet. The minimum upper level setback shall be provided in addition to the required ground level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

3) 14th Avenue Northeast. An average ground level setback of 15 feet and a minimum ground level setback of 5 feet along the length of the street property line and a minimum upper level setback of 3 feet. The minimum upper level setback shall be provided in addition to the required ground level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

4) 15th Avenue Northeast. A minimum ground level setback of 5 feet along the length of the street property line and an average upper level setback of 7 feet. The average upper level setback shall be provided in addition to the required ground level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

5) Northeast 65th Street and 12th Avenue Northeast. An average ground level setback of 8 feet shall be provided, and the setback may include pedestrian access and circulation.

* * *

Section 42. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance 124270, is amended as follows:

23.47A.013 Floor area ratio

A. Floor area ratio (FAR) limits apply to all structures and lots in all NC zones and C zones.

1. All gross floor area not exempt under subsection 23.47A.013.D is counted against the maximum gross floor area allowed by the permitted FAR.

2. If there are multiple structures on a lot, the highest FAR limit applicable to any structure on the lot applies to the combined non-exempt gross floor area of all structures on the lot, subject to subsection 23.47A.013.A.4.

3. ((~~Above-grade~~))Except as provided in subsection 23.47A.013.D.6, parking that is within or covered by a structure or portion of a structure and that is within a story that is not underground must be included in gross floor area calculations((~~, except as provided in subsection 23.47A.013.D.6~~)).

4. If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone.

B. Except as provided in subsections 23.47A.013.C, 23.47A.013.D, 23.47A.013.E, 23.47A.013.F, and 23.47A.013.G, maximum FAR allowed in C zones and NC zones is shown in Table A for 23.47A.013, provided that if the commercial zone designation includes an incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive Provisions, to obtain gross floor area exceeding that allowed by the FAR shown in the suffix designation.

Table A for 23.47A.013: Maximum Floor Area Ratio (FAR) ((~~O~~))outside of the Station Area Overlay District						
	Height Limit (in feet)					
	30((-))	**40**((-))	**65**((-))	**85**((-))	**125**((-))	**160**((-))
	Maximum FAR					
1. Total FAR permitted ((~~for a single-purpose structure containing only residential or non-residential use~~))on a lot that is solely occupied by residential use or non-residential use.	2.25	3	4.25	4.5	5	5
2. Total permitted for any single use within a mixed-use structure.	n/a	n/a	4.25	4.5	5	5
3. Total FAR permitted for all uses ((~~within a mixed-use structure containing residential and non-residential uses~~))on a lot that is occupied by a mix of uses, provided that the FAR limit for either all residential uses or the FAR limit for all non-residential uses shall not exceed the FAR limit established in Row 1.	2.5	3.25	4.75	6	6	7

* * *

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

1. ((~~Gross floor area below grade~~))All underground stories or portions of stories;

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

3. Within the South Lake Union Urban Center, gross floor area occupied by mechanical equipment located on the roof of a structure;

4. Within the South Lake Union Urban Center, mechanical equipment that is accessory to a research and development laboratory, up to 15 percent of the gross floor area of a structure. The allowance is calculated on the gross floor area of the structure after all space exempt under this subsection 23.47A.013.D is deducted; and

5. Within the First Hill Urban Center Village, on lots zoned NC3, with a 160 foot height limit, all gross floor area occupied by a residential use.

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

a. the above-grade parking extends no more than 6 feet above existing or finished grade and no more than 3 feet above the highest existing or finished grade along the structure footprint, whichever is lower, as measured to the finished floor level or roof above, pursuant to subsection 23.47A.012.A.5; or

b. all of the following conditions are met:

1) no above-grade parking is exempted by subsection 23.47A.013.D.6.a

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

3) total parking on the lot does not exceed ((~~1~~))<u>one</u> space for each residential dwelling unit plus the number of spaces required ((~~by this Code~~))for non-residential uses; and

4) the amount of gross floor area exempted by this subsection 23.47A.013.D.6.b does not exceed 25 percent of the area of the lot in zones with a height limit less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or greater.

* * *

Section 43. Section 23.47A.014 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.47A.014 Setback requirements

A. Definition. For the purposes of this Section 23.47A.014, "portions of structures"

include those features listed in ((~~S~~))subsection 23.47A.012.((~~D~~))C, Rooftop ((~~F~~))features.

* * *

Section 44. Section 23.47A.032 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.47A.032 Parking location and access

* * *

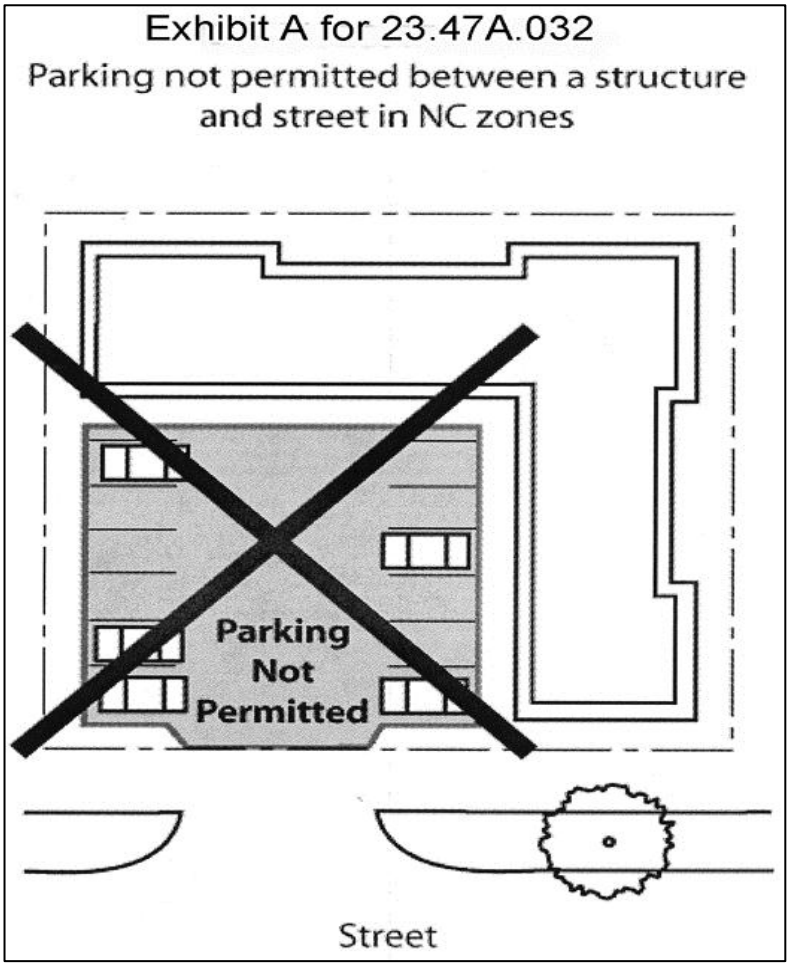
B. Location of parking((~~.~~))

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

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

Exhibit A for 23.47A.032

Parking not permitted between a structure and street in NC zones

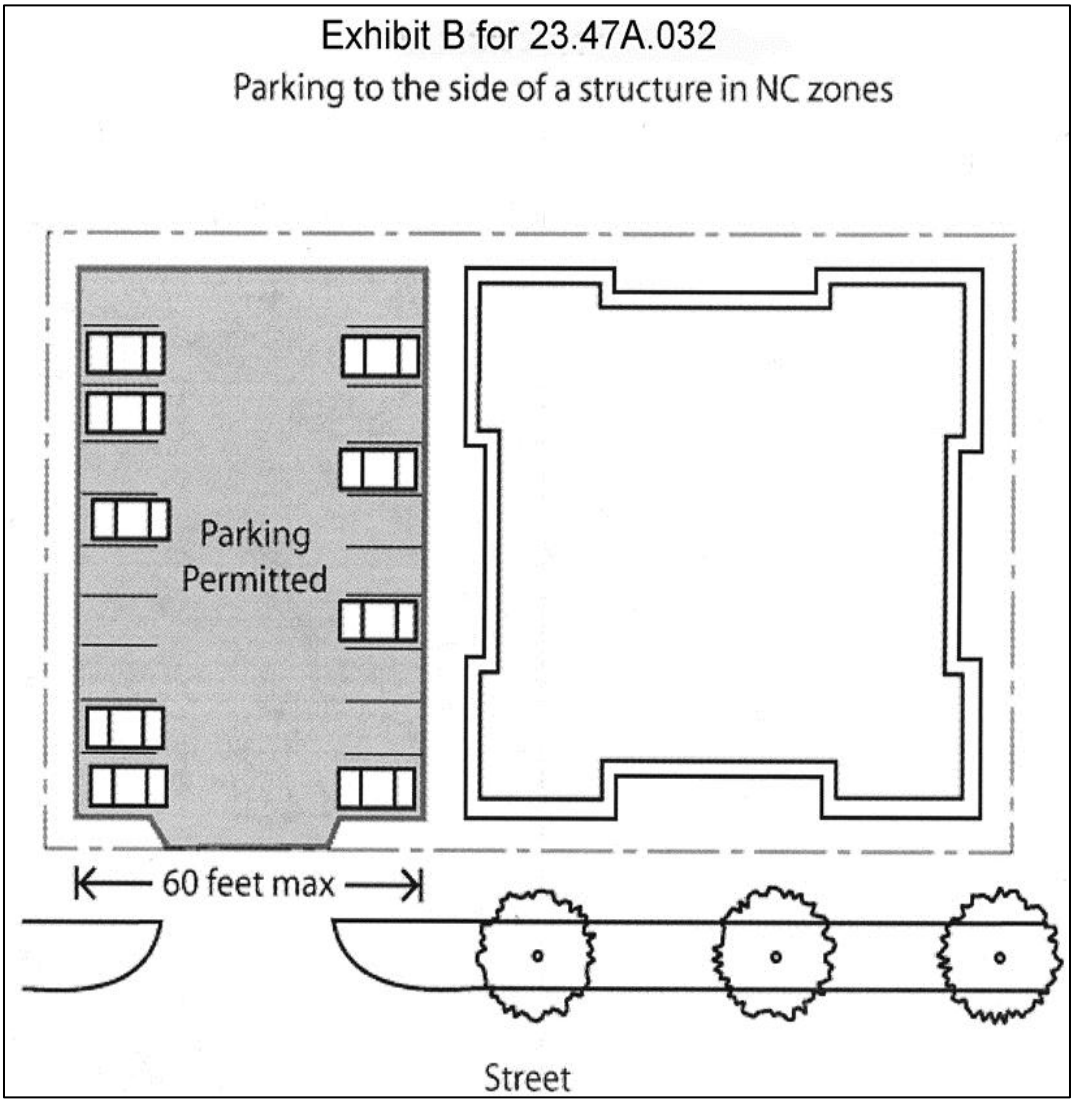


b. Within a structure, street-level parking shall be separated from street-level, street-facing facades by another permitted use. This requirement does not apply to access to parking meeting the standards of subsection 23.47A.032.A.

c. Parking to the side of a structure shall not exceed 60 feet of street frontage (Exhibit B for 23.47A.032).

Exhibit B for 23.47A.032

Parking to the side of a structure in NC zones



d. Required parking shall be located no farther than 800 feet from the lot with the use to which it is accessory, and shall comply with the provisions of Section 23.54.025, ((~~Parking Covenants~~))Off-site parking.

2. In pedestrian designated zones, surface parking is prohibited abutting the street lot line along a principal pedestrian street.

3. Off-street parking may be located anywhere on a lot in C1 and C2 zones, except that structures with residential uses in C zones and structures in C zones across the street from residential zones shall meet the requirements for parking location for NC zones as provided in subsection 23.47A.032.B.1, except that if a lot in a C zone is bordered by streets on all sides, then parking may be provided between a street and a structure, but only on sides facing other commercially-zoned lots.

* * *

Section 45. Section 23.49.013 of the Seattle Municipal Code, last amended by Ordinance 124072, is amended as follows:

23.49.013 Bonus floor area for amenities

* * *

B. Standards for amenities

* * *

3. Ratios and limits

a. Amenities may be used to gain floor area according to the applicable ratios, and subject to the limits in Section 23.49.011 and in Table A for 23.49.013.

Table A for 23.49.013
Downtown ((~~A~~))amenities

Amenity	**Zone ((~~L~~))location of ((~~L~~))lots ((~~E~~))eligible to ((~~U~~))use ((~~B~~))bonus**							**Bonus Ratio**	**Maximum (in square feet) ((~~(SF)~~))of floor area eligible for a bonus or maximum floor area gain**
	DOC1	**DOC2**	**DMC 340/290-400**	**DH2,DMC 125, DMC 160, DMC 85/65-150, and DMC 240/290-400**	**DRC**	**DMR**	**IDM**		
Hillside Terrace	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	6,000 ((~~SF~~))
Urban Plaza	X	X	X					5:1	15,000 ((~~SF~~))
Commercial Parcel Park	X	X	X	X			X	5:1	7,000 ((~~SF~~))
Residential Parcel Park			X	X		X	X	5:1	12,000 ((~~SF~~))
Green Street Parcel Park	Eligible for bonus only on lots abutting a designated green street							5:1	7,000 ((~~SF~~))
Public Atrium	X	X	X					5:1	5,500 ((~~SF~~))
Green Street Improvement	Eligible for bonus only on lots abutting a designated green street							5:1	No limit
Green Street Setback	Eligible for bonus only on lots abutting a designated green street that are not subject to property line street wall requirement							1:1	10 times the length of lot's green street frontage
Hillclimb Assist	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							Not applica ble	Maximum gain of 0.5 FAR
Shopping Corridor	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	7,200 ((~~SF~~))
Transit Station Access	X	X	X	X	X	X		Not Applica ble	Maximum gain of 1.0 FAR
Public Restroom	X	X	X	X	X	X		7:1	No limit

Table A for 23.49.013 Downtown ((~~A~~))amenities									
Amenity	**Zone ((~~L~~))location of ((~~L~~))lots ((~~E~~))eligible to ((~~U~~))use ((~~B~~))bonus**							**Bonus Ratio**	**Maximum (in square feet) ((~~(SF)~~))of floor area eligible for a bonus or maximum floor area gain**
	DOC1	**DOC2**	**DMC 340/290-400**	**DH2,DMC 125, DMC 160, DMC 85/65-150, and DMC 240/290-400**	**DRC**	**DMR**	**IDM**		
Human Services	X	X	X	X	X	X		7:1	10,000 SF
Preservation of Landmark Theater	X	X	X					Variable; maximum of 12:1	Maximum gain of 1.0 FAR

b. Any bonus for rehabilitation and preservation of a Landmark performing arts theater shall not exceed a maximum of one FAR. Such bonus may be allowed at a variable ratio, as described in the Downtown Amenity Standards, of up to 12 square feet of floor area granted per 1 square foot (12:1) of floor area of a Landmark performing arts theater ((~~space~~))rehabilitated by the applicant, or previously rehabilitated so as to have a useful life at the time the bonus is allowed of no less than 20 years, in each case consistent with any controls applicable to the Landmark performing arts theater and any certificates of approval issued by the Landmarks Preservation Board. For purposes of this subsection 23.49.013.B.3.b, "rehabilitation" means the process of returning a building or buildings to a state of utility, through repair or alteration, that makes possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values((~~performing arts theater space shall consist only of the following: stage; audience seating; theater lobby; backstage areas such as dressing and rehearsal space; the restrooms for audience,~~

~~performers and staff; and areas reserved exclusively for theater storage~~)). For any Landmark performing arts theater from which TDR has been transferred, or that has received any public funding or subsidy for rehabilitation or improvements, the bonus ratio shall be limited, pursuant to a subsidy review, to the lowest ratio, as determined by the Director of Housing, such that the benefits of the bonus, together with the value of any TDR and any public funding or subsidy, are no more than the amounts reasonably necessary to make economically feasible:

1) The rehabilitation and preservation of the Landmark performing arts theater; and

2) Any replacement by the owner of such theater of low-income housing that is reasonably required to be eliminated from the lot of the Landmark performing arts theater to make rehabilitation, preservation and operation of the performing arts theater economically feasible.

* * *

Section 46. Section 23.49.014 of the Seattle Municipal Code, last amended by Ordinance 124072, is amended as follows:

23.49.014 Transfer of development rights

* * *

D. Transfer of ((~~D~~))development ((~~R~~))rights ((~~D~~))deeds and ((~~A~~))agreements((~~.~~))

1. The fee owners of the sending lot shall execute a deed, shall obtain the release of the TDR from all liens of record, and shall obtain ((~~with~~))the written consent of all holders of encumbrances on the sending lot other than easements and restrictions, unless the requirement for a release or (((~~in the case of TDR from a housing TDR site, Landmark housing TDR site or DMC housing TDR site) such~~))consent is waived by the Director ((~~of Housing~~))for good cause((~~,~~)). ((~~which~~))The deed shall be recorded in the King County real property records. If TDR are conveyed to the owner of a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent instrument conveying such lot or the TDR, the

TDR shall pass with the receiving lot whether or not a structure using such TDR shall have been permitted or built prior to any conveyance of the receiving lot. Any subsequent conveyance of TDR previously conveyed to a receiving lot shall require the written consent of all parties holding any interest in or lien on the receiving lot from which the conveyance is made. If the TDR are transferred other than directly from the sending lot to the receiving lot using the TDR, then after the initial transfer, all subsequent transfers also shall be by deed, duly executed, acknowledged and recorded, each referring by King County recording number to the prior deed. Any deed conveying any South Downtown Historic TDR from the sending lot shall include a sworn certification by the grantor to the effect that one or more structures on the sending lot have been finally determined to be contributing structures pursuant to Section 23.66.032, and that since the date of such determination there have been no material changes to any contributing structure on the sending lot, except pursuant to a certificate of approval specifically stating that the authorized change will not affect the status of the structure as a contributing structure. Any false certification by the grantor in a deed under this subsection 23.49.014.D.1 is a violation of this ((~~t~~))Title 23.

* * *

Section 47. Section 23.49.015 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.49.015 Bonus residential floor area in DOC1, DOC2 and DMC zones outside South Downtown for voluntary agreements for low-income housing and moderate-income housing

A. General ((~~P~~))provisions((~~.~~))

* * *

((~~4. No bonus development under this section shall be granted for any housing in a new structure unless the applicant makes a commitment that the structure shall earn a LEED~~

~~Silver rating. When such a commitment is made, the provisions of SMC Section 23.49.020 shall apply. This subsection 4 shall expire and be of no further effect five (5) years after the effective date of this ordinance.~~))

((~~5~~))4. The Master Use Permit application to establish any bonus development under this ((~~s~~))Section 23.49.015 shall include a calculation of the amount of bonus development sought and shall identify the manner in which the conditions to such bonus development shall be satisfied. The Director shall, at the time of issuance of any Master Use Permit decision approving any such bonus development, issue a Type I decision as to the amount of bonus development to be allowed and the conditions to such bonus development, which decision may include alternative means to achieve bonus development, at the applicant's option, if each alternative would be consistent with this ((~~s~~))Section 23.49.015 and any other conditions of the permit, including Design Review conditions if applicable.

B. Voluntary ((~~A~~))agreements for ((~~H~~))housing((~~.~~))

1. The voluntary agreement shall commit the applicant to provide or contribute to low-income housing or moderate-income housing, or both, in an amount as set forth in this subsection 23.49.015.B. The quantities in this subsection 23.49.015.B are based on findings of an analysis that quantifies the linkages between new market-rate units in high-rise residential structures in DOC1, DOC2, and DMC zones and the demand that residents of such units generate for low-income housing and moderate-income housing. The amount of such housing and income levels served, and the amount of any cash payment, shall be determined as follows:

a. For the performance option, the applicant shall provide, as low-income housing or moderate-income housing, net rentable floor area equal to ((~~eleven (~~))11((~~)~~)) percent of the net residential floor area sought as bonus development, computed by multiplying the following sum by an efficiency factor of ((~~eighty (~~))80((~~)~~)) percent: (i) the total square footage of gross residential floor area to be developed on the lot above the base height limit for residential use under ((~~SMC~~))Section 23.49.008, plus (ii) the excess, if any, in each tower to be developed

on the lot, of (X) the total number of square feet of gross residential floor area between the height of ((~~eighty-five (~~))85((~~)~~)) feet and ((~~such~~))the base height limit, over (Y) the product of the "average residential gross floor area limit of stories above 85 feet if height does not exceed the base height limit for residential use" as provided in Table 23.49.058.D.1, column 2, multiplied by the number of stories with residential use in ((~~such~~))each tower above ((~~eighty-five (~~))85((~~)~~)) feet and below ((~~such~~))the base height limit. All low-income housing or moderate-income housing provided under the performance option shall be on the lot where the bonus development is used or an adjacent lot. The adjacent lot must be within the block where the bonus development is used and either abut the lot where bonus development is used, or be separated only by public right-of-way. All rental housing provided under the performance option shall be low-income housing.

b. For the payment option, the applicant shall pay the lesser of the following:

((~~(~~))1) an amount that equals the approximate cost of developing the same number and quality of housing units that would be developed under the performance option, as determined by the Director; or

((~~(~~))2)

((~~(i)~~))a) in DMC zones, ((~~Ten Dollars (~~))$10((~~)~~)) per square foot of net residential floor area sought as bonus development between the height of ((~~eighty-five (~~))85((~~)~~)) feet and the base height limit for residential use under Section 23.49.008, ((~~Fifteen Dollars (~~))$15((~~)~~)) per square foot of the net residential floor area of the first four ((~~(4)~~))stories above the base height limit for residential use, ((~~Twenty Dollars (~~))$20((~~)~~)) per square foot of net residential floor area of the next three ((~~(3)~~))stories, and ((~~Twenty-five Dollars (~~))$25((~~)~~)) per square foot of net residential floor area of the higher stories, not to exceed an average of ((~~Eighteen Dollars and Ninety-four Cents (~~))$18.94((~~)~~)) per square foot of net residential floor area sought as bonus development; and

((~~(ii)~~))b) in DOC1 and DOC2 zones, ((~~Eighteen Dollars and Ninety-four Cents (~~))$18.94((~~)~~)) per square foot of net residential floor area sought as bonus development above the base height limit for residential use under Section 23.49.008.

c. Net residential floor area shall be computed by multiplying the total gross floor area sought as bonus development by an efficiency factor of ((~~eighty (~~))80((~~)~~)) percent. The full amount must be paid to the City in cash, except that if the City shall approve by ordinance the acceptance of specific real property in lieu of all or part of the cash payment, the ((~~Housing~~))Director of Housing may accept ((~~such~~))the real property.

* * *

Section 48. Section 23.49.025 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

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

A. The venting of odors, fumes, vapors, smoke, cinders, dust, and gas shall be at least ((~~ten (~~))10((~~)~~)) feet above finished sidewalk grade, and directed away from residential uses within ((~~fifty (~~))50((~~)~~)) feet of the vent.

1. Major ((~~O~~))odor ((~~S~~))sources((~~.~~))

a. Uses that employ the following odor-emitting processes or activities are considered major odor sources:

Lithographic, rotogravure or flexographic printing;

Film burning;

Fiberglassing;

Selling of gasoline and/or storage of gasoline in tanks larger than ((~~two hundred sixty (~~))260((~~)~~)) gallons;

Handling of heated tars and asphalts;

Incinerating (commercial);

Metal plating;

Use of boilers (greater than ((~~one hundred six (~~))106((~~)~~)) British thermal units per hour, ((~~ten thousand (~~))10,000((~~)~~)) pounds steam per hour, or ((~~thirty (~~))30((~~)~~)) boiler horsepower); and

Other ((~~similar~~))uses creating similar odor impacts.

b. Uses ((~~which~~))that employ the following processes are considered major odor sources, ((~~except when~~))unless the entire activity is conducted as part of a ((~~retail sales and service use~~))commercial use other than food processing or heavy commercial services:

Cooking of grains;

Smoking of food or food products;

Fish or fishmeal processing;

Coffee or nut roasting;

Deep fat frying;

Dry cleaning; and

Other ((~~similar~~))uses creating similar odor impacts.

* * *

Section 49. Section 23.49.181 of the Seattle Municipal Code, last amended by Ordinance 124072, is amended as follows:

23.49.181 Bonus floor area for affordable housing in the PSM 85-120 zone

* * *

E. Affordable ((~~H~~))housing

* * *

7. Reports and fees. An applicant for bonus floor area shall pay a review fee and the housing owner shall provide annual reports ((~~and pay an annual monitoring fee~~))to the Office of Housing((~~for each affordable housing unit, as specified under Chapter 22.900G~~)). Fees shall be paid in accordance with the applicable fee ordinance item or Section 22.900G.015.

* * *

Section 50. Section 23.50.038 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.50.038 Industrial Commercial((—)) - **Screening and** ((~~L~~))**landscaping**

A. Screening and landscaping requirements for all uses((~~.~~))

1. Landscaping that achieves a Green Factor score of 0.30 or greater, pursuant to Section 23.86.019, is required for any lot ((~~All property~~))zoned Industrial Commercial (IC) ((~~and~~))located within a designated urban village or urban center ((~~shall achieve a Green Factor score of .30 or greater, pursuant to Section 23.86.019~~)), with:

a. development containing more than four new dwelling units; or

b. development, either a new structure or an addition to an existing structure, containing more than 4,000 new square feet of non-residential uses; or

c. any parking lot containing more than 20 new parking spaces for automobiles.

* * *

Section 51. Section 23.50.044 of the Seattle Municipal Code, last amended by Ordinance 121477, is amended as follows:

23.50.044 Industrial Buffer and Industrial Commercial zones – Standards for major odor sources((~~.~~))

A. Major ((~~O~~))odor ((~~S~~))sources((~~.~~))

1. Uses ((~~which~~))that involve the following odor-emitting processes or activities shall be considered major odor sources:

((—))Lithographic, rotogravure or flexographic printing;

((—))Film burning;

((—))Fiberglassing;

((—))Selling of gasoline and/or storage of gasoline in tanks larger than ((~~two~~

~~hundred sixty (~~))260((~~)~~)) gallons;

((—))Handling of heated tars and asphalts;

((—))Incinerating (commercial);

((—))Metal plating;

((—))Tire buffing;

((—))Vapor degreasing;

((—))Wire reclamation;

((—))Use of boilers (greater than ((~~one hundred six (~~))106((~~)~~)) British ((~~T~~))thermal ((~~U~~))units per hour, ((~~ten thousand (~~))10,000((~~)~~)) ((~~lbs.~~))pounds steam per hour, or ((~~thirty (~~))30((~~)~~)) boiler horsepower); and

((—))Other uses creating similar odor impacts.

2. Uses ((~~which~~))that employ the following processes shall be considered major odor sources, ((~~except when~~))unless the entire activity is conducted as part of a ((~~retail sales and service use~~))commercial use other than food processing or heavy commercial services:

((—))Cooking of grains;

((—))Smoking of food or food products;

((—))Fish or fishmeal processing;

((—))Coffee or nut roasting;

((—))Deep-fat frying;

((—))Dry cleaning;

((—))Animal food processing; and

((—))Other uses creating similar odor impacts.

* * *

Section 52. Section 23.52.002 of the Seattle Municipal Code, adopted by Ordinance 117383, is amended as follows:

23.52.002 Categorical exemptions((~~.~~))

Construction of a new structure and/or parking lot, expansion of an existing structure and/or parking lot, and/or changes of use that are categorically exempt from SEPA review under Chapter 25.05 are exempt from Subchapter I of this ((~~c~~))Chapter 23.52. Projects that are categorically exempt from SEPA review but are otherwise subject to SEPA due to their location within an environmentally critical area are exempt from this ((~~c~~))Chapter 23.52.

Section 53. Section 23.52.008 of the Seattle Municipal Code, adopted by Ordinance 123939, is amended as follows:

23.52.008 Transportation ((~~I~~))impact ((~~M~~))mitigation

A. Applicability. The requirements of this Section 23.52.008 apply to proposed new development as described in Table A for 23.52.008. Proposed new development that is subject to SEPA environmental review per ((~~SMC~~))Chapter 25.05 is exempt from ((~~this~~))Subchapter II of this Chapter 23.52.

Table A for 23.52.008 Development ((~~L~~))location and ((~~S~~))size ((~~R~~))ranges ((~~W~~))where the ((~~R~~))requirements of Section 23.52.008 ((~~A~~))apply		
Applicable ((~~Z~~))zones, ((~~W~~))when ((~~L~~))located ((~~W~~))within an Urban Center or Urban Village((~~s~~)) ((~~C~~))containing a Station Area Overlay District	**Applicable ((~~S~~))size ((~~R~~))ranges**	
	Number of ((~~D~~))dwelling ((~~U~~))units	**Amount of ((~~N~~))non-((~~R~~))residential ((~~S~~))space (square feet), ((~~W~~))when ((~~L~~))located in a ((~~M~~))mixed-((~~U~~))use ((~~D~~))development[1]**
LR1	7 to 200	4,001 to 30,000
LR2, LR3, NC1, NC2, NC3, C1, C2, MR, HR, SM	31 to 200	12,001 to 30,000
Downtown ((~~Z~~))zones	81 to 250	12,001 to 30,000
Footnote to Table A for 23.52.008 [1] This size range applies to a development that contains at least one dwelling unit.		

B. Impact ((~~A~~))analysis ((~~R~~))required. Applicants for proposed development shall prepare and submit with the development permit application an analysis of potential transportation impacts that may result from the proposed development. For development containing more than 50 dwelling units or 12,000 square feet of non-residential floor area or both, the analysis must contain the following information and analysis:

1. Number of additional daily and peak hour vehicular trips;

2. Likely distribution of project traffic and effects on traffic operations;

3. Availability and expected usage of transit;

4. Existing vehicular, pedestrian, and bicycle conditions, including access and connections to transit and bicycle facilities; and

5. Accident history.

For all other development, the Director shall determine the scope and level of detail of analysis based on the probable impacts and/or scale of the proposed development. The analysis may include the elements identified above or other elements as determined by the Director.

C. Impact ((~~M~~))mitigation. Based upon the results of the transportation impact analysis, the Director may condition permit approval, as a Type I decision, to mitigate or prevent transportation impacts. ((~~Required mitigation may include, but is not limited to:~~))

1. Except as provided by subsection 23.52.008.C.2, required mitigation may include, but is not limited to:

a. changes in access;

((~~2~~))b. changes in the location, number and size of curb cuts and driveways;

((~~3~~))c. provision of transit incentives, including transit pass subsidies;

((4))d. bicycle parking, and shower facilities for bicycle commuters;

((~~5~~))e. signage, including wayfinding;

((~~6~~))f. improvements to vehicular, pedestrian and bicycle traffic facilities or operations including signalization, turn channelization, right-of-way dedication, street widening, pedestrian and bicycle facilities improvements, and lighting((~~:~~)):

((~~7~~))g. transportation management plans;

((~~8~~))h. ((~~P~~))parking management strategies including, but not limited to, unbundling parking from building-space leases, reserved parking spaces for vanpools, and reduction in the amount of parking to be provided; and

((~~9~~))i. ((~~P~~))participation in a transportation mitigation payment program or transportation management association, where available.

2. Mitigation that may be required for residential projects in downtown zones or the residential portion of mixed use projects in downtown zones is limited to:

a. signage, including wayfinding;

b. provision of information on transit and ride-sharing programs; and

c. bicycle parking.

Section 54. Section 23.53.005 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.53.005 Access to lots

A. Street or ((~~P~~))private ((~~E~~))easement ((~~A~~))abutment ((~~R~~))required((~~.~~))

1. For residential uses, at least 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 subsection 23.53.025.F for pedestrian access easements shall be met.

2. For non-residential uses that do not provide parking, at least 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 ((~~S~~))subsection 23.53.025.F for pedestrian access easements to residential uses shall be met.

3. For non-residential uses and live-work units that provide parking, 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 ((~~S~~))subsection 23.53.025.F for pedestrian access easements to residential uses shall be met.

* * *

Section 55. Section 23.53.006 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.53.006 Pedestrian access and circulation

A. General ((~~R~~))requirements. Pedestrian access and circulation are required on all streets in all zones as set forth in this Section 23.53.006. Pedestrian access and circulation improvements shall meet the standards in the Right-of-Way Improvements Manual for sidewalks and pedestrian walkways. The regulations in this ((~~s~~))Section 23.53.006 are not intended to preclude the use of Chapter 25.05((~~of the Seattle Municipal Code~~)), the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

* * *

F. Exceptions. The following exceptions to pedestrian access and circulation requirements and standards apply:

1. Projects ((~~E~~))exempt from ((~~R~~))requirements. Pedestrian access and circulation improvements are not required for the following types of projects:

a. changes of use;

b. alterations to existing structures;

c. additions to existing structures that are exempt from environmental review;

d. construction of a detached structure accessory to a single-family dwelling unit located in any zone, if the property owner enters into a no-protest agreement, as authorized by RCW ((~~Chapter~~))35.43, to future pedestrian access and circulation improvements and that agreement is recorded with the King County ((~~Department of Records and Elections~~)) Recorder;

e. construction of a single-family dwelling unit on a lot in any zone, if the property owner enters into a no-protest agreement, as authorized by RCW ((~~Chapter~~))35.43, to future pedestrian access and circulation improvements and that agreement is recorded with the King County ((~~Department of Records and Elections~~)) Recorder, and if at least one of the following conditions is met:

1) the lot is located on a block front where there are no existing pedestrian access and circulation improvements within 100 feet of the lot; or

2) construction of pedestrian access and circulation improvements is not necessary because, for example, the existing right-of-way has suitable width and surface treatment for pedestrian use; or the existing right-of-way has a limited amount of existing and potential vehicular traffic; or the Director anticipates limited, if any, additional development near the lot because the development near the lot is at or near zoned capacity under current zoning designations.

f. expansions of surface parking, outdoor storage, outdoor sales and outdoor display of rental equipment of less than 20 percent of the parking, storage, sales or display area, or number of parking spaces; ((~~and~~))

g. in IG1 and IG2 zones, and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, the addition of:

1) fewer than ten artist's studio dwellings;

2) less than 750 square feet of gross floor area of major and minor vehicle repair uses and multipurpose retail sales; and

3) Less than 4,000 square feet of gross floor area of non-residential uses not listed in subsection 23.53.006.F.1.g.2((~~.~~)); and

h. construction of a new non-residential structure of up to 4,000 square feet of gross floor area if the structure is at least 50 feet from any lot line abutting an existing street that does not have pedestrian access and circulation improvements.

* * *

Section 56. Section 23.53.035 of the Seattle Municipal Code, last amended by Ordinance 121477, is amended as follows:

23.53.035 Structural building overhangs and minor architectural encroachments((~~.~~))

((~~A.~~))Structural building overhangs ((~~are encroachments into public property that include cornices, eaves, sills, belt courses, bay windows, balconies, facade treatment and other architectural features. They shall be designed in accordance with the standards set forth in this section and rules promulgated by the Director. Structural building overhangs, when approved, shall meet the following requirements~~))and minor architectural encroachments shall meet the following standards:

((~~1~~))A. ((~~Vertical clearance shall be a minimum of eight (8) feet from the sidewalk or twenty-six (26) feet from an alley, or greater when required by other regulations.~~

~~2.~~))Minor architectural encroachments. Minor architectural encroachments include ((~~O~~))overhead horizontal ((~~projections~~))extensions of a purely architectural or decorative character such as cornices, eaves, sills, and belt courses that do not create any interior volume or floor area. ((~~shall be limited to a maximum horizontal extension of one (1) foot and maximum vertical dimension of two (2) feet six (6) inches, and shall not increase the floor area or the volume of space enclosed by the building. At roof level, the projections may extend not more than three (3) feet horizontally. The vertical dimension of the overhead horizontal projection at the roof level may be increased if the roof level is one hundred (100) feet or higher above the street elevation. The total area of these projections shall not exceed thirty (30) percent of the area of any one (1) facade (see Exhibit 23.53.035-A).~~))

1. Minor architectural encroachments shall not increase the floor area or the volume of space enclosed by the building.

2. The maximum vertical dimension of a minor architectural encroachment is 2 feet 6 inches.

3. The maximum horizontal dimension of a minor architectural encroachment is:

a. One foot below roof level;

b. Three feet at roof level; or

c. if the roof level is 100 feet or higher above the street elevation, more than 3 feet at roof level if the minor architectural encroachment is:

1) architecturally consistent with the structure;

2) does not preclude use of the right-of-way for transportation or access purposes as determined in consultation with the Seattle Department of Transportation;

3) poses no threat to public health and safety.

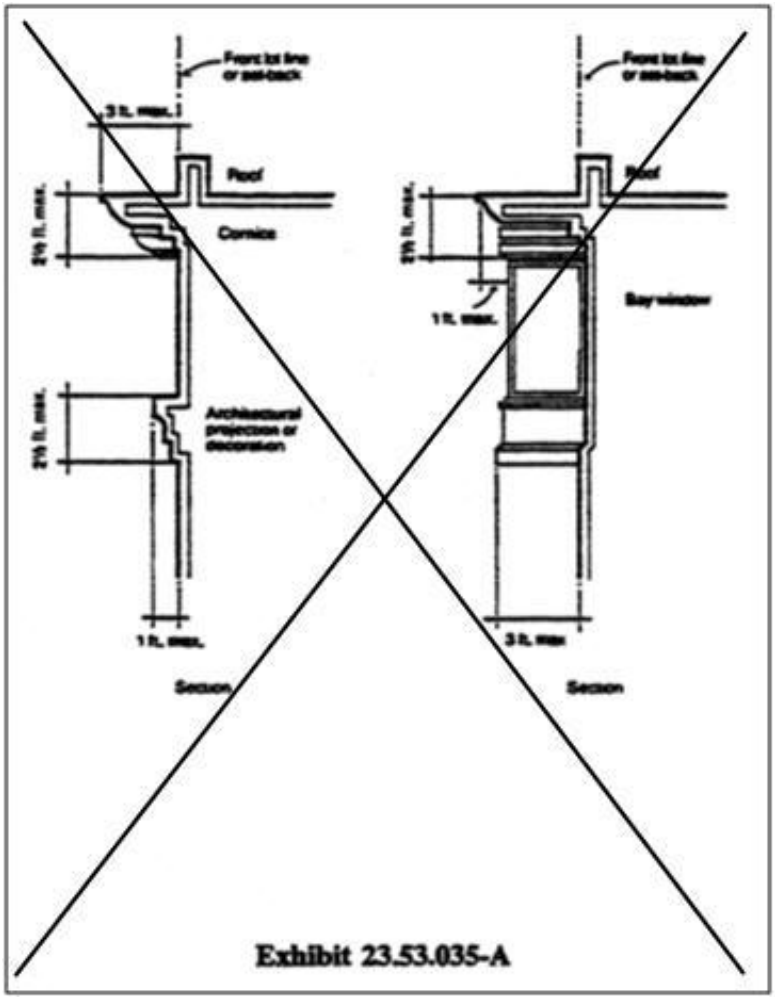
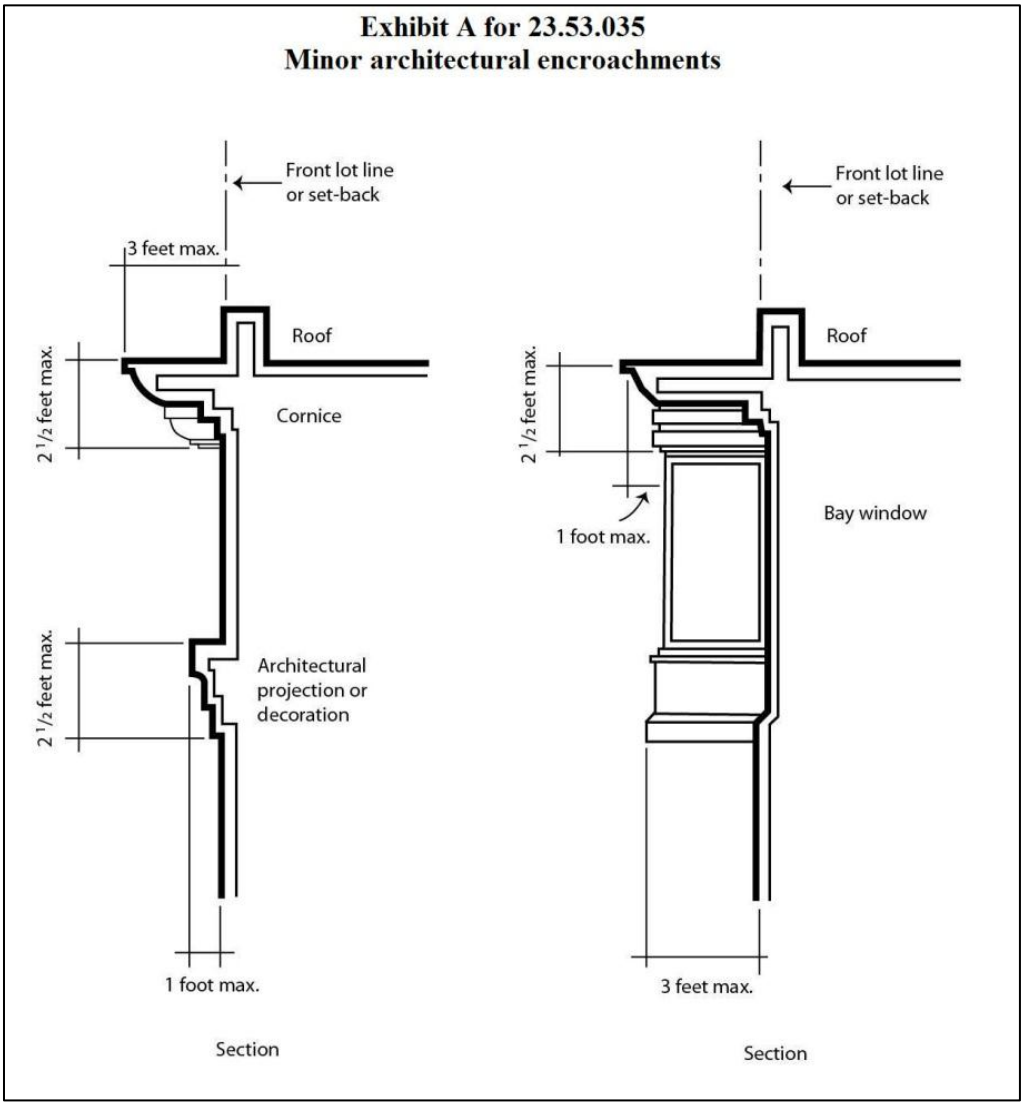


Exhibit 23.53.035-A

Exhibit A for 23.53.035

Minor architectural encroachments



4. Vertical clearance. Clearance to any minor architectural encroachment shall be a minimum of 8 feet above all sidewalk elevations, or 16 feet above all elevations of an alley, or greater when required by other regulations.

((~~3. Exception to the standards in this section may be authorized for historic or rehabilitated buildings, when they are consistent with the scope and intent of these standards.~~

~~4~~))B. Structural building overhangs. ((~~Vertical Bay (projecting)~~))Structural building overhangs include bay windows, balconies, and other projections into and over public places as defined under Title 15 that exceed the limits of minor architectural encroachments as set forth in subsection 23.53.035.A and that (((~~other than balconies used for primary access), and similar features that~~ increase either the floor area of the building or the volume of space enclosed by the building above grade((~~,~~)).

1. An annual permit from the Seattle Department of Transportation is required for structural building overhangs.

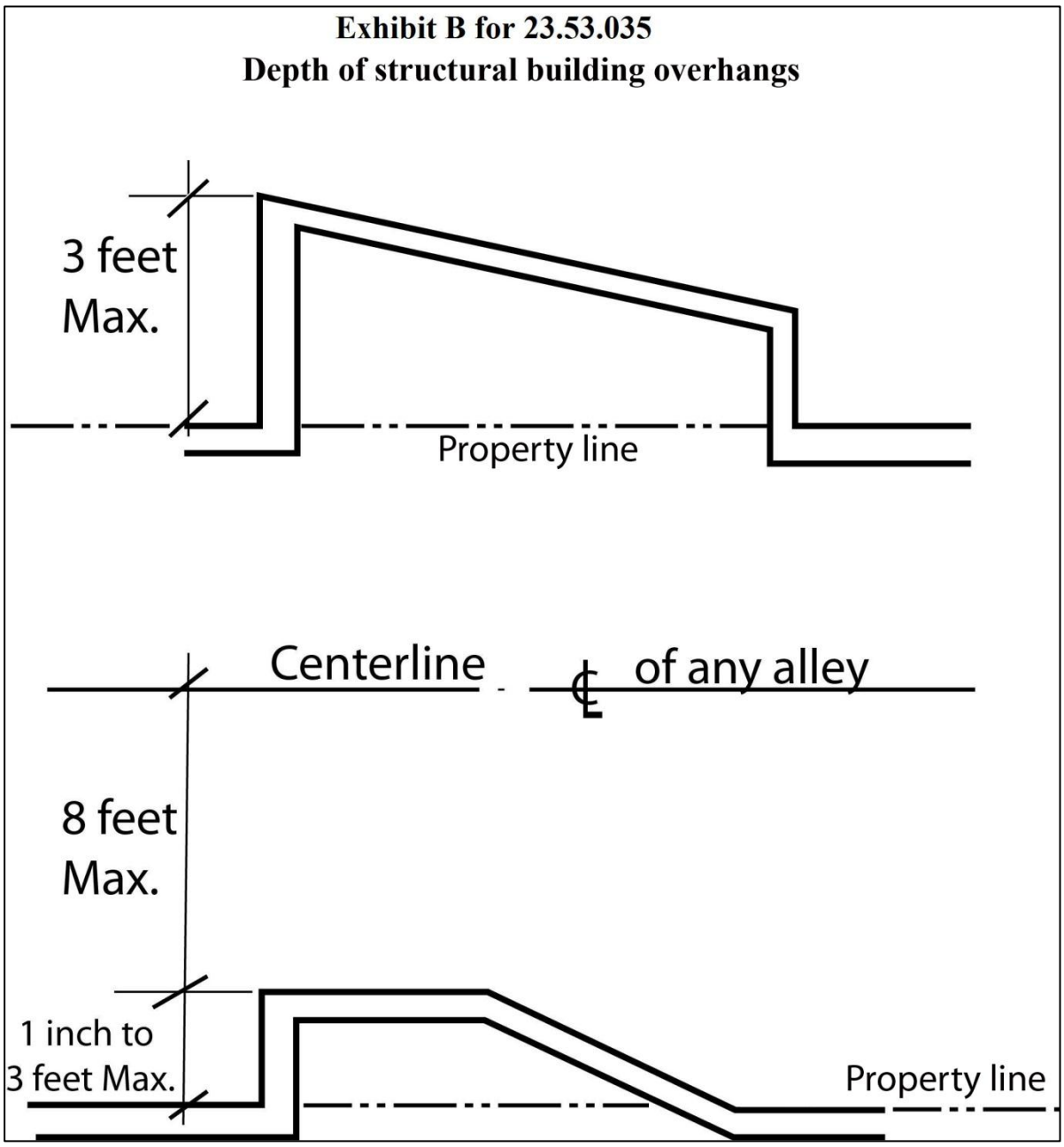
2. ((~~shall be limited as follows: a.~~))Structural building overhangs shall be removable per Title 15.

3. Structural building overhangs shall not be part of the essential building structure and shall not contain building systems, such as plumbing.

4. Vertical clearance: Clearance to any structural building overhang shall be a minimum of 8 feet above all sidewalk elevations, or 26 feet above all elevations of an alley, or greater if required by other regulations.

5. Depth: The maximum horizontal projection for a structural building overhang, measured to the furthest exterior element, shall be ((~~three (~~))3((~~)~~)) feet, and the projection shall ((~~be~~))in no case be closer than ((~~eight (~~))8((~~)~~)) feet to the centerline of any alley (see Exhibit B for 23.53.035((~~ B~~))).

Exhibit B for 23.53.035
Depth of structural building overhangs



((~~b~~))6. Transparency: The glass areas of each bay window((~~, and the open portions of each balcony, shall not be less than fifty (~~)) shall be a minimum of 50((~~)~~)) percent of the sum of the areas of all the vertical surfaces of ((~~such~~))the bay window((~~or balcony above the required open area~~)). At least ((~~one-third~~))60 percent of such required glass area ((~~of such~~))for each bay window ((~~, and open portions of such balcony, shall be on one (1) or more vertical surfaces situated at an angle of not less than thirty (30) degrees to the line establishing the required open area. In addition, at least one-third of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects~~))shall be on the vertical surface most parallel to the property line (see Exhibit C for 23.53.035).

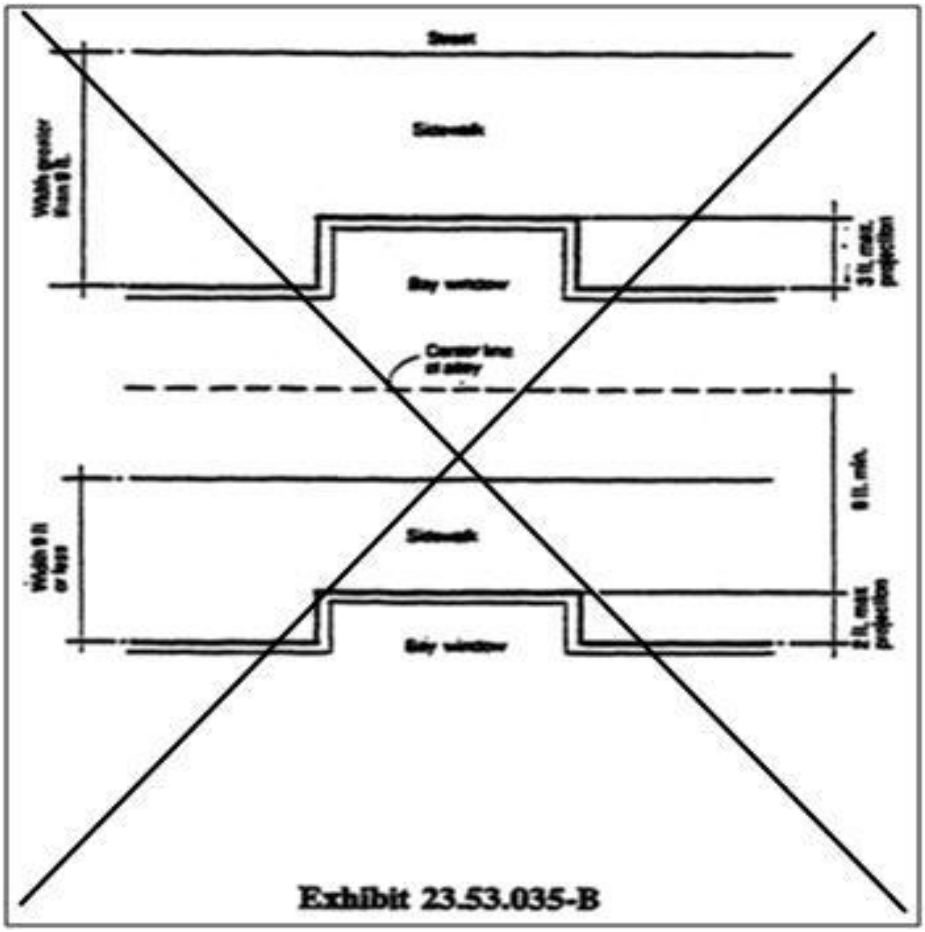
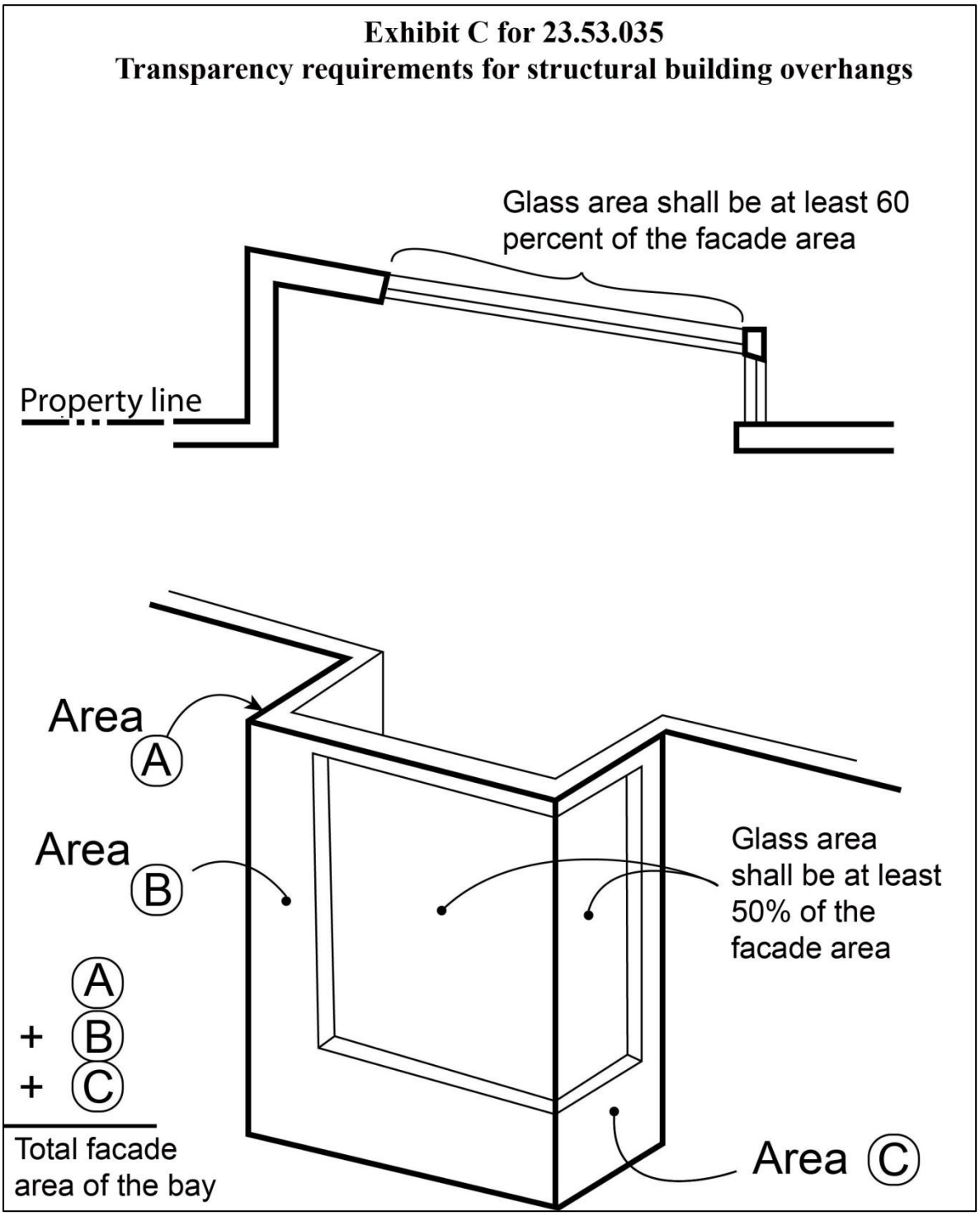


Exhibit 23.53.035-B

Exhibit C for 23.53.035
Transparency requirements for structural building overhangs



((~~e~~))7. Length: The maximum length of each ((~~bay window or balcony~~)) structural building overhang shall be ((~~fifteen (~~))15((~~)~~)) feet ((~~at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of forty-five (45) degree angles drawn inward from the ends of such fifteen (15) foot dimension, reaching a maximum of nine (9) feet along a line parallel to and at a distance of three (3) feet from the line establishing the open area (see Exhibit 23.53.035-C)~~)))measured at any location that is beyond the property line. The bay or other projection may be shaped in any way that remains within the 3 foot by 15 foot envelope beyond the property lines (see Exhibit D1 for 23.53.035).

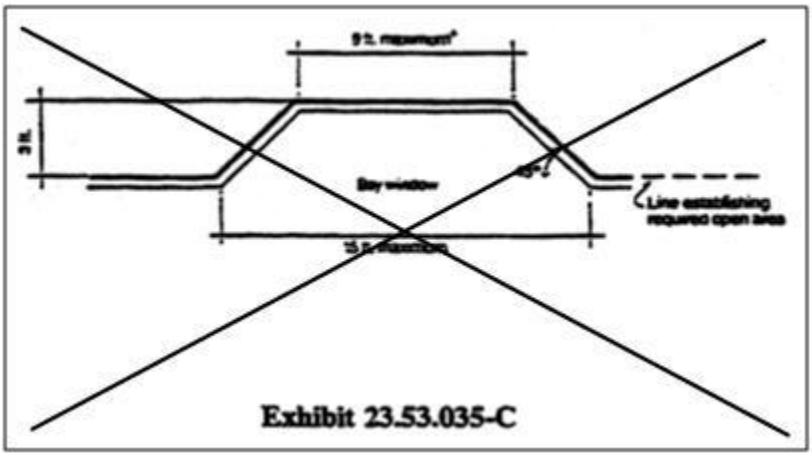
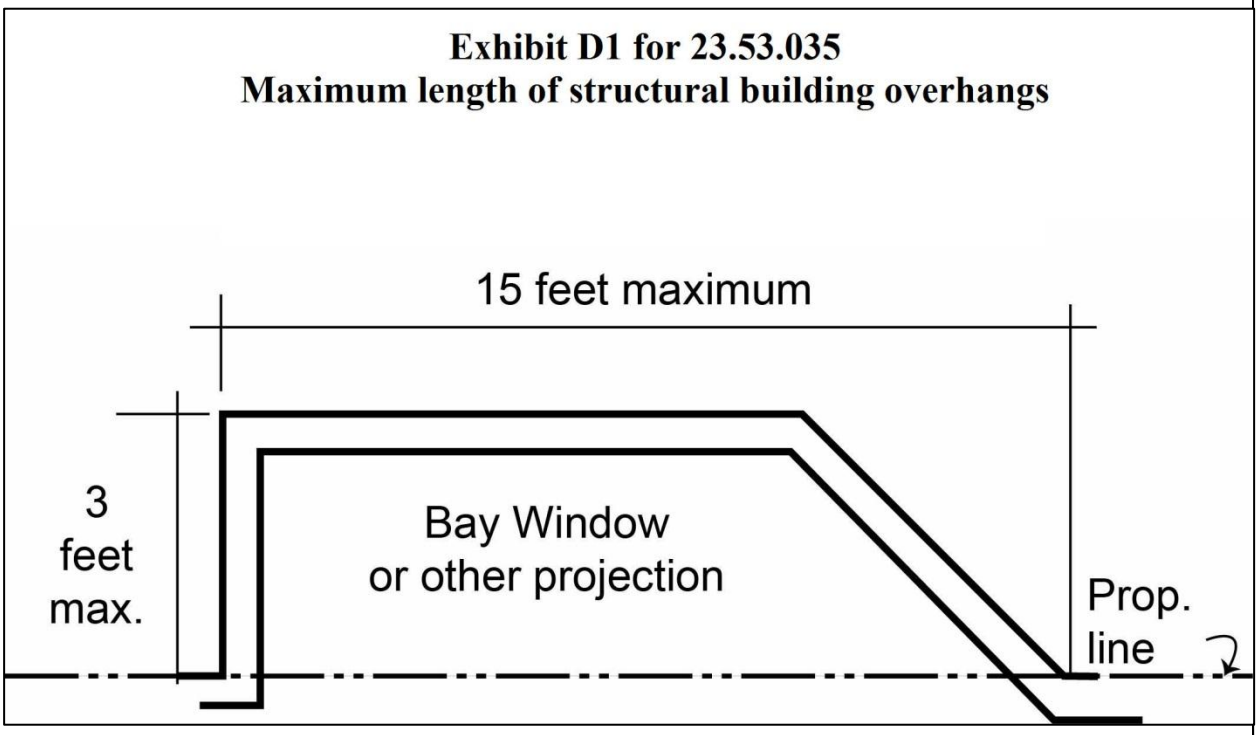


Exhibit 23.53.035-C

Exhibit D1 for 23.53.035

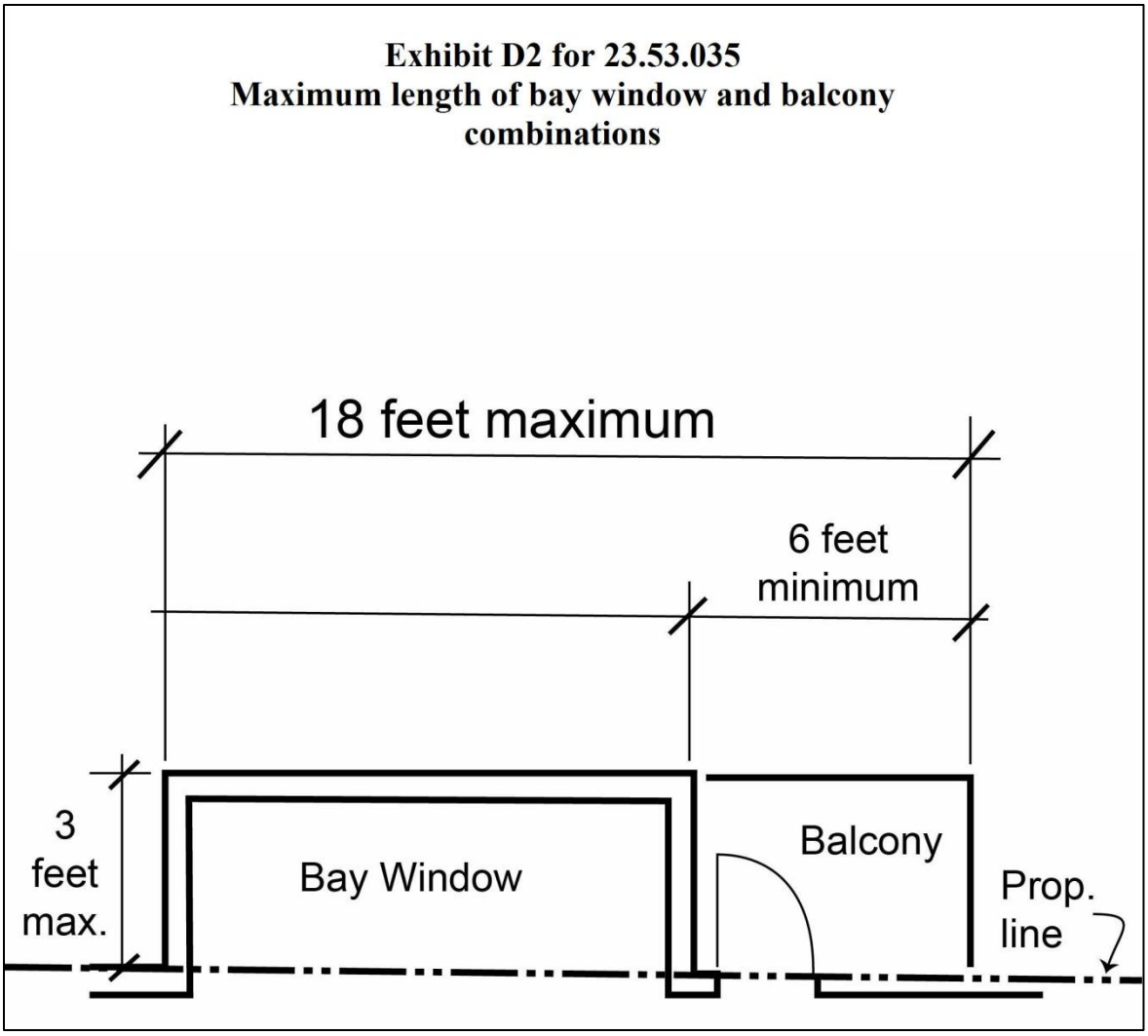
Maximum length of structural building overhangs



((~~d~~))8. Bay window and balcony combinations: ((~~Where~~))If a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony ((~~in its entirety~~))has a minimum horizontal dimension of ((~~six (~~))6((~~)~~)) feet((~~, the limit set in subsection A4c above, shall be increased to a maximum length of eighteen (18) feet at the line establishing the required open area, and a maximum of twelve (12) feet along a line parallel to and at a distance of three (3) feet from the line establishing the required open area (see Exhibit 23.53.035-D)~~))parallel to the property line, the maximum length of the bay window and balcony together shall be 18 feet (see Exhibit D2 for 23.53.035).

Exhibit D2 for 23.53.035

Maximum length of bay window and balcony combinations



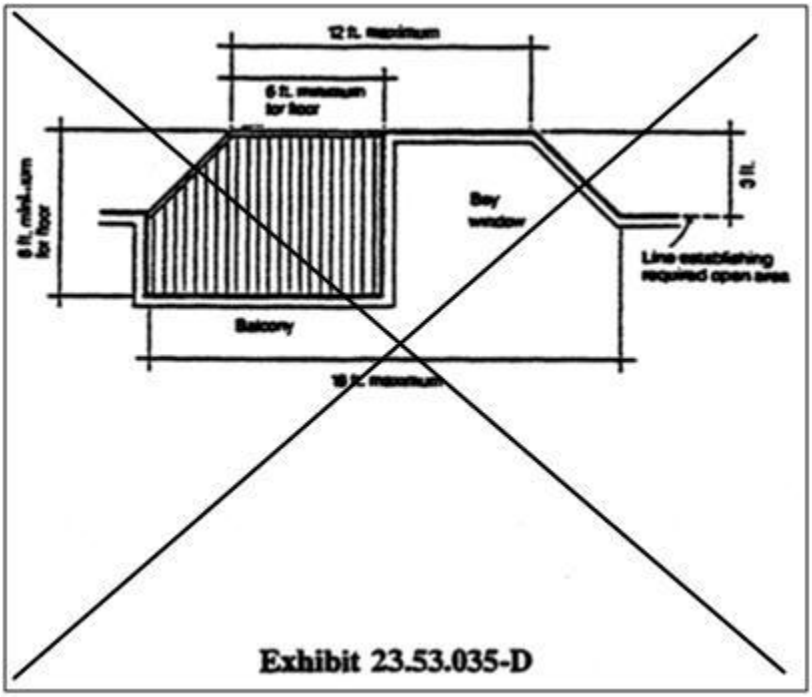
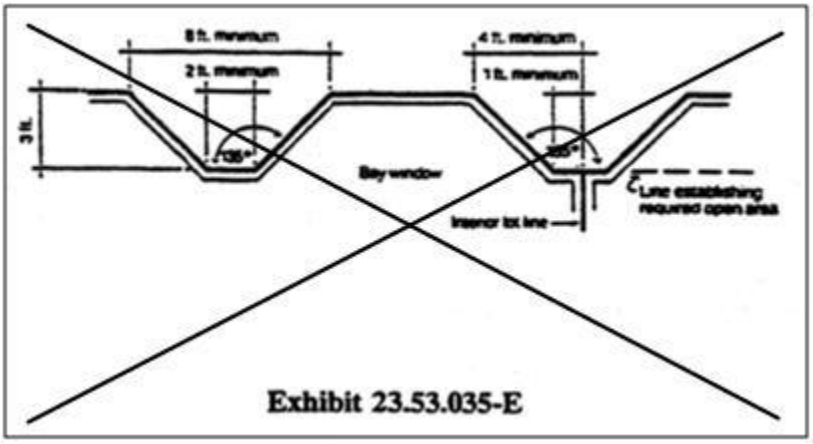
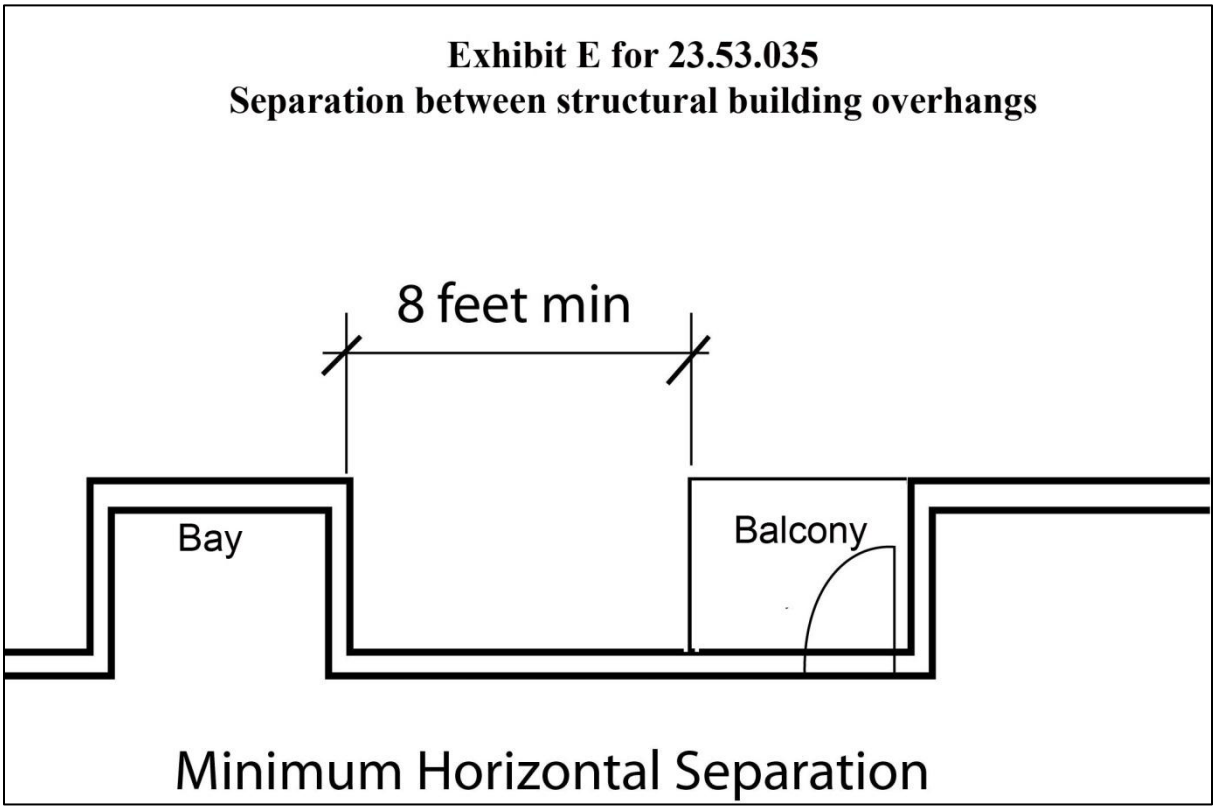


Exhibit 23.53.035-D

((e))9. Separation: The minimum horizontal separation between bay windows, between balconies, and between ((~~bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in subsection A4d above), shall be two (2) feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of one hundred thirty-five (135) degree angles drawn outward from the ends of such two (2) foot dimension, reaching a minimum of eight (8) feet along a line parallel to and at a distance of three (3) feet from the line establishing the required open area (see Exhibits 23.53.035-E)~~))bay window and balcony combinations, shall be 8 feet (see Exhibit E for 23.53.035).



<u>Exhibit E for 23.53.035</u>
<u>Separation between structural building overhangs</u>



((~~f~~))<u>10</u>. <u>Interior lot lines:</u> Each bay window or balcony <u>or other projection</u> over a street or alley shall also be horizontally separated from interior lot lines <u>by a minimum of 1 foot</u> (except where the wall ((~~or~~))<u>of</u> a building on the adjoining lot is flush to the interior lot line

immediately adjacent to the projecting portions of such bay window or balcony, then the bay window, balcony or projection may be placed at the interior lot line)((~~by not less than one (1) foot at the line establishing the required open area, with such separation increased in proportion to the distance from such line by means of a one hundred thirty-five (135) degree angle drawn outward from such one (1) foot dimension, reaching a minimum of four (4) feet along a line parallel to and at a distance of three (3) feet from the line establishing the required open area~~)) (see Exhibit F for 23.53.035((~~F~~))).

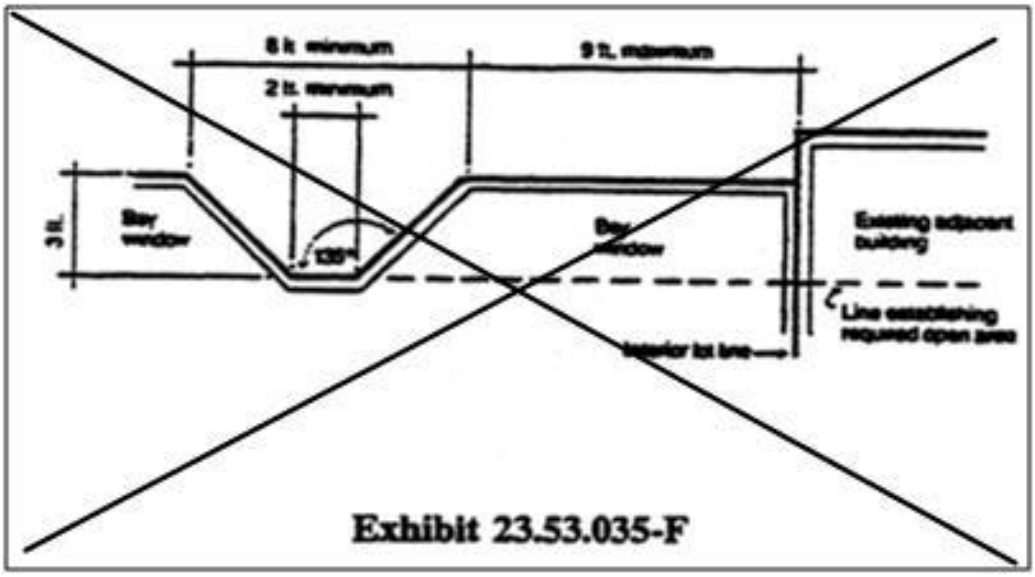
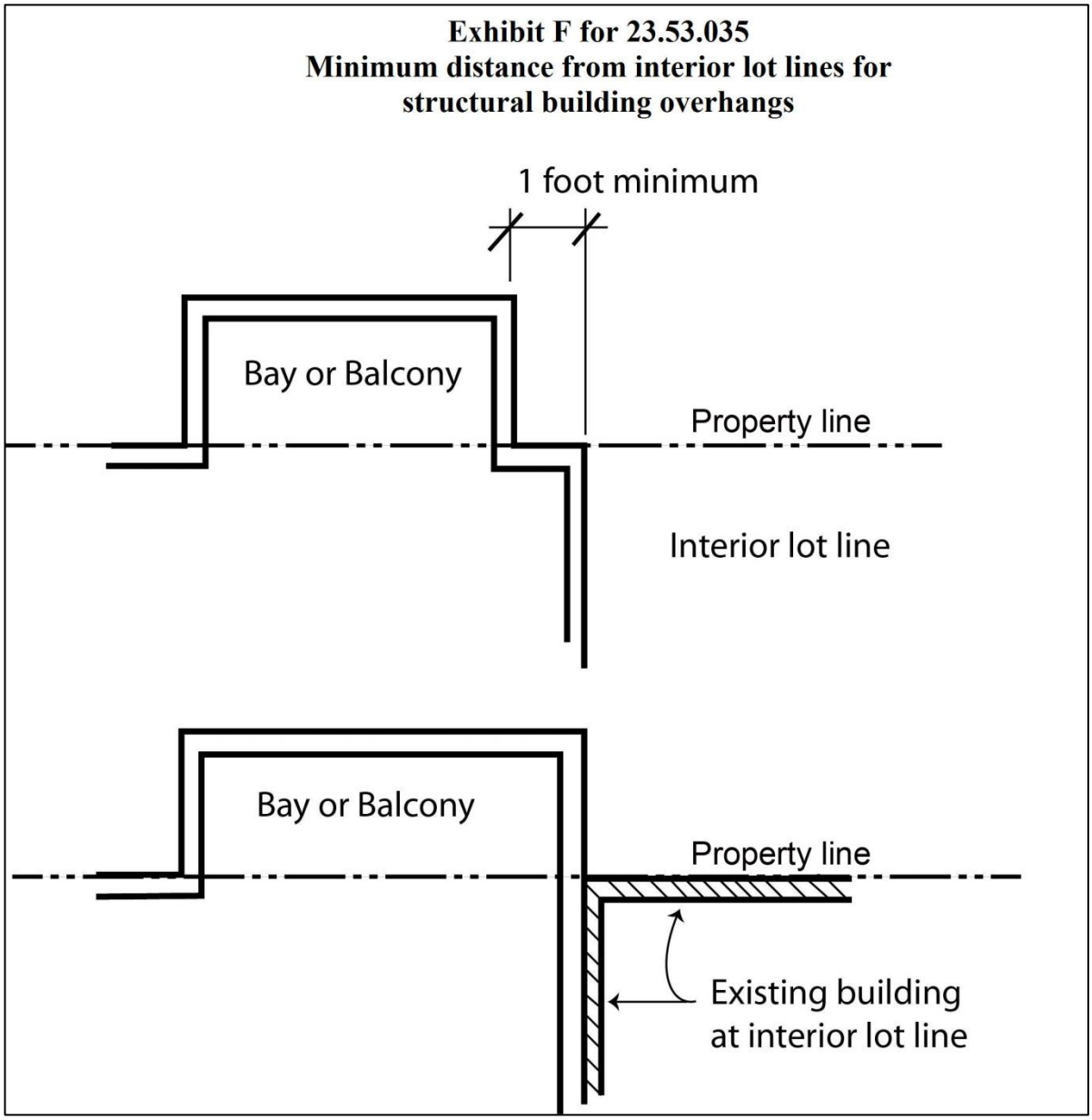


Exhibit F for 23.53.035

Minimum distance from interior lot lines for structural building overhangs

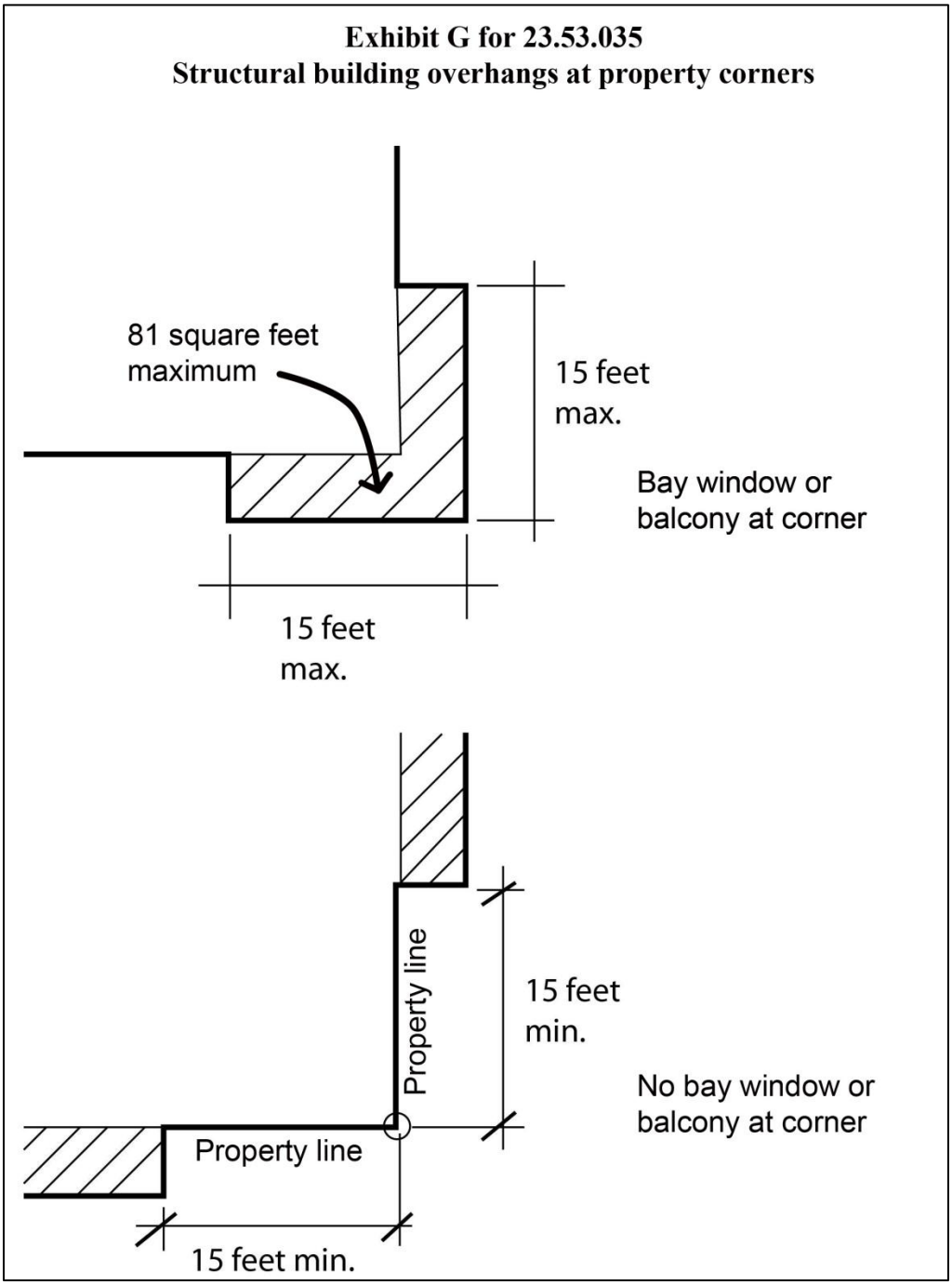


11. Corners: Bay windows, balconies, and other projections may be located at a property corner but are limited to a maximum width of 15 feet along each facade of the corner, and a maximum total horizontal area of 81 square feet per floor. If there is no bay at the corner,

then the minimum distance from the property corner to the nearest projecting bay is 15 feet (see Exhibit G for 23.53.035).

Exhibit G for 23.53.035

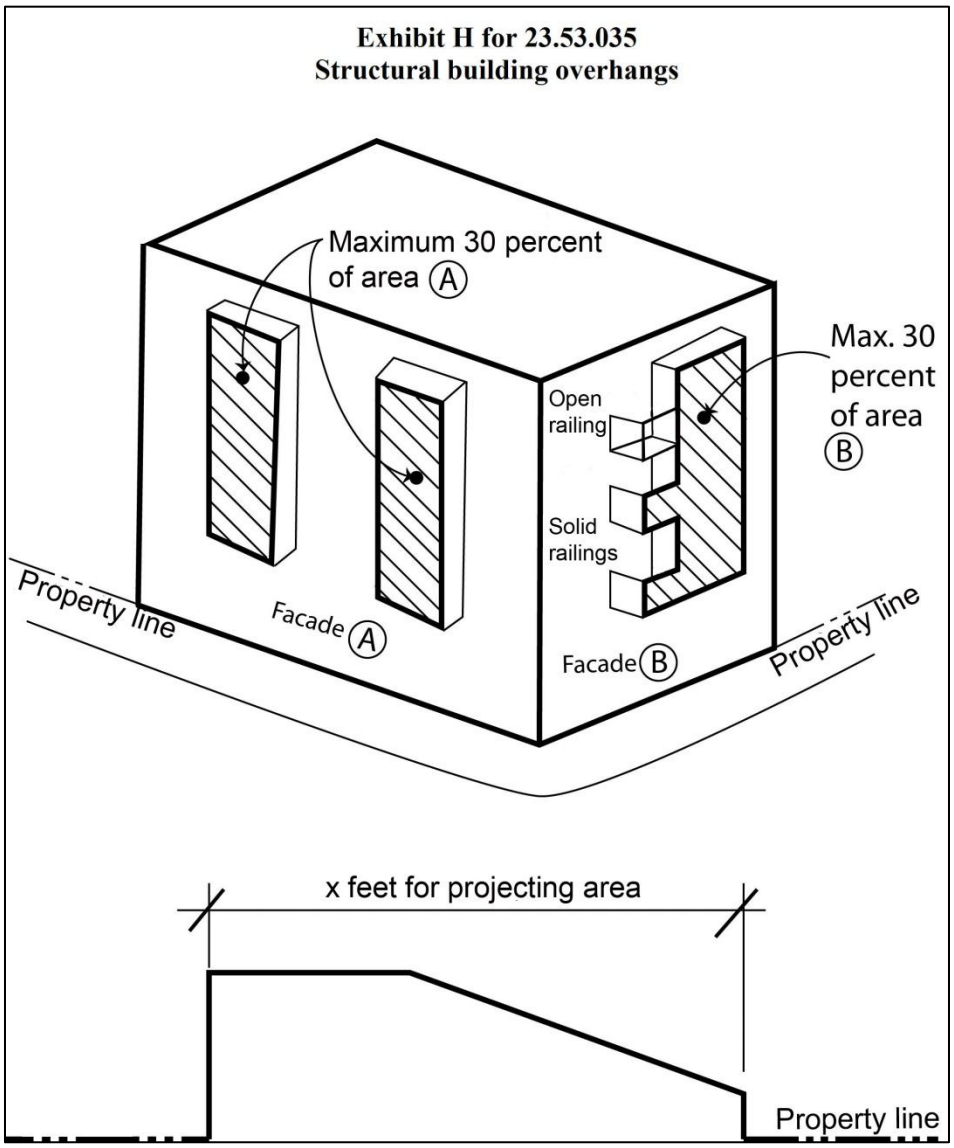
Structural building overhangs at property corners



12. Total facade area: The total vertical surface area of bay windows, balconies and other projections, measured at the maximum horizontal dimension into the public property, shall not exceed 30 percent of the total vertical surface area of the respective street-facing or alley facade. The vertical surface area of all solid balcony railings that project beyond the property line is included in this calculation; open railings are not (see Exhibit H for 23.53.035).

Exhibit H for 23.53.035

Structural building overhangs



((~~B~~))C. ((~~Submittal Requirements~~))Canopies. Canopies shall be no closer than 6 feet to the curb.

D. Street trees. If the Seattle Department of Transportation landscape architect indicates that retention of street trees would be unfeasible, planting of new street trees of at least 4 inch caliper shall be required.

((~~1. An application for a structure containing features overhanging the public right-of-way must show the following:~~

~~a. Dimensions on the site plan for canopies that overhang no closer than six (6) feet to the curb;~~

~~b. Windows in any bays;~~

~~c. Where the SDOT landscape architect indicates that retention of the street trees would be unfeasible, indicate planting of new street trees of at least four (4) inch caliper.~~))

E. Certain exceptions. Exceptions to the requirements in this Section 23.53.035 may be authorized for landmark structures, if they:

1. Are compatible with the character-defining architectural features of the landmark structure, as determined in consultation with the Department of Neighborhoods;

2. Do not preclude use of the right-of-way for transportation or access purposes as determined in consultation with the Seattle Department of Transportation; and

3. Pose no threat to public health and safety.

Section 57. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.54.015 Required parking

A. Minimum parking requirements. The minimum number of off-street motor vehicle parking spaces required for specific uses is set forth in Table A for 23.54.015 for non-residential

uses other than institutional uses, Table B for 23.54.015 for residential uses, and Table C for 23.54.015 for institutional uses, except as otherwise provided in this Section 23.54.015 and Section 23.54.020. The minimum parking requirements are based upon gross floor area of a use within a structure and the square footage of a use when located outside of an enclosed structure, or as otherwise specified. Exceptions to the parking requirements set forth in this ((~~s~~))Section 23.54.015 are provided in subsection 23.54.015.B and in Section 23.54.020, Parking quantity exceptions, unless otherwise specified. This ((~~c~~))Chapter 23.54 does not apply to parking for construction activity, which is regulated by Section 23.42.044.

B. Parking requirements for specific zones((~~.~~))

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

2. Parking in the MPC-YT zone is regulated by Section 23.75.180 and not by this Section 23.54.015.

3. Parking for major institution uses in the Major Institution Overlay District is regulated by Sections 23.54.015 and 23.54.016.

4. Parking in the Northgate Overlay District is regulated by Chapter 23.54 except as modified by Section 23.71.016.

5. No parking is required for single-family residential uses ((~~in single-family zones~~))on lots in any residential zone that are less than 3,000 square feet in size or 30 feet in width where access to parking is permitted through a required yard or setback abutting a street according to the standards of subsections 23.44.016.B.2, 23.45.536.C.2, or 23.45.536.C.3.

6. No parking is required for urban farms or community gardens in residential zones

C. Maximum parking limits((~~.~~))

1. In the Stadium Transition Area Overlay District certain uses are subject to a maximum parking ratio pursuant to subsection 23.74.010.A.1.b. When there are multiple uses on

a lot, the total parking requirement for all uses subject to a maximum ratio cannot exceed the aggregate maximum for those uses under Section 23.74.010.

2. In all commercial zones, except C2 zones outside of urban villages, no more than ((~~one hundred forty-five (~~))145((~~)~~)) spaces per lot may be provided as surface parking.

3. ((~~In all multifamily zones,~~))Commercial uses are limited to no more than ten (((~~10)~~)))parking spaces ((~~may be provided~~))per business establishment.

* * *

G. New non-residential uses in existing structures in commercial and industrial zones. Up to 20 required parking spaces are waived for a new non-residential use established in an existing structure or the expansion of an existing non-residential use entirely within an existing structure. Existing required parking shall remain. For purposes of this ((~~s~~))Section 23.54.015, "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 two years prior to the application to establish the new use or expand the use. Parking spaces required for loading and unloading of passengers are not eligible for the waiver under this subsection 23.54.015.G.

* * *

Table A for 23.54.015 ((~~PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS~~))Parking for non-residential uses other than institutions		
Use	**Minimum parking required**	
* * *		
II. Non-residential Use Requirements For Specific Areas		
I.	Non-residential uses((~~, except hospitals,~~)) in urban centers or the Station Area Overlay District (3)	No minimum requirement
J.	Non-residential uses in urban villages that are not within an urban center or the Station Area Overlay District, if the non-residential use is located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the non-residential use. (3)	No minimum requirement
K.	Non-residential uses (((~~other than institutions~~)))permitted in MR and HR zones pursuant to Section 23.45.504.	No minimum requirement
Footnotes for Table A for 23.54.015: (1) Required parking for spectator sports facilities or exhibition halls must be available when the facility or		

Table A for 23.54.015 ((~~PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS~~))Parking for non-residential uses other than institutions	
Use	**Minimum parking required**
exhibition hall is in use. A facility shall be considered to be "in use" during the period beginning three hours before an event is scheduled to begin and ending one hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five years. During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be "in use" by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be 50 percent or less of the facility's seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one space for each ten fixed seats of certified projected attendance. An application for reduction and the certification shall be submitted to the Director at least 15 days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series 15 days prior to the first event in the series. If the Director finds that a certification of projected attendance of 50 percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the Director shall, within 15 days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility's Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded. (2) The amount of required parking is calculated based on the maximum number of staff or animals the center is designed to accommodate. (3) The general requirements of lines A through H of Table A for 23.54.015 is superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a non-residential use fits within more than one line in Table A for 23.54.015, the least of the applicable parking requirements applies. The different parking requirements listed for certain categories of non-residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.	

((~~Footnotes for Table A for 23.54.015~~

~~(1) Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be "in use" during the period beginning three hours before an event is scheduled to begin and ending one hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five years. During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be "in use" by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required~~

~~parking for any event when projected attendance for a spectator sports facility is certified to be 50 percent or less of the facility's seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one space for each ten fixed seats of certified projected attendance. An application for reduction and the certification shall be submitted to the Director at least 15 days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series 15 days prior to the first event in the series. If the Director finds that a certification of projected attendance of 50 percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the Director shall, within 15 days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility's Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded.~~

~~(2) The amount of required parking is calculated based on the maximum number of staff or animals the center is designed to accommodate.~~

~~(3) The general requirements of lines A through H of Table A for 23.54.015 is superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a nonresidential use fits within more than one line in Table A for 23.54.015, the least of the applicable parking requirements applies. The different parking requirements listed for certain categories of nonresidential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.~~))

Table B for 23.54.015((÷)) ((**~~PARKING FOR RESIDENTIAL USES~~**))**Parking for residential uses**	
Use	**Minimum parking required**

Table B for 23.54.015((~~:~~)) ((~~PARKING FOR RESIDENTIAL USES~~))Parking for residential uses		
Use		**Minimum parking required**
* * *		
III. Multifamily Residential Use Requirements with Income Criteria		
P.	Multifamily residential uses: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median income(3), for the life of the building(1)	0.33 space for each dwelling unit with ((~~2~~))two or fewer bedrooms, and ((~~1~~))one space for each dwelling unit with ((~~3~~))three or more bedrooms
Q.	Multifamily residential uses: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median income(3), for the life of the building(1)	0.75 spaces for each dwelling unit with ((~~2~~))two or fewer bedrooms, and ((~~1~~))one space for each dwelling unit with ((~~3~~))three or more bedrooms
R.	Low-income disabled multifamily residential uses(1) (3)	((~~1~~))one space for each ((~~4~~))four dwelling units
S.	Low-income elderly/low-income disabled multifamily residential uses (1) ((~~(4)~~))(3)	((~~1~~))one space for each ((~~5~~))five dwelling units
T.	Low-income elderly multifamily residential uses (1) (3) not located in urban centers or within the Station Area Overlay District	((~~1~~))one space for each ((~~6~~))six dwelling units

Footnotes for Table B for 23.54.015:
(1) The general requirement of line I of Table B for 23.54.015 for multifamily residential uses is superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a multifamily residential use fits within more than one line in Table B for 23.54.015, the least of the applicable parking requirements applies, except that if an applicable parking requirement in line II of Table B for 23.54.015 requires more parking than line I, the parking requirement in line I does not apply. The different parking requirements listed for certain categories of multifamily residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.
(2) For development within single-family zones the Director may waive some or all of the parking requirements according to Section 23.44.015 as a special or reasonable accommodation. In other zones, if the applicant can demonstrate that less parking is needed to provide a special or reasonable accommodation, the Director may reduce the requirement. The Director shall specify the parking required and link the parking reduction to the features of the program that allow such reduction. The parking reductions shall be valid only under the conditions specified, and if the conditions change, the standard requirements shall be met.
(3) Notice of income restrictions. Prior to issuance of any permit to establish, construct or modify any use or structure, or to reduce any parking accessory to a multifamily residential use, if the applicant relies upon these reduced parking requirements, the applicant shall record in the King County Recorder a declaration signed and acknowledged by the owner(s), in a form prescribed by the Director, which shall identify the subject property by legal description, and shall acknowledge and provide notice to any prospective purchasers that specific income limits are a condition for maintaining the reduced parking requirement.

((~~Footnotes for Table B for 23.54.015~~

~~(1) The general requirement of line I of Table B for 23.54.015 for multifamily residential uses is superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision.~~

~~To the extent that a multifamily residential use fits within more than one line in Table B for 23.54.015, the least of the applicable parking requirements applies, except that if an applicable parking requirement in section II of Table B for 23.54.015 requires more parking than line I, the parking requirement in line I does not apply. The different parking requirements listed for certain categories of multifamily residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.~~

~~(2) For development within single-family zones the Director may waive some or all of the parking requirements according to Section 23.44.015 as a special or reasonable accommodation. In other zones, if the applicant can demonstrate that less parking is needed to provide a special or reasonable accommodation, the Director may reduce the requirement. The Director shall specify the parking required and link the parking reduction to the features of the program that allow such reduction. The parking reductions shall be valid only under the conditions specified, and if the conditions change, the standard requirements shall be met.~~

~~(3) Notice of Income Restrictions. Prior to issuance of any permit to establish, construct or modify any use or structure, or to reduce any parking accessory to a multifamily residential use, if the applicant relies upon these reduced parking requirements, the applicant shall record in the King County Recorder a declaration signed and acknowledged by the owner(s), in a form prescribed by the Director, which shall identify the subject property by legal description, and shall acknowledge and provide notice to any prospective purchasers that specific income limits are a condition for maintaining the reduced parking requirement.~~))

* * *

Section 58. Section 23.54.025 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.54.025 Off-site parking

A. Where allowed((~~.~~))

1. Off-site parking provided to fulfill minimum parking requirements may be

established by permit on a lot ((~~where~~))if the ((~~type of~~))parking proposed is otherwise allowed by the provisions of this Title 23 on the lot where the off-site parking is proposed or is already established by permit on the lot where the off-site parking is proposed.((~~,if the lot's location is an eligible for~~))

2. All applicable standards for parking accessory to the use for which the parking is required shall be met on the lot where off-site parking is proposed, if new parking spaces are proposed to be developed. Existing parking may be used even if nonconforming to current standards provided it is not required for a use on the lot that is the site of the off-site parking.

3. If parking and parking access, including the proposed off-site parking, are or will be the sole uses of a ((~~lot~~))site, or if surface parking outside of structures will comprise more than ((~~half~~))1/2 of the ((~~lot~~))site area, or if parking will occupy more than half of the gross floor area of all structures on a ((~~lot~~))site, then a permit to establish off-site parking may be granted only if principal use parking is a permitted use for ((~~such lot~~))the lot on which the off-site parking is located.

B. Development standards((~~.~~))

1. Off-site parking shall satisfy the screening and landscaping requirements and other development standards applicable where it is located, except to the extent that it is legally nonconforming to development standards prior to establishment of the off-site parking use. Unless otherwise provided, development standards regarding the relation of parking to structures apply to off-site parking in the same manner as they apply to parking accessory to the uses in such structures.

2. Parking allowed only as temporary surface parking does not qualify as off-site parking.

3. Parking provided to fulfill minimum parking requirements shall not be established as off-site parking for more than one use unless authorized to be shared according to the shared parking provisions of this Chapter 23.54.

4. If maximum parking limits apply to a use, off-site parking permitted for that use shall count against the maximum limit unless otherwise expressly stated in the provisions of this Title 23 applicable to the lot where the use requiring parking is located.

* * *

Section 59. Section 23.54.030 of the Seattle Municipal Code, last amended by Ordinance 123872, is amended as follows:

23.54.030 Parking space standards

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

* * *

E. Parking ((~~A~~))aisles((~~.~~))

1. Parking aisles shall be provided according to the requirements of Exhibit C for 23.54.030.

* * *

2. Minimum aisle widths shall be provided for the largest vehicles served by the aisle.

3. Turning and maneuvering areas shall be located on private property, except that alleys may be credited as aisle space.

4. Aisle slope shall not exceed 17 percent provided that the Director may permit a greater slope if the criteria in subsections 23.54.030.D.((~~4~~))3.a, 23.54.030.D.((~~4~~))3.b, and 23.54.030.D.((~~4~~))3.c ((~~of this Section 23.54.030~~))are met.

F. Curb cuts. The number of permitted curb cuts is determined by whether the parking served by the curb cut is for residential or non-residential use, and by the zone in which the use is located. If a curb cut is used for more than one use or for one or more live-work units, the

requirements for the use with the largest curb cut requirements shall apply.

1. Residential uses((~~.~~))

a. Number of curb cuts((~~.~~))

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

((~~**Table A for 23.54.030: Curb Cuts for Non-Arterial Street or Easement Frontage**~~

~~Street or Easement Frontage of the Lot~~	~~Number of Curb Cuts Permitted~~
~~80 feet or less~~	~~1~~
~~Greater than 80 feet up to 160 feet~~	~~2~~
~~Greater than 160 feet up to 240 feet~~	~~3~~
~~Greater than 240 feet up to 320 feet~~	~~4~~

~~For lots with frontage in excess of 320 feet, the pattern established above continues.~~))

Table A for 23.54.030 **Curb cuts for non-arterial street or easement frontage**	
Street or easement frontage of the lot	**Number of curb cuts permitted**
80 feet or less	1
Greater than 80 feet up to 160 feet	2
Greater than 160 feet up to 240 feet	3
Greater than 240 feet up to 320 feet	4
For lots with frontage in excess of 320 feet, the pattern established above continues.	

2) For lots on principal arterials designated on the Arterial street map, Section 11.18.010, curb cuts are permitted according to Table B for 23.54.030:

~~**Table B for 23.54.030: Curb Cuts for Principal Arterial Street Frontage**~~

~~Street or Easement Frontage of the Lot Number of Curb Cuts Permitted~~

~~160 feet or less 1~~

~~Greater than 160 feet up to 320 feet 2~~

~~Greater than 320 feet up to 480 3~~

~~For lots with street frontage in excess of 480 feet, the pattern established above continues.~~

Table B for 23.54.030 **Curb cuts for principal arterial street frontage**	
Street or easement frontage of the lot	**Number of curb cuts permitted**
160 feet or less	1
Greater than 160 feet up to 320 feet	2
Greater than 320 feet up to 480 feet	3
For lots with street frontage in excess of 480 feet, the pattern established above continues.	

3) 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.

4) If two adjoining lots share a common driveway, the combined frontage of the two lots will be considered as one in determining the maximum number of permitted curb cuts.

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

1) For lots on principal arterials designated on the Arterial street map, Section 11.18.010, the maximum curb cut width is 23 feet;

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

3) A greater width may be specifically permitted by the development standards in a zone;

4) If subsection 23.54.030.D ((~~of this Section 23.54.030~~))requires a driveway greater than 10 feet in width, the curb cut may be as wide as the required width of the driveway; and

5) 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.

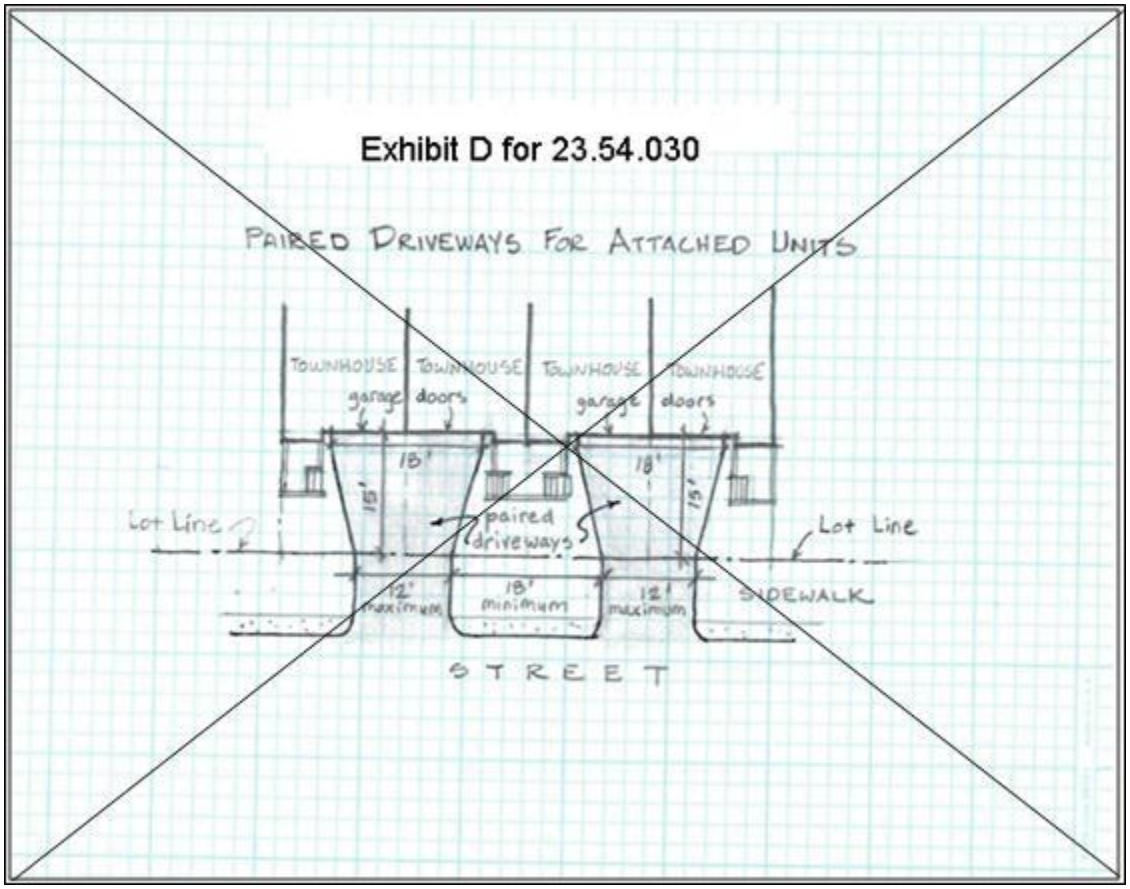
c. Distance between curb cuts((~~.~~))

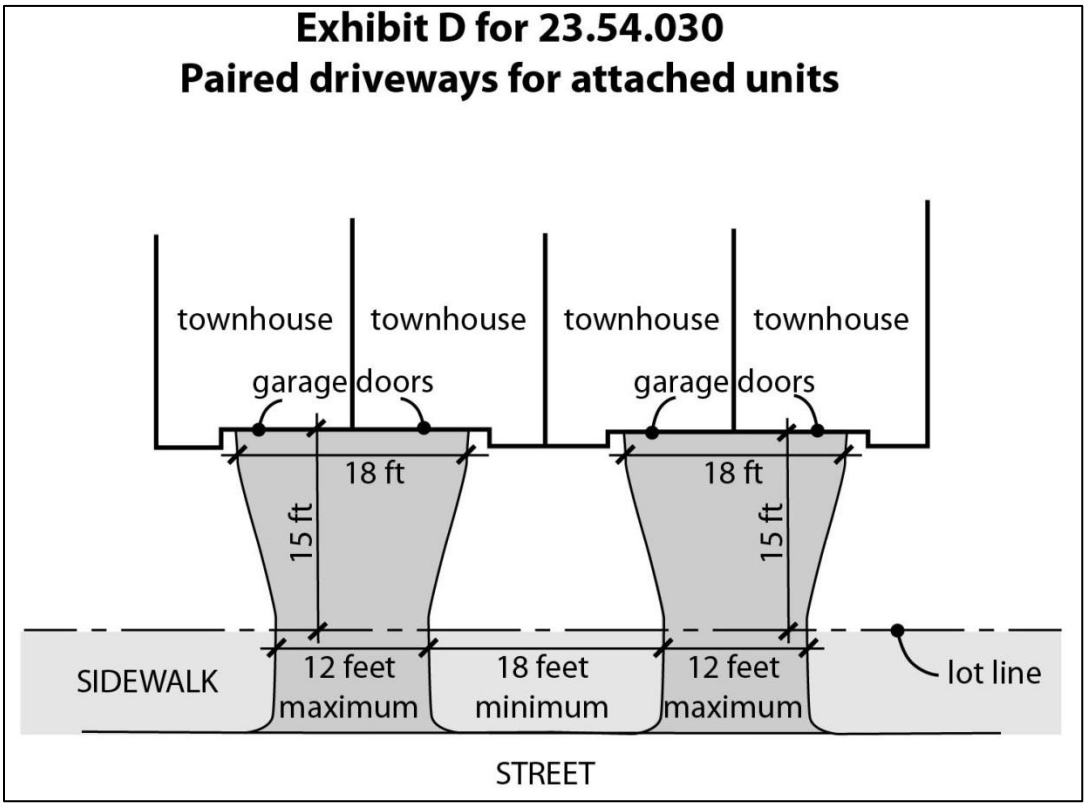
1) The minimum distance between any two curb cuts located on a lot is 30 feet, except as provided in subsection 23.54.030.F.1.c.2).

2) For rowhouse and townhouse developments ((~~located on more than one lot~~)), the minimum distance between curb cuts is 18 feet (See Exhibit D for 23.54.030). For rowhouse and townhouse developments located on abutting lots, the minimum distance between curb cuts is 18 feet.

Exhibit D for 23.54.030

Paired driveways for attached units





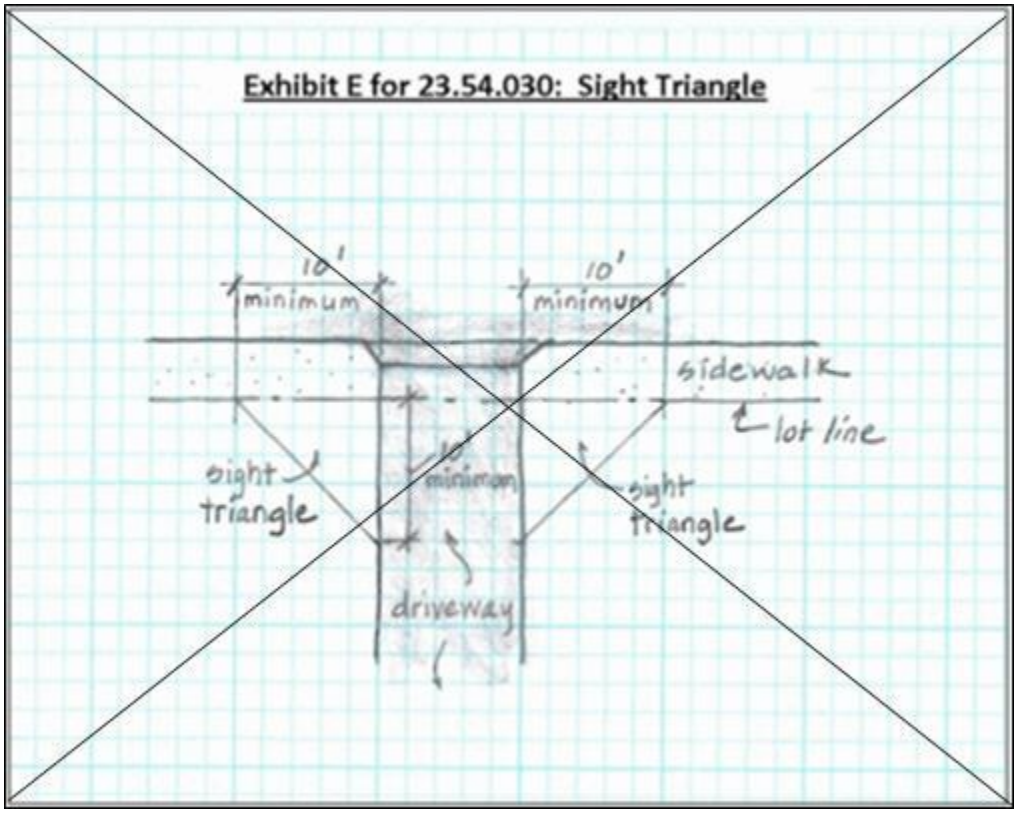
* * *

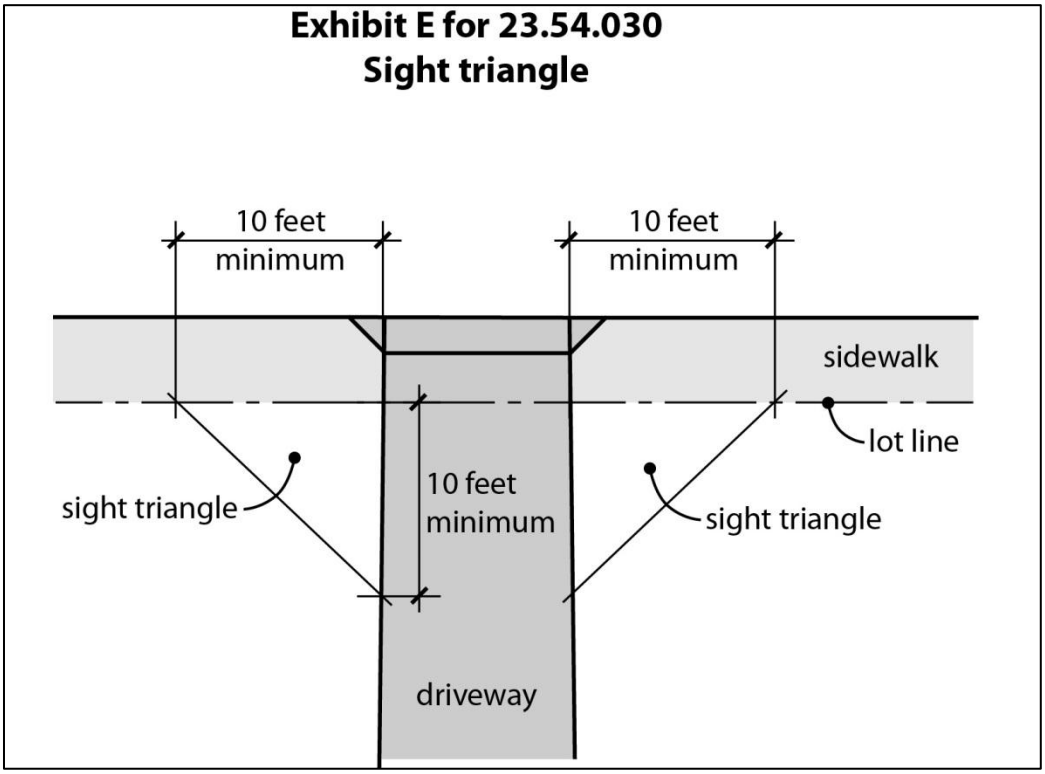
G. Sight ((T))triangle((.))

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 E for 23.54.030

Exhibit E 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.

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

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

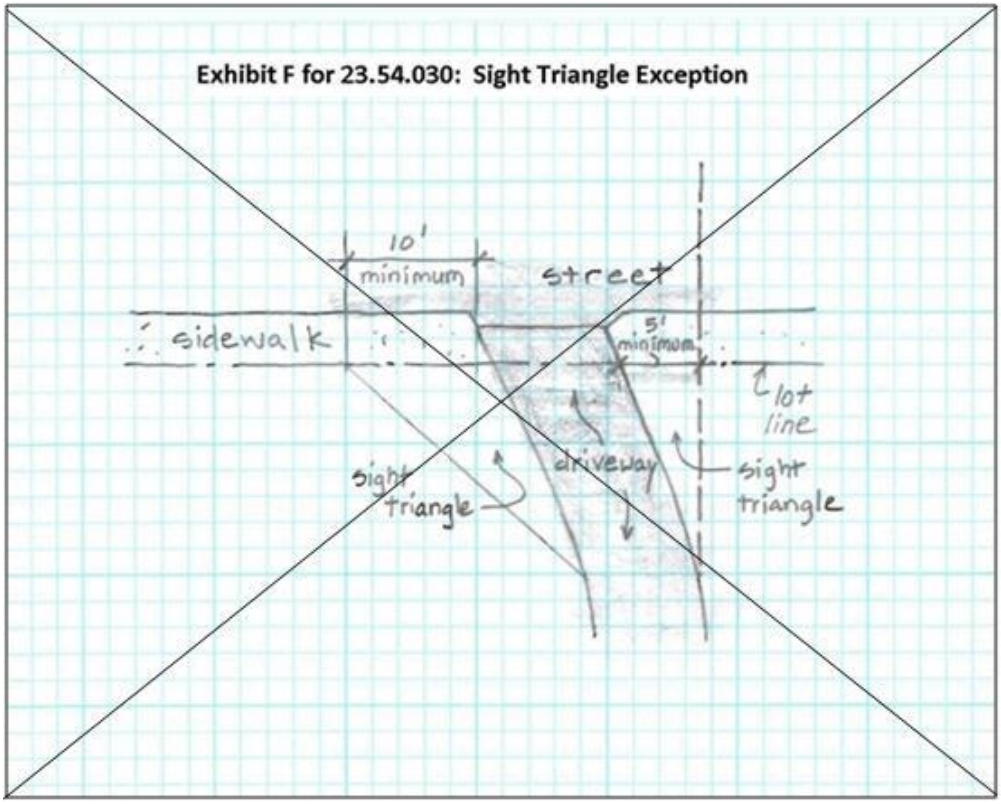
a. An easement may be provided sufficient to maintain the sight triangle. The easement shall be recorded with the King County Recorder; or

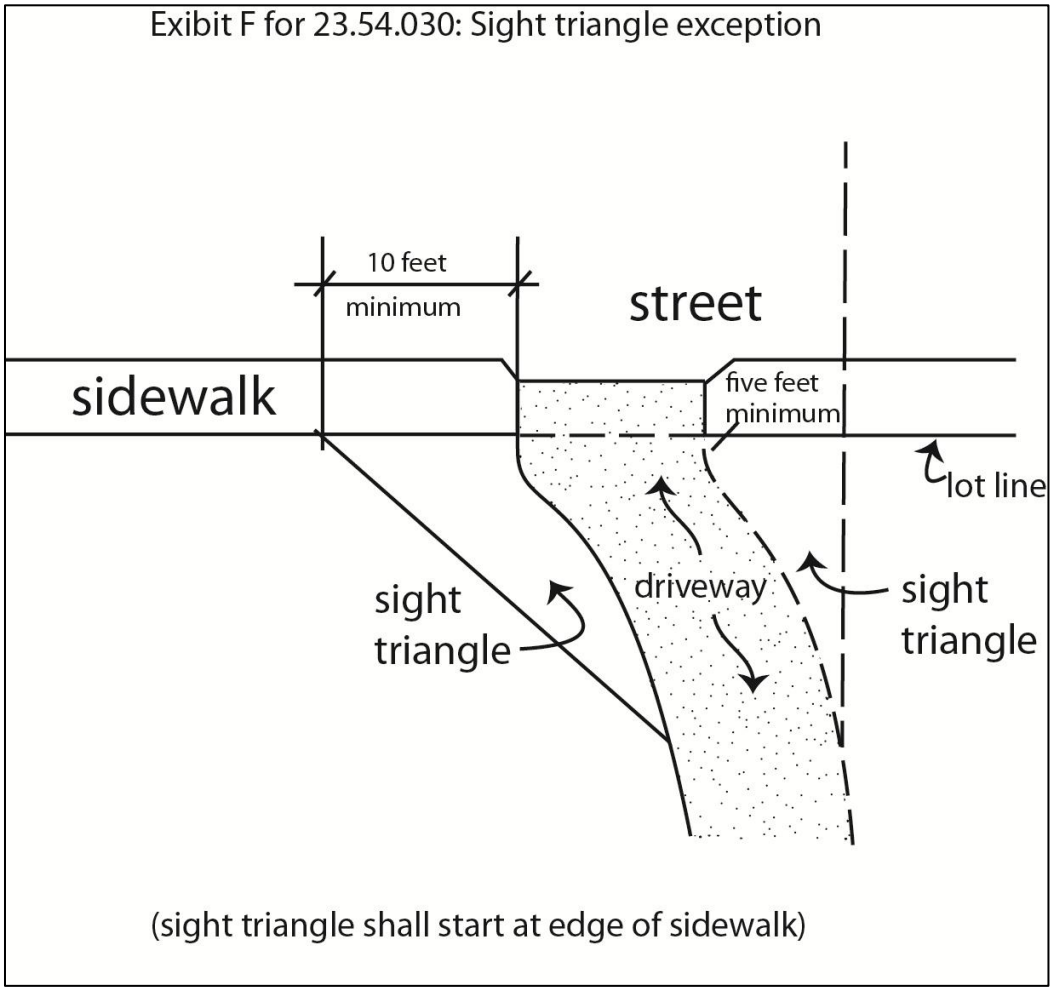
b. The driveway may be shared with a driveway on the neighboring lot; or

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

Exhibit F for 23.54.030

Sight triangle exception





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

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

7. Sight triangles are not required for one-way entrances into a parking garage or surface parking area.

***

Section 60. Section 23.55.034 of the Seattle Municipal Code, last amended by Ordinance 123046, is amended as follows:

23.55.034 Signs in downtown zones

A. The provisions of this ((~~s~~))Section 23.55.034 ((~~shall~~))apply to all downtown zones except PSM, IDR and IDM zones, and portions of PMM zones located in a Historic District. ((~~In areas of PMM zones not located in a Historic District, these regulations may be modified by the provisions of the Pike Place Urban Renewal Plan.~~))Signs in the PSM, IDR and IDM zones are regulated by the provisions of Chapter 23.66, Special ((~~R~~))review ((~~D~~))districts.

* * *

Section 61. Section 23.55.040 of the Seattle Municipal Code, last amended by Ordinance 120466, is amended as follows:

23.55.040 Special exception for signs in commercial and downtown zones((~~.~~))

The Director may authorize exceptions to the regulations for the size, number, type, height and depth of projection of on-premises signs in neighborhood commercial, commercial, downtown office core, downtown retail core, downtown mixed commercial, areas of Pike Market Mixed not located in a Historic District, and downtown harborfront zones as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions, except that no special exception may be authorized for a sign using video display methods. When one ((~~(1)~~))or more of the conditions in subsection 23.55.040.A((~~of this section~~)) have been met, the characteristics described in subsection 23.55.040.B ((~~of this section~~))shall be used to evaluate the merits of the proposal. Proposals must also meet the intent of the Sign Code as specified in Section 23.55.001, Intent. An exception shall not be granted for roof signs or signs prohibited in Section 23.55.003. In downtown zones, the Director shall consult with the Seattle Design Commission before issuance of the special exception decision.

* * *

Section 62. Section 23.58A.024 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.58A.024 Bonus non-residential floor area for affordable housing and child care

A. Scope; general rule. This Section 23.58A.024 applies to bonus non-residential floor area for affordable housing and child care allowed on lots for which applicable sections of this Title 23 expressly refer to this Chapter 23.58A. To obtain bonus non-residential floor area for affordable housing and child care, the applicant may use the performance option, the payment option, or a combination of these options, in accordance with this Section 23.58A.024 and subject to the provisions of the zone.

B. Performance option for housing

1. Amount of affordable housing. An applicant using the housing performance option shall provide affordable housing with a gross floor area at least equal to 15.6 percent of gross bonus non-residential floor area obtained through the performance option.

2. Agreement. The City and the affordable housing owner shall enter into an agreement specifying the affordable housing requirements under this subsection 23.58A.024.B. This agreement shall be executed and recorded prior to issuance and as a condition to issuance of any permit after the first building permit for the development using the bonus non-residential floor area and before any permit for any construction activity other than excavation and shoring for the development is issued.

3. Duration. Affordable housing shall serve only income-eligible households for a minimum period of 50 years from the later of the date when the agreement between the housing owner and the City is recorded, or the date when the affordable housing becomes available for occupancy as determined by the City.

4. Unit size and distribution. Affordable housing shall be provided in a range of sizes comparable to those units that are available to other residents. To the extent practicable, the number of bedrooms in affordable units must be in the same proportion as the number of bedrooms in units within the entire development. The affordable units shall generally be distributed throughout the development and have substantially the same functionality as the other units in the development.

5. Additional standards for rental housing. For rental housing:

a. monthly rent, including basic utilities, shall not exceed 30 percent of the income limit for the unit, all as determined by the Director of Housing, for a minimum period of 50 years; and

b. the housing owner shall submit a report to the Office of Housing annually that documents how the affordable housing meets the terms of the recorded agreement.

6. Additional standards for owner-occupied housing. For owner-occupied housing, the initial sale price of the unit and subsequent sale prices upon resale of the unit during the 50-year affordability period shall be restricted to an amount determined by the Director of Housing to be affordable to an income-eligible household, such that the annualized housing payment for the unit does not exceed 35 percent of the annual income of an income-eligible household, adjusted by the household size expected to occupy the unit based on the number of bedrooms. The method to determine the sale price of the unit, subject to approval by the Director of Housing, includes mortgage principal and interest payments as calculated by prevailing interest rates, real estate taxes, insurance, homeowner association dues and any other housing cost deemed reasonable by the Director of Housing, and requirements relating to down-payment amount and homebuyer contributions. The unit shall be subject to recorded instruments satisfactory to the Director of Housing providing for sale prices on any resale consistent with the affordability restriction on the same basis for a minimum period of 50 years.

7. Additional standards for on-site performance. If the affordable housing is provided within the development using the bonus non-residential floor area, the affordable housing shall be completed and ready for occupancy at or before the time when a certificate of occupancy is issued for any chargeable floor area in the development using the bonus non-residential floor area, and as a condition to any right of the applicant to such a certificate of occupancy.

8. Additional standards for off-site performance. If the affordable housing is not provided within the development using the bonus non-residential floor area, it may be provided off-site according to the following standards:

a. Developments that use bonus non-residential floor area within the South Lake Union Urban Center shall provide off-site affordable housing within the South Lake Union Urban Center or within one mile of the development using the bonus non-residential floor area and no more than 0.25 mile from the South Lake Union Urban Center boundary. Outside of the South Lake Union Urban Center, the applicant shall demonstrate to the satisfaction of the Director of Housing that the off-site affordable housing is located within the same urban center or village as the development using the bonus residential floor area or within one mile of the development using the bonus non-residential floor area or that it is infeasible for the off-site affordable housing to be located within this area. If the affordable housing is not located within the same urban center or village as the development using the bonus residential floor area or within one mile of the development using the bonus non-residential floor area, it shall be located either:

1) within the Seattle city limits and within 0.5 mile of a light rail or bus rapid transit station; or

2) if the applicant demonstrates that providing the affordable housing in such a location is also infeasible, then the Director of Housing may allow the affordable housing to be provided in the city within the Seattle city limits and within 0.25 mile of a bus or streetcar stop.

* * *

Section 63. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance 123899, is amended as follows:

23.66.030 Certificates of approval-Application, review and appeals

A. Certificate of ((~~A~~))approval ((~~R~~))required. No person shall alter, demolish, construct, reconstruct, restore, remodel, make any visible change to the exterior appearance of any structure, or to the public rights-of-way or other public spaces in a special review district, and no one shall remove or substantially alter any existing sign or erect or place any new sign or change the principal use of any building, or any portion of a building, structure or lot in a special review district, and no permit for such activity shall be issued unless a certificate of approval has been issued by the Department of Neighborhoods Director

* * *

E. Appeal to Hearing Examiner((~~.~~))

* * *

7. The decision of the Hearing Examiner shall be final. Copies of the Hearing Examiner's decision shall be provided to all parties of record before the Hearing Examiner. Any judicial review must be commenced ((~~within 21 days of issuance of the Hearing Examiner's decision,~~))as provided by ((~~RCW 36.70C.040~~))state law.

* * *

Section 64. Section 23.66.032 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.66.032 Contributing structures; determination of architectural or historic significance

A. The owner of a lot in the Pioneer Square Preservation District or the International Special Review District may apply to the Director of Neighborhoods for a determination that a structure on the lot contributes, and is expected to continue to contribute, to the architectural and/or historic character of the District. A structure for which that determination is made is considered a contributing structure for purposes of this Section 23.66.032 and for purposes of the eligibility of the lot to send South Downtown Historic TDR or South Downtown Historic TDP pursuant to Sections 23.49.014 and 23.58A.042. The determination is made by the Director of Neighborhoods, after recommendation by the Pioneer Square Preservation Board or the

International Special Review District Board. A structure for which an application for demolition approval has been granted or is pending is not eligible for a determination under this Section 23.66.032. The Director of Neighborhoods may defer consideration of an application under this Section 23.66.032 until final action is taken on any application for a certificate of approval, and any appeals have been resolved.

* * *

E. There is no administrative appeal of the decision of the Director of Neighborhoods. Any judicial review must be commenced ((~~within 21 days of issuance of the Director of Neighborhoods' decision,~~))as provided by ((~~RCW 36.70C.040~~))state law.

Section 65. Section 23.66.115 of the Seattle Municipal Code, last amended by Ordinance 120157, is amended as follows:

23.66.115 Demolition approval((~~.~~))

* * *

B. When demolition or removal of a building or other structure in the District is essential to protect the public health, safety and welfare or when the purposes of this ordinance will be furthered by the demolition or removal, then the Director of Neighborhoods, following review and recommendation by the Board, may authorize such demolition or removal whether the prerequisites of this ((~~s~~))Section 23.66.115 are satisfied or not.

* * *

D. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Department of Neighborhoods Director's decision shall be final. Any judicial review must be commenced ((~~within twenty-one (21) days of issuance of the Department of Neighborhoods Director's decision,~~))as provided by ((~~RCW 36.70C.040~~))state law.

Section 66. Section 23.66.318 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.66.318 Demolition approval

* * *

B. If demolition or removal of a building or other structure in the District is essential to protect the public health, safety and welfare or if the purposes of this Chapter 23.66 will be furthered by the demolition or removal, then the Director of Neighborhoods, following review and recommendation by the Board, may authorize such demolition or removal whether the prerequisites of this Section 23.66.318 are satisfied or not.

* * *

D. There is no administrative appeal of the decision of the Director of Neighborhoods. The Director of Neighborhoods' decision shall be final. Any judicial review must be commenced ((~~within 21 days of issuance of the Director of Neighborhoods' decision,~~))as provided by ((~~RCW 36.70C.040~~))state law.

Section 67. Section 23.69.032 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.69.032 Master plan process

* * *

B. Formation of a Citizens Advisory Committee((~~.~~))

* * *

6. Four ((~~(4)~~))nonvoting, ex-officio members of the Advisory Committee shall represent the Major Institution, the Department of ((~~Construction and land use~~))Planning and Development, the Department of Neighborhoods and Seattle Department of Transportation.

* * *

J. Council ((~~D~~))decision((~~.~~))

1. The Council's decision to adopt, adopt with conditions, or deny an application for a Major Institution Master Plan shall comply with the requirements of Section 23.76.056.

2. Adoption of a master plan shall be by ordinance. ((~~A master plan shall not become final until the ordinance approving it becomes law pursuant to the City Charter.~~[2]))

K. Requirement for ((~~C~~))compiled ((~~P~~))plan. Within (((~~thirty (~~))30((~~)~~)) days of adoption of a master plan by the Council, the institution shall submit a draft copy of the compiled adopted plan for the Director's review and approval. This compiled plan shall incorporate all changes and conditions imposed during the plan approval process. The Director shall review the compiled plan within ((~~thirty (~~))30((~~)~~)) days of receipt of the plan, and may request corrections or clarifications if necessary. Upon the Director's approval, the institution shall submit ((~~seven (7)~~))six written copies of the compiled adopted plan to the Director. The Director shall keep one (((~~(1)~~)))copy and distribute the other ((~~six (6)~~)))five copies to the City Clerk's Office, ((~~the Strategic Planning Office,~~))the Department of Neighborhoods and the Seattle Public Library (one (((~~(1)~~)))copy for the main downtown library and two (((~~(2)~~)))copies to go to the two (((~~(2)~~)))branch libraries nearest the institution). The institution shall also submit one (((~~(1)~~)))copy of the compiled adopted plan in electronic format for the City to post on the((~~Public Access Network (PAN)~~)) City of Seattle Official Web Site. No Master Use Permit for development first permitted in the adopted plan shall be issued until the compiled plan has been reviewed and approved by the Director except as provided in Section 23.69.033.

Section 68. Section 23.71.014 of the Seattle Municipal Code, last amended by Ordinance 121362, is amended as follows:

23.71.014 Open space((~~.~~))

A. Quantity of ((~~O~~))open ((~~S~~))space((~~.~~))

1. In all Commercial zones with a permitted height limit of ((~~forty (~~))40((~~)~~)) feet or less, a minimum of ((~~ten (~~))10((~~)~~)) percent of lot area or, at the applicant's option, proposed gross floor area, shall be provided as landscaped or usable open space for all commercial and mixed use substantial development. A minimum of ((~~one-half (~~))½((~~)~~)) of the required open space shall be landscaped open space and a minimum of ((~~one-third (~~))1/3((~~)~~)) of the required open space shall be usable open space. The remainder shall be either landscaped or usable open space or may be provided in accordance with subsection 23.71.014.A.8((~~of this section~~)).

2. In all Commercial zones with a permitted height limit greater than ((~~forty (~~))40((~~)~~)) feet, a minimum of ((~~fifteen (~~))15((~~)~~)) percent of lot area or, at the applicant's option, proposed gross floor area, shall be provided as landscaped or usable open space for all commercial and mixed use substantial development. A minimum of ((~~one-third (~~))1/3((~~)~~)) of the required open space shall be landscaped open space and a minimum of ((~~one-fifty (~~))1/5((~~)~~)) of the required open space shall be usable open space. The remainder shall be either landscaped or usable open space or may be provided in accordance with subsection 23.71.014.A.8((~~of this section~~)).

* * *

Section 69. Section 23.71.018 of the Seattle Municipal Code, last amended by Ordinance 122244, is amended as follows:

23.71.018 Transportation management program((~~.~~))

A. When substantial development is proposed ((~~which~~))that is expected to generate ((~~twenty-five (~~))25((~~)~~)) or more employee or student vehicle trips in any one (((~~1)~~))p.m. hour, the owner of the site upon which the substantial development is proposed shall prepare and implement a Transportation Management Program (TMP) consistent with requirements for TMPs in Director's Rule ((~~14-2002~~))10-2012 or its successor.

* * *

B. The owner of any site who proposes multifamily substantial development which is expected to generate ((~~fifty (~~))50((~~)~~)) or more vehicle trips in any one (((~~1)~~))p.m. hour shall prepare and implement a TMP. The TMP shall be consistent with requirements for TMPs in Director's Rule ((~~14-2002~~))10-2012 or its successor. For purposes of measuring attainment of the SOV goal, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by residents of the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of residential trips made by SOV during the expected peak hour by the total number of residential

person trips.

* * *

Section 70. Section 23.72.008 of the Seattle Municipal Code, last amended by Ordinance 122829, is amended as follows:

23.72.008 Uses permitted in specified areas within the Sand Point Overlay District((~~.~~))

* * *

C. Uses ((~~P~~))permitted ((~~W~~))within Subarea C depicted on Map A for 23.72.004. In addition to the uses permitted outright in Section ((~~23.45.004~~))23.45.504 and Table A for 23.45.504, the following principal uses are permitted outright in Subarea C as depicted on Map A for 23.72.004:

1. Food processing;
2. Horticulture;
3. Institutions, except hospitals;
4. Lecture and meeting halls;
5. Medical service uses, excluding animal health services, mortuary and funeral services; and
6. Offices, in structures in existence as of July 18, 1997.

Section 71. Section 23.72.010 of the Seattle Municipal Code, last amended by Ordinance 124060, is amended as follows:

23.72.010 Development standards

* * *

G. Solid waste and recycling storage space. Changes of use within existing structures that are subject to SEPA requirements in ((~~Seattle Municipal Code~~))Chapter 25.05 and all new structures shall provide storage space for solid waste containers in accordance with ((~~the following table:~~

~~Table A for 23.72.010~~

~~Solid Waste and Recyclable Materials Storage Space Standards~~

~~Structure size~~	~~Minimum area~~	~~Container type~~
~~0—5,000 square feet~~	~~82 square feet~~	~~Rear-loading~~
~~5,001—15,000 square feet~~	~~125 square feet~~	~~Rear-loading~~
~~15,001—50,000 square feet~~	~~175 square feet~~	~~Front-loading~~
~~Over 50,000 square feet~~	~~225 square feet~~	~~Front-loading~~

~~1. The storage space shall comply with the following standards:~~

~~a. The storage space shall have no horizontal dimension (width and depth) less than 6 feet.~~

~~b. The floor of the storage space shall be level and hard-surfaced (garbage or recycling compactors require a concrete surface).~~

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

~~d. The storage space shall be located adjacent to the structure it serves and, if located outdoors, it shall not be located between a street-facing facade of the structure and the street.~~

~~e. The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure.~~

~~f. The storage space shall not block or impede any fire exits, any public rights-of-ways or any pedestrian or vehicular access.~~

~~g. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.~~

~~h. Access standards:~~

~~(1) For rear-loading containers:~~

~~(a) Any ramps to the storage space shall have a 6 percent slope or less, and~~

~~(b) Any gates or access routes shall be a minimum of 6~~

~~feet wide; and~~

~~(2) For front-loading containers:~~

~~(a) Direct access shall be provided from the alley or street to the containers,~~

~~(b) Any gates or access routes shall be a minimum of 10 feet wide, and~~

~~(c) If accessed directly by a collection vehicle into a structure, a 21-foot overhead clearance shall be provided.~~

~~2. The solid waste and recyclable materials storage space specifications required in subsection 1 shall be included on the plans submitted with the permit application in addition to the numbers and sizes of containers.~~

~~3. The Director, in consultation with the Director of Seattle Public Utilities, may grant departures from the requirements of subsection 1, as a Type I Master Use Permit decision, if the applicant proposes alternative workable measures that meet the intent of this subsection.~~

~~4.~~))the requirements of Section 23.54.040. All solid waste and recyclable storage features shall be consistent with the Sand Point Historic Properties Reuse and Protection Plan, dated April 1998, and the U.S. Secretary of the Interior's Standards for Rehabilitation, as evidenced by a letter of approval from the State Historic Preservation Officer.

* * *

Section 72. Section 23.75.015 of the Seattle Municipal Code, which section was adopted by Ordinance 123963, is amended as follows:

23.75.015 Applicability of use and development standards

* * *

B. Except as otherwise provided in subsection 23.75.015.C, Part 2 and Part 3 of Chapter 23.75 shall not be applied for purposes of a land use decision other than a Type III decision unless, as of the date of that land use decision:

1. there has been recorded, after January 1, 2012, an approved final plat of subdivision that includes the property for which the land use decision is made; and

2. the Director of Transportation has filed with the City Clerk a certificate confirming that the City has accepted dedications, in a recorded plat or otherwise, establishing streets as necessary to complete, substantially as depicted in Exhibit A for 23.75.020, at least the portions of the streets that include or abut any part of the block where property subject to the decision is located and that are necessary to connect those portions to the improved street grid in each direction.

C. Part 2 and Part 3 of Chapter 23.75 may be applied for purposes of a Type I or Type II land use decision for one building on the block bounded by Spruce Street, 8th Avenue, Yesler Way, and Broadway Avenue, if the Director determines as a Type I decision that the proposed development does not interfere with the conceptual block and street configuration shown in Exhibit A for 23.75.020.

D. If, pursuant to subsection 23.75.015.B, Part 2 and Part 3 of Chapter 23.75 are not applied for purposes of a land use decision, the provisions of Chapter 23.45 that apply to property zoned LR3 shall be applied instead.

((~~D.~~))E. Uses and structures established pursuant to subsections 23.75.015.C and 23.75.015.D are included for purposes of application of aggregate limits to proposed development under Part 2 and Part 3 of Chapter 23.75 and allocations of those limits to lots under Section 23.75.040.

((~~E.~~))F. The intent of this Section 23.75.015 is that all of Chapter 23.75 be in effect, for purposes of Section 23.76.026 and any other "vesting" laws or ordinances, as to all property in the MPC-YT zone, both before and after the events described in subsections 23.75.015.B.1 and 23.75.015.B.2.

Section 73. Section 23.75.020 of the Seattle Municipal Code, which section was adopted by Ordinance 123963, is amended as follows:

23.75.020 Definitions

A. Scope and ((~~A~~))applicability((~~.~~))

1. General ((~~R~~))rule. The terms set forth in quotation marks in this Section 23.75.020, when used in this Chapter 23.75, have the meanings set forth unless the context otherwise requires.

2. Definitions in Chapter 23.84A. For purposes of this Chapter 23.75, definitions in this Chapter 23.75 supersede any definitions of the same terms in Chapter 23.84A.

B. Defined ((~~T~~))terms((~~.~~))

"Access drive" means a vehicle access easement providing parking access to two or more lots and meeting the requirements of Section 23.53.025.

* * *

Section 74. Section 23.75.140 of the Seattle Municipal Code, which section was adopted by Ordinance 123963, is amended as follows:

23.75.140 Setbacks and projections

* * *

C. Build-to line((~~.~~))

* * *

2. Except as otherwise permitted in this subsection 23.75.140.C, any regulated ((~~façade~~))facade abutting a non-residential use in the first story partially or completely above grade is required to have a minimum and maximum setback of 2 feet from the build-to line, from ground level to a height of at least 25 feet. The portion of the ((~~façade~~))facade that is 2 feet from the build-to line may continue above 25 feet up to a maximum of 50 feet in height, regardless of the uses above the first story. Above the portion that is 2 feet from the build-to line, all other portions of the facade are subject to the minimum setbacks otherwise applicable above 50 feet, based on the boundary type and condition.

3. Any portion of a ((~~façade~~))facade that abuts residential units, including live-work units, in the first story partially or completely above grade, is subject to the applicable setback depicted in Exhibit A for 23.75.140.

4. The portion of a ((~~façade~~))facade, if any, that abuts residential lobbies and common amenity areas must be set back consistent with either subsection 23.75.140.C.2 or 23.75.140.C.3, as the applicant elects.

5. Building entries are not subject to any maximum setback.

D. Reduced setback areas((~~.~~))

1. The following locations, illustrated in Exhibit C for 23.75.140, are "reduced setback areas," and are subject to this subsection 23.75.140.D except where other special setback conditions apply pursuant to this Section 23.75.140:

a. All street lot lines along Alder St. and Broadway;

b. All street lot lines along the north margin of Yesler Way and E. Yesler Way;

c. All street lot lines along the south margin of Yesler Way in Block 6;

d. The southerly margin of a pedestrian or multi-use trail established for public access by easement near the southerly margin of E. Yesler Way in Block 5, running substantially parallel to E. Yesler Way; and

e. Boundaries abutting both sides of any pedestrian pathway in Block 2.

2. In the locations identified in subsection 23.75.140.D.1, the minimum setback for any ((~~façade~~))facade abutting a non-residential use, residential lobby, or residential amenity area in the first story partially or completely above grade is 2 feet, up to a maximum of 50 feet above finished grade, regardless of the uses above the first story. No maximum setback requirement applies. For any portion of a ((~~façade~~))facade that abuts residential units in the first story partially or completely above grade, including live-work units, the applicable setback in Exhibit A for 23.75.140 is required.

* * *

Section 75. Section 23.75.170 of the Seattle Municipal Code, which section was adopted by Ordinance 123963, is amended as follows:

23.75.170 Street-level development standards

* * *

C. Standards for units at regulated facades. This subsection 23.75.170.C applies where dwelling units or live-work units abut a regulated facade.

1. Except as otherwise provided in this subsection 23.75.170.C.1((~~along Boren Avenue or Boren Ave S., and except where the setback is reduced pursuant to 23.75.140.B~~)), each dwelling unit with its lowest floor level 6 feet or less above finished grade and facing onto a street or park open to the public shall have direct access to a private amenity area located between the dwelling unit and the park or street. The floor level at the doorway providing access from the dwelling unit to the amenity area shall not be lower than finished grade at the closest point of the closest boundary. Private amenity area between the dwelling unit and the park or street is not required:

a. Along Boren Avenue or Boren Avenue S.;

b. Where the setback is reduced pursuant to subsection 23.75.140.B; or

c. Where a dwelling unit is located above a residential lobby, common amenity area, or non-parking, non-residential use in the first story partially or completely above grade, and where a built-to line or reduced setback applies pursuant to Section 23.75.140.

2. At least 20 percent of the ((~~façade~~))facade area shall consist of doors and/or transparent windows. Where live-work units abut the facade, at least 50 percent of the ((~~façade~~))facade area shall consist of doors and/or transparent windows.

3. Where finished grade along the boundary is sloped greater than 7.5 percent for a segment at least 30 feet long, the requirements of subsection 23.75.170.C.2 are reduced by 50 percent.

* * *

Section 76. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.76.004 Land use decision framework

* * *

C. Type IV and V decisions are Council land use decisions. ((~~**Type IV**~~))Type IV decisions are quasi-judicial decisions made by the Council pursuant to existing legislative standards and based upon the Hearing Examiner's record and recommendation. Type IV decisions may be subject to land use interpretation pursuant to Section 23.88.020. ((~~**Type V**~~))Type V decisions are legislative decisions made by the Council in its capacity to establish policy and manage public lands.

* * *

((~~Table A for 23.76.004~~

~~LAND USE DECISION FRAMEWORK[1]~~

~~DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS~~))

Table A for 23.76.004 **LAND USE DECISION FRAMEWORK[1]** ((~~**DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS**~~))	
DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS **TYPE I** **Director's Decision** (Administrative review through land use interpretation as allowed by Section 23.88.020[2])	
*	((~~Compliance with~~))Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments
*	Intermittent uses
*	Interim use parking authorized under subsection 23.42.040.G
*	Uses on vacant or underused lots pursuant to Section 23.42.038

	Table A for 23.76.004 **LAND USE DECISION FRAMEWORK**[1] ((~~**DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS**~~))
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development ((~~P~~))permit
*	Determination of public benefit for combined lot FAR
*	Determination of whether an amendment to a property use and development agreement is major or minor
*	Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance
*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
*	Other Type I decisions that are identified as such in the Land Use Code
	TYPE II **Director's Decision** (Appealable to Hearing Examiner or Shorelines Hearing Board[3])
*	Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
*	Variances
*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit[3]
*	Short subdivisions
*	Special ((~~E~~))exceptions
*	Design review decisions, except for streamlined design review pursuant to Section 23.41.018 if no development standard departures are requested, and except for design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Light rail transit facilities
*	The following environmental determinations:
	1. Determination of non-significance (EIS not required)
	2. Determination of final EIS adequacy
	3. Determinations of significance based solely on historic and cultural preservation
	4. A decision to ((~~approve,~~))condition or deny a permit for a project based on SEPA policies , except for a project determined to be consistent with a planned action ordinance
*	Major Phased Developments

	Table A for 23.76.004 **LAND USE DECISION FRAMEWORK**[1] ((~~**DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS**~~))
*	Downtown Planned Community Developments
*	Other Type II decisions that are identified as such in the Land Use Code
	TYPE III **Hearing Examiner's Decision** (No Administrative Appeal)
*	Subdivisions (preliminary plats)
	COUNCIL LAND USE DECISIONS **TYPE IV** (Quasi-Judicial) ((~~**Council Land Use Decisions**~~))
*	Amendments to the Official Land Use Map (rezones), except area-wide amendments and correction of errors
*	Public projects that require Council approval
*	Major Institution master plans, including major amendments, renewal of a master plan's development plan component, and master plans prepared pursuant to subsection 23.69.023.C after an acquisition, merger, or consolidation of major institutions
*	Major amendments to property use and development agreements
*	Council conditional uses
*	Other decisions listed in subsection 23.76.036.A
	TYPE V **(Legislative)** ((~~Council Land Use Decisions~~))
*	Land Use Code text amendments
*	Area-wide amendments to the Official Land Use Map
*	Corrections of errors on the Official Land Use Map due to cartographic and clerical mistakes
*	Concept approvals for the location or expansion of City facilities requiring Council land use approval
*	Major Institution designations and revocations of Major Institution designations
*	Waivers or modifications of development standards for City facilities
*	Adoption of or amendments to Planned Action Ordinances
*	Other decisions listed in subsection 23.76.036.C
Footnotes for Table A for 23.76.004: ((~~(1)~~))[1] Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This ((~~t~~))Table A for 23.76.004 is intended to provide only a general description of land use decision types. ((~~(2)~~))[2] Type I decisions are subject to administrative review through a land use interpretation pursuant to Section 23.88.020 if the decision is one that is subject to interpretation. ((~~(3)~~))[3] Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.	

Section 77. Section 23.76.012 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.76.012 Notice of application

* * *

B. Types of notice required((~~.~~))

1. For projects subject to a Type II environmental determination pursuant to Section 23.76.006 or design review pursuant to Section ((~~23.41.014~~))23.41.004, the Department shall direct the installation of a large notice sign on the site, unless an exemption or alternative posting as set forth in this subsection 23.76.012.B is applicable. The large notice sign shall be located so as to be clearly visible from the adjacent street or sidewalk, and shall be removed by the applicant at the direction of the Department after final City action on the application is completed.

a. In the case of submerged land, the large notice sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land owned or controlled by the applicant, notice shall be provided according to subsection 23.76.012.B.1.c.

b. Projects limited to interior remodeling, or that are subject to a Type II environmental determination pursuant to Section 23.76.006 only because of location over water or location in an environmentally critical area, are exempt from the large notice sign requirement.

c. If use of a large notice sign is neither feasible nor practicable to assure that notice is clearly visible to the public, the ((~~Director~~))Department shall post ten placards within 300 feet of the site.

d. The Director may require both a large notice sign and the alternative posting measures described in subsection 23.76.012.B.1.c, or may require that more than one large notice sign be posted, if necessary to assure that notice is clearly visible to the public.

* * *

D. Comment ((~~P~~))period. The Director shall provide a 14 day public comment period prior to making a threshold determination of nonsignificance (DNS) or publishing a decision on the project; provided that the comment period shall be extended by 14 days if a written request for extension is submitted within the initial 14 day comment period; provided further that the comment period shall be 30 days for applications requiring shoreline decisions except that for limited utility extensions and bulkheads subject to Section 23.60.065, the comment period shall be 20 days as specified in ((~~that s~~))Section 23.60.065. The comment period shall begin on the date notice is published in the Land Use Information Bulletin. Comments shall be filed with the Director by 5 p.m. of the last day of the comment period. If the last day of the comment period is a Saturday, Sunday, or federal or City holiday, the comment period shall run until 5 p.m. the next day that is not a Saturday, Sunday, or federal or City holiday. Any comments received after the end of the official comment period may be considered if the comment is material to review yet to be conducted.

* * *

Section 78. Section 23.76.020 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.020 Director's decisions on Type I and Type II Master Use Permits

* * *

C. Notice of ((~~D~~))decisions((~~.~~))

1. Type I. No notice of decision is required for Type I decisions.
2. Type II. The Director shall provide notice of all Type II decisions by:
   a. Inclusion in the Land Use Information Bulletin;
   b. Publication in the City official newspaper;
   c. Notice provided to the applicant and to persons who provided an address for notice and either submitted written comments on the application, or made a written request for notice; and

d. Filing of DNSs with the SEPA Public Information Center and distribution of DNSs as required by Section 25.05.340; and

e. Filing of any shoreline decision in a Master Use Permit with the Department of Ecology according to the requirements in WAC 173-27-130.

D. Contents of notice((~~.~~))

1. The notice of the Director's decision shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decision is subject to administrative appeal or administrative review and shall describe the appropriate administrative appeal procedure.

* * *

Section 79. Section 23.76.022 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.022 Administrative reviews and appeals for Type I and Type II Master Use Permits

A. Appealable ((~~D~~))decisions((~~.~~))

1. Type I decisions listed in subsection 23.76.006.B are subject to administrative review through a land use interpretation pursuant to Section 23.88.020 if the decision is one that is subject to interpretation.

2. All Type II decisions listed in subsection 23.76.006.C are subject to an administrative open record appeal as described in this Section 23.76.022.

* * *

C. Hearing Examiner ((~~A~~))appeal ((~~P~~))procedures((~~.~~))

* * *

12. Appeal of Hearing Examiner's ((~~D~~))decision. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on judicial appeal. Any judicial review must be commenced ((~~within 21 days of issuance of the Hearing Examiner's decision, as provided by RCW~~

~~36.70C.040, or~~))as provided by state law, and if the appeal concerns a decision on personal wireless service, the appeal shall be filed within 30 days of the Hearing Examiner's or Council's final decision.

Section 80. Section 23.76.024 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.024 Hearing Examiner open record hearing and decision for subdivisions

A. Consolidation with ((~~E~~))environmental ((~~A~~))appeal. The Hearing Examiner shall conduct a public hearing, which shall constitute a hearing by the Council on the application for preliminary approval of the subdivision. At the same hearing the Hearing Examiner shall also hear any appeals of the Director's procedural environmental determination (determination of nonsignificance or determination of adequacy of a final environmental impact statement) and other Type II decisions.

* * *

I. Decision. From the information gained at the hearing, from timely written comments submitted to the Department or the Hearing Examiner, and from the report and recommendation of the Director, all of which shall be made part of the record, the Hearing Examiner shall issue a decision to approve, approve with conditions, remand, or deny the proposed subdivision. On any appeal, the Hearing Examiner may affirm, reverse, remand, or modify the Director's decision. The Hearing Examiner's decision shall be in writing, include findings and conclusions, and be filed by the Hearing Examiner with the City Clerk within ten working days of the close of the record, unless a longer period is agreed to among the parties.

J. Effect of the Hearing Examiner ((~~D~~))decision. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on appeal or appealed to the Shorelines Hearings Board. Any judicial review of decisions ((~~not appealable to the Shorelines Hearings Board~~))shall be commenced ((~~within 21 days of issuance of the decision, as provided by RCW 36.70C.040~~))as provided by

state law. Pursuant to RCW 58.17.330, the Hearing Examiner's decision on an application for a subdivision shall have the effect of a final decision of the City Council.

* * *

Section 81. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.76.026 Vesting

* * *

D. ((~~{RESERVED}~~))Areas in all multifamily zones within the Plat of New Rainier Vista, recorded in Volume 217 of Plats, Pages 52 through 99, records of King County, Washington (as amended) and the Plat of the High Point Community, recorded in Volume 221 of Plats, Pages 4 through 35, records of King County, Washington may be developed according to the provisions of the Seattle Land Use Code (Title 23) in effect on April 18, 2011 and any conditions of rezone approval. This subsection 23.76.026.D shall expire on December 31, 2018.

E. {RESERVED}

F. ((~~Applicants whose applications vest after April 19, 2011 but prior to or on October 7, 2011 may elect to have the old height measurement technique applied to the projects, as reflected in Section 23.86.006, Structure Height, as it existed immediately prior to April 19, 2011. Projects where the applicant has chosen this option may also take advantage of exceptions to height limits provided in this Title 23 at that time.~~)){RESERVED}

* * *

Section 82. Section 23.76.032 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.032 Expiration and renewal of Type I and II Master Use Permits

A. Type I and Type II Master Use Permit ((~~E~~))expiration((~~.~~))

* * *

2. On the expiration date determined as provided in subsection 23.76.032.A.1, a Master Use Permit expires unless one of the conditions in this subsection 23.76.032.A.2 exists:

a. A building permit is issued before the expiration date, in which case the Master Use Permit shall be extended for the life of the building permit.

b. A valid and fully complete application for a building permit is submitted prior to the Master Use Permit expiration date and a building permit is subsequently issued. In such cases, the Master Use Permit shall be extended for the life of the building permit.

c. For projects that do not require a building permit, the use has been established prior to the expiration date and is not terminated prior to that date by abandonment, change of use, or otherwise. In such cases the Master Use Permit expires when the use permitted by the Master Use Permit is terminated by abandonment, change of use, or otherwise.

d. The Master Use Permit is renewed pursuant to subsection 23.76.032.((~~B~~))C.

* * *

Section 83. Section 23.76.046 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.046 Public meetings and hearings for draft EISs

* * *

B. Draft EISs on Type IV and V ((~~D~~))decisions. ((~~A~~))The Director shall hold a public hearing on all draft EISs for Type IV and Type V Council land use decisions for which the Department is the lead agency, pursuant to Section 25.05.535. The Director may hold the hearing near the site of the proposed project. For Major Institution master plans, the draft EIS hearing shall be combined with a hearing on the draft master plan as required by Section 23.69.032.

* * *

Section 84. Section 23.76.050 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.050 Report of the Director

A. The Director shall prepare a written report on Type IV and V decisions and any associated Type II decisions listed in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f, and 23.76.006.C.2.g and SEPA decisions integrated with such Type II decisions as set forth in subsection 23.76.006.C.2.l, except that the Director shall prepare a written report for the Type V Council land use decisions listed in subsection 23.76.050.C only if work on the decision is sponsored by the Mayor or one or more members of the Council.

* * *

Section 85. Section 23.76.056 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.056 Council decision on Hearing Examiner recommendation for Type IV Council land use decisions

* * *

D. Any Type IV Council land use decision shall be final and conclusive unless Council retains jurisdiction or the decision is reversed or remanded on judicial appeal or appeal to the Shorelines Hearings Board. Any judicial review of a decision ((~~not appealable to the Shorelines Hearings Board~~))shall be commenced ((~~within 21 days of issuance of the Council's decision, as provided by RCW 36.70C.040, except that~~))as provided by state law, and an appeal of a decision concerning personal wireless service must be commenced within 30 days of issuance of the decision.

E. ((~~A copy of the Council's findings, conclusions and decision shall be transmitted to t~~))The City Clerk ((~~who~~))shall promptly ((~~provide~~))transmit a copy of the findings, conclusions and decision, and ordinance if applicable, to the Director, the Hearing Examiner, and all parties of record. ((~~The Clerk's transmittal shall include official notice of the time and place for seeking judicial review.~~))The Director shall be bound by and incorporate the terms and conditions of the Council's decision in permits issued to the applicant or on approved plans.

* * *

Section 86. Section 23.79.010 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.79.010 Duties of Director ((~~of the Department of Neighborhoods~~))

A. The ((~~Department of Neighborhoods (DON)~~))Director shall determine the amount of departure from established development standards ((~~which~~))that may be allowed ((~~f~~))or required, as well as mitigating measures ((~~which~~))that may be required. The ((~~DON~~))Director's decision shall be based on an evaluation of the factors set forth in subsection ((~~C of Section~~))23.79.008.C, the majority recommendations and minority reports of the advisory committee, comment at the public hearings and other comments from the public. If the ((~~DON~~))Director modifies the recommendations of the advisory committee, the reasons for the modification shall be put forth in writing.

B. Notice of decision((~~.~~))

1. The ((~~DON~~))Director shall provide notice of the decision within seven days of the date the decision is made in the following manner:

a. Publication in the City official newspaper;

b. Inclusion in the Land Use Information Bulletin; and

c. Notice provided to the applicant, all members of the advisory committee, and persons who have requested notice in writing and provided an address for notice.

2. The notice of the decision shall state the address of the school and briefly state the decision made by the ((~~DON~~))Director. The notice shall also state that the departure from development standards is subject to appeal and shall describe the appropriate appeal procedure.

* * *

Section 87. Section 23.84A.002 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.84A.002 "A"

* * *

"Agricultural use" means any of the following:

1. "Animal husbandry" means a use in which animals are reared or kept in order to sell the animals or their products, such as meat, fur or eggs, but does not include keeping of animals according to Section 23.42.052, pet daycare centers, or animal shelters and kennels. Examples of animal husbandry uses are poultry farms and rabbitries.

2. "Aquaculture" means a use in which food fish, shellfish or other marine foods, aquatic plants, or aquatic animals are cultured or grown in fresh or salt waters in order to sell them or the products they produce. Examples are fish farms and shellfish beds.

3. "Community garden" means a use in which land managed by a public or nonprofit organization, or a group of individuals, is used to grow plants and harvest food or ornamental crops from them for donation or for use by those cultivating the land and their households. Examples include P-Patch community gardens administered by the Department of Neighborhoods.

4. "Horticulture" means a use, other than an urban farm, in which plants are grown for the sale of them or their products or for use in any business, and in which other customarily incidental products may be sold. Examples include nurseries with greenhouses and garden stores.

5. "Urban farm" means a use in which plants are grown or animals are kept in accordance with Section 23.42.052 for sale of the plants, or ((~~their products~~))the sale of either plants or animal products including but not limited to eggs or honey, but not including the slaughtering of animals or birds for meat, and in which the plants, or ((~~their products~~))plant and animal products are sold at the lot where they are grown or kept, or off site, or both, and in which no other items are sold. Examples may include flower and vegetable raising, orchards and vineyards, or sale of eggs, honey, or similar animal products.

* * *

Section 88. Section 23.84A.006 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.84A.006 "C"

* * *

"Carriage house" ((~~means a dwelling unit in a carriage house structure.~~))See "Residential use."

"Carriage house structure" ((~~means a structure within a cottage housing development, in which one or more dwelling units are located on the story above an enclosed parking garage at ground level that either abuts an alley and has vehicle access from that alley, or is located on a corner lot and has access to the parking in the structure from a driveway that abuts and runs parallel to the rear lot line of the lot. See also "Carriage house".~~))See "Residential use".

* * *

"Chargeable floor area" means gross floor area of all structures on any lot in a ((~~downtown~~))zone in which floor area limits apply, except portions of structures or uses that are expressly exempt from floor area limits under the provisions of this ((t))Title 23, and after reduction by any applicable adjustment for mechanical equipment. Chargeable floor area is computed using the exemptions and adjustments in effect at the time the computation is made. ((~~Chargeable floor area includes any floor area, not otherwise exempt, that is in a structure in a downtown zone where floor area limits do not apply or that is permitted to be occupied by reason of the Landmark status of the structure in which it is located.~~))

* * *

Communication ((~~D~~))devices and ((~~U~~))utilities (and ((~~R~~))related ((~~T~~))terms)((~~.~~))

* * *

6. "Communication utility, major" means a use in which the means for radiofrequency transfer of information are provided by facilities with significant impacts beyond their immediate area. These utilities include, but are not limited to, FM and AM radio and UHF

and VHF television transmission towers. A major communication utility use does not include communication equipment accessory to residential uses; nor does it include the studios of broadcasting companies, such as radio or television stations, which shall be considered ((~~administrative~~))offices even if there is point-to-point transmission to a broadcast tower.

7. "Communication utility, minor" means a use in which the means for radiofrequency transfer of information are provided but do not have significant impacts beyond the immediate area. These utilities are smaller in size than major communication utilities and include two-way, land-mobile, personal wireless services and cellular communications facilities; cable TV facilities; point-to-point microwave antennas; FM translators; and FM boosters with under ten watts transmitting power. A minor communication utility does not include wire, cables, or communication equipment accessory to residential uses; nor does it include the studios of broadcasting companies, such as radio or television stations, which shall be considered ((~~administrative~~))offices even if there is point-to-point transmission to a broadcast tower.

* * *

Section 89. Section 23.84A.018 of the Seattle Municipal Code, last amended by Ordinance 123770, is amended as follows:

23.84A.018 "I"

* * *

"Institution" means structure(s) and related grounds used by organizations for the provision of educational, medical, cultural, social and/or recreational services to the community, including but not limited to the following uses:

* * *

13. "School, vocational or fine arts" means an institution ((~~which~~))<u>that</u> teaches trades, business courses, hairdressing and similar skills on a post-secondary level, or ((~~which~~))<u>that</u> teaches fine arts such as music, dance or painting to any age group, whether operated for nonprofit or profit-making purposes<u>, except businesses that provide training,</u>

instruction, or lessons exclusively on an individual basis, which are classified as general retail sales and service uses, and except those businesses accessory to an indoor participant sports use.

* * *

Section 90. Section 23.84A.028 of the Seattle Municipal Code, adopted by Ordinance 122311, is amended as follows:

23.84A.028 "O((.))"

* * *

"Open railing" means any railing treatment that maintains a minimum of 80 percent transparency between the floor line and top of railing by using clear glass or similar transparent materials of a maximum 20 percent opacity, or cross bars, that leave 80 percent of the vertical surface open.

* * *

Section 91. Section 23.84A.030 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.84A.030 "P"

* * *

"Penthouse pavilion" means a covered and posted but otherwise open structure, or an arbor, affixed to the roof of a building and intended to be used as a common amenity area.

* * *

Section 92. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.84A.032 "R"

* * *

"Residential use" means any one or more of the following:

1. "Accessory dwelling unit" means one or more rooms that ((.))a.((.)) are located within an owner-occupied dwelling unit, or within

an accessory structure on the same lot as an owner-occupied dwelling unit;

((~~(~~))b.((~~)~~)) meet the standards of Section 23.44.041, or 23.45.545, or Chapter 23.47A, as applicable;

((~~(~~))c.((~~)~~)) are designed, arranged, and intended to be occupied by not more than one household as living accommodations independent from any other household; and

((~~(~~))d.((~~)~~)) are so occupied or vacant.

2. "Adult family home" means an adult family home defined and licensed as such by The State of Washington in a dwelling unit.

3. "Apartment" means a multifamily residential use that is not a cottage housing development, rowhouse development, or townhouse development.

4. "Artist's studio/dwelling" means a combination working studio and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one household.

5. "Assisted living facility" means a use licensed by The State of Washington as a boarding home pursuant to RCW 18.20, that contains at least two assisted living units for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes. See "Assisted living unit."

6. "Carriage house" means a dwelling unit in a carriage house structure.

7. "Carriage house structure" means a structure within a cottage housing development, in which one or more dwelling units are located on the story above an enclosed parking garage at ground level that either abuts an alley and has vehicle access from that alley, or is located on a corner lot and has access to the parking in the structure from a driveway that abuts and runs parallel to the rear lot line of the lot. See also "Carriage house."

((~~6~~))8. "Caretaker's quarters" means a use accessory to a non-residential use consisting of a dwelling unit not exceeding 800 square feet of living area and occupied by a

caretaker or watchperson.

((~~7~~))9. "Congregate residence" means a use in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family dwelling units for which special or reasonable accommodation has been granted.

((~~8~~))10. "Cottage housing development" means a use consisting of cottages arranged on at least two sides of a common open space or a common amenity area. A cottage housing development may include a carriage house structure. See "Cottage," "Carriage house," and "Carriage house structure."

((~~9~~))11. "Detached accessory dwelling unit" means an accessory dwelling unit in an accessory structure.

((~~10~~))12. "Domestic violence shelter" means a dwelling unit managed by a nonprofit organization, which unit provides housing at a confidential location and support services for victims of domestic violence.

((~~11~~))13. "Floating home" means a dwelling unit constructed on a float that is moored, anchored or otherwise secured in the water.

((~~12~~))14. "Mobile home park" means a tract of land that is rented for the use of more than one mobile home occupied as a dwelling unit.

((~~13~~))15. "Multifamily residential use" means a use consisting of two or more dwelling units in a structure or portion of a structure, excluding accessory dwelling units.

((~~14~~))16. "Multifamily residential use, low-income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units are occupied by one or more persons who have a handicap as defined in the Federal Fair Housing Amendments Act and who constitute a low-income household.

((~~15~~))17. "Multifamily residential use, low-income elderly" means a residential use in which at least 90 percent of the dwelling units are occupied by one or more persons 62 or

more years of age who constitute a low-income household.

((~~16~~))18. "Multifamily residential use, low-income elderly/low-income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units (not including vacant units) are occupied by a low-income household that includes a person who has a handicap as defined in the Federal Fair Housing Amendment Act or a person 62 years of age or older, as long as the housing qualifies for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

((~~17~~))19. "Nursing home" means a use licensed by The State of Washington as a nursing home, which provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does not provide care for the acutely ill or surgical or obstetrical services. This definition excludes hospitals or sanitariums.

((~~18~~))20. "Rowhouse ((~~D~~))development" means a multifamily residential use in which all principal dwelling units on the lot meet the following conditions:

((~~(~~))a.((~~)~~)) each dwelling unit occupies the space from the ground to the roof of the structure in which it is located;

((~~(~~))b.((~~)~~)) no portion of a dwelling unit, except for an accessory dwelling unit or shared parking garage, occupies space above or below another dwelling unit;

((~~(~~))c.((~~)~~)) each dwelling unit is attached along at least one common wall to at least one other dwelling unit, with habitable interior space on both sides of the common wall, or abuts another dwelling unit on a common lot line;

((~~(~~))d.((~~)~~)) the front of each dwelling unit faces a street lot line;

((~~(~~))e.((~~)~~)) each dwelling unit provides pedestrian access directly to the street that it faces; and

((~~(~~))f.((~~)~~)) no portion of any other dwelling unit, except for an attached

dwelling unit, is located between any dwelling unit and the street faced by the front of that unit.

((~~19~~))21. "Single-family dwelling unit" means a detached structure having a permanent foundation, containing one dwelling unit, except that the structure may also contain an accessory dwelling unit where expressly authorized pursuant to this Title 23. A detached accessory dwelling unit is not considered a single-family dwelling unit for purposes of this Chapter 23.84A.

((~~20~~))22. "Townhouse ((~~D~~))development" means a multifamily residential use that is not a rowhouse development, and in which:

((~~(~~))a.((~~)~~)) each dwelling unit occupies ((~~the~~))space from the ground to the roof of the structure in which it is located;

((~~(~~))b.((~~)~~)) no portion of a dwelling unit occupies space above or below another dwelling unit, except for an attached accessory dwelling unit and except for dwelling units constructed over a shared parking garage; and

((~~(~~))c.((~~)~~)) each dwelling unit is attached along at least one common wall to at least one other dwelling unit, with habitable interior space on both sides of the common wall, or abuts another dwelling unit on a common lot line.

* * *

Section 93. Section 23.84A.036 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.84A.036 "S"

* * *

"Stoop" See "porch"

* * *

"Structural building overhang" means all encroachments into and over public property, such as: bay windows, other projections enclosing occupied interior space, balconies, cornices, eaves, sills, belt courses, facade treatments, and other minor architectural features.

* * *

Section 94. Section 23.84A.038 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.84A.038 "T"

* * *

"TDR site, arts facility" means a lot meeting the following requirements:

1. The lot is located in the South Lake Union Urban Center either in an IC zone or in a zone with a height limit of ((~~eighty-five (~~))85((~~)~~)) feet or more;

2. Each structure to be developed on the lot is a major performing arts facility; or has or will have a minimum of one ((~~(1)~~))FAR or all of its chargeable floor area if there is less than one ((~~(1)~~))FAR in the structure(s) committed for at least ((~~fifty (~~))50((~~)~~)) years to occupancy by one or more not-for-profit organizations dedicated to the creation, display, performance or screening of art by or for members of the general public.

3. The arts facility commitments on the lot comply with Section 23.50.053 for structures in the South Lake Union Urban Center and are memorialized in a recorded agreement between the owner of such an arts facility and the Director of the ((~~Mayor's~~))Seattle Office of Arts and Cultural Affairs.

* * *

Section 95. Section 23.84A.040 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.84A.040 "U"

* * *

"Utility" means a use in which power, water or other similar items are provided or transmitted; or sewage is treated, or solid waste is stored, transferred, recycled or incinerated. High-impact uses and utility lines are not considered utilities. Subject to the foregoing exclusions, utilities include but are not limited to the following uses:

* * *

7. "Solid waste management" means a utility use in which solid waste other than recyclable materials is collected, stored, processed or incinerated. Solid waste management includes, but is not limited to, the following uses:

a. "Salvage yard" means a solid waste management use in which junk, waste, discarded or salvaged materials, including materials and household items salvaged from deconstructed or demolished residential structures, are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house-wrecking yards, and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment, but only when such activity is not conducted ((~~entirely~~))primarily within an enclosed building, and excluding the following: pawnshops and establishments for the sale, purchase, or storage of used furniture((~~and household equipment~~)), used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

* * *

Section 96. Section 23.84A.048 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.84A.048 "Z((~~,~~))**"**

* * *

"Zone, residential" means a zone with a classification that includes any of the following: SF9600, SF7200, SF5000, RSL, LR1, LR2, LR3, MR, HR, RC, DMR, and IDR, which classification also may include one or more suffixes((~~, but not including any zone with an RC designation~~)).

* * *

Section 97. Section 23.86.007 of the Seattle Municipal Code, last amended by Ordinance 123564, is amended as follows:

23.86.007 Gross floor area and floor area ratio measurement

A. Certain items may be exempted from calculation of gross floor area of a structure. Except as otherwise expressly provided in this Title 23, if gross floor area of underground stories or portions of stories is exempted, the amount of below-grade gross floor area is measured as follows:

1. An underground story is that story or portion of a story for which the ((~~finished floor next~~))ceiling above, or the roof surface if there is no next floor above, is at or below the abutting existing or finished grade, whichever is lower (See Exhibit A for 23.86.007).

2. To determine the amount of gross floor area that is below grade:

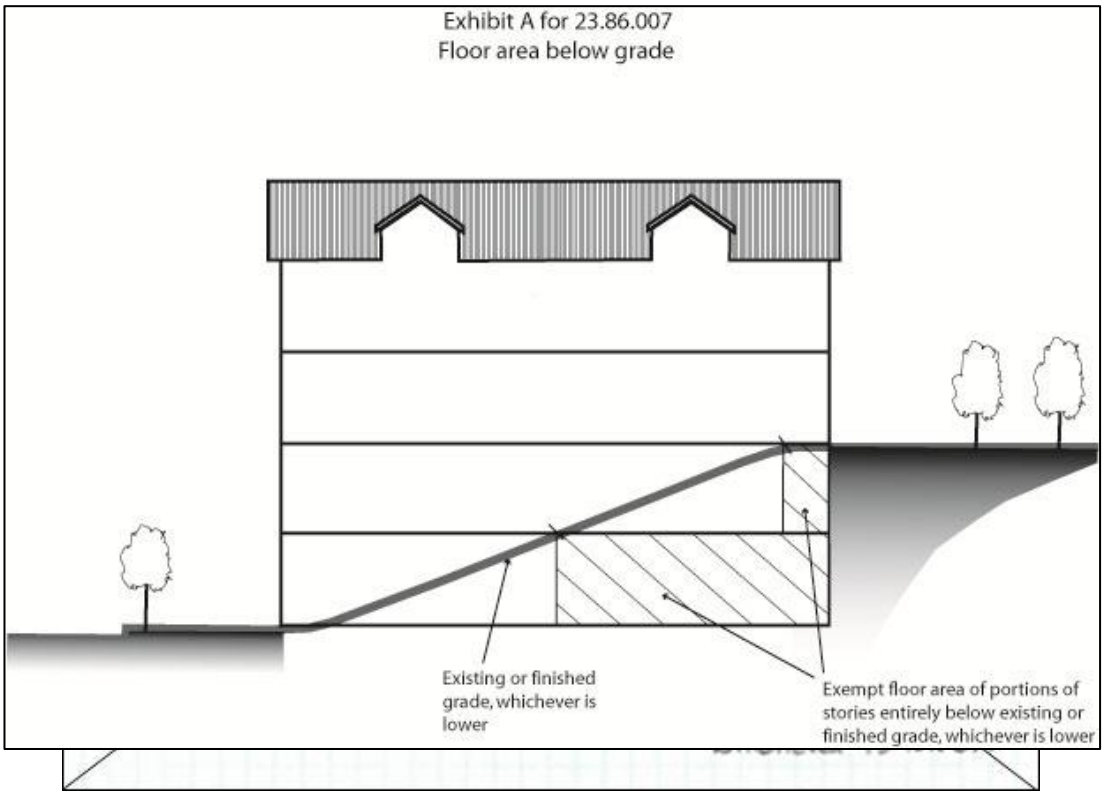
a. determine the elevation of the ((~~finished floor of the story next above~~)) ceiling of the underground story, or the roof surface if there is no next floor above the underground story;

b. determine the points along the exterior wall of the story where the ((~~finished floor~~))ceiling elevation or roof surface elevation above intersects the abutting corresponding existing or finished grade elevation, whichever is lower;

c. draw a straight line across the story connecting the two points on the exterior walls;

d. the gross floor area of an underground story or portion of an underground story is the area that is at or below the straight line drawn in ((~~step~~))subsection 23.86.007.A.2.c above.

Exhibit A for 23.86.007



Floor area below grade

B. Pursuant to subsection 23.45.510.E, for certain structures in multifamily zones, portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, are exempt from calculation of gross floor area. The exempt gross floor area of such partially below-grade stories is measured as follows:

1. determine the elevation 4 feet below the ((~~finished floor of the story next above~~))ceiling of the partially below-grade story, or 4 foot below the roof surface if there is no next floor above the partially below-grade story;

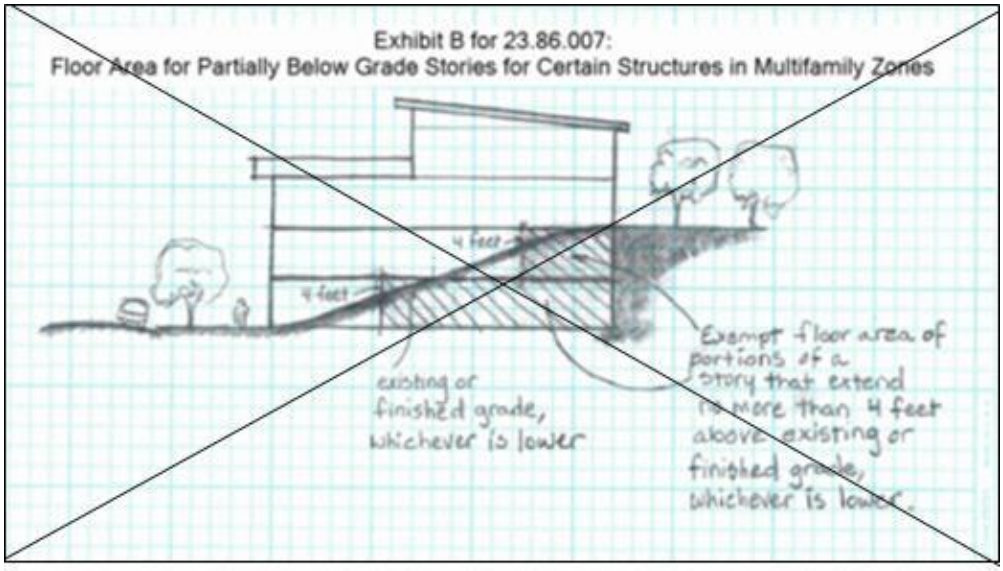
2. determine the points along the exterior wall of the story where the elevation determined in ((~~step~~))subsection 23.86.007.B.1 above intersects the abutting corresponding existing or finished grade elevation, whichever is lower;

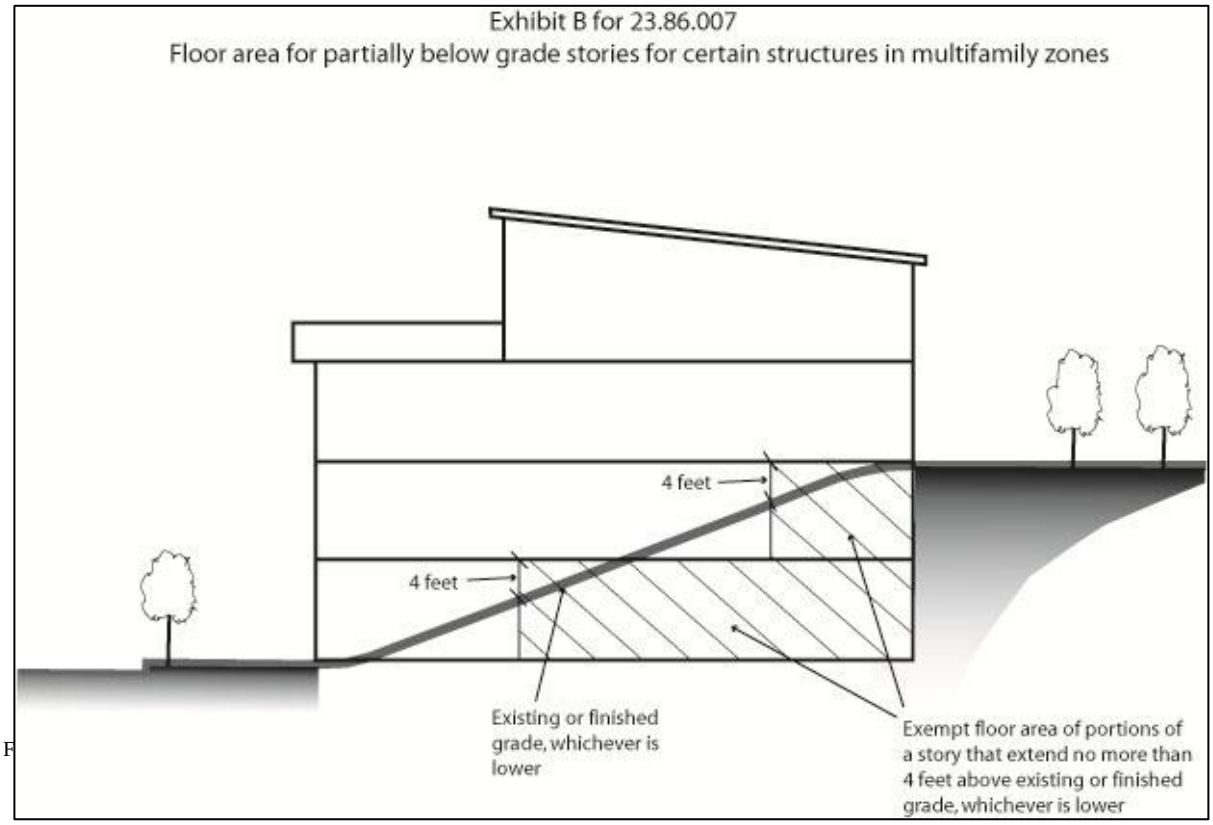
3. draw a straight line across the story connecting the two points on the exterior walls;

4. the gross floor area of the partially below-grade story or portion of a partially below-grade story is the area of the story that is at or below the straight line drawn in ((~~step~~))subsection 23.86.007.B.3 above, excluding openings required by the Building Code for egress. (See Exhibit B for 23.86.007).

Exhibit B for 23.86.007

Floor area for partially blow grade stories for certain structures in multifamily zones





* * *

E. In LR zones, if more than one category of residential use is located on a lot, the FAR limit for each category of residential use is based on each category's percentage of total structure footprint area, as follows:

1. Calculate the footprint, in square feet, for each category of residential use. For purposes of this calculation, "footprint" is defined as the horizontal area enclosed by the exterior walls of the structure.

2. Calculate the total square feet of footprint of all categories of residential uses on the lot.

3. Divide the square footage of the footprint for each category of residential structure in ((~~(~~))subsection 23.86.007.((~~D~~))E.1 above((~~)~~)) by the total square feet of footprints of all residential uses in ((~~(~~))subsection 23.86.007.((~~D~~))E.2 above((~~)~~)).

4. Multiply the percentage calculated in subsection 23.86.007.((~~D~~))E.3 for each housing category by the area of the lot. The result is the area of the lot devoted to each housing category.

5. The FAR limit for each category of residential use is the applicable one for that use multiplied by the percentage calculated in subsection 23.86.007.E.4.

6. If the FAR limit for all categories of residential use on the lot is the same, then the FAR limit is calculated as if there was only one category of residential use on the lot.

7. FAR contained in structures built prior to January 1, 1982 as single-family dwelling units meeting the requirements of subsection 23.45.510.E.3 is not included in the calculation of the FAR limit.

Section 98. Section 23.86.016 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.86.016 Structure and lot ((~~d epth~~))depth measurement

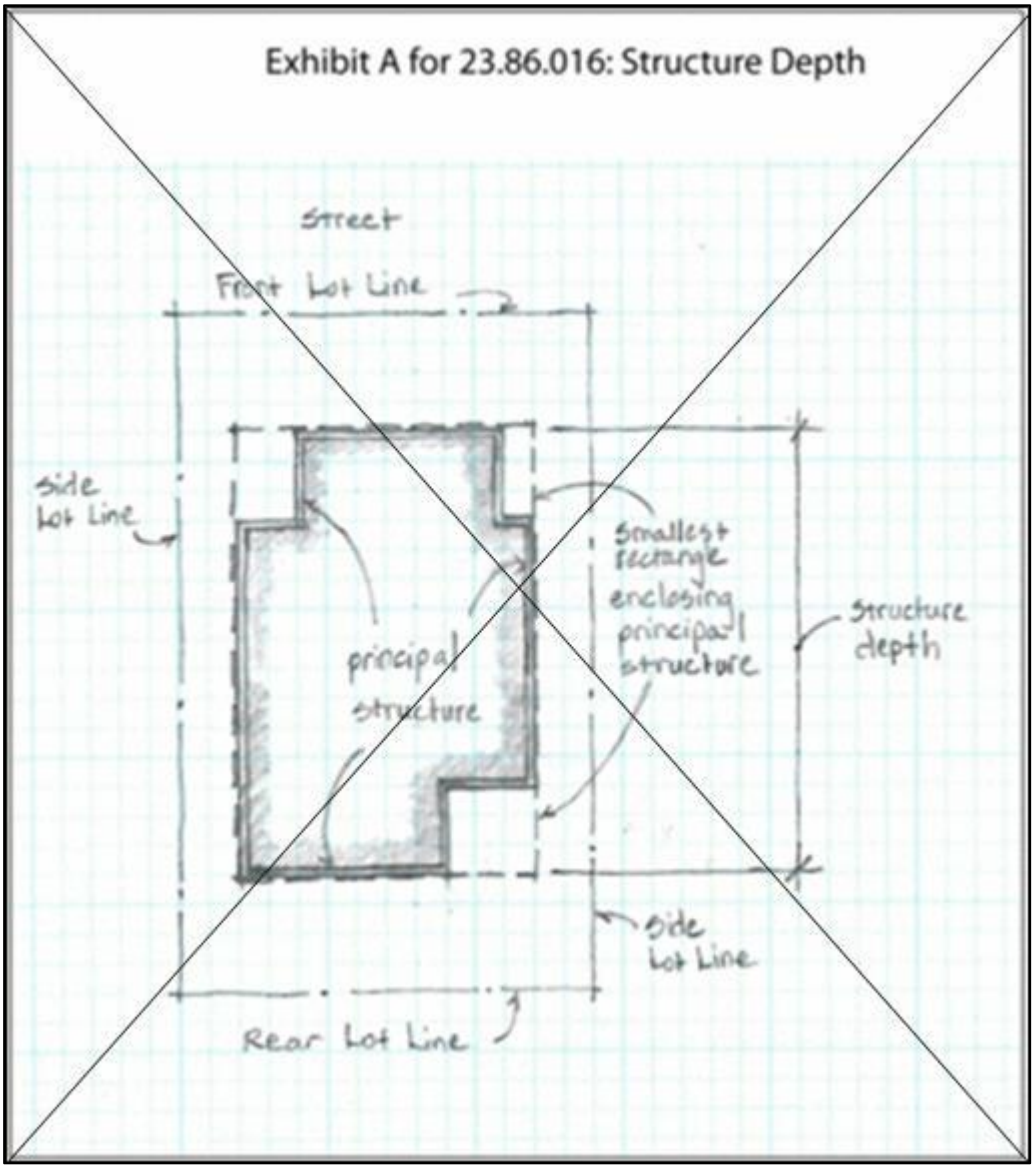
A. Structure depth is measured as follows:

1. Draw the smallest rectangle that encloses a principal structure.

2. Structure depth is the length of the sides of that rectangle most closely parallel to the side lot lines (Exhibit A for 23.86.016).

Exhibit A for 23.86.016

Structure depth



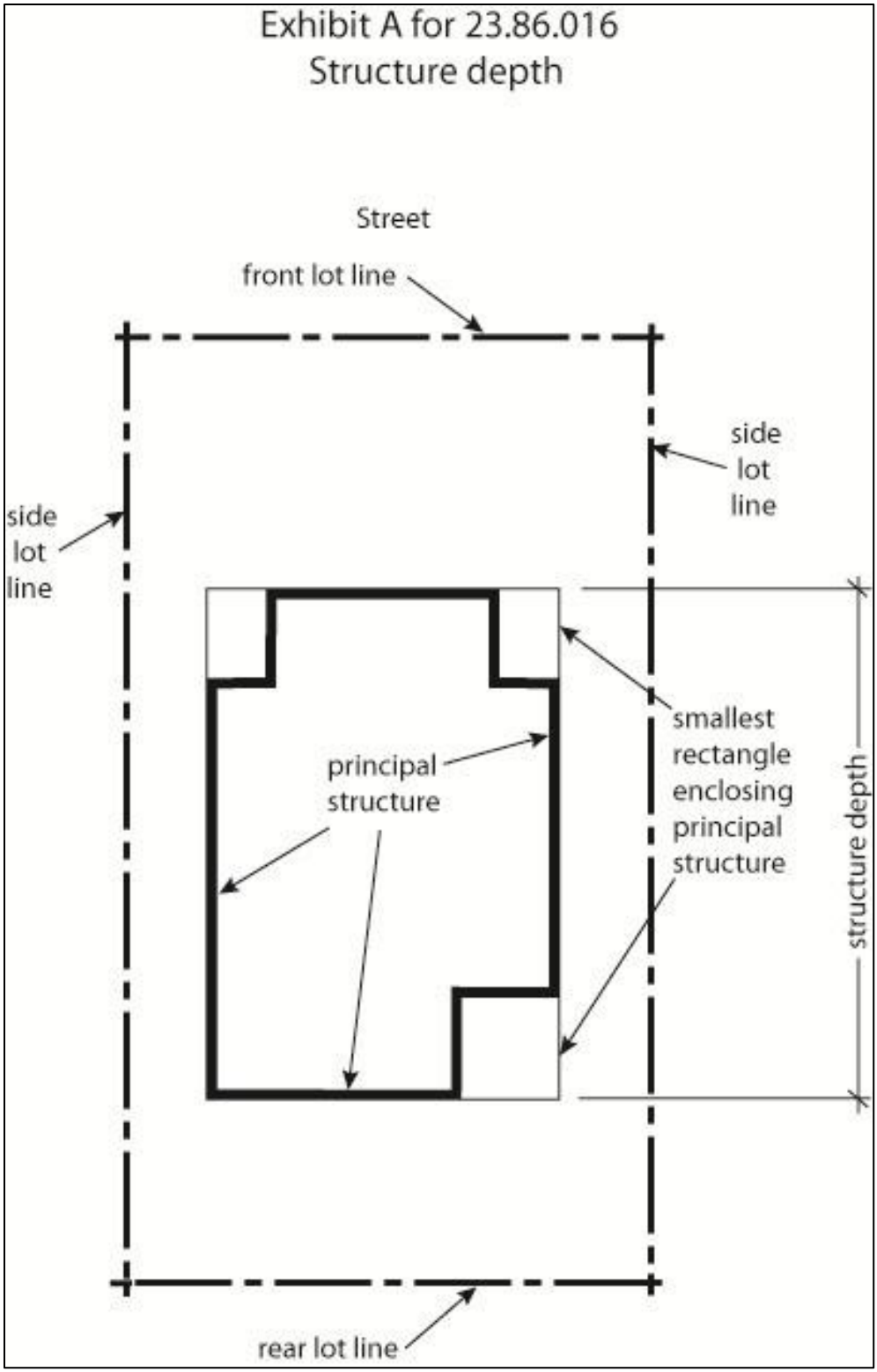
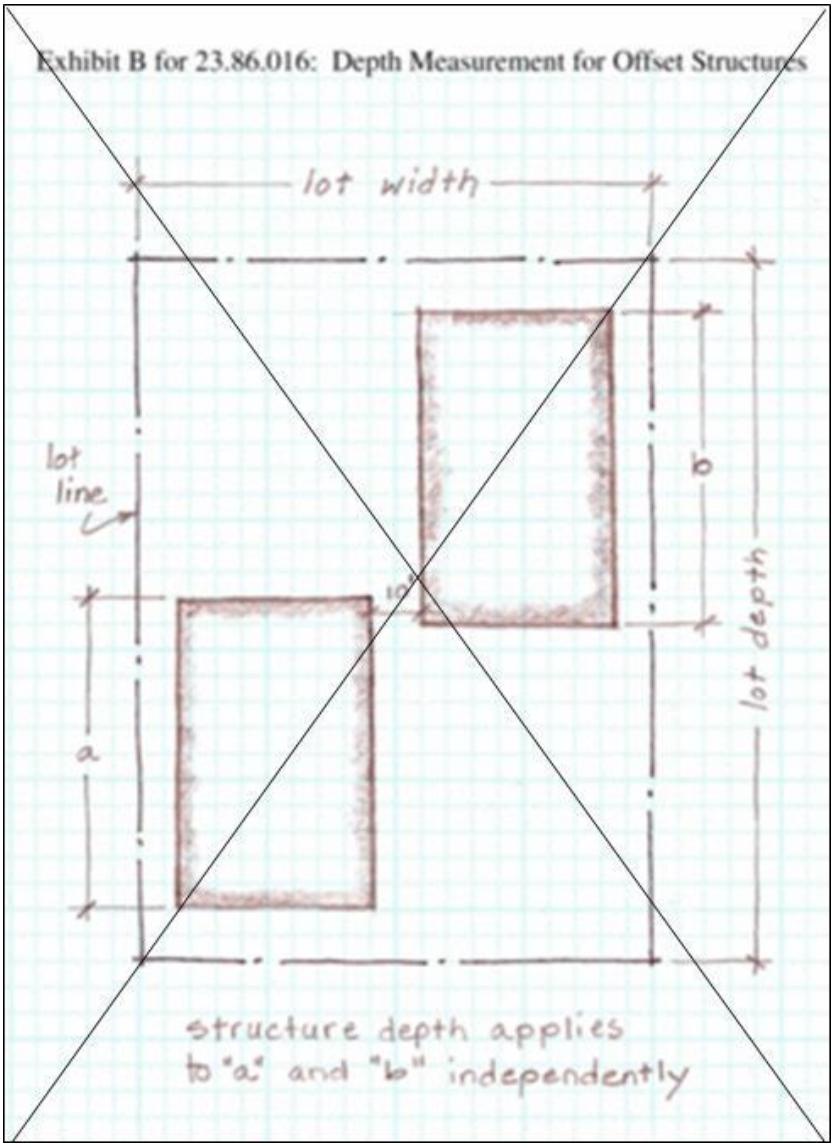


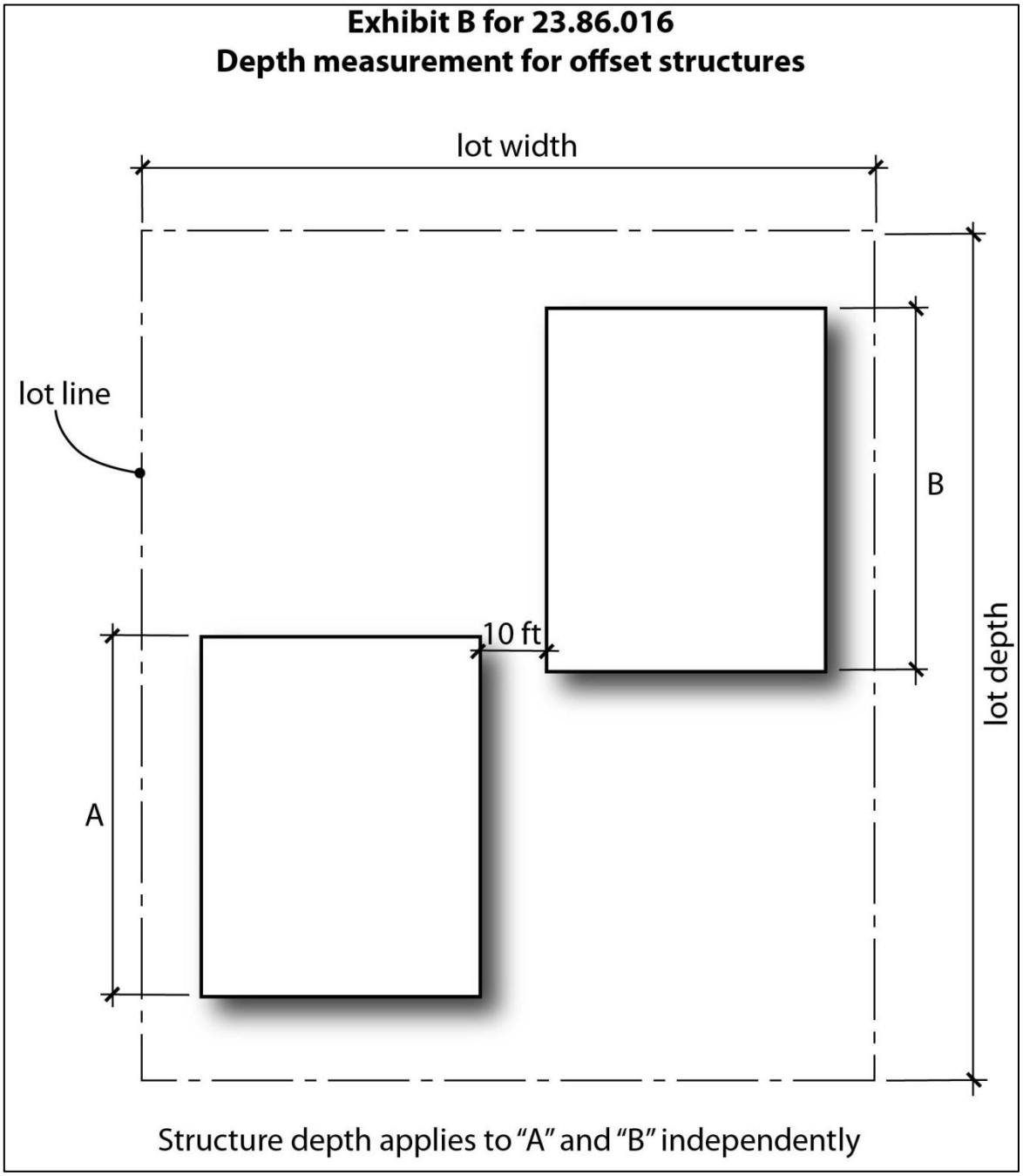
Exhibit A for 23.86.016
Structure depth
Street
front lot line
side lot line
side lot line
principal structure
smallest rectangle enclosing principal structure
structure depth
rear lot line

((~~c~~))3. If more than one structure is located on a lot and no portion of a structure is behind any portion of another structure and the structures are separated by a minimum of 10 feet, the maximum depth of each structure shall be measured individually (See Exhibit B for 23.86.016). ((~~When~~))If any portion of a structure is behind any portion of another structure then ((~~maximum structure depth shall be~~))the structure depth shall be measured as the combined depth of the principal structures on the lot.

Exhibit B for 23.86.016

Depth measurement for offset structures





* * *

Section 99. Section 23.88.020 of the Seattle Municipal Code, last amended by Ordinance 124105, is amended as follows:

23.88.020 Land use interpretations

A. Interpretations ((~~G~~))generally. A decision by the Director as to the meaning, application or intent of any development regulation in Title 23((~~, Land Use Code,~~)) or in Chapter 25.09, Regulations for Environmentally Critical Areas, as it relates to a specific property, or a decision by the Director upon review of a determination of consistency of a proposed project with a planned action ordinance, is known as an "interpretation." An interpretation may be requested in writing by any person or may be initiated by the Director. Procedural provisions and statements of policy are not subject to the interpretation process. A decision by the Director that an issue is not subject to an interpretation request is final and not subject to administrative appeal. A request for an interpretation, and a subsequent appeal to the Hearing Examiner if available, are administrative remedies that must be exhausted before judicial review of a decision subject to interpretation may be sought. An interpretation decision by the Director may affirm, reverse, or modify all or any portion of a Type I or Type II land use decision.

* * *

G. Appeals to Hearing Examiner, ((~~P~~))process and ((~~S~~))standard of ((~~R~~))review((~~.~~))

* * *

6. The Hearing Examiner may affirm, reverse or modify the Director's interpretation either in whole or in part or may remand the interpretation to the Director for further consideration. The decision of the Hearing Examiner shall be final and conclusive unless the decision is reversed or remanded on judicial appeal. Any judicial review must be commenced ((~~within twenty-one (21) days of issuance of the Hearing Examiner's decision,~~)) as provided by ((~~RCW 36.70C.040~~))state law.

Section 100. Section 23.90.018 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.90.018 Civil ((~~E~~))enforcement ((~~P~~))proceedings and ((~~P~~))penalties

* * *

B. Specific violations((~~.~~))

1. Violations of Section 23.71.018 are subject to penalty in the amount specified in subsection 23.71.018.H.

2. Violations of the requirements of subsection 23.44.041.C are subject to a civil penalty of $5,000, which shall be in addition to any penalty imposed under subsection 23.90.018.A. Falsely certifying to the terms of the covenant required by subsection 23.44.041.C.3 or failure to comply with the terms of the covenant is subject to a penalty of $5,000, in addition to any criminal penalties.

3. Violations of Section 23.49.011, 23.49.015, 23.49.023, or 23.50.051 with respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings under applicable sections are subject to penalty in amounts determined under Section 23.49.020, and not to any other penalty, but final determination and enforcement of penalties under that Section 23.49.020 are subject to subsection 23.90.018.C.

4. Violations of Sections 23.45.510 and 23.45.526 with respect to failure to demonstrate compliance with commitments to earn a LEED Silver rating or a 4-Star rating awarded by the Master Builders Association of King and Snohomish Counties or other eligible green building ratings systems under applicable sections are subject to penalty in amounts determined under subsection 23.90.018.E, and not to any other penalty.

5. Violation of subsection 23.40.007.B with respect to failure to demonstrate compliance with a waste diversion plan for a structure permitted to be demolished under subsection 23.40.006.((~~C~~))D is subject to a penalty in an amount determined as follows:

P = SF x .02 x RDR,

where:

P is the penalty;

SF is the total square footage of the structure for which the demolition permit was issued; and

RDR is the refuse disposal rate, which is the per ton rate established in((~~SMC~~)) Chapter 21.40, and in effect on the date the penalty accrues, for the deposit of refuse at City recycling and disposal stations by the largest class of vehicles.

* * *

Section 101. Section 23.90.019 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.90.019 Civil ((~~P~~))<u>penalty for</u> ((~~U~~))<u>unauthorized</u> ((~~D~~))<u>dwelling</u> ((~~U~~))<u>units in</u> ((~~S~~))<u>single-</u>((~~F~~))<u>family</u> ((~~Z~~))<u>zones</u>

In addition to any other sanction or remedial procedure that may be available, the following penalties apply to unauthorized dwelling units in single-family zones in violation of Section 23.44.006. An owner of a single-family zoned lot that has more than one single-family dwelling unit and who is issued a notice of violation for an unauthorized dwelling unit, is subject to a civil penalty of $5,000 for each additional dwelling unit, unless the additional unit is an authorized dwelling unit in compliance with Section 23.44.041, is a legal non-conforming use, or is approved as part of an administrative conditional use permit pursuant to Section 25.09.260. Penalties for violation of Sections 23.44.006 and 23.44.041<u>, except for violations of subsection 23.44.041.C or except for those violations subject to subsection 23.90.018.B,</u> shall be reduced from $5,000 to $500 if, prior to the compliance date stated on the notice of violation for an unauthorized dwelling unit, the dwelling unit is removed or authorized in compliance with Section 23.44.041, is a legal non-conforming use, or is approved as part of an administrative conditional use permit pursuant to Section 25.09.260. ((~~Falsely certifying to the terms of the covenant required by subsection 23.44.041.C.3 or failure to comply with the terms of the covenant is subject to a penalty of $5,000, in addition to any criminal penalties. Penalties for violation of Sections 23.44.006 and 23.44.041 for an unauthorized detached accessory dwelling unit existing on January 1, 2009 will be waived if the owner occupancy requirement of Section 23.44.041.C has been met since January 1, 2010, an application for a building permit authorizing~~

~~the detached accessory dwelling unit is filed with the Department of Planning and Development by June 30, 2010, and final inspection approval for the permit authorizing the detached accessory dwelling unit is obtained by December 31, 2010.~~))

Section 102. Section 23.91.002 of the Seattle Municipal Code, last amended by Ordinance 123939, is amended as follows:

23.91.002 Scope of Chapter 23.91

A. Violations of the following provisions of ((~~Seattle Municipal Code~~))Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage in residential zones (((~~Sections 23.44.006 and 23.44.040, and~~))Chapter 23.43, Chapter 23.44, Chapter 23.45, Chapter 23.46, Chapter 23.49 Subchapter IV, and Chapter 23.49 Subchapter VII), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A;

2. Construction or maintenance of structures in required yards or setbacks in residential zones (((~~Sections 23.44.014 and 23.44.040, and~~))Chapter 23.43, Chapter 23.44, Chapter 23.45, Chapter 23.46, Chapter 23.49 Subchapter IV, and Chapter 23.49 Subchapter VII);

3. Parking of vehicles in a single-family zone (Section 23.44.016), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A; and

4. Keeping of animals (Section 23.42.05((~~0~~))2)((~~;~~)).

B. Any enforcement action or proceeding pursuant to this Chapter 23.91 shall not affect, limit or preclude any previous, pending or subsequent enforcement action or proceeding taken pursuant to Chapter 23.90.

Section 103. Section 25.05.350 of the Seattle Municipal Code, last amended by Ordinance 114057, is amended as follows:

25.05.350 Mitigated DNS((~~.~~))

* * *

D. Environmental documents need not be revised and resubmitted if the clarifications or changes are stated in writing in documents that are attachments to, or incorporate((~~d~~)) by reference, the documents previously submitted. An addendum may be used, see Subchapter VI.

* * *

G. Anyone violating or failing to comply with any mitigation measure imposed under this ((~~s~~))Section 25.05.350 shall((~~, upon conviction thereof,~~)) be subject to a civil penalty not exceeding ((~~Five Hundred Dollars (~~))$500((~~)~~)), and each day that anyone shall continue to violate or fail to comply with such measure after receiving notice of the violation shall be considered a separate offense. In addition, permits authorizing the work ((~~which~~))that is subject to the mitigation measure may be suspended or revoked.

H. As provided for in ((~~SMC~~))subsection 25.05.340.B.1.d, notice of a ((~~fifteen (15)~~))14 day comment period, consistent with ((~~Section 25.05.510~~))subsection 25.05.340.B, shall be issued concurrently with a mitigated DNS. No further action shall be taken until expiration of the comment period. Notice shall include information sufficient to inform the public of the mitigation proposed.

Section 104. Section 25.05.675 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

25.05.675 Specific environmental policies

* * *

M. Parking((~~.~~))

* * *

2. Policies((~~.~~))

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

b. Subject to the overview and cumulative effects policies set forth in Sections 25.05.665 and 25.05.670, the ((~~decisionmaker~~))decision maker may condition a project to mitigate the effects of development in an area on parking; provided that:

1) No SEPA authority is provided to mitigate the impact of development on parking availability in the Downtown and South Lake Union Urban Centers;

2) No SEPA authority is provided for the decision maker to mitigate the impact of new residential development on parking availability ((~~for~~))if the new residential ((~~uses~~))development is located within:

((~~i.~~))a) the Capitol Hill/First Hill Urban Center, the Uptown Urban Center, and the University District Urban Center, except the portion of the Ravenna ((~~u~~))Urban ((~~v~~))Village that is not within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot;

((~~ii.~~))b) the Station Area Overlay District; and

((~~iii.~~))c) portions of urban villages within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot;

* * *

Section 105. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2013, and signed by me in open session in authentication of its passage this _____ day of _____, 2013.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2013.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2013.

_____

Monica Martinez Simmons, City Clerk

(Seal)