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DPD –Urban Agriculture ORD
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Version 20

ORDINANCE 123378

AN ORDINANCE related to land use and zoning, amending Sections 23.40.002, 23.42.052, 23.43.006, 23.43.040, 23.44.006, 23.44.040, 23.45.504, 23.45.506, 23.45.508, 23.45.514, 23.45.545, 23.47A.004, 23.47A.011, 23.47A.012, 23.48.010, 23.49.008, 23.50.012, 23.50.020, 23.54.015, 23.84A.002, 23.84A.014, and 23.84A.036; adding new sections to Chapters 23.42 and 23.44; and amending the title of subchapter II of Chapter 23.44, to support urban agriculture, to modify restrictions on greenhouses and solariums and on the keeping of domestic fowl, to clarify and modify definitions for key terms related to urban agriculture and to make technical corrections.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 23.40.002.A of Section 23.40.002 of the Seattle Municipal Code, last amended by Ordinance 122816, is amended as follows:

23.40.002 Conformity with regulations required ((.))

A. The establishment or change of use of any structures, buildings or premises, or any part thereof, requires approval according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, except:

1. establishment of an urban farm, or community garden, that is permitted outright under the provisions of this Title 23 applicable to the lot;

2. as permitted in ((~~S~~))subsections 23.47A.004.E and 23.47A.004.F;

3. keeping of animals as permitted under Section 23.42.052; and ((~~except for~~))

4. reinstatement of a use interrupted by a temporary use authorized pursuant to Section 23.42.040.

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Section 2. A new Section 23.42.051 of the Seattle Municipal Code is added as follows:

23.42.051 Urban farms

A. All Urban Farms in Residential Zones.

In all residential zones all urban farms are subject to the following provisions:

1. Mechanical equipment. Only mechanical equipment designed for household use may be used.

2. Sales. Retail sales and all other public use of the farm shall begin no earlier than 7:00 a.m. and end by 7:00 p.m. every day of the week.

3. Deliveries. Commercial deliveries and pickups are limited to one per day. On-site sales are not considered commercial pickups.

4. Motor vehicles. No more than two motor vehicles, each with a gross vehicle weight of 10,000 pounds or less, may be used for farm operations.

5. Location. The farm shall be located on the same lot as the principal use to which it is accessory or on a lot where the planting area is within 800 feet of the lot where the principal use is located.

6. Signs. One identification sign is permitted, not exceeding 64 square inches in area.

7. Structures. On a lot with no principal structure:

a. The total gross floor area of all structures for urban farm use may not exceed 1,000 square feet.

b. Structures for urban farm use may not exceed 12 feet in height, including any pitched roof.

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c. Structures for urban farm use are also subject to the development standards that would apply to an accessory structure in the zone.

B. Urban Farms Requiring Conditional Use Permits in Residential Zones. If an urban farm in a residential zone requires an administrative conditional use permit, the provisions of this subsection 23.42.051.B also apply. The Director may approve, condition or deny a conditional use permit based on the general conditional use criteria applicable in the zone and based on potential impacts of the types described in this subsection 23.42.051.B.

1. Management Plan. The applicant shall provide a proposed urban farm management plan that addresses any probable impacts of the type described in this subsection 23.42.051.B and includes any proposed mitigation measures. The plan shall include, without limitation:

a. a site plan;

b. description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;

c. disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for;

d. disclosure of whether the operation of the farm would involve 750 square feet or more of land-disturbing activity, or would otherwise require drainage approval under Chapter 22.800 et seq.; and

e. a proposed sediment and erosion control plan.

2. Potential Impacts and Mitigation. The Director, in determining whether to approve, approve with conditions or deny the application, shall consider the potential impacts and mitigation, including:

a. Water Quality and Soils. Impacts of irrigation run-off on adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.

b. Traffic and Parking. Impacts related to the number of staff onsite during work hours, and the number of potential visitors regularly associated with the site.

c. Visual Impacts and Screening. Visual impacts relating to the proposed nature, location, design, and size of proposed features, structures and activities, including the location of composting activities and planting areas, and any existing or proposed screening.

d. Noise and Odor. Impacts related to the location on the lot of the proposed urban farm, any trash or compost storage areas, any farm stand or additional accessory structure, and any other noise-generating or odor-generating equipment and practices.

e. Agricultural Chemicals. Impacts related to the use of chemicals, including any fertilizer and pesticide.

f. Mechanical Equipment. Impacts related to the operation of equipment, including noise, odors, and vibration.

3. Conditions of Approval. Conditions of approval may include, without limitation:

a. measures such as landscaping or fences to mitigate potential visual impacts on adjacent property and public areas;

b. measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to location of parking or yard standards, structure design modifications, and limited hours of operation for facilities or activities, to mitigate potential noise and/or odor impacts; and

c. measures related to operation of the urban farm consistent with some or all of the provisions of the urban farm management plan, with any amendments required or permitted by the Director.

C. Odors or Fumes. In all zones, no odors or fumes from an urban farm shall be allowed to escape into the open air in such amounts as to be detrimental to the health of any individuals or the public; or noticeable, discomforting or disagreeable so as to offend the sensibilities of a reasonable individual at a distance of more than 200 feet from an urban farm.

Section 3. Section 23.42.052 of the Seattle Municipal Code, last amended by Ordinance 122508, is amended as follows:

23.42.052 Keeping of ((A)) <u>a</u>nimals ((,))

The keeping of small animals, farm animals, domestic fowl and bees is permitted outright in all zones as an accessory use to any principal use permitted outright or to a permitted conditional use, in each case subject to the standards of this Section <u>23.42.052</u>.

A. Small Animals. Up to three (((~~3~~))) small animals may be kept accessory to each business establishment<u>, other than an urban farm,</u> or dwelling unit on a lot, except as follows:

1. In no case is more than one (((~~1~~))) miniature potbelly pig allowed per business establishment or dwelling unit (see subsection 23.42.052.B ((~~of this section~~))).

2. In single-family zones,

a. accessory dwelling units shall not be considered separate dwelling units for the purpose of this ((~~s~~))Section 23.42.052;

b. up to four (((~~4~~))) small animals are permitted on lots of at least ((~~twenty thousand (20,000)~~))) 20,000 square feet; and

c. one (((~~1~~))) additional small animal is permitted for each ((~~five thousand (5,000)~~))) 5,000 square feet of lot area in excess of ((~~twenty thousand (20,000)~~))) 20,000 square feet. Accessory structures, including kennels, for four (((~~4~~))) or more animals must be at least ((~~ten (10)~~))) 10 feet from any other lot in a residential zone.

B. Miniature Potbelly Pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scrofa bittatus) may be kept as a small animal, provided that no swine that is greater than ((~~twenty-two (22)~~))) 22 inches in height at the shoulder or more than ((~~one hundred fifty (150)~~))) 150 pounds in weight may be kept in the ((~~C~~)) city.

C. Domestic Fowl. Up to ((~~three (3)~~))) eight domestic fowl may be kept on any lot in addition to the small animals permitted in subsection 23.42.052.A. ((~~For each one thousand (1,000) square feet of lot area in excess of the minimum lot area required for the zone or, if there is no minimum lot area, for each one thousand (1,000) square feet of lot area in excess of five thousand (5,000) square feet, one (1) additional domestic fowl may be kept~~))

1. On lots greater than 10,000 square feet that include either a community garden or an urban farm, one additional fowl is permitted for every 1,000 square feet of lot area over 10,000 square feet in community garden or urban farm use.

2. Roosters are not permitted.

3. Structures housing domestic fowl must be located at least 10 feet away from any structure that includes a dwelling unit on an adjacent lot.

D. Farm Animals. Cows, horses, sheep and other similar farm animals are permitted only on lots of at least ((~~twenty thousand (~~))20,000((~~)~~)) square feet. The keeping of swine is prohibited, except for miniature potbelly pigs allowed under subsection 23.42.052.B ((~~of this section~~)).

1. One ((~~(1)~~)) farm animal for every ((~~ten thousand (~~))10,000((~~)~~)) square feet of lot area is permitted.

2. Farm animals and structures housing them must be kept at least ((~~fifty (~~))50((~~)~~)) feet from any other lot in a residential zone.

E. Beekeeping. Beekeeping is permitted outright as an accessory use, when registered with the State Department of Agriculture, provided that:

1. No more than four ((~~(4)~~)) hives, each with only one ((~~(1)~~))swarm, ((~~shall be kept~~)) are allowed on lots of less than ((~~ten thousand (~~))10,000((~~)~~)) square feet.

2. Hives shall not be located within ((~~twenty-five (~~))25((~~)~~)) feet of any lot line except when situated ((~~eight (~~))8((~~)~~)) feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than ((~~eight (~~))8((~~)~~)) feet

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above the adjacent existing lot grade and behind a solid fence or hedge ((~~six (~~))6((~~)~~))feet high parallel to any ((~~property~~)) lot line within ((~~twenty-five (~~))25((~~)~~)) feet of a hive and extending at least ((~~twenty (~~))20((~~)~~)) feet beyond the hive in both directions.

F. Miniature Goats. The types of goats commonly known as Pygmy, Dwarf and Miniature Goats may be kept as small animals, provided that male miniature goats are neutered and all miniature goats are dehorned. Nursing offspring of miniature goats licensed according to the provisions of this Code may be kept until weaned, no longer than 12 weeks from birth, without violating the limitations of subsection 23.42.052.A.

Section 4. A new Section 23.42.053 of the Seattle Municipal Code is added as follows:

23.42.053 Community gardens

A. In all zones, the total gross floor area of all structures for community garden use may not exceed 1,000 square feet on any lot.

B. In all zones, structures for community garden use are limited to 12 feet in height, including any pitched roof.

C. Structures for community garden use are subject to the development standards of the zone as they apply to accessory structures.

Section 5. Section 23.43.006 of the Seattle Municipal Code, enacted by Ordinance 117430, is amended as follows:

23.43.006 Residential Small Lot zone, principal uses permitted outright((~~.~~))

The following principal uses ((~~shall be~~)) are permitted outright in the Residential Small Lot (RSL) zone:

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A. Single-family Dwelling Unit on One (((~~1~~))) Lot. The designation RSL without a suffix shall indicate that a detached single-family dwelling unit on one (((~~1~~))) lot is the only residential structure type allowed in the zone.

B. Tandem Houses, pursuant to a neighborhood plan adopted or amended by the City Council after January 1, 1995. The designation RSL/T shall indicate that in addition to detached single-family dwelling units on individual lots, tandem houses are allowed in the zone.

C. Cottage Housing Developments, pursuant to a neighborhood plan adopted or amended by the City Council after January 1, 1995. The designation RSL/C shall indicate that in addition to detached single-family dwelling units on individual lots, cottage housing developments are allowed in the zone.

D. The designation RSL/TC shall indicate that in addition to detached single-family dwelling units on individual lots, tandem houses and cottage housing developments are allowed in the zone.

E. Parks and open space, and community gardens.

Section 6. Section 23.43.040 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.43.040 Accessory uses and structures; exceptions to development standards for solar collectors and solariums.

A. Accessory structures shall be permitted in the RSL zone under the following conditions:

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1. New garages ((~~shall be~~)) are subject to the yard and setback requirements of ((~~S~~))subsection 23.43.008.D when accessory to one ((~~(1)~~)) detached structure per lot, of ((~~S~~))subsection 23.43.010.C when accessory to tandem houses, and of ((~~S~~))subsection 23.43.040.E when accessory to cottage housing.

2. When converted to principal use in tandem house developments, garages ((~~shall be~~)) are subject to the development standards for tandem house principal structures.

3. Garages ((~~shall be~~)) are limited to a height of ((~~twelve (12)~~)) 12 feet as measured on the facade containing the entrance for the vehicle.

4. Accessory structures other than garages ((~~shall also be~~)) are limited to ((~~twelve (12)~~)) 12 feet in height.

B. Solar Collectors and Solariums. Solar collectors are permitted outright as an accessory use to any principal use. Exceptions to certain development standards in this Chapter 23.43 are allowed for solar collectors and solariums, as set forth in this subsection 23.43.040.B, subject to the following standards:

1. Solar collectors, including solar greenhouses, ((~~which~~)) that meet minimum standards and maximum size limits as determined by the Director((~~,~~)) shall not be counted in lot coverage.

2. Solar collectors, except solar greenhouses attached to principal ((~~use~~)) structures, may exceed the height limits of the RSL zone by ((~~four (4)~~)) 4 feet or extend ((~~four (4)~~)) 4 feet above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than ((~~nine (9)~~)) 9 feet above the height limit

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established for the zone. A solar collector which exceeds the basic height limit for the zone shall be placed so as not to shade an existing solar collector or property to the north on January 21st, at noon, any more than would a structure built to the maximum permitted height and bulk.

3. Solar collectors and solar greenhouses meeting minimum written energy conservation standards administered by the Director may be located in required yards according to the following conditions:

a. In a side yard, no closer than ((~~three (3)~~)) 3 feet from the ((~~property~~)) side lot line; or

b. In a rear yard, no closer than ((~~fifteen (15)~~)) 15 feet from the rear ((~~property~~)) lot line unless the((~~re~~)) rear lot line abuts an((~~is a platted~~)) alley, in which case the solar collector shall be at least((~~no closer than ten (10)~~)) 10 feet from the centerline of the alley.((~~; or~~))

4. ((~~c.~~))In a front yard, solar greenhouses meeting minimum written energy conservation standards administered by the Director and solariums, in each case that ((~~which~~)) are integrated with the principal structure and have a maximum height of ((~~twelve (12)~~)) 12 feet, may extend up to ((~~six (6)~~)) 6 feet into the front yard, but no((~~. In no case shall be greenhouse be located~~)) closer than ((~~five (5)~~)) 5 feet from the ((~~property~~)) lot line.

C. Home Occupations. Home occupations are regulated by Section 23.42.050((~~, Home Occupations~~)).

D. Common Structures in Cottage Housing Developments. Shared structures ((~~which~~)) that are used by the occupants of more than one ((~~(1)~~)) dwelling unit are allowed ((~~as an~~

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~~accessory use~~)). Such structures may include meeting space, a food preparation area, sinks, and toilets, but shall not include either sleeping quarters or bathing facilities.

E. Urban farms are regulated by Section 23.42.051. Urban farms with not more than 4,000 square feet of planting area are permitted outright as an accessory use to any principal use that is permitted outright or allowed by conditional use permit. Urban farms with more than 4,000 square feet in planting area may be allowed by conditional use permit as an accessory use to any principal use that is permitted outright or allowed by conditional use permit. The Director may grant, condition, or deny a conditional use permit for an urban farm in accordance with the provisions in Section 23.42.051 and Section 23.42.042.

Section 7. Section 23.44.006 of the Seattle Municipal Code, last amended by Ordinance 123209, is amended as follows:

23.44.006 Principal ((~~u~~))Uses ((~~p~~))Permitted ((~~o~~))Outright

The following principal uses are permitted outright in single-family zones:

A. Single-family Dwelling Unit. One ((~~(1)~~)) single-family dwelling unit per lot, except that an accessory dwelling unit may also be approved pursuant to Section 23.44.041, and except as approved as part of an administrative conditional use permit under Section 25.09.260;

B. Floating Homes. Floating homes, subject to the requirements of Chapter 23.60;

C. Parks and open space, and community gardens;

D. Existing railroad right-of-way;

E. Public Schools Meeting Development Standards. In all single-family zones, new public schools or additions to existing public schools, and accessory uses including child care

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centers, subject to the special development standards and departures from standards contained in Chapter 23.51B, except that departures from development standards may be permitted or required pursuant to procedures and criteria established in Chapter 23.79((~~, Development Standard Departure for Public Schools~~));

F. Uses in existing or former public schools:

1. Child care centers, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly or similar uses, in each case in existing or former public schools.

2. Other non-school uses in existing or former public schools, if permitted pursuant to procedures established in Chapter 23.78 ((~~,The Establishment of Criteria for Joint Use or Reuse of Schools~~)).

3. Additions to existing public schools only when the proposed use of the addition is a public school;

G. Nursing Homes. Nursing homes meeting the development standards of this ((~~e~~)) Chapter 23.44, and limited to eight ((~~(8)~~)) or fewer residents;

H. Adult Family Homes. Adult family homes, as defined and licensed by the state of Washington((~~.~~));

I. Commercially operating horse farms in existence before July 1, 2000 on lots greater than 10 acres, conforming to the limits on the number and location of farm animals and structures containing them set forth in Section 23.42.052.

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Section 8. The title of Subchapter II of Chapter 23.44 of the Seattle Municipal code, which subchapter was last amended by Ordinance 123046, is amended as follows:

Subchapter II – ((~~Principal~~)) Conditional Uses

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Section 9. Section 23.44.040 of the Seattle Municipal Code, last amended by Ordinance 122823, is amended as follows:

23.44.040 General ((~~p~~))Provisions((~~.~~))

A. Accessory uses customarily incidental to principal uses permitted outright are permitted outright ((~~as provided below~~)).

B. All accessory uses and structures, except for urban farms and structures in urban farm use, must be located on the same lot as the principal use or structure, unless otherwise specifically provided.

C. Accessory conditional uses are subject to the development standards for accessory uses permitted outright unless otherwise specified in this ((~~s~~))Section 23.44.040. Urban farms also are subject to the development standards in Section 23.42.051.

Section 10. A new Section 23.44.042 of the Seattle Municipal Code is added as follows:

23.44.042 Urban farms

A. An urban farm with up to 4,000 square feet of planting area is permitted outright as an accessory use to any principal use permitted outright or to a permitted conditional use, in each case subject to the applicable standards of this title, including the provisions of Section 23.42.051.

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B. An urban farm with over 4,000 square feet of planting area may permitted as an administrative conditional use accessory to any principal use permitted outright or accessory to a permitted conditional use, pursuant to Sections 23.44.018 and 23.42.051.

Section 11. Table A for Section 23.45.504 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, and subsection 23.45.504.C, are amended as follows:

23.45.504 Permitted and ((~~P~~)) <u>p</u>rohibited ((~~U~~))<u>u</u>ses

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

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

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Table A for ((~~Section~~)) 23.45.504: Permitted and Prohibited Uses

	Permitted and Prohibited Uses by Zone	
Uses	**LDT, L1, L2, L3 and L4**	**MR and HR**
A. Residential use	P	P
B. Institutions	P/CU[1]	P/CU[1]
C. Public Facilities		
C.1. Uses in public facilities that are similar to uses permitted outright in this Section 23.45.504	P[2]	P[2]
C.2. Police precinct stations; fire stations; public boat moorages; utility service uses; and other similar public facilities that meet the development standards for institutions in 23.45.570	P	P
C.3. Police precinct stations; fire stations; public boat moorages; utility service uses; and other similar public facilities not meeting the development standards for institutions in 23.45.570	Type IV or Type V decision[3]	Type IV or Type V decision[3]
C.4. New public facilities not listed in subsections C.1 and C.2 of this Table A for ((~~Section~~)) 23.45.504, and major expansions of such public facilities	Type IV or Type V decision[3]	Type IV or Type V decision[3]
D. Park and pool and park and ride lots	X/CU[4]	X/CU[4]
E. Parks and playgrounds including customary uses	P	P
F. Ground floor commercial uses[5]	RC	P
G. Medical Service Uses other than permitted ground floor commercial uses	P/X[6]	P/CU/X[6]
H. Uses not otherwise permitted in landmark structures	CU	CU
I. Cemeteries	P/X[7]	P/X[7]
J. Community Gardens	P	P
((~~J~~)) K. All other uses	X	X

1. Institutions meeting development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter 23.45 shall apply to Major Institution uses as provided in Chapter 23.69.

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

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

4. Prohibited in Station Area Overlay Districts; otherwise, permitted as an administrative conditional use pursuant to Section 23.45.506.

5. Subject to subsection 23.45.504.E.

6. Subject to subsection 23.45.504.G and 23.45.506.F.

7. Subject to subsection 23.45.504.F.

P = Permitted outright

CU = Permitted as an Administrative Conditional Use

RC = Permitted in areas zoned Residential Commercial (RC) zones, and subject to the provisions of the RC zone, Chapter 23.46.

C. Accessory uses. The following accessory uses are permitted in all multifamily zones, subject to the standards in Section 23.45.545, if applicable:

1. Private garages and carports;

2. Private, permanent swimming pools, hot tubs and other similar uses;

3. Solar collectors, including solar greenhouses;

4. Open wet moorage accessory to residential structures;

5. Uses accessory to parks and playgrounds, pursuant to Section 23.45.578;

6. Bed and breakfasts in a dwelling unit that is at least ((~~5~~)) five years old; ((~~and~~))

7. Recycling collection stations((~~.~~)); and

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8. Urban farms with planting area not more than 4,000 square feet. Urban farms with greater than 4,000 square feet of planting area may be allowed as an administrative conditional use to any use permitted outright or as a conditional use. The Director may grant, condition or deny a conditional use permit in accordance with subsection 23.42.051.B.

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Section 12. Subsection 23.45.506.A of Section 23.45.506 of the Seattle Municipal Code, enacted by Ordinance 123209, is amended as follows:

23.45. 506 Administrative conditional uses

A. Uses permitted as administrative conditional uses in ((~~Table A for~~)) Section 23.45.504 may be permitted by the Director when the provisions of Section 23.42.042 and this Section 23.45.506 are met.

* * *

Section 13. Subsection 23.45.508.A of Section 23.45.508 of the Seattle Municipal Code, enacted by Ordinance 123209, is amended as follows:

23.45.508 - General provisions

A. Except for structures related to an urban farm, ((~~A~~)) a structure occupied by a permitted use other than a residential use may be partially or wholly converted to a residential use even if the structure does not conform to the development standards for residential uses in multifamily zones.

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Section 14. Subsection 23.45.514.G of Section 23.45.514 of the Seattle Municipal Code, enacted by Ordinance 123209, is amended as follows:

23.45.514 Structure height in Midrise and Highrise zones

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G. Rooftop Features.

1. 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 than 50 percent of their height above existing grade or, if attached only to the roof, no closer than 50 percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend 4 feet above the maximum height limit set in subsections A and B of this Section 23.45.514.

3. The following rooftop features may extend 15 feet above the applicable height limit set in subsections 23.45.514.A, 23.45.514.B, and 23.45.514.C, so long as the combined total coverage of all features does not exceed 20 percent of the roof area or 25 percent of the roof area if the total includes screened mechanical equipment:

a. Mechanical equipment;

b. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least 5 feet from the roof edge;

c. Chimneys;

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d. Sun and wind screens;

e. Penthouse pavilions for the common use of residents;

f. Greenhouses and solariums, in each case that ((~~which~~)) meet minimum energy standards administered by the Director;

g. Wind-driven power generators; and

h. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

4. Stair and elevator penthouses may extend above the applicable height limit up to 16 feet. When additional height is needed to accommodate energy-efficient elevators in zones with height limits of 160 feet or greater, elevator penthouses may extend the minimum amount necessary to accommodate energy-efficient elevators, up to 25 feet above the applicable height limit. Energy-efficient elevators shall be defined by Director's Rule. When additional height is allowed for an energy- efficient elevator, stair penthouses may be granted the same additional height if they are co-located with the elevator penthouse.

5. For height exceptions for solar collectors, see Section 23.45.545.D.

6. 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.((~~F~~))G 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;

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b. Planters;

c. Clerestories;

d. Greenhouses and solariums;

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

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

7. For height limits and exceptions for communication utilities and devices, see Section 23.57.011.

8. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit, as long as the combined total coverage of all features gaining additional height listed in this subsection 23.45.514.G does not exceed 50 percent of the roof area, and the greenhouse adheres to the setback requirements listed in subsection 23.45.514.G.6.

((~~8~~))9. Additional height in HR zones. A structure may exceed the applicable height limit in the HR zone as follows:

a. If the applicable height limit is 240 feet, the height of the structure may be increased by 30 feet if the area bounded by the facades of the portion of the structure above 240 feet is no greater than 6,500 square feet, or if the area bounded by the facades at an elevation

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that is halfway between 240 feet and the height of the structure is no greater than 50 percent of the area bounded by the facades at a height of 240 feet.

b. If the applicable height limit is 300 feet, the height of a structure may be increased (1) by 30 feet if the area bounded by the facades of the portion of the structure above 300 feet is no greater than 6,500 square feet, or (2) by 45 feet if the area bounded by the facades at an elevation that is halfway between 300 feet and the height of the structure is no greater than 50 percent of the area bounded by the facades at a height of 300 feet.

c. In all cases the area bounded by the facades extending above the height limit may be occupied only by those uses or features otherwise permitted in this Section 23.45.514 as an exception above the height limit, although any limits on the height or coverage of those uses or features totally screened by the facades extending above the applicable height limit shall not apply. Height exceptions permitted for screening and rooftop features under other provisions of this subsection 23.45.514.((~~F~~))G ((~~shall not be~~)) are not permitted above the height gained by a structure under this subsection 23.45.514.G.9 ((~~provision~~)).

Section 15. Subsection 23.45.545.B of Section 23.45.545 of the Seattle Municipal Code, enacted by Ordinance 123209, is amended as follows:

23.45.545 - Standards for certain accessory uses

* * *

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

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

3. ((~~Such~~))A solar greenhouse((~~s~~)), 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 ((~~may be built to a rear lot line that~~)) abut((~~s~~)) an alley((~~,provided that the greenhouse~~)) if it is no taller than ((~~ten~~)) 10 feet along the rear lot line, ((~~and~~)) is of no greater average height than 12 feet for a depth of 15 feet from the rear lot line, and ((~~the greenhouse~~)) is no wider that 50 percent of lot width for a depth of 15 feet from the rear lot line. ((~~Otherwise solar greenhouses may be no closer than 5 feet from the rear lot line.~~))

Section 16. Subsections 23.47A.004.A and 23.47A.004.B of Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 123046, and subsection A of Table A for 23.47A.004, are 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 ((~~s~~))Section 23.47A.004, except as may be otherwise provided pursuant to Division 3 of this subtitle.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in Table A for 23.47A.004.

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* * *

Table A for 23.47A.004 Uses in Commercial Zones					
	PERMITTED AND PROHIBITED USES BY ZONE(1)				
USES	NC1	NC2	NC3	C1	C2
A. AGRICULTURAL USES					
A.1. Animal Husbandry	A	A	A	A	P
A.2. Aquaculture	10	25	P	P	P
A. 3. Community Garden	P	P	P	P	P
A.((~~3~~))4. Horticulture	10	25	P	P	P
A.5. Urban Farm	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 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

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* * *

Section 17. Section 23.47A.011 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.47A.011 Outdoor activities((.))

A. Except as otherwise provided in this ((s))Section 23.47A.011, outdoor activities that are part of permitted commercial uses or permitted agricultural uses are permitted in NC zones or C zones, subject to any applicable standards.

B. Outdoor sales area is limited as follows, except for agricultural uses:

Table A for 23.47A.011
Size Limits for Outdoor Sales

Zone	Maximum Size Limit of Outdoor Sales Area
NC1 zones	40% of lot area or 1,500 square feet, whichever is less
NC2 zones	40% of lot area or 10,000 square feet, whichever is less
NC3, C1 and C2 zones	No maximum size limit

C. Outdoor display areas for rental equipment are limited as follows:

Table B for 23.47A.011
Size Limits for Outdoor Display of Rental Equipment

Zone	Maximum Size Limit of Outdoor Display of Rental Equipment
NC1 zones	10% of lot area or 500 square feet, whichever is less
NC2 and NC3 zones	15% of lot area or 1,000 square feet, whichever is less
C1 and C2 zones	No maximum size limit

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D. Outdoor storage areas are limited as follows:

Table C for 23.47A.011 **Size Limits for Outdoor Storage**	
Zone	**Maximum Size Limit of Outdoor Storage Area**
NC1 and NC2 zones, and NC3 zones, except at Seattle Center	Prohibited
NC3 zones at Seattle Center	1,000 square feet at any one location; and 10,000 square feet for the entire site.
C1 and C2 zones	No maximum size limit

E. The following outdoor activities ((~~must~~)) shall be located at least ((~~fifty (50)~~))) 50 feet from a lot in a residential zone, unless the elevation of the lot with the activity is at least ((~~fifteen (15)~~))) 15 feet above the grade of the lot in the residential zone at the common lot line:

1. Outdoor sales and/or service of food or beverages, except products of an agricultural use on the lot;

2. Outdoor storage;

3. Outdoor sports and recreation;

4. Outdoor loading berths.

F. Outdoor activities ((~~must~~)) shall be screened and landscaped according to the provisions of Section 23.47A.016.

Section 18. Subsection 23.47A.012.D of Section 23.47A.012 of the Seattle Municipal Code, last amended by Ordinance 123020, is amended as follows:

23.47A.012 Structure height

* * *

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D. Rooftop Features.

1. Smokestacks, chimneys, 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 a minimum of 10 feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, solariums, parapets and firewalls may extend as high as the highest ridge of a pitched roof permitted by subsection 23.47A.012.C or up to 4 feet above the otherwise applicable height limit, whichever is higher.

3. Solar Collectors.

a. In zones with mapped height limits of 30 or 40 feet, solar collectors may extend up to 4 feet above the otherwise applicable height limit, with unlimited rooftop coverage.

b. In zones with height limits of 65 feet or more, solar collectors may extend up to 7 feet above the otherwise applicable height limit, with unlimited rooftop coverage.

4. Except as provided below, the following rooftop features may extend up to 15 feet above the ((~~otherwise~~)) applicable height limit, as long as the combined total coverage of all features gaining additional height listed in this subsection 23.47A.012.D.4 does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing that encloses it, as long as the fencing is at least 15 feet from the roof edge;

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d. Wind-driven power generators;

e. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012; and

f. Stair and elevator penthouses may extend above the applicable height limit up to 16 feet. When additional height is needed to accommodate energy-efficient elevators in zones with height limits of 125 feet or greater, elevator penthouses may extend the minimum amount necessary to accommodate energy-efficient elevators, up to 25 feet above the applicable height limit. Energy-efficient elevators shall be defined by Director's Rule. When additional height is allowed for an energy-efficient elevator, stair penthouses may be granted the same additional height if they are co-located with the elevator penthouse.

5. Within the South Lake Union Urban Center, the combined total coverage of all features listed in subsection 23.47A.012.D.4 may be increased to 65 percent of the roof area, provided that the following are satisfied:

a. The additional rooftop coverage allowed by this subsection 23.47A.012.D.5 is used to accommodate mechanical equipment that is accessory to a research and development laboratory; and

b. All mechanical equipment is screened; and

c. No rooftop features other than wind-driven power generators are located closer than 10 feet from the roof edge.

6. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit if the combined total coverage of all features gaining

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additional height listed in this subsection 23.47A.012.D does not exceed 50 percent of the roof area, and the greenhouse adheres to the setback requirements in subsection 23.47A.012.D.7.

((~~6~~))7. The rooftop features listed in this subsection 23.47.A.012.D.7 shall be located at least 10 feet from the north edge of the roof unless a shadow diagram is provided that demonstrates that locating such features within 10 feet of the north edge of the roof would not shade property to the north on January 21st at noon more than would a structure built to maximum permitted height and FAR:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses and solariums;

e. Minor communication utilities and accessory communication devices, permitted pursuant to the provisions of Section 23.57.012;

f. Non-firewall parapets;

g. Play equipment.

((~~7~~))8. Structures existing prior to May 10, 1986 may add new or replace existing mechanical equipment up to 15 feet above the roof elevation of the structure and shall comply with the noise standards of Section 23.47A.018.

((~~8~~))9. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

* * *

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Section 19. Subsection 23.48.010.F of Section 23.48.010 of the Seattle Municipal Code, last amended by Ordinance 123215, is amended as follows:

23.48.010 General structure height ((.))

* * *

F. Rooftop Features

1. Smokestacks; chimneys; 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 a minimum of 10 feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend up to 4 feet above the maximum height limit with unlimited rooftop coverage.

3. Solar collectors may extend up to 7 feet above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to 15 feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection 23.48.010.F.4 does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment;

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d. Atriums, greenhouses, and solariums;

e. Play equipment and open-mesh fencing that encloses it, as long as the fencing is at least 15 feet from the roof edge; and

f. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012.

5. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit, as long as the combined total coverage of all features gaining additional height listed in this subsection 23.48.010.F does not exceed 50 percent of the roof area.

6. At the applicant's option, the combined total coverage of all features listed in subsections 23.48.010.F.4 and 23.48.010.F.5 above may be increased to 65 percent of the roof area, provided that all of the following are satisfied:

a. All mechanical equipment is screened; and

b. No rooftop features are located closer than 10 feet to the roof edge.

((6))7. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection 23.48.010.F.((6))7 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;

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c. Clerestories;

d. Atriums, greenhouses and solariums;

e. Minor communication utilities and accessory communication devices according to the provisions of Section 23.57.012;

f. Nonfirewall parapets;

g. Play equipment.

((~~7~~))8. Screening. Rooftop mechanical equipment and elevator penthouses shall be screened with fencing, wall enclosures, or other structures.

((~~8~~))9. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

Section 20. Subsection 23.49.008.D of Section 23.49.008 of the Seattle Municipal Code, last amended by Ordinance 122582, is amended as follows:

23.49.008 Structure height((~~,~~))

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

* * *

D. Rooftop Features.

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

a. Open railings, planters, clerestories, skylights, play equipment, parapets and firewalls up to ((~~four (4)~~)) 4 feet above the applicable height limit;

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b. Solar collectors up to ((~~seven (7)~~)) 7 feet above the applicable height limit; and

c. The rooftop features listed below shall be located a minimum of ((~~ten (10)~~)) 10 feet from all lot lines and may extend up to ((~~fifty (50)~~)) 50 feet above the roof of the structure on which they are located or ((~~fifty (50)~~)) 50 feet above the applicable height limit, whichever is less, except as regulated by Chapter 23.64, Airport Height Overlay District:

((~~(~~))1) Religious symbols for religious institutions,

((~~(~~))2) Smokestacks, and

((~~(~~))3) Flagpoles.

2. The following rooftop features are permitted up to the heights indicated below, as long as the combined coverage of all rooftop features, whether or not listed in this subsection 23.49.009.D.2, does not exceed ((~~fifty-five (55)~~)) 55 percent of the roof area for structures that are subject to maximum floor area limits per story pursuant to Section 23.49.058, or ((~~thirty-five (35)~~)) 35 percent of the roof area for other structures.

a. The following rooftop features are permitted to extend up to ((~~fifteen (15)~~)) 15 feet above the applicable height limit:

((~~(~~))1) Solar collectors;

((~~(~~))2) Stair penthouses;

((~~(~~))3) Play equipment and open-mesh fencing, as long as the fencing is at least ((~~fifteen (15)~~)) 15 feet from the roof edge;

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

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((~~f~~))5) Mechanical equipment.

b. Elevator penthouses as follows:

((~~f~~))1) In the PMM zone, up to ((~~fifteen (15)~~)) 15 feet above the applicable height limit;

((~~f~~))2) Except in the PMM zone, up to ((~~twenty-three (23)~~)) 23 feet above the applicable height limit for a penthouse designed for an elevator cab up to ((~~eight (8)~~)) 8 feet high;

((~~f~~))3) Except in the PMM zone, up to ((~~twenty-five (25)~~)) 25 feet above the applicable height limit for a penthouse designed for an elevator cab more than ((~~eight (8)~~)) 8 feet high;

((~~f~~))4) Except in the PMM zone, when the elevator provides access to a rooftop designed to provide usable open space, an additional ((~~ten (10)~~)) 10 feet above the amount permitted in subsections 23.49.008.D.2.b.2 and 23.49.D.2.b.3((~~(2) and (3) above~~)) shall be permitted.

c. Minor communication utilities and accessory communication devices, regulated according to Section 23.57.013, shall be included within the maximum permitted rooftop coverage.

d. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit, as long as the combined total coverage of all features gaining additional height listed does not exceed 50 percent of the roof area.

3. Screening of Rooftop Features.

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a. Measures may be taken to screen rooftop features from public view through the design review process or, if located within the Pike Place Market Historical District, by the Market Historical Commission.

b. Except in the PMM zone, the amount of roof area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of all rooftop features as provided in subsection 23.49.008.D.2 of this section.

c. Except in the PMM zone, in no circumstances shall the height of rooftop screening exceed ((~~ten (10)~~)) ten percent of the applicable height limit, or ((~~fifteen (15)~~)) 15 feet, whichever is greater. In the PMM zone, the height of the screening shall not exceed the height of the rooftop feature being screened, or such greater height necessary for effective screening as determined by the Pike Place Market Historical Commission.

4. Administrative Conditional Use for Rooftop Features. Except in the PMM zone, the rooftop features listed in subsection 23.49.008 D.1.c of this section may exceed a height of ((~~fifty (50)~~)) 50 feet above the roof of the structure on which they are located if authorized by the Director through an administrative conditional use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:

a. The feature shall be compatible with and not adversely affect the downtown skyline.

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b. The feature shall not have a substantial adverse effect upon the light, air, solar and visual access of properties within a ((~~three hundred (300)~~)) 300 foot radius.

c. The feature, supporting structure and structure below shall be compatible in design elements such as bulk, profile, color and materials.

d. The increased size is necessary for the successful physical function of the feature, except for religious symbols.

5. Residential Penthouses Above Height Limit in DRC Zone.

a. A residential penthouse exceeding the applicable height limit shall be permitted in the DRC zone only on a mixed-use, City-designated Landmark structure for which a certificate of approval by the Landmarks Preservation Board is required. A residential penthouse allowed under this section may cover a maximum of ((~~fifty (50)~~)) 50 percent of the total roof surface. Except as the Director may allow under subsection 23.49.008.D.5.b of this section:

((~~f~~)) 1) A residential penthouse allowed under this subsection 23.49.008.D.5 shall be set back a minimum of ((~~fifteen (15)~~)) 15 feet from the street ((~~property~~))lot line.

((~~f~~)) 2) A residential penthouse may extend up to ((~~eight (8)~~)) 8 feet above the roof, or ((~~twelve (12)~~)) feet above the roof when set back a minimum of ((~~thirty (30)~~)) 30 feet from the street ((~~property~~)) lot line.

b. If the Director determines, after a sight line review based upon adequate information submitted by the applicant, that a penthouse will be invisible or minimally visible

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from public streets and parks within ((~~three hundred (300)~~)) 300 feet from the structure, the Director may allow one or both of the following in a Type I decision:

((~~f~~)) 1) An increase of the penthouse height limit under subsection 23.49.008.D.5.a of this section by an amount up to the average height of the structure's street-facing parapet; or

((~~f~~)) 2) A reduction in the required setback for a residential penthouse.

c. The Director's decision to modify development standards pursuant to subsection 23.49.008.D.5.b ((~~must~~)) shall be consistent with the certificate of approval from the Landmarks Preservation Board.

d. A residential penthouse allowed under this section shall not exceed the maximum structure height in the DRC zone under Section 23.49.008.

e. No rooftop features shall be permitted on a residential penthouse allowed under this subsection 23.49.008.D.5.

6. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.013.

Section 21. Subsections 23.50.012.A and 23.50.012.B of Section 23.50.012, last amended by Ordinance 123282, and subsection A of Table A for 23.50.012, are amended as follows:

23.50.012 Permitted and prohibited uses

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

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

* * *

Table A For 23.50.012
Uses in Industrial Zones

	PERMITTED AND PROHIBITED USES BY ZONE				
USES	**IB**	**IC**	**IG1 and IG2 (general)**	**IG1 in the Duwamish M/I Center**	**IG2 in the Duwamish M/I Center**
A. AGRICULTURAL USES					
A.1. Animal Husbandry	X	X	X	X	X
A.2. Aquaculture	P	P	P	P	P
A.3. Community Garden	P (14)	P (14)	P (14)	P (14)	P (14)
A.4. Horticulture	X	X	X	X	X
A.5. Urban Farm	P (14)	P (14)	P (14)	P (14)	P (14)
* * *					

KEY

* * *

P = Permitted

X = Prohibited

(1) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals are permitted.

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* * *

(14) Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as vertical farming.

* * *

Section 22. Section 23.50.020 of the Seattle Municipal Code, last amended by Ordinance 122611, is amended as follows:

23.50.020 All Industrial zones—Structure height exceptions and additional restrictions((.))

A. Rooftop Features. Where a height limit applies to a structure, except as provided in subsections 23.50.024.C.4, 23.50.024.D.4, 23.50.024.E.4 and 23.50.024.F.3 ((~~of Section 23.50.024~~)), the provisions in this subsection 23.50.020.A apply to rooftop features:

1. Smokestacks, chimneys and flagpoles, and religious symbols for religious institutions are exempt from height limits, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ((~~ten (10)~~)) 10 feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, solariums, parapets and firewalls may extend ((~~four (4)~~)) 4 feet above the applicable height limit with unlimited rooftop coverage.

3. Solar collectors may extend up to ((~~seven (7)~~)) 7 feet above the applicable height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to ((~~fifteen (15)~~)) 15 feet above the applicable height limit, as long as the combined total coverage of all features listed in this

subsection 23.50.020.A.4 does not exceed ((~~twenty (20)~~)) 20 percent of the roof area, or ((~~twenty-five (25)~~)) 25 percent of the roof area if the total includes screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment; and

d. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.015.

5. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit if the combined total coverage of all features gaining additional height does not exceed 50 percent of the roof area. Greenhouses allowed under this subsection 23.50.020.A.5. shall be located at least 10 feet from the north edge of the roof unless a shadow diagram is provided that demonstrates that locating such features within 10 feet of the north edge of the roof would not shade property to the north on January 21st at noon more than would a structure built to maximum permitted height and FAR.

6. Within the South Lake Union Urban Center, at the applicant's option, the combined total coverage of all features listed in subsections 23.50.020.A.4 and 23.50.020.A.5 above may be increased to ((~~sixty-five (65)~~)) 65 percent of the roof area, provided that all of the following are satisfied:

a. All mechanical equipment is screened; and

b. No rooftop features are located closer than ((~~ten (10)~~)) 10 feet to the roof edge.

B. ((~~Forty-five (45) Foot Height Limit Areas~~)) Additional Height Restrictions for Certain Structures in 45 Foot Height Limit Areas. In zones with a ((~~forty-five (45)~~)) 45 foot height limit, except as provided for IC zones in Section 23.50.028, structures with no story at least ((~~fifteen (15)~~)) 15 feet in height are limited to a maximum height of ((~~forty (40)~~)) 40 feet.

C. Structures existing prior to October 8, 1987 that exceed the height limit of the zone may add the rooftop features listed as conditioned in subsection 23.50.020.A of this section ((~~above~~)). The existing roof elevation of the structure ((~~shall be~~)) is considered the applicable height limit for the purpose of adding rooftop features.

Section 23. Subsection 23.54.015.B of Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 123209, is amended as follows:

23.54.015 Required parking

* * *

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 for major institution uses in major institution overlay zones is regulated by Section 23.54.016 and not by this Section 23.54.015((~~; and~~)).

3. Parking for motor vehicles for uses located in the Northgate Overlay District is regulated by Section 23.71.016 and not by this Section 23.54.015.

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

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

Section 24. The following subsection of Section 23.84A.002 of the Seattle Municipal Code, last amended by Ordinance 123020, is amended as follows:

23.84A.002 "A"

"Agricultural use" means any of the following: ((~~a business establishment in which crops are raised or animals are reared or kept, but not including animal shelters and kennels. Agricultural uses include animal husbandry uses such as poultry farms and rabbitries, aquaculture uses such as fish farms and shellfish beds, and horticulture uses such as nurseries, and orchards.~~))

1. "Animal husbandry" means a ((~~n agricultural~~)) use in which animals are reared or kept in order to sell the animals or their products ((~~they produce~~)), such as meat, fur or eggs, but does not include pet daycare centers or animal shelters and kennels. Examples of animal husbandry uses are poultry farms and rabbitries.

2. "Aquaculture" means a((~~n agricultural~~)) 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((~~n agricultural~~)) 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 ((~~raised outdoors or in greenhouses for sale either as food or for use in landscaping~~)). Examples include nurseries ((~~,~~)) with greenhouses and garden stores ((~~but are not limited to nurseries, flower raising, orchards, vineyards, and truck farms~~)).

5. "Urban farm" means a use in which plants are grown for sale of the plants or their products, and in which the plants or their products are sold at the lot where they are grown or off site, or both, and in which no other items are sold. Examples may include flower and vegetable raising, orchards and vineyards.

"Agricultural use" does not include landscaping or gardening that is incidental to a residential use or business if plants or their products are not sold.

* * *

Section 25. A new subsection of Section 23.84A.014 of the Seattle Municipal Code, last amended by Ordinance 122935, is added, as follows, to be inserted according to alphabetical order:

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23.84A.014 - "G((,))"

* * *

"Greenhouse" means a structure or portion of a structure, made primarily of glass or other translucent material, for which the primary purpose is the cultivation or protection of plants.

* * *

Section 26. The following subsections of Section 23.84A.036 of the Seattle Municipal Code, last amended by Ordinance 123046, are amended as follows:

23.84A.036 - "S ((,))"

* * *

"Sales and services, general" means one of the uses listed below, in which goods are rented or sold or services are provided primarily for household and personal use rather than for business establishments, institutions, or government agencies, but excluding medical services and uses in which goods are sold that primarily need to be delivered by truck, such as building materials, major durables and/or heating fuel.

1. "Retail sales and services, general" means a general sales and service use that is not a multi-purpose retail sales use. General retail sales and services include general retail sales uses, general services uses, and customer service office uses. Examples of general retail sales include but are not limited to bookstores, florists, and clothing stores. Examples of general services include but are not limited to shoe repair, hair cutting salons, pet grooming, pet daycare centers and dry cleaning. Customer service offices are uses in which services are provided to

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individuals and households in an office setting in a manner that encourages walk-in clientele and in which generally an appointment is not needed to conduct business, including but not limited to uses such as branch banks, travel agencies, brokerage firms, real estate offices, and government agencies that provide direct services to clients.

2. "Retail sales, multipurpose" means a general sales and service use in which a wide range of items frequently purchased for household use are rented or sold. Examples of multi((-))purpose retail sales include but are not limited to grocery, hardware, drug, and variety stores, and farmers' markets.

* * *

"Solarium" means a room, porch, or other area, that is designed to admit sunlight, is part of a larger structure, is enclosed substantially entirely by glass or another transparent material, and is not primarily used for the cultivation or protection of plants.

* * *

Section 27. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

COUNCIL CLERK

Section 28. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within 10 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 16th day of August, 2010, and signed by me in open session in authentication of its passage this 16th day of August, 2010.

President _____ of the City Council

Approved by me this 23rd day of August, 2010.

Michael McGinn, Mayor

Filed by me this 23rd day of August, 2010.

City Clerk

(Seal)