

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE related to land use and zoning, modifying use and development standards to remove regulatory impediments and allow the siting of child care centers throughout the city; amending sections 23.42.050, 23.44.006, 23.44.022, 23.45.510, 23.45.570, 23.47A.004, 23.47A.013, 23.48.005, 23.48.605, 23.48.620, 23.48.720, 23.48.732, 23.49.011, 23.50.028 and 23.84A.018 of the Seattle Municipal Code (SMC).

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.42.050 of the Seattle Municipal Code, last amended by Ordinance 123939, is amended as follows:

23.42.050 Home occupations

A home occupation of a person residing in a dwelling unit is permitted outright in all zones as an accessory use to any residential use permitted outright or to a permitted residential conditional use, subject to the following requirements:

A. The occupation is clearly incidental to the use of the dwelling unit as a dwelling.

B. Commercial deliveries and pickups to the dwelling unit are limited to one per day Monday through Friday. No commercial deliveries or pickups are permitted on Saturday, Sunday or federal holidays.

C. Customer visits are by appointment only.

D. The occupation may be conducted within any legal principal or accessory dwelling unit or structure ~~((, provided that licensed child care may be conducted only in the principal structure or in an accessory dwelling unit))~~. Home occupations may be conducted by residents of a principal dwelling unit and/or an accessory dwelling unit. The presence of one home

1 occupation does not preclude a resident of another legally established dwelling unit on the
2 property from also conducting a home occupation.

3 E. Parking of vehicles associated with the home occupation is permitted anywhere that
4 parking is permitted on the lot.

5 F. To preserve the residential appearance of the dwelling unit, there shall be no evidence
6 of the home occupation visible from the exterior of the structure, provided that:

7 1. Outdoor play areas for ((~~licensed~~)) child care programs and outdoor activities
8 customarily incidental to the residential use are permitted;

9 2. Interior and exterior alterations and additions that comply with the development
10 standards of the zone are permitted;

11 3. Alterations and additions that are required by licensing or construction codes
12 for ((~~licensed~~)) child care programs are permitted; and

13 4. Signs identifying the home occupation are permitted subject to compliance with
14 Chapter 23.55, Signs.

15 G. No outdoor storage is permitted in connection with a home occupation.

16 H. Except for ((~~licensed~~)) child care programs, no more than two persons who are not
17 residents of a dwelling unit on the lot may work in a home occupation, regardless of whether the
18 persons work full or part-time or are compensated.

19 I. The home occupation shall not cause a substantial increase in on-street parking
20 congestion or a substantial increase in traffic within the immediate vicinity.

21 J. A maximum of two passenger vehicles, vans and similar vehicles each not exceeding a
22 gross vehicle weight of 10,000 pounds are permitted to operate in connection with the home

1 occupation, independent of commercial deliveries and pickups as provided for in subsection
2 23.42.050.B.

3 K. The home occupation shall be conducted so that noise, odor, smoke, dust, light and
4 glare, and electrical interference and other similar impacts are not detectable by sensory
5 perception at or beyond the property line of the lot where the home occupation is located.

6 ~~((L. Licensed child care programs in the home of the operator are limited to 12 children
7 per day including the children of the operator.))~~

8 Section 2. Section 23.44.006 of the Seattle Municipal Code, last amended by Ordinance
9 125791, is amended as follows:

10 **23.44.006 Principal uses permitted outright**

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

12 A. Single-family dwelling unit.

13 B. In RSL zones, apartments, carriage houses, cottage housing development, rowhouse
14 development, and townhouse developments;

15 C. Floating homes, subject to the requirements of Chapter 23.60A;

16 D. Parks and open space, and community gardens;

17 E. Existing railroad right-of-way;

18 F. Public schools meeting development standards. New public schools or additions to
19 existing public schools, and accessory uses including child care centers, subject to the special
20 development standards and departures from standards contained in Chapter 23.51B, except that
21 departures from development standards may be permitted or required pursuant to procedures and
22 criteria established in Chapter 23.79;

23 G. Uses in existing or former public schools:

1 1. Child care centers, public or private schools, educational and vocational
2 training for the disabled, adult evening education classes, nonprofit libraries, community centers,
3 community programs for the elderly, and similar uses are permitted outright in existing or former
4 public schools, provided that any new children's play equipment or active play area associated
5 with the use shall be located at least ~~((30 feet from any other lot in a single family zone, and at~~
6 ~~least))~~ 20 feet from any other lot in any ~~((other))~~ residential zone.

7 2. Other non-school uses in existing or former public schools, if permitted
8 pursuant to procedures established in Chapter 23.78.

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

11 H. Nursing homes. Nursing homes meeting the development standards of this Chapter
12 23.44, and limited to eight or fewer residents;

13 I. Adult family homes. Adult family homes, as defined and licensed by the state of
14 Washington;

15 J. Commercially operating horse farms in existence before July 1, 2000, on lots greater
16 than ten acres, conforming to the limits on the number and location of farm animals and
17 structures containing them set forth in Section 23.42.052~~((:))~~;

18 K. Child care centers.

19 Section 3. Section 23.44.022 of the Seattle Municipal Code, last amended by Ordinance
20 125791, is amended as follows:

21 **23.44.022 Institutions**

22 A. Institutions Identified. The following institutions may be permitted as conditional uses
23 in single-family zones:

Community centers

~~((Child care centers))~~

Private schools

Religious facilities

Libraries

Existing institutes for advanced study

Other similar institutions

The following institutions are prohibited in single-family zones:

Hospitals

Colleges

Museums

Private clubs

Vocational schools

* * *

D. General provisions

1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.020 unless modified elsewhere in this subsection 23.44.022.D or in a Major Institution master plan.

2. The establishment of a ~~((child care center in a legally established elementary or secondary school or community center, or establishment of a))~~ shelter for homeless youths and young adults in a legally established elementary or secondary school, is not considered a new use or an expansion of the institutional use provided that:

1 a. The use does not violate any condition of approval of the existing
2 institutional use;

3 b. The use does not require expansion of the existing structure;

4 c. Any new children's play area is located at least 30 feet from any other
5 lot in a single-family zone, and at least 20 feet from any lot in a multifamily zone;

6 d. ~~((If the use is a shelter, the))~~The occupants are enrolled students of the
7 established school.

8 3. Institutions seeking to establish or expand on property that is developed with
9 residential structures may expand their campus up to a maximum of 2 1/2 acres. An institution
10 campus may be established or expanded beyond 2 1/2 acres if the property proposed for the
11 expansion is substantially vacant land.

12 E. Dispersion.

13 ~~((1-))~~The lot line of any proposed new or expanding institution, other than child care
14 centers ~~((locating in legally established institutions))~~, shall be located six hundred (600) feet or
15 more from any lot line of any other institution in a residential zone, with the following
16 exceptions:

17 ~~((a-))~~1. An institution may expand even though it is within six hundred (600) feet
18 of a public school if the public school is constructed on a new site subsequent to December 12,
19 1985.

20 ~~((b-))~~2. A proposed institution may be located less than six hundred (600) feet
21 from a lot line of another institution if the Director determines that the intent of the dispersion
22 criteria is achieved due to the presence of physical elements such as bodies of water, large open

spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.

~~((2. A proposed child care center serving not more than twenty-five (25) children which does not meet the criteria of subsection E1 of this section may be permitted to locate less than six hundred (600) feet from a lot line of another institution if the Director determines that, together with the nearby institution(s), the proposed child care center would not:~~

~~a. Create physical scale and bulk incompatible with the surrounding neighborhood;~~

~~b. Create traffic safety hazards;~~

~~c. Create or significantly increase identified parking shortages; or~~

~~d. Significantly increase noise levels to the detriment of surrounding residents.))~~

* * *

Section 4. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.45.510 Floor area

* * *

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

1. All stories, or portions of stories, that are underground.

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 other principal structure is located between the existing residential structure and the street lot line along at least one street frontage. If the existing residential structure is moved on the lot, the floor area of the existing residential structure remains exempt if it continues to meet this provision; and

b. The exemption is limited to the gross floor area in the existing residential structure 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;

b. Rowhouse and townhouse developments in LR zones, provided that all parking is located at the rear of the structure or is enclosed in structures with garage entrances located on the rear facade; and

c. All multifamily structures in MR and HR zones.

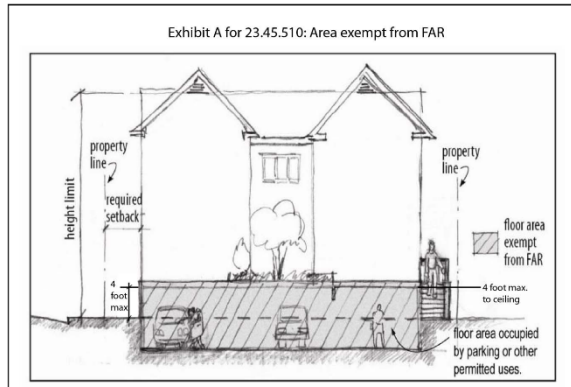


Exhibit A for 23.45.510 Area exempt from FAR

5. For rowhouse and townhouse developments and apartments, floor area within a story, or portion of a story, that is partially above grade if all of the following conditions are met:

a. The story, or portion of the story, that is partially above grade is used for parking or other accessory uses and has no additional stories above;

b. The average height of the exterior walls enclosing the floor area does not exceed one story, measured from existing or finished grade, whichever is lower;

c. 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; and

d. 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.

6. Enclosed common amenity area in 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 otherwise exempt under this subsection 23.45.510.D.

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.

9. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits.

10. Common walls separating individual rowhouse and townhouse dwelling units.

11. In the Northgate Urban Center, up to 15,000 square feet of floor area in residential use in a structure built prior to 1990 that is located on a split-zoned lot of at least 40,000 square feet in size.

12. In MR and HR zones, all gross floor area in child care centers.

E. 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 an FAR of 7, 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 5. Section 23.45.570 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.45.570 Institutions

* * *

J. Dispersion. The lot line of any new or expanding institution other than child care centers (~~(located in legally established institutions)~~) shall be located 600 feet or more from any lot line of any other institution in a residential zone with the following exceptions:

1. An institution may expand even though it is within 600 feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.

2. A proposed institution may be located less than 600 feet from a lot line of another institution if the Director determines that the intent of dispersion is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, that provide substantial separation from other institutions.

Section 6. Table A for Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

23.47A.004 Permitted and prohibited uses

* * *

Table A for 23.47A.004 Uses in Commercial zones					
		Permitted and prohibited uses by zone ¹			
Uses		NC1	NC2	NC3	C1 C2
* * *					
E. INSTITUTIONS					
E.1. Institutions not listed below		10	25	P	P P
E.2. Major institutions subject to the provisions of Chapter 23.69		P	P	P	P P
E.3. Religious facilities		P	P	P	P P
E.4. Schools, elementary or secondary		P	P	P	P P
<u>E.5. Child care centers</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u> <u>P</u>
* * *					

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

S = Permitted in shoreline areas only

X = Prohibited

CU-25 = Conditionally permitted; use is limited to 25,000 square feet, pursuant to Section 23.47A.010

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

Section 7. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.47A.013 Floor area ratio

* * *

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

1. All stories, or portions of stories, that are underground;
2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access;
3. 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

1 which public access is limited to customers or clients, even where such establishments are
2 primarily intended to serve transit riders;

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

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

11 b. All of the following conditions are met:

12 1) No above-grade parking is exempted by subsection
13 23.47A.013.B.4.a;

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

15 3) Total parking on the lot does not exceed one space for each
16 residential dwelling unit plus the number of spaces required for non-residential uses; and

17 4) The amount of gross floor area exempted by this subsection
18 23.47A.013.B.4.b does not exceed 25 percent of the area of the lot in zones with a height limit
19 less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or
20 greater; and

21 5. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.5
22 and 23.47A.012.C.6;

23 6. Bicycle commuter shower facilities required by subsection 23.54.015.K.8; and

7. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits((-));

8. All gross floor area in child care center.

* * *

Section 8. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.48.005 Uses

* * *

D. Required street-level uses

1 One or more of the following uses listed in this subsection 23.48.005.D.1 are required: (i) at street-level of the street-facing facade along streets designated as Class 1 Pedestrian Streets shown on Map A for 23.48.240, except as required in subsection 23.48.205.C; (ii) at street-level of the street-facing facades along streets designated on Map A for 23.48.640; and (iii) at street-level of the street-facing facades along streets designated as Class 1 or Class 2 streets shown on Map A for 23.48.740:

- a. General sales and service uses;
- b. Eating and drinking establishments;
- c. Entertainment uses;
- d. Public libraries;
- e. Public parks;

- f. Arts facilities;
- g. Religious facilities; ~~((and))~~
- h. Light rail transit stations~~((:))~~;
- i. Child care centers

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.040.C, and any additional standards for Seattle Mixed zones in specific geographic areas in the applicable subchapter of this Chapter 23.48.

* * *

Section 9. Section 23.48.605 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

23.48.605 Uses in SM-U zones

* * *

C. Required street-level uses

1. One or more of the following uses listed in this subsection 23.48.605.C.1 are required at street level along the street-facing facades abutting streets shown on Map A for 23.48.605:

- a. General sales and service uses;
- b. Eating and drinking establishments;
- c. Entertainment uses;
- d. Public libraries;
- e. Public parks;
- f. Arts facilities;
- g. Religious facilities;

h. Human services uses;

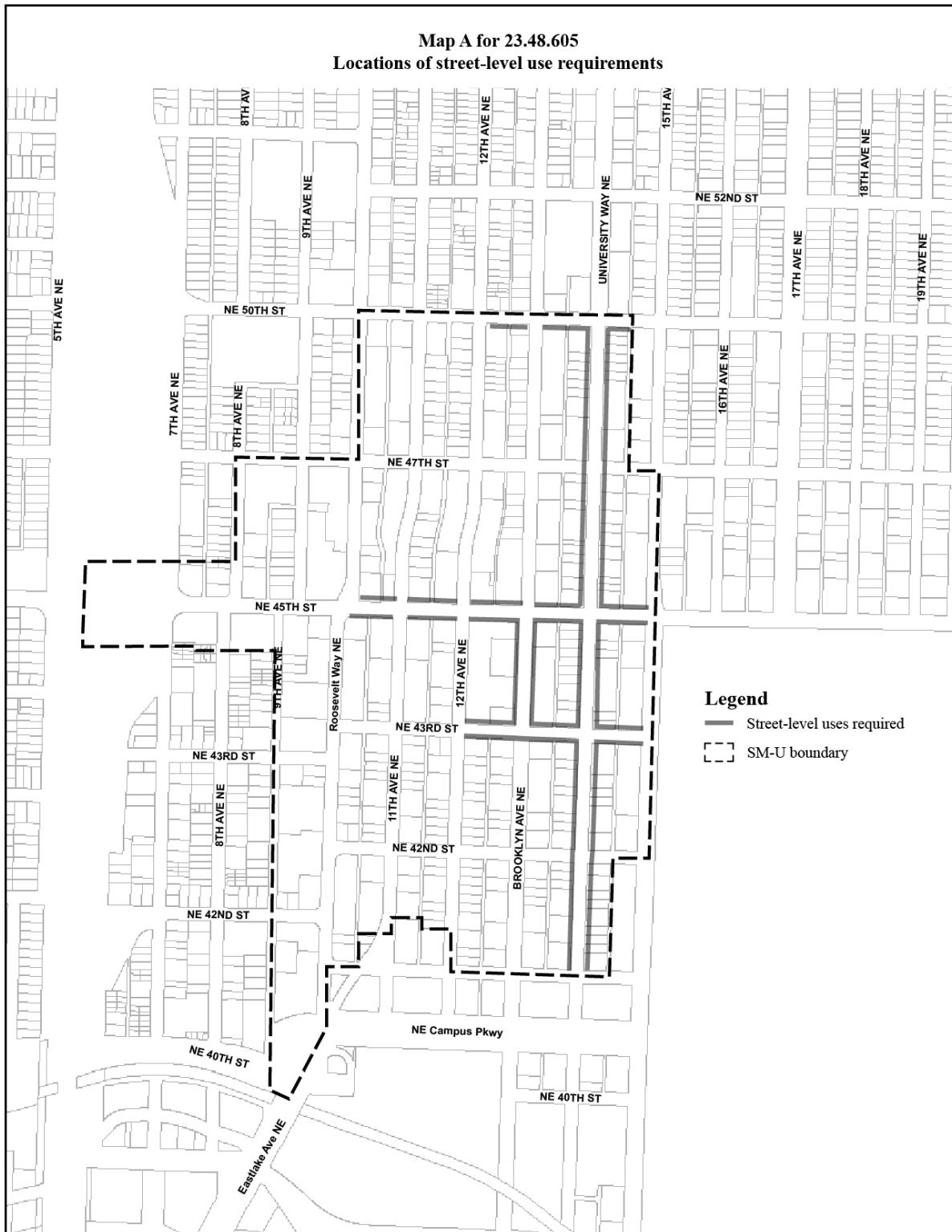
i. Child care centers ~~((facilities))~~; and

j. Light rail transit stations.

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.040.C.

Map A for 23.48.605

Locations of street-level use requirements



Section 9. Section 23.48.620 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.48.620 Floor area ratio in SM-U zones

* * *

C. Floor area exempt from FAR. In addition to the exempt floor area identified in subsection 23.48.020.B, the following floor area is exempt from FAR limits:

1. 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 rehabilitation and maintenance of the historically significant features of the structure including but not limited to a certificate of approval for the modification of the Landmark. This exemption does not apply to a lot from which a Landmark TDR or TDP has been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or TDP available for transfer under Chapter 23.58A;

2. Except in the SM-U/R 75-240 zone, uses identified in subsection 23.48.605.C, whether required or not, that meet the development standards of subsection 23.48.040.C;

3. Except in the SM-U/R 75-240 zone, uses identified in subsection 23.48.605.C that abut and have access onto a mid-block corridor meeting the standards of subsection 23.48.640.F and the applicable standards in Section 23.58A.040;

4. Floor area for ~~((a preschool,))~~ an elementary school, or a secondary school, which may include minimum space requirements for associated uses including but not limited to academic core functions, child care, administrative offices, a library, maintenance facilities, food service, interior recreation, and specialty instruction space, provided that;

1 a. Prior to issuance of a Master Use Permit, the applicant shall submit a
2 letter to the Director from the operator of the school indicating that, based on the Master Use
3 Permit plans, the operator has determined that the development would meet the operator's
4 specifications; and

5 b. Prior to issuance of a building permit, the applicant shall submit a
6 written certification by the operator to the Director that the operator's specifications have been
7 met;

8 5. Floor area used for theaters or arts facilities, which for the purposes of this
9 Section 23.48.620 may be operated either by for-profit or not-for-profit organizations;

10 6. Floor area in a vulnerable masonry structure included on a list of structures that
11 meet specified criteria in a rule promulgated by the Director under Section 23.48.627, provided
12 that the structure is retained for a minimum of 50 years according to the provisions that apply to
13 a qualifying "vulnerable masonry structure" TDR or TDP sending site in subsection
14 23.58A.042.F.3;

15 7. All gross floor area of a light rail transit station and related passenger
16 amenities;

17 8. All gross floor area of a human service use;

18 9. Floor area in enclosed portions of a mid-block corridor or other enclosed open
19 space feature that would be eligible for a bonus according to Section 23.48.624 on the lot where
20 the feature is located. The exemption applies regardless of whether a floor area bonus is
21 obtained;

10. Up to a maximum of 50,000 square feet of the floor area occupied by a City facility, including but not limited to fire stations and police precincts, but not a City facility predominantly occupied by office use; ~~((and))~~

11. Up to 25,000 square feet of a community center that is open to the general public for a minimum of six hours per day, five days per week, 42 weeks per year; and ~~((:))~~

12. All gross floor area in child care centers.

* * *

Section 10. Section 23.48.720 of the Seattle Municipal Code, last amended by Ordinance 125432, is amended as follows:

23.48.720 Floor area ratio (FAR) in SM-UP zones

* * *

C. Floor area exempt from FAR. In addition to floor area that is exempt from FAR limits according to subsection 23.48.020.B, the following floor area is exempt from FAR limits:

1. The floor area contained in a Landmark structure 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 rehabilitation of the structure. This exemption does not apply to a lot from which a Landmark TDR or TDP has been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or TDP available for transfer under Chapter 23.58A;

2. All gross ~~((Floor))~~ floor area ~~((for))~~ in a ~~((preschool))~~ child care center, an elementary school, or a secondary school;

3. Floor area used for theaters or arts facilities, which for the purposes of this Section 23.48.720 may be operated either by for-profit or not-for-profit organizations;

4. Floor area of street-level uses identified in subsection 23.48.005.D that meet the development standards of subsection 23.48.040.C; and

5. Floor area in a vulnerable masonry structure that is included on a list of structures that meet specified criteria in a rule promulgated by the Director under Section 23.48.627, provided that the structure is retained for a minimum of 50 years according to the provisions that apply to a qualifying vulnerable masonry structure TDR or TDP sending site in subsection 23.58A.042.F.3.

Section 11. Section 23.48.732 of the Seattle Municipal Code, last amended by Ordinance 125432, is amended as follows:

23.48.732 Maximum structure width and depth in SM-UP zones

* * *

C. Width and depth limits do not apply to stories of a structure having more than 50 percent of the total gross floor area of the story occupied by any of the following uses:

1. Community clubs or community centers;
2. Religious facilities;
3. Arts facilities operated by a non-profit or for-profit organization or organizations;
4. ~~((Preschool, elementary))~~ Elementary, or secondary schools; ~~((or))~~
5. Performing arts theaters~~((:))~~; or
6. Child care centers.

D. Width and depth limits do not apply to any portion of a structure that is 55 feet or less in height and located on a lot that includes a light rail transit station.

Section 12. Section 23.49.011 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.49.011 Floor area ratio

* * *

B. Exemptions and deductions from FAR calculations

1. The following are not included in chargeable floor area, except as specified below in this Section 23.49.011:

a. Uses listed in subsection 23.49.009.A in a DRC zone and in the FAR Exemption Area identified on Map 1J up to a maximum FAR of 2 for all such uses combined, provided that for uses in the FAR Exemption Area that are not in the DRC zone the uses are located no higher than the story above street level;

b. Street-level uses meeting the requirements of Section 23.49.009, Street-level use requirements, whether or not street-level use is required pursuant to Map 1G, if the uses and structure also satisfy the following standards:

1) The street level of the structure containing the exempt space has a minimum floor-to-floor height of 13 feet, except that in the DMC 170 zone the street level of the structure containing the exempt space has a minimum floor-to-floor height of 18 feet;

2) The exempt space extends a minimum depth of 15 feet from the street-level, street-facing facade; and

3) Overhead weather protection is provided satisfying Section 23.49.018;

c. Shopping atria in the DRC zone and adjacent areas shown on Map 1J, provided that:

1) The minimum area of the shopping atria is 4,000 square feet;

2) The eligibility conditions of the Downtown Amenity Standards
are met; and

3) The maximum area eligible for a floor area exemption is 20,000
square feet;

d. Child care centers;

* * *

x. Floor area for ~~((a preschool,))~~ an elementary school, or a secondary
school, except on lots zoned DRC, which may include minimum space requirements for
associated uses including but not limited to academic core functions, child care, administrative
offices, a library, maintenance facilities, food service, interior recreation, and specialty
instruction space, provided that:

1) Prior to issuance of a Master Use Permit, the applicant shall
submit a letter to the Director from the operator of the school indicating that, based on the Master
Use Permit plans, the operator has determined that the development could meet the operator's
specifications; and

2) Prior to issuance of a building permit, the applicant shall submit
a written certification by the operator to the Director that the operator's specifications have been
met.

y. The floor area of required bicycle parking for small efficiency dwelling
units or congregate residence sleeping rooms, if the bicycle parking is located within the
structure containing the small efficiency dwelling units or congregate residence sleeping rooms.
Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt
from FAR limits.

2. Mechanical equipment

a. As an allowance for mechanical equipment fully contained within a structure, three and one-half percent shall be deducted in computing chargeable gross floor area.

Calculation of the allowance excludes gross floor area exempt pursuant to subsection 23.49.011.B.1.

b. Mechanical equipment located on the roof of a structure shall not be calculated as part of the total gross floor area of the structure.

Section 13. Section 23.50.028 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.50.028 Floor area

* * *

C. Exemptions from FAR calculations

1. The following areas are exempt from FAR calculations in all industrial zones:

a. All stories, or portions of stories, that are underground;

b. All gross floor area used for accessory parking, except as provided in subsection 23.50.028.D;

c. All gross floor area located on the rooftop of a structure and used for any of the following: mechanical equipment, stair and elevator penthouses, and communication equipment and antennas;

d. All gross floor area used for covered rooftop recreational space of a building existing as of December 31, 1998, in an IG1 or IG2 zone, if complying with subsection 23.50.012.D; and

e. Bicycle commuter shower facilities required by subsection

23.54.015.K.8.

2. In addition to areas exempt from FAR calculations in subsection 23.50.028.C.1, within an IC 85-175 zone, the following exemptions from FAR calculations apply:

a. As an allowance for mechanical equipment, 3.5 percent of the total chargeable gross floor area that is not otherwise exempt under this subsection 23.50.028.C.

b. All gross floor area for solar collectors and wind-driven power generators.

c. The gross floor area of the following uses located at street level, provided that the conditions of Section 23.50.039 are satisfied:

1) General sales and service uses;

2) Eating and drinking establishments;

3) Entertainment use;

4) Public libraries;

5) Child care (~~((facilities))~~)centers;

6) Religious facilities; and

7) Automotive sales and service.

3. In addition to areas exempt from FAR calculations in subsection 23.50.028.C.1, within IG1 and IG2 zones, the gross floor area of rooftop recreational space accessory to office use meeting the standards of subsection 23.50.012.D is exempt from FAR calculations.

* * *

Section 14. Section 23.84A.018 of the Seattle Municipal Code, last amended by Ordinance 123478, 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:

* * *

4. "Child care center" means an institution that regularly provides care to a group of children for less than twenty-four (24) hours a day, whether for compensation or not. Preschools, cooperative child care exchanges, drop-in centers where children receive care by the day, and centers providing education for less than four hours a day, shall be considered to be child care centers.

* * *

Section 14. 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 _____, 2020,
and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)