

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning removing existing provisions for the Industrial Commercial zone in Chapter 23.50 amending Sections 23.42.126, 23.49.014, 23.50.002, 23.50.012, 23.50.014, 23.50.020, 23.50.027, 23.50.028, 23.50.034, 23.50.046, 23.69.022, and 23.74.010, and repealing Sections 23.50.026, 23.50.032, 23.50.033, 23.50.038, 23.50.039, 23.50.041, 23.50.053, and 23.50.055 of the Seattle Municipal Code.

..body

WHEREAS, in 2019 the City convened a Industrial and Maritime Strategy Council to advise the City on development of an Industrial and Maritime Strategy; and

WHEREAS, the stakeholder committee consisted of a City-wide committee and 4 regional committees representing Georgetown/South Park, SODO, Interbay, and Ballard; and

WHEREAS the principles that guided the Industry and Maritime Strategy Council focused on:

- Actions to strengthen racial equity and recovery;
- Using the power of local workers and companies to chart a blueprint for the future using the principles of restorative economics to support the cultural, economic, and political power of communities most impacted by economic and racial inequities ;
- Strengthening and growing Seattle’s industrial and maritime sectors so communities that have been excluded from the prosperity of our region can benefit from our future growth.
- Promote equitable access to high quality, family-wage jobs and entrepreneurship for Black, Indigenous, and People of Color through an inclusive industrial economy and ladders of economic opportunity;
- Improve the movement of people and goods to and within industrial zones and increases safety for all travel modes.

- 1 • Align Seattle’s industrial and maritime strategy with key climate and environmental
2 protection goals;
- 3 • Develop a proactive land use policy agenda that harnesses growth and economic
4 opportunities to ensure innovation and industrial jobs are a robust part of our future
5 economy that is inclusive of emerging industries and supportive of diverse
6 entrepreneurship; and

7 WHEREAS, in May of 2021 the Industrial and Maritime Strategy Council issued a report
8 recommending eleven strategies to advance the guiding principles of the Council; and

9 WHEREAS, Land Use issues are addressed in six of the eleven strategies; and

10 WHEREAS, on July 8, 2021, pursuant to the State Environmental Policy Act (SEPA) and the
11 City’s environmental polices set out in Seattle Municipal Code Chapter 23.50, the Office
12 of Planning and Community Development issued a Determination of Significance and
13 initiated a SEPA scoping period to seek public comment on four distinct land use
14 alternatives each based on a new industrial land policy framework reflective of the
15 Strategy Council’s recommendations and received one-hundred and five comments; and

16 WHEREAS, on December 15, 2021 Office of Planning and Community Development issued the
17 Industrial and Maritime Strategy Draft Environmental Impact Statement; and

18 WHEREAS Office of Planning and Community Development held two public hearings during a
19 seventy-five day public comment period and received one-hundred and forty-two
20 comments; and

21 WHEREAS in September of 2022 Office of Planning and Community Development issued a
22 Final Environmental Impact Statement featuring a preferred alternative; and

1 WHEREAS OPCD is proposing five ordinances that together implement the land use strategies
2 recommended by the Industrial and Maritime Strategy Council and were studied in the
3 Industrial and Maritime Strategy Environmental Impact Statement and includes an
4 ordinance amending Seattle’s Comprehensive Plan to create a new land use policy
5 framework, an amendment to the Seattle Municipal Code to establish new industrial
6 zones and development standards consistent with the proposed Comprehensive Plan
7 Policies, an ordinance to remove the provision of the Industrial Commercial zone from
8 the existing Seattle Municipal Code Subchapter 23.50, an ordinance amending Chapter
9 25 of the Seattle Municipal Code to address noise in the shoreline areas of the Ballard
10 Interbay Northend Manufacturing Center, and an ordinance to apply the proposed new
11 zones to land in Seattle’s industrial areas.

12 WHEREAS the proposed ordinance creating a new Seattle Municipal Code Subchapter 23.50A
13 to establish new industrial zones and development standards also includes provisions for
14 the Industrial Commercial zone currently in Subchapter 23.50; and

15 WHEREAS the Industrial Commercial Zone will continue to provide a valuable land use tool for
16 industrial areas outside of Manufacturing and Industrial Centers;

17 WHEREAS upon adoption of amendments to the Official Land Use Map that apply the proposed
18 new industrial land zoning framework to all industrial land, it is recommended that the
19 City Council repeal Subchapter 23.50 of the Seattle Municipal Code;

20 WHEREAS, the provisions for the Industrial Commercial zone are included in the proposed
21 Chapter 23.50A of the Seattle Municipal Code for areas outside of Manufacturing
22 Industrial Centers; and

1 WHEREAS, this separate ordinance removes provisions for the Industrial Commercial zone
 2 from existing Chapter 23.50, The Industrial Commercial zone remains a useful and
 3 relevant zone in line with proposed policies for some areas and therefore will be relocated
 4 to new Chapter 23.50A; NOW, THEREFORE,

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

6 Section 1. Section 23.50.002 of the Seattle Municipal Code, last amended by Ordinance
 7 124969, is amended as follows:

8 **23.50.002 Scope of provisions**

9 A. There are (~~four~~) three industrial classifications: General Industrial 1 (IG1), General
 10 Industrial 2 (IG2), and Industrial Buffer (IB) (~~(, and Industrial Commercial (IC))~~). This Chapter
 11 23.50 describes the authorized uses and development standards for the Industrial zones.

12 * * *

13 Section 2. Table A for Section 23.50.012 of the Seattle Municipal Code, which section
 14 was last amended by Ordinance 125845, is amended as follows:

15 **23.50.012 Permitted and prohibited uses**

16 * * *

Table A for 23.50.012 Uses in Industrial zones					
Uses	Permitted and prohibited uses by zone				
	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

**Table A for 23.50.012
 Uses in Industrial zones**

Uses	Permitted and prohibited uses by zone					
	IB	((IC))	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center	
A.2. Aquaculture	P	((P))	P	P	P	
A.3. Community garden	P((2)) (1)	((P(2)))	P((2)) (1)	P((2)) (1)	P((2)) (1)	
A.4. Horticulture	X	((X))	X	X	X	
A.5. Urban farm ((4)) 2	P((2)) (1)	((P(2)))	P((2)) (1)	P((2)) (1)	P((2)) (1)	
B. CEMETERIES	X	((X))	X	X	X	
C. COMMERCIAL USES						
C.1. Animal shelters and kennels	X(3)	((P))	P	P	P	
C.2. Eating and drinking establishments	P	((P))	P	P	P	
C.3. Entertainment uses						
	C.3.a. Cabarets, adult	P(4)	((P(4)))	X	X	X
	C.3.b. Motion picture theaters, adult	X	((X))	X	X	X
	C.3.c. Panorams, adult	X	((X))	X	X	X

**Table A for 23.50.012
 Uses in Industrial zones**

Uses		Permitted and prohibited uses by zone				
		IB	((IC))	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
	C.3.d. Sports and recreation, indoor	P	((P))	P	X	P
	C.3.e. Sports and recreation, outdoor	P	((P))	P	X	P
	C.3.f. Theaters and spectator sports facilities					
	C.3.f.i. Lecture and meeting halls	P	((P))	P	P	P
	C.3.f.ii. Motion picture theaters	P	((P))	P	X	X
	C.3.f.iii. Performing arts theaters	P	((P))	P	X	X

**Table A for 23.50.012
 Uses in Industrial zones**

Uses		Permitted and prohibited uses by zone				
		IB	((C))	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
	C.3.f.iv. Spectator sports facilities	P	((P))	P	X(5)	X(5)
	C.4. Food processing and craft work ((H)) <u>2</u>	P	((P))	P	P	P
	C.5. Laboratories, ((Research)) <u>research</u> and development	P	((P))	P	P	P
	C.6. Lodging uses	CU	((CU))	CU	X	X
	C.7. Medical services (6)	P	((P))	P	P	P
	C.8. Offices	P	((P))	P	P	P
	C.9. Sales and services, automotive	P	((P))	P	P	P
	C.10. Sales and services, general ((H)) <u>2</u>	P	((P))	P	P	P
	C.11. Sales and services, heavy	P	((P))	P	P	P
	C.12. Sales and services, marine	P	((P))	P	P	P
	D. HIGH-IMPACT USES	X	((X or CU(7)))	X or CU ((8)) <u>7</u>	X or CU ((8)) <u>7</u>	X or CU ((8)) <u>7</u>

**Table A for 23.50.012
 Uses in Industrial zones**

Uses	Permitted and prohibited uses by zone				
	IB	((IC))	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
E. INSTITUTIONS					
E.1. Adult care centers	X	((X))	X	X	X
E.2. Child care centers	P	((P))	P	P	P
E.3. Colleges	EB	((EB))	EB ((9)) <u>8</u>	X ((10)) <u>9</u>	X ((10)) <u>9</u>
E.4. Community centers and Family support centers	EB	((EB))	EB	P	P
E.5. Community clubs	EB	((EB))	EB	X	P
E.6. Hospitals	EB	((EB))	CU ((11)) <u>10</u>	P	P
E.7. Institutes for advanced study	P	((P))	P	X	X
E.8. Libraries	X	((X))	X	X	X
E.9. Major institutions subject to the provisions of Chapter 23.69	EB ((12)) <u>11</u>	((EB))	EB ((12)) <u>11</u>	EB	EB
E.10. Museums	EB	((EB(13)))	EB	X ((14)) (<u>1</u>) <u>2</u>	X ((14)) (<u>1</u>) <u>2</u>
E.11. Private clubs	EB	((EB))	EB	X	X
E.12. Religious facilities	P ((15)) (<u>1</u>) <u>3</u>	((P(15)))	P ((15)) (<u>1</u>) <u>3</u>	P ((15)) (<u>1</u>) <u>3</u>	P ((15)) (<u>1</u>) <u>3</u>

**Table A for 23.50.012
 Uses in Industrial zones**

Uses	Permitted and prohibited uses by zone				
	IB	((IC))	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
E.13. Schools, elementary or secondary	EB	((EB))	EB	X	X
E.14. Vocational or fine arts schools	P	((P))	P	P	P
F. LIVE-WORK UNITS	X	((X))	X	X	X
G. MANUFACTURING USES					
G.1. Manufacturing, light ((H)) <u>2</u>	P	((P))	P	P	P
G.2. Manufacturing, general	P	((P))	P	P	P
G.3. Manufacturing, heavy	CU	((X or CU(16)))	P or CU ((17)) <u>(14)</u>	P	P
H. PARKS AND OPEN SPACE	P	((P))	P	P	P
I. PUBLIC FACILITIES					
I.1. Jails	X	((X))	X	X	X
I.2. Work-release centers	X	((X))	X	X	X
I.3. Other public facilities	CCU	((CCU))	CCU	CCU	CCU
J. RESIDENTIAL USES					

**Table A for 23.50.012
 Uses in Industrial zones**

Uses	Permitted and prohibited uses by zone				
	IB	((IC))	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
J.1. Residential uses not listed below	X	((X))	X	X	X
J.2. Artist's studio/dwellings	EB/CU	((EB/CU))	EB/CU	EB/CU	EB/CU
J.3. Caretaker's quarters	P	((P))	P	P	P
J.4. Residential use, except artist's studio/dwellings and caretaker's quarters, in a landmark structure or landmark district	CU	((CU))	CU	CU	CU
K. STORAGE USES					
K.1. Mini-warehouses	P	((P))	P	X	P
K.2. Storage, outdoor	P	((P))	P	P	P
K.3. Warehouses	P	((P))	P	P	P
L. TRANSPORTATION FACILITIES					
L.1. Cargo terminals	P	((P))	P	P	P
L.2. Parking and moorage					
	L.2.a. Boat moorage	P	((P))	P	P

**Table A for 23.50.012
 Uses in Industrial zones**

Uses		Permitted and prohibited uses by zone				
		IB	((IC))	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
	L.2.b. Dry boat storage	P	((P))	P	P	P
	L.2.c. Parking, flexible-use	P	((P or X(18)))	P	X(5)	X(5)
	L.2.d. Park and ride facilities	P((19)) <u>(15)</u>	((P(19)))	P((19)) <u>(15)</u>	CU	CU
	L.2.e. Towing services	P	((P))	P	P	P
L.3. Passenger terminals		P	((P))	P	P	P
L.4. Rail transit facilities		P	((P))	P	P	P
L.5. Transportation facilities, air						
	L.5.a. Airports (land-based)	X	((CCU))	CCU	CCU	CCU
	L.5.b. Airports (water-based)	X	((CCU))	CCU	CCU	CCU

**Table A for 23.50.012
 Uses in Industrial zones**

Uses		Permitted and prohibited uses by zone				
		IB	((C))	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
	L.5.c. Heliports	X	((C))	CCU	CCU	CCU
	L.5.d. Helistops	CCU	((C))	CCU	CCU	CCU
L.6. Vehicle storage and maintenance						
	L.6.a. Bus bases	CU	((C))	CU	CU	CU
	L.6.b. Railroad switchyards	P	((P))	P	P	P
	L.6.c. Railroad switchyards with a mechanized hump	X	((X))	CU	CU	CU
	L.6.d. Transportation services, personal	P	((P))	P	P	P
M. UTILITY USES						
M.1. Communication utilities, major		CU	((C))	CU	CU	CU

**Table A for 23.50.012
 Uses in Industrial zones**

Uses		Permitted and prohibited uses by zone				
		IB	((I))	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
M.2. Communication utilities, minor		P	((P))	P	P	P
M.3. Power plants		X	((CCU))	P	P	P
M.4. Recycling		P	((P))	P	P	P
M.5. Sewage treatment plants		X	((CCU))	CCU	CCU	CCU
M.6. Solid waste management						
	M.6.a. Salvage yards	X	((X))	P	P	P
	M.6.b. Solid waste transfer stations	CU ((20)) <u>(16)</u>	((CU))	CU	CU	CU
	M.6.c. Solid waste incineration facilities	X	((CCU))	CCU	CCU	CCU
	M.6.d. Solid waste landfills	X	((X))	X	X	X

**Table A for 23.50.012
 Uses in Industrial zones**

Uses	Permitted and prohibited uses by zone				
	IB	((IC))	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
M.7. Utility services uses	P	((P))	P	P	P

~~((KEY))~~ Key to Table A for 23.50.012

CU = Administrative conditional use

CCU = Council conditional use

EB = Permitted only in a building existing on October 7, 1987((-))

EB/CU = Administrative conditional use permitted only in a building existing on October 7, 1987.

P = Permitted

X = Prohibited

Footnotes to Table A for 23.50.012

(1) ~~((In addition to the provision in this Chapter 23.50, urban farms that entail major marijuana activity are regulated by Section 23.42.058.))~~ Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as agricultural uses within an enclosed building. Except for agricultural uses within an enclosed building operating prior to January 4, 2016, agricultural uses within an enclosed building are not permitted in the IG1 zone. Agricultural uses within an enclosed building within designated manufacturing and industrial centers (excluding associated office or food processing areas) shall not exceed:

_____ (a) 5,000 square feet in IG1 zones for agricultural uses within an enclosed building established prior to January 4, 2016;

_____ (b) 10,000 square feet in IB zones; and

_____ (c) 20,000 square feet in IG2 zones.

~~(2) ((Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as agricultural uses within an enclosed building. Except for agricultural uses within an enclosed building operating prior to January 4, 2016, agricultural uses within an enclosed building are not permitted in the IG1 zone. Agricultural uses within an enclosed building within designated manufacturing and industrial centers (excluding associated office or food processing areas) shall not exceed:~~

~~_____ (a) 5,000 square feet in IG1 zones for agricultural uses within an enclosed building established prior to January 4, 2016;~~

~~_____ (b) 10,000 square feet in IB and IC zones; and~~

~~_____ (c) 20,000 square feet in IG2 zones.))~~

**Table A for 23.50.012
 Uses in Industrial zones**

Uses	Permitted and prohibited uses by zone				
	IB	((C))	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center

In addition to the provision in this Chapter 23.50, urban farms that entail major marijuana activity are regulated by Section 23.42.058.

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

(4) Subject to subsection 23.50.012.E.

(5) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used as flexible-use parking or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Area Overlay District may reserve parking. Such reserved non-required parking shall be permitted to be used as flexible-use parking and is exempt from the one-space-per-650-square-foot ratio under the following circumstances:

(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and

(b) The parking is reserved for events in the spectator sports facility or exhibition hall, and

(c) The reserved parking is outside of the Stadium Transition Area Overlay District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.

(6) Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, require administrative conditional use approval, unless included in an adopted major institution master plan. See Section 23.50.014.

~~((7)) The high-impact uses listed in subsection 23.50.014.B.10 may be permitted as conditional uses.~~

~~((8))~~ 7 High-impact uses may be permitted as conditional uses as provided in subsection 23.50.014.B.5.

~~((9))~~ 8 Research and education facilities that are a part of a college or university, and that are water-dependent or water-related, as defined by Section 23.60.944, are permitted in new and existing buildings in the Ballard/Interbay Northend Manufacturing & Industrial Center.

~~((10))~~ 9 A college or university offering a primarily vocational curriculum within the zone is permitted.

~~((11))~~ 10 Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection 23.50.014.B.~~((14))~~12.

~~((12))~~ 11 Major institution uses are permitted only in a building existing on October 7,

**Table A for 23.50.012
 Uses in Industrial zones**

Uses	Permitted and prohibited uses by zone				
	IB	((IC))	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center

1987, except that such uses are permitted on properties located outside of the Ballard/Interbay/Northend Manufacturing and Industrial Center that are located in an area south of the Lake Washington Ship Canal, east of 8th Avenue West, north of West Nickerson Street, and west of 3rd Avenue West regardless of whether the use is located in a building existing on October 7, 1987.

~~(((13) On IC zoned parcels within the Ballard Hub Urban Village and abutting Market Street, museums are allowed in new buildings or structures.~~

~~(14)) (12) Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.~~

~~(((15)) (13) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.~~

~~(((16) The heavy manufacturing uses listed in subsection 23.50.014.B.9 may be permitted as a conditional use. All other heavy manufacturing uses are prohibited.~~

~~(17)) 14) Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided in subsection 23.50.014.C.~~

~~(((18) Prohibited in an IC 85-160 zone for development that exceeds the base FAR limit.~~

~~(19)) (15) Park and ride facilities are not permitted within 3,000 feet of the Downtown Urban Center.~~

~~(((20)) (16) Subject to subsection 23.50.014.B.7.e.~~

1
 2 Section 3. Section 23.50.014 of the Seattle Municipal Code, last amended by Ordinance
 3 126685, is amended as follows:

4 **23.50.014 Conditional uses**

5 * * *

6 B. Administrative conditional uses. The following uses, identified as administrative
 7 conditional uses in Table A for 23.50.012, may be permitted by the Director if the provisions of
 8 this subsection 23.50.014.B and subsection 23.50.014.A are met.

1 1. Artist’s studio/dwellings in an existing structure may be permitted as a
2 conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), and Industrial Buffer
3 (IB) (~~and Industrial Commercial (IC) zones~~), except as provided in the Shoreline District,
4 Chapter 23.60A, upon showing that the occupant is a bona fide working artist, and subject to the
5 following criteria:

6 a. Artist's studio/dwellings shall generally be discouraged along arterials
7 such as freeways, state routes, and freight lines;

8 b. Artist's studio/dwellings shall not be allowed in areas where existing
9 industrial uses may cause environmental or safety problems;

10 c. Artist's studio/dwellings shall not be located where they may restrict or
11 disrupt industrial activity;

12 d. The nature of the artist's work shall be such that there is a genuine need
13 for the space; and

14 e. The owner(s) of a building seeking a conditional use for artist's
15 studio/dwellings must sign and record a covenant and equitable servitude, on a form acceptable
16 to the Director, that acknowledges that the owner(s) and occupants of the building accept the
17 industrial character of the neighborhood and agree that existing or permitted industrial uses do
18 not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and
19 equitable servitude must state that it is binding on the owner(s)' successors, heirs, and assigns,
20 including any lessees of the artist's studio/dwellings.

21 2. Park-and-pool lots in IG1 and IG2 zones in the Duwamish
22 Manufacturing/Industrial Center, and park-and-ride lots in General Industrial 1 (IG1), General

1 Industrial 2 (IG2), and Industrial Buffer (IB) (~~and Industrial Commercial (IC)~~) zones may be
2 permitted as a conditional use according to the following criteria:

3 a. The park-and-pool lot shall not create conflict with industrial activity by
4 causing significant additional traffic to circulate through the area;

5 b. The park-and-pool lot has direct vehicular access to a designated arterial
6 improved to City standards;

7 c. The park-and-pool lot shall be located on an existing parking area
8 unless no reasonable alternative exists;

9 d. If the proposed park-and-pool lot is located on a lot containing
10 accessory parking for other uses, there shall be no substantial conflict in the principal operating
11 hours of the lot and the other uses; and

12 e. The park-and-pool lot is not located within 3,000 feet of downtown.

13 3. Except in the Duwamish Manufacturing/Industrial Center, lodging uses may be
14 permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), and
15 Industrial Buffer (IB) (~~and Industrial Commercial (IC)~~) zones according to the following
16 criteria:

17 a. The use is designed primarily to serve users in the industrial area; and

18 b. The use is designed and located to minimize conflicts with industrial
19 uses in the area.

20 4. A residential use not otherwise permitted in the zone may be permitted as a
21 conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), and Industrial Buffer
22 (IB) (~~and Industrial Commercial (IC)~~) zones within a structure designated as a Landmark,
23 pursuant to the (~~Seattle Municipal Code,~~) Chapter 25.12, Landmarks Preservation, or within a

1 structure in a Landmark District, pursuant to the ((~~Seattle Municipal Code,~~) Chapters 25.16,
2 Ballard Avenue Landmark District, or Chapter 25.28, Pioneer Square Historical District, subject
3 to the following criteria:

4 a. The use shall be compatible with the historic or landmark character of
5 the structure. The Director shall request a determination regarding compatibility by the
6 respective Board having jurisdiction over the structure or lot;

7 b. The residential use shall not restrict or disrupt industrial activity in the
8 zone, and

9 c. The surrounding uses would not be detrimental to occupants of the
10 Landmark structure.

11 5. High-impact uses may be permitted as a conditional use in General Industrial 1
12 (IG1), and General Industrial 2 (IG2) zones, according to the following criteria:

13 a. The lot is located so that large concentrations of people, particularly in
14 residential and commercial areas, are not exposed to unreasonable adverse impacts;

15 b. A management plan may be required. The Director may determine the
16 level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the
17 effects. Discussion of materials handling and storage, odor control, transportation and other
18 factors may be required.

19 6. A new railroad switchyard with a mechanized hump, or the expansion of such a
20 use beyond the lot occupied as of October 7, 1987, may be permitted as a conditional use in
21 General Industrial 1 (IG1) and General Industrial 2 (IG2) zones, according to the following
22 criteria:

1 a. The lot is located so that large concentrations of people, particularly in
2 residential and commercial areas, are not exposed to unreasonable adverse impacts;

3 b. Measures to minimize the impacts of noise, light, and glare, and other
4 measures to ensure the compatibility of the use with the surrounding area and to mitigate adverse
5 impacts shall be incorporated into the design and operation of the facility.

6 7. Solid waste transfer stations may be permitted as a conditional use in General
7 Industrial 1 (IG1), General Industrial 2 (IG2)(~~(, Industrial Commercial (IC))~~), and Industrial
8 Buffer (IB) zones according to the following criteria:

9 a. Measures to minimize potential odor emissions and airborne pollutants
10 shall be determined in consultation with the Puget Sound Clean Air Agency (PSCAA). These
11 measures shall be incorporated into the design and operation of the facility;

12 b. Measures to maximize control of rodents, birds, and other vectors shall
13 be determined in consultation with Public Health—Seattle (&) and King County. These
14 measures shall be incorporated into the design and operation of the facility;

15 c. The Director may require a transportation plan. The Director shall
16 determine the level of detail to be disclosed in the plan such as estimated trip generation, access
17 routes and surrounding area traffic counts, based on the probable impacts and/or scale of the
18 proposed facility; and

19 d. Measures to minimize other impacts are incorporated into the design
20 and operation of the facility.

21 e. For any portion of the principal structure containing the solid waste
22 management use that is located in an IB zone, the following standards apply:

1 i. Rooftop features on the principal structure shall not exceed the
2 maximum height limit of the zone.

3 j. All transfer, handling, and compacting of materials processed by the
4 solid waste management use shall be conducted within an enclosed structure.

5 k. Outdoor storage is prohibited.

6 8. Heavy (~~Manufacturing~~) manufacturing uses may be permitted in the
7 Industrial Buffer (IB) zone as a conditional use according to the following criteria:

8 a. The use shall be located within an enclosed building except for
9 shipbuilding;

10 b. The hours of operation for all processes creating any adverse impacts on
11 residentially or commercially zoned land may be limited;

12 c. Truck and service traffic associated with the heavy manufacturing use
13 shall be directed away from streets serving lots in nonindustrial zones;

14 d. The infrastructure of the area shall be capable of accommodating the
15 traffic generated by the proposed use; and

16 e. The use shall not produce sustained or recurrent vibrations exceeding
17 0.002g acceleration as measured on lots in nonindustrial zones.

18 ~~((9. The heavy manufacturing uses listed in subsection 23.50.014.B.9.a may be~~
19 ~~permitted in the Industrial Commercial (IC) zone as a conditional use according to criteria~~
20 ~~contained in subsection 23.50.014.B.9.b.~~

21 a. Uses

1 a. Whether the amount of medical service use development existing and
2 proposed in the vicinity would reduce the current viability or significantly impact the longer-
3 term potential of the manufacturing or heavy commercial character of the industrial area; and

4 b. Whether medical service use development would displace existing
5 manufacturing or heavy commercial uses or usurp vacant land, in areas with parcels particularly
6 suited for manufacturing or heavy commercial uses.

7 ~~((13))~~11. A nonconforming use may be converted by an administrative
8 conditional use authorization to a use not otherwise permitted in the zone based on the following
9 factors:

10 a. New uses shall be limited to those first permitted in the next more
11 intensive zone;

12 b. The Director shall evaluate the relative impacts of size, parking, traffic,
13 light, glare, noise, odor, and similar impacts of the two uses, and how these impacts could be
14 mitigated;

15 c. The Director must find that the new nonconforming use is no more
16 detrimental to property in the zone and vicinity than the existing nonconforming use.

17 ~~((14))~~12. An accessory hospital facility may be permitted as a conditional use
18 according to the following criteria:

19 a. The hospital facility is an integral element of a research and
20 development laboratory or an institute for advanced study to which it is accessory; and

21 b. The hospital use shall not be allowed in areas where industrial activity
22 may adversely affect hospital activity.

23 * * *

1 D. Council (~~Conditional Uses~~) conditional uses. The following uses are identified as
2 Council conditional uses on Table A of Section 23.50.012 and may be permitted by the Council
3 when provisions of this subsection 23.50.014.D and subsection 23.50.014.A are met:

4 1. Sewage treatment plants may be permitted as a Council conditional use in
5 General Industrial 1 (IG1), and General Industrial 2 (IG2) (~~and Industrial Commercial (IC)~~)
6 zones according to the following criteria:

7 a. The plant shall be located so that adverse impacts would not affect large
8 concentrations of people, particularly in residential and commercial areas;

9 b. The negative impacts of the use can be satisfactorily mitigated by
10 imposing conditions to protect other property in the zone or vicinity and to protect the
11 environment. Appropriate mitigation measures shall include but are not limited to:

12 ~~((1))~~ 1) A facility management and transportation plan shall be
13 required. The level and kind of detail to be disclosed in the plan shall be based on the probable
14 impacts and/or scale of the proposed facility, and shall at a minimum include discussion of
15 sludge transportation, noise control, and hours of operation, and shall be incorporated into the
16 design and operation of the facility;

17 ~~((2))~~ 2) Measures to minimize potential odor emission and
18 airborne pollutants including methane shall meet standards of and be consistent with best
19 available technology as determined in consultation with the Puget Sound Clean Air Agency
20 (PSCAA), and shall be incorporated into the design and operation of the facility;

21 ~~((3))~~ 3) Methods of storing and transporting chlorine and other
22 hazardous and potentially hazardous chemicals shall be determined in consultation with the
23 Seattle Fire Department and incorporated into the design and operation of the facility;

1 ~~((4))~~ 4) Vehicular access suitable for trucks shall be available or
2 provided from the plant to a designated arterial improved to City standards; and

3 ~~((5))~~ 5) Landscaping and screening, separation from less-
4 intensive zones, noise, light and glare controls, and other measures to insure the compatibility of
5 the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the
6 design and operation of the facility.

7 2. Heliports may be permitted as a Council conditional use in General Industrial 1
8 (IG1), and General Industrial 2 (IG2) (~~and Industrial Commercial (IC) Zones~~) zones according
9 to the following criteria:

10 a. The heliport: is to be used for the takeoff and landing and servicing of
11 helicopters (~~which~~) that serve a public safety, news gathering, or emergency medical care
12 function; is part of a City and regional transportation plan approved by the City Council and is a
13 public facility; or is part of a City and regional transportation plan approved by the City Council
14 and is not within (~~two thousand (2,000))~~ 2,000 feet of a residential zone;

15 b. A need shall be determined for the facility at the proposed location;

16 c. The heliport is located to minimize impacts, such as noise and dust
17 impacts, on lots in the surrounding area;

18 d. The lot is of sufficient size that the operations of the heliport and the
19 flight paths of helicopters are buffered from the surrounding area;

20 e. Open areas and landing pads are hard-surfaced; and

21 f. The heliport meets all federal requirements including those for safety,
22 glide angles, and approach lanes.

1 3. Airports may be permitted as a Council conditional use in the General
2 Industrial 1 (IG1)((,)) and General Industrial 2 (IG2) (~~and Industrial Commercial (IC)~~) zones
3 according to the following criteria:

- 4 a. A need shall be determined for the facility at the proposed location;
5 b. The impacts of the proposal shall be evaluated so that the negative
6 impacts can be satisfactorily mitigated by imposing conditions to protect other property in the
7 zone or vicinity and to protect the environment. Appropriate mitigation measures shall include,
8 but are not limited to:

9 ~~((1))~~ 1) The site shall be located so that adverse impacts
10 associated with landing and takeoff activities, including noise levels and safety conditions, will
11 not affect large numbers of people in the immediate vicinity as well as in the general landing
12 path of the flight pattern;

13 ~~((2))~~ 2) A facility management and transportation plan shall be
14 required. At a minimum, the facility management and transportation plan shall demonstrate noise
15 control, vehicle and service access, and hours of operation, and shall be incorporated into the
16 design and operation of the facility; and

17 ~~((3))~~ 3) Landscaping and screening, separation from less-
18 intensive zones, noise, light and glare controls, and other measures to insure the compatibility of
19 the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the
20 design and operation of the facility.

21 4. Solid waste incineration facilities may be permitted as a Council conditional
22 use in the General Industrial 1 (IG1) and General Industrial 2 (IG2) zones according to the
23 following criteria:

1 a. The lot is located so that large concentrations of people, particularly in
2 residential and commercial areas, are not exposed to unreasonable adverse impacts;

3 b. Measures to minimize odor emission and airborne pollutants shall be
4 determined in consultation with the Puget Sound Clean Air Agency (PSCAA). These measures
5 shall be incorporated into the design and operation of the facility;

6 c. A transportation plan may be required. The Director shall determine the
7 level of detail to be disclosed in the plan based on the probable impacts and/or scale of the
8 proposed facility.

9 ~~((5. Power plants may be permitted as a Council conditional use in the Industrial
10 Commercial (IC) zone according to the following criteria:~~

11 ~~a. The lot is located so that large concentrations of people, particularly in
12 residential and commercial areas, are not exposed to unreasonable adverse impacts;~~

13 ~~b. A facility management and transportation plan may be required. The
14 level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or
15 scale of the proposed facility, and may include discussion of transportation, noise control, and
16 hours of operation;~~

17 ~~c. Measures to minimize potential odor emission and airborne pollution
18 shall meet standards of the Puget Sound Clean Air Agency (PSCAA), and shall be incorporated
19 into the design and operation of the facility; and~~

20 ~~d. Landscaping and screening, separation from less intensive zones, noise,
21 light and glare controls, and other measures to insure the compatibility of the use with the
22 surrounding area and to mitigate adverse impacts shall be incorporated into the design and
23 operation of the facility.))~~

1 2. In all industrial zones, open railings, planters, skylights, clerestories,
2 greenhouses, solariums, parapets, and firewalls may extend 4 feet above the applicable height
3 limit with unlimited rooftop coverage. Insulation material, rooftop decks and other similar
4 features, or soil for landscaping located above the structural roof surface, may exceed the
5 maximum height limit by up to 2 feet if enclosed by parapets or walls that comply with this
6 subsection 23.50.020.A.2.

7 3. In all industrial zones, solar collectors may extend up to 7 feet above the
8 applicable height limit, with unlimited rooftop coverage.

9 4. Additional height is permitted for specified rooftop features according to this
10 subsection 23.50.020.A.4.

11 a. The following rooftop features may extend up to 15 feet above the
12 applicable height limit in all industrial zones, subject to subsection 23.50.020.A.4.c:

13 1) Solar collectors that exceed heights indicated by subsection
14 23.50.020.A.3;

15 2) Stair and elevator penthouses (~~(, except as provided in~~
16 ~~subsection 23.50.020.A.4.b));~~

17 3) Greenhouses and solariums;

18 4) Mechanical equipment; and

19 5) Minor communication utilities and accessory communication
20 devices, except that height is regulated according to Section 23.57.015.

21 (~~(b. In an IC 85-175 zone, elevator penthouses may extend up to 25 feet~~
22 ~~above the applicable height limit, subject to subsection 23.50.020.A.4.c.))~~

1 ~~extra floor area. Extra floor area means non-residential chargeable floor area allowed in addition~~
2 ~~to the base FAR under Chapter 23.58A. The second figure is the applicable height limit for all~~
3 ~~uses, on a lot that includes extra floor area, for a structure that complies with the conditions to~~
4 ~~extra floor area specified in Sections 23.50.028 and 23.50.033.)~~

5 Section 6. Section 23.50.027 of the Seattle Municipal Code, last amended by Ordinance
6 126685, is amended as follows:

7 **23.50.027 Maximum size of nonindustrial use**

8 A. Applicability

9 1. Except as otherwise provided in this Section 23.50.027, the maximum size of
10 use limits on gross floor area specified in Table A for 23.50.027 apply to principal uses on a lot,
11 and apply separately to the categories of uses. The total gross floor area occupied by uses limited
12 under Table A for 23.50.027 shall not exceed 2.5 times the area of the lot in an IG1, IG2, or
13 IB((~~or IC~~)) zone.

14 2. The combined square footage of any one business establishment located on
15 more than one lot is subject to the size limitations on ~~((non-industrial))~~ nonindustrial uses
16 specified in Table A for 23.50.027.

17 3. The maximum size of use limits in Table A for 23.50.027 do not apply to the
18 North Lake Union area identified in Map A for 23.50.027. In that area no single non-office use
19 listed in Table A for 23.50.027 may exceed 50,000 square feet in size.

Table A for 23.50.027					
Size of use limits in Industrial zones					
Uses subject to size limits	IG1 (in square feet)	IG2 (in square feet)	IB (in square feet)	((IC outside the Duwamish MIC))	((IC within the Duwamish MIC))
Animal shelters and kennels*	10,000 ((sq. ft.))	10,000 ((sq. ft.))	75,000 ((sq. ft.))	((75,000 sq. ft.))	((N.S.L., except 75,000 sq. ft. in IC 85-160 zone))
Drinking establishments**	3,000 ((sq. ft.))	3,000 ((sq. ft.))	N.S.L.	((N.S.L.))	((N.S.L.))
Entertainment*	10,000 ((sq. ft.)).***	10,000 ((sq. ft.))***	75,000 ((sq. ft.))	((75,000 sq. ft.))	((N.S.L., except 75,000 sq. ft. in IC 85-160 zone))
Lodging uses*	10,000 ((sq. ft.))	10,000 ((sq. ft.))	75,000 ((sq. ft.))	((75,000 sq. ft.))	((N.S.L., except 75,000 sq. ft. in IC 85-160 zone))
Medical services*	10,000 ((sq. ft.))	10,000 ((sq. ft.))	75,000 ((sq. ft.))	((75,000 sq. ft.))	((N.S.L., except 75,000 sq. ft. in IC 85-160 zone))
Office	10,000 ((sq. ft.))	25,000 ((sq. ft.))	100,000 ((sq. ft.))	((N.S.L.))	((N.S.L.))
Restaurants	5,000 ((sq. ft.))	5,000 ((sq. ft.))	N.S.L.	((N.S.L.))	((N.S.L.))
Retail sales, major durables	10,000 ((sq. ft.))	25,000 ((sq. ft.))	75,000 ((sq. ft.))	((75,000 sq. ft.))	((N.S.L., except 30,000 sq. ft. in IC 85-160 zone))

Table A for 23.50.027 Size of use limits in Industrial zones					
Uses subject to size limits	IG1 (in square feet)	IG2 (in square feet)	IB (in square feet)	((IC outside the Duwamish MIC))	((IC within the Duwamish MIC))
Sales and services, automotive	10,000 ((sq. ft.))	25,000 ((sq. ft.))	75,000 ((sq. ft.))	((75,000 sq. ft.))	((N.S.L.))
Sales and services, general	10,000 ((sq. ft.))	25,000 ((sq. ft.))	75,000 ((sq. ft.))	((75,000 sq. ft.))	((N.S.L., except 30,000 sq. ft. in IC 85-160 zone))
<p>Key for Table A for 23.50.027 N.S.L. = No size limit * Where permitted under Table A for 23.50.012. ** The size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes. *** The size limit for indoor sports and recreation is 50,000 sq. ft. for lots meeting the criteria of subsection ((23.50.027 H)) <u>23.50.027.H</u>.</p>					

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B. The following exceptions to the size limitations in Table A for 23.50.027 are allowed for a structure existing as of September 26, 2007:

1. A use legally established as of September 26, 2007, that already exceeds the size limitations listed in Table A for 23.50.027 may continue.

2. Subject to the limitations in subsection 23.50.027.E, the gross floor area of a use listed in Table A for 23.50.027 and legally established as of September 26, 2007, may be converted to another category of use listed in Table A for 23.50.027 provided that the combined gross floor area devoted to uses listed in Table A for 23.50.027 does not exceed the total gross floor area of such uses legally established as of September 26, 2007.

**Table A for 23.50.028
 Floor area ratio (FAR) limits**

Zone designation	FAR limits for all uses
((All IC zones except as otherwise stated in this table))	((2.75))
((IC 65 and IC 85 zones within the Stadium Transition Area Overlay District))	((3.25))
((IC 85-175 zone))	<p>((Base of 2.5 FAR for all permitted uses, except that the combined chargeable floor area of the following uses is limited to 1 FAR or 50,000 square feet, whichever is greater: entertainment uses; lodging uses; medical services; office; restaurant; major durables retail sales; automotive sales and services; religious facilities; and general sales and services. Maximum of 4.0⁺ except that, if the total chargeable floor area of uses identified in the base FAR column is greater than 4.0 FAR, that amount of floor area, not to exceed 50,000 square feet, is the maximum FAR.))</p>

((Footnote to Table A for 23.50.028
⁺All floor area above the base FAR, up to the maximum FAR, is considered extra floor area and must be achieved through the provisions of subsection 23.50.028.B and Chapter 23.58A.))

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((B. Extra floor area in IC 85-175

1. In an IC 85-175 zone, extra non-residential floor area as defined in Section 23.58A.004 may be added above the base FAR up to the maximum FAR allowed by Table A for 23.50.028 for development that satisfies all applicable conditions of Section 23.50.028, Section 23.50.033, and Chapter 23.58A.

1 a. ~~Twenty five percent of any extra non-residential floor area shall be~~
2 ~~gained through the transfer of TDR pursuant to Section 23.50.053.~~

3 b. ~~Seventy five percent of any extra non-residential floor area shall be~~
4 ~~gained as bonus non-residential floor area pursuant to Section 23.58A.024, or through the~~
5 ~~transfer of housing TDR under Section 23.50.053, or both.~~

6 2. ~~In an IC 85-175 zone, in addition to satisfying the conditions of subsection~~
7 ~~23.50.028.B.1, for development to exceed the base FAR on a lot that has an area of 50,000~~
8 ~~square feet or more, the Director shall make an individual determination of project impacts on~~
9 ~~the need for pedestrian facilities and complete a voluntary agreement between the property~~
10 ~~owner and the City to mitigate identified impacts, if any. The Director may consider the~~
11 ~~following as impact mitigation:~~

12 a. ~~Pedestrian walkways on a lot, including through block connections on~~
13 ~~through lots, where appropriate, to facilitate pedestrian circulation by connecting structures to~~
14 ~~each other and abutting streets;~~

15 b. ~~Sidewalk improvements, including sidewalk widening, to accommodate~~
16 ~~increased pedestrian volumes and streetscape improvements that will enhance pedestrian comfort~~
17 ~~and safety; and~~

18 c. ~~Measures that will contribute to the improvement of pedestrian~~
19 ~~facilities, such as the following improvements applicable to the vicinity north of South Royal~~
20 ~~Brougham Way and south of South Charles Street east of 4th Avenue South:~~

21 1) ~~Improvements to 6th Avenue South as the primary pedestrian~~
22 ~~and bicycle corridor connecting new development to the surrounding area and transit facilities;~~

1 e. Bicycle commuter shower facilities required by subsection

2 23.54.015.K.8.

3 ~~((2. In addition to areas exempt from FAR calculations in subsection~~
4 ~~23.50.028.C.1, within an IC 85-175 zone, the following exemptions from FAR calculations~~
5 ~~apply:~~

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

8 b. ~~All gross floor area for solar collectors and wind driven power~~
9 ~~generators.~~

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

12 1) ~~General sales and service uses;~~

13 2) ~~Eating and drinking establishments;~~

14 3) ~~Entertainment use;~~

15 4) ~~Public libraries;~~

16 5) ~~Child care centers;~~

17 6) ~~Religious facilities; and~~

18 7) ~~Automotive sales and service.))~~

19 ((~~3~~)2. In addition to areas exempt from FAR calculations in subsection
20 ~~((23.50.028.C.4))~~ 23.50.028.B.1, within IG1 and IG2 zones, the gross floor area of rooftop
21 recreational space accessory to office use meeting the standards of subsection 23.50.012.D is
22 exempt from FAR calculations.

1 ~~((D. Within IC 85-175 zones, gross floor area used for accessory parking within stories~~
2 ~~that are completely above finished grade is not exempt, except that in an IC 85-175 zone, if the~~
3 ~~Director finds, as a Type I decision, that locating all parking below grade is infeasible due to~~
4 ~~physical site conditions such as a high water table, contaminated soils conditions, or proximity to~~
5 ~~a tunnel, and that the applicant has placed or will place the maximum feasible amount of parking~~
6 ~~below or partially below grade, the Director may exempt all or a portion of accessory parking~~
7 ~~that is above finished grade. If any exemption is allowed under this subsection 23.50.028.D, all~~
8 ~~parking provided above grade shall be subject to the screening requirements of subsection~~
9 ~~23.50.038.B.6.))~~

10 Section 8. Section 23.50.032 of the Seattle Municipal Code, last amended by Ordinance
11 125603, is repealed:

12 ~~**((23.50.032 Industrial Commercial—Setback requirements**~~

13 ~~A. Setbacks From Residential Zones.~~

14 1. ~~A setback shall be required on lots which abut the intersection of a side and~~
15 ~~front lot line of a residentially zoned lot. The required setback shall be a triangular area. Two (2)~~
16 ~~sides of the triangle shall extend fifteen (15) feet from the intersection of the street property line~~
17 ~~and the property line abutting the residentially zoned lot. The third side shall connect these two~~
18 ~~(2) sides with a diagonal line across the lot. (See Exhibits 23.50.032 A and 23.50.032 B).~~

19 2. ~~A setback shall be required along any lot line which abuts a side or rear lot line~~
20 ~~of a residentially zoned lot, or which is across an alley from a residentially zoned lot as follows:~~

21 a. ~~Zero (0) feet for portions of structures twelve (12) feet in height or~~
22 ~~lower; and~~

1 Section 9. Section 23.50.033 of the Seattle Municipal Code, last amended by Ordinance
2 125291, is repealed:

3 ~~((23.50.033 Conditions for extra floor area in an IC 85-175 zone~~

4 ~~A. General. Projects in an IC 85-175 zone may add chargeable floor area above the base~~
5 ~~FAR up to the applicable maximum FAR in Section 23.50.028 if Sections 23.58A.022 and~~
6 ~~23.58A.024 for extra non-residential floor area and all the applicable conditions of this Chapter~~
7 ~~23.50 are satisfied. The provisions of this Section 23.50.033 apply to lots in an IC 85-175 zone,~~
8 ~~and only to development exceeding the base FAR.~~

9 ~~B. The applicant shall make a commitment that the proposed development will meet the~~
10 ~~green building standard, and shall demonstrate compliance with that commitment, all in~~
11 ~~accordance with Chapter 23.58D.~~

12 ~~C. Quantity of parking, ridesharing, and transit incentive program requirements.~~
13 ~~Maximum parking limits, ridesharing, and transit incentive program requirements for non-~~
14 ~~residential uses established for Downtown zones in subsections 23.49.019.C and 23.49.019.D~~
15 ~~apply, and requirements for bicycle parking established in subsection 23.49.019.E apply.~~

16 ~~D. Seattle Green Factor landscaping requirement. Development shall achieve a minimum~~
17 ~~Green Factor score of 0.30, calculated pursuant to Section 23.86.019.))~~

18 Section 10. Section 23.50.034 of the Seattle Municipal Code, last amended by Ordinance
19 124952, is repealed:

20 **23.50.034 Screening and landscaping**

21 The following types of screening and landscaping may be required according to the provisions of
22 Sections 23.50.036(~~(, 23.50.038,))~~ and 23.50.040:

23 A. Three-foot-high screening. Three-foot-high screening may be either:

- 1 1. A fence or wall at least 3 feet in height; or
- 2 2. A landscaped area with vegetation at least 3 feet in height. Landscaped areas
- 3 may include bioretention facilities or landscaped berms, provided that the top of the vegetation is
- 4 at least 3 feet above the grade abutting the facility or berm.

5 B. View-obscuring screening. View-obscuring screening may be either:

- 6 1. A fence or wall 6 feet in height; or
- 7 2. A landscaped area with vegetation at least 5 feet in height. Landscaped areas
- 8 may include bioretention facilities or landscaped berms, provided that the top of the vegetation
- 9 will be at least 5 feet above the grade abutting the facility or berm.

10 C. Landscaped areas. Each area required to be landscaped shall be planted with trees,

11 shrubs and grass, or evergreen ground cover, in a manner that the total required setback,

12 excluding driveways, will be covered in three years. Features such as walkways, decorative

13 paving, sculptures, or fountains may cover a maximum of 30 percent of each required landscaped

14 area.

15 D. Street trees. When required, street trees shall be provided in the planting strip

16 according to Seattle Department of Transportation Tree Planting Standards. If it is not feasible to

17 plant street trees in the planting strip according to City standards, they shall be planted in the 5-

18 foot deep landscaped setback area along the street property line. Trees planted in this setback

19 area shall be at least 2 feet from the street lot line.

20 E. Combinations of screening and landscaping requirements

- 21 1. When there is more than one type of use which requires screening or
- 22 landscaping, the requirement which results in the greater amount of screening and landscaping
- 23 shall be followed.

1 2. Different types of screening or landscaping may be combined on one lot.

2 F. Landscaping meeting Seattle Green Factor standards, pursuant to Section 23.86.019.

3 Section 11. Section 23.50.038 of the Seattle Municipal Code, last amended by Ordinance
4 126685, is repealed:

5 ~~((23.50.038 Industrial Commercial – Screening and landscaping~~

6 A. ~~Screening and landscaping requirements for all uses~~

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

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

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

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

15 2. ~~Standards. All landscaping provided to meet requirements under this Section~~
16 ~~23.50.038 must meet standards promulgated by the Director to provide for the long-term health,~~
17 ~~viability and coverage of plantings. The standards may include, but are not limited to, the type~~
18 ~~and size of plants, number of plants, concentration of plants, depths of soil, use of low water use~~
19 ~~plants and access to light and air for plants.~~

20 3. ~~All uses shall provide street trees, unless it is determined by the Director to be~~
21 ~~infeasible. If it is not feasible to plant street trees in the planting strip, then they shall be provided~~
22 ~~in the required 5-foot deep landscaped area along street lot lines.~~

23 B. ~~Treatment of blank facades.~~

1 1. ~~Blank facade limits apply to the area of the facade between 2 and 8 feet above~~
2 ~~the sidewalk.~~

3 a. ~~Any portion of a facade that is not transparent shall be considered to be~~
4 ~~a blank facade. Clear or lightly tinted glass in windows, doors and display windows shall be~~
5 ~~considered transparent. Transparent areas shall allow views into the structure or into display~~
6 ~~windows from the outside.~~

7 b. ~~Portions of a facade of a structure that are separated by transparent areas~~
8 ~~of at least 2 feet in width shall be considered separate facade segments for the purposes of this~~
9 ~~subsection 23.50.038.B.~~

10 c. ~~Except as provided for in subsection 23.50.038.C.6, blank segments of~~
11 ~~facades that are 60 feet wide and greater, and within 20 feet of the street lot line shall be screened~~
12 ~~by one of the following:~~

13 1) ~~A hedge that will achieve a height of at least 5 feet within 3~~
14 ~~years of planting and a height of at least 10 feet at full maturity; or~~

15 2) ~~Trellises and vining plants attached to the wall up to a minimum~~
16 ~~height of 10 feet; or~~

17 3) ~~A landscaped area meeting subsection 23.50.034.C, landscaped~~
18 ~~areas or berms.~~

19 d. ~~The following limits on blank facade segments apply to lots in an IC~~
20 ~~85-160 zone:~~

21 1) ~~For facades facing streets that bound the Downtown Urban~~
22 ~~Center or streets shown on Map A for Section 23.50.016, blank facade segments shall not exceed~~
23 ~~15 feet in width, except that:~~

1 a) the width of a blank façade segment that includes a
2 garage door may exceed 15 feet but is limited to the width of the driveway plus 5 feet; and

3 b) the width of a blank façade segment may be increased to
4 up to 30 feet if the Director determines, as a Type I decision, that the facade is sufficiently
5 enhanced by architectural detailing, artwork, landscaping, or similar features that have visual
6 interest.

7 2) For all other street level street facing facades, if the street level
8 is occupied by uses other than parking, blank facade segments are limited to a width of 30 feet,
9 except that:

10 a) the width of a blank façade segment that includes a
11 garage door may exceed 30 feet but is limited to the width of the driveway plus 5 feet; and

12 b) the width of a blank façade segment may be increased to
13 up to 60 feet if the Director determines, as a Type I decision, that the facade is sufficiently
14 enhanced by architectural detailing, artwork, landscaping, or similar features that have visual
15 interest.

16 3) If the street level of the street facing façade is occupied by
17 parking, subsection 23.50.038.C.6 applies.

18 ~~C. Additional Screening and Landscaping Requirements for Specific Uses.~~

19 ~~1. Surface parking areas for more than five vehicles~~

20 a. If a surface parking area abuts a lot in an NC1, NC2, NC3 or C1 zone,
21 view obscuring screening along the abutting lot lines shall be provided.

22 b. If a surface parking area is across an alley from a lot in a residential zone, view
23 obscuring screening shall be required. A 5 foot deep landscaped area shall be required inside the

1 ~~screening. The Director may reduce or waive the screening and landscaping requirement for all~~
2 ~~or a part of the lot abutting the alley, or may waive only the landscaping requirement, if required~~
3 ~~parking can only be provided at the rear lot line and the alley is necessary to provide aisle space.~~
4 ~~In making the determination to waive or reduce the landscaping and screening requirements, the~~
5 ~~Director shall consider the following criteria:~~

6 1) ~~Whether the lot width and depth permits a workable plan for the~~
7 ~~building and parking which would preserve the screening and landscaping; and~~

8 2) ~~Whether the character of use across the alley, such as multi-~~
9 ~~family parking structures or single family garages, make the screening and landscaping less~~
10 ~~necessary; and~~

11 3) ~~Whether a topographic break between the alley and the~~
12 ~~residential zone makes screening less necessary.~~

13 c. ~~If a surface parking area or off street loading area is directly across a~~
14 ~~street 80 feet or less in width from a lot in a residential zone, a 5 foot deep landscaped setback~~
15 ~~area from the street lot line, including street trees, shall be provided. Three foot high screening~~
16 ~~along the edge of the setback, with the landscaping on the street side of the screening, shall be~~
17 ~~provided.~~

18 d. ~~If a surface parking area or off street loading area abuts a lot in a~~
19 ~~residential zone, view obscuring screening and a 5 foot deep landscaped setback area on the~~
20 ~~inside of the screening shall be provided.~~

21 e. ~~Surface parking areas for ten or fewer cars shall be screened by 3 foot~~
22 ~~high screening along the street lot line.~~

1 ~~f. Surface parking areas for more than ten cars shall be screened by 3 foot~~
2 ~~high screening and street trees along the street lot lines.~~

3 ~~g. Surface parking areas for more than 50 cars shall provide 3 foot high~~
4 ~~screening and street trees along the street lot lines, as well as interior landscaping.~~

5 ~~2. Parking Structures.~~

6 ~~a. If a parking structure is directly across a street 80 feet or less in width~~
7 ~~from a lot in a residential zone, a 5 foot deep landscaped setback area from the street lot line,~~
8 ~~including street trees, shall be provided. The street facing facade of each floor of parking shall~~
9 ~~have an opaque screen at least 3.5 feet high.~~

10 ~~b. If a parking structure abuts a lot in a residential zone, a 5 foot deep~~
11 ~~landscaped setback area from the lot line shall be provided unless the parking structure is~~
12 ~~completely enclosed except for driveway areas. In addition to the landscaped setback, view-~~
13 ~~obscuring screening shall be provided along abutting lot line(s). If the parking structure is~~
14 ~~enclosed by a solid wall, any setback area provided within 5 feet of the abutting lot lines shall be~~
15 ~~landscaped. The abutting facade of each floor of parking not enclosed by a solid wall shall have~~
16 ~~an opaque screen at least 3.5 feet high.~~

17 ~~c. If a parking structure is across an alley from a lot in a residential zone, a~~
18 ~~5 foot deep landscaped setback area from the alley lot line shall be provided, unless the parking~~
19 ~~structure is completely enclosed, except for driveway areas. Three foot high screening along the~~
20 ~~facade facing the alley with the landscaping on the alley side of the screening shall be provided.~~
21 ~~If the parking structure is enclosed by a solid wall, any setback area provided within 5 feet of the~~
22 ~~alley lot line shall be landscaped. The abutting or alley facade of each floor of parking shall have~~
23 ~~an opaque screen at least 3.5 feet high.~~

1 ~~d. If a parking structure is directly across a street wider than 80 feet from a~~
2 ~~lot in a residential zone, street trees shall be provided.~~

3 ~~e. If a parking structure is directly across a street 80 feet or less in width~~
4 ~~from a lot in a commercial zone, street trees shall be provided.~~

5 ~~3. Outdoor Sales and Outdoor Display of Rental Equipment.~~

6 ~~a. If an outdoor sales area or outdoor display of rental equipment is across~~
7 ~~an alley from a lot in a residential zone, or abutting a lot in a residential or commercial zone,~~
8 ~~view obscuring screening shall be provided along the abutting or alley lot lines.~~

9 ~~b. If an outdoor sales area or outdoor display of rental equipment is~~
10 ~~directly across the street from a lot in a residential or commercial zone, street trees and 3 foot~~
11 ~~high screening along the street front shall be provided.~~

12 ~~4. Drive in Businesses Including Gas Stations.~~

13 ~~a. Drive in businesses across an alley from a lot in a residential zone shall~~
14 ~~provide view obscuring screening along the alley lot lines.~~

15 ~~b. Drive in businesses in which the drive in portion of the business is~~
16 ~~directly across a street 80 feet or less in width from a lot in a residential zone shall provide 3 foot~~
17 ~~high screening for the drive in portion and street trees.~~

18 ~~c. If a drive in business is directly across a street wider than 80 feet from a~~
19 ~~lot in a residential zone, street trees shall be provided.~~

20 ~~d. Drive in businesses abutting a lot in a residential zone shall provide~~
21 ~~view obscuring screening and a 5 foot deep landscaped setback area inside the screening.~~

22 ~~5. Outdoor Storage and Outdoor Loading Berths.~~

1 a. ~~Outdoor storage and outdoor loading berths directly across a street 80~~
2 ~~feet or less in width from a lot in an NC1, NC2, NC3 or C1 zone shall provide view-obscuring~~
3 ~~screening along the street lot lines and street trees.~~

4 b. ~~If the outdoor storage or outdoor loading berth is directly across a street~~
5 ~~80 feet or less in width from a lot in a residential zone, view-obscuring screening shall be~~
6 ~~provided. A 5-foot deep landscaped area including street trees shall be provided between the lot~~
7 ~~line and the view-obscuring screening.~~

8 c. ~~If outdoor storage or an outdoor loading berth is directly across a street~~
9 ~~wider than 80 feet from a lot in a residential zone, view-obscuring screening and street trees shall~~
10 ~~be provided.~~

11 d. ~~If outdoor storage or an outdoor loading berth is across an alley from a~~
12 ~~lot in a residential zone, view-obscuring screening shall be provided. A 5-foot deep landscaped~~
13 ~~area shall be provided between the lot line and the view-obscuring screening, unless the~~
14 ~~industrial lot is at least 15 feet above the elevation of the residential lot or the screen is a solid~~
15 ~~wall.~~

16 e. ~~If the outdoor storage or outdoor loading berth abuts a lot in a~~
17 ~~residential zone, view-obscuring screening and a 15-foot deep landscaped area inside the~~
18 ~~screening shall be provided along the abutting lot line.~~

19 6. ~~Solid waste transfer stations.~~

20 a. ~~All solid waste transfer stations shall provide landscaping meeting a~~
21 ~~minimum Green Factor score of 0.40, pursuant to Section 23.86.019. If the transfer station is part~~
22 ~~of a development located on separate parcels within 200 feet of each other, Green Factor scoring~~
23 ~~may be calculated for the multiple parcels considered as a whole. If the parcels are in zones~~

1 ~~having different Green Factor minimum scores, the development considered as a whole shall~~
2 ~~meet the highest applicable, minimum Green Factor score.~~

3 ~~b. Solid waste transfer stations abutting or across the street from a lot in a~~
4 ~~commercial or residential zone, shall provide screening pursuant to Section 23.50.034.B.~~

5 ~~7. Fences or free standing walls associated with utility services uses may obstruct~~
6 ~~or allow views to the interior of a site. Where site dimensions and site conditions allow,~~
7 ~~applicants are encouraged to provide both a landscaped setback between the fence or wall and~~
8 ~~the right of way, and a fence or wall that provides visual interest facing the street lot line,~~
9 ~~through the height, design or construction of the fence or wall, including the use of materials,~~
10 ~~architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. If~~
11 ~~abutting or across the street from a lot in a residential, commercial, or downtown zone, fences or~~
12 ~~free standing walls for a utility services use must provide either:~~

13 ~~a. A 5 foot deep landscaped area between the wall or fence and the street~~
14 ~~lot line; or~~

15 ~~b. Architectural detailing, artwork, vegetated trellises, decorative fencing,~~
16 ~~or similar features to provide visual interest facing the street lot line, as approved by the Director.~~

17 ~~8. Screening and location of parking in an IC 85-175 zone. Those developments~~
18 ~~that gain extra floor area above the base FAR in an IC 85-175 zone are subject to the following,~~
19 ~~in addition to any other applicable parking screening requirements in this subsection~~
20 ~~23.50.038.C.~~

21 ~~a. All parking permitted on the lot shall be provided below grade or~~
22 ~~enclosed within a structure.~~

23 ~~b. Parking at street level.~~

1 ~~another use shall be provided at the corner portion(s) of the structure for a minimum of 15~~
2 ~~percent of the length of each street facing façade.~~

3 ~~3) For all parking located on stories above street level that is not separated~~
4 ~~from the street by another use, the parking shall be screened from view at street level, and,~~
5 ~~through the use of materials, fenestration, or other architectural treatment, the screening shall be~~
6 ~~designed to provide visual interest and to integrate the screened portions of the building façade~~
7 ~~with the overall design of the structure's street facing facades.~~

8 ~~4) The Director may permit, as a Type I decision, exceptions to subsection~~
9 ~~23.50.038.C.6.c to permit more parking above street level than otherwise allowed, if the Director~~
10 ~~finds that locating permitted parking below grade is infeasible due to physical site conditions~~
11 ~~such as a high water table, contaminated soil conditions, or proximity to a tunnel. In such cases,~~
12 ~~the Director shall determine the maximum feasible amount of parking that can be provided~~
13 ~~below grade, if any, and the amount of additional parking to be permitted above street level.))~~

14 Section 12. Section 23.50.039 of the Seattle Municipal Code, last amended by Ordinance
15 125291, is repealed :

16 ~~((23.50.039 Street level use requirements in an IC 85-175 zone~~

17 ~~A. In an IC 85-175 zone, on lots that abut 4 th Avenue South or 6th Avenue South~~
18 ~~between Airport Way South and South Royal Brougham Way, one or more of the following~~
19 ~~street level uses are required, consistent with the standards in subsection 23.50.039.B:~~

- 20 ~~1. General sales and service uses;~~
- 21 ~~2. Automotive sales and service~~
- 22 ~~3. Eating and drinking establishments;~~
- 23 ~~4. Entertainment uses;~~

1 ~~5. Child care facilities;~~

2 ~~6. Public libraries;~~

3 ~~7. Public parks; and~~

4 ~~8. Religious facilities.~~

5 ~~B. Street level uses shall be provided consistent with the following standards:~~

6 ~~1. Along streets requiring street level uses, a minimum of 75 percent of the street~~
7 ~~level of each street facing facade shall be occupied by street level uses listed in subsection~~
8 ~~23.50.039.A. The remaining portion of the street level of the street facing facade may contain~~
9 ~~other permitted uses and/or pedestrian or vehicular entrances.~~

10 ~~2. Required street level uses shall be located in a space with a minimum floor to~~
11 ~~floor height of 13 feet and a minimum depth of 15 feet measured from the street facing facade.~~

12 ~~3. Required street level uses shall be located within 10 feet of the street lot line.~~

13 ~~4. Except for child care facilities, pedestrian access to required street level uses~~
14 ~~shall be provided directly from the street or other open area with access to a street. Pedestrian~~
15 ~~entrances shall be located no more than 3 feet above or below sidewalk grade or at the same~~
16 ~~elevation as any abutting open area.~~

17 Section 13. Section 23.50.041 of the Seattle Municipal Code, enacted by Ordinance
18 125291, is repealed.

19 ~~((23.50.041 Mandatory housing affordability (MHA)~~

20 ~~The provisions of Chapter 23.58B apply in IC 85 175 zones.))~~

1 Section 14. Section 23.50.046 of the Seattle Municipal Code last amended by Ordinance
2 121477, is amended as follows:

3 **23.50.046 Industrial Buffer (~~(and Industrial Commercial)~~) zone—Light and glare**
4 **standards(~~(s)~~)**

5 * * *

6 C. When nonconforming exterior lighting (~~(in an Industrial Buffer (IB) or Industrial~~
7 ~~Commercial (IC) zone))~~) is replaced, new lighting shall conform to the requirements of this
8 (~~(section)~~) Section 23.50.046.

9 * * *

10 Section 15. Section 23.50.053 of the Seattle Municipal Code, last amended by Ordinance
11 125791, is repealed:

12 ~~((23.50.053 Transfer of development rights within an IC 85-175 zone~~

13 ~~A. General standards for the transfer of transferable development rights (TDR) to lots in~~
14 ~~an IC 85-175 zone~~

15 ~~1. To achieve extra non-residential floor area above the base FAR that may be~~
16 ~~allowed in an IC 85-175 zone pursuant to Section 23.50.028, an applicant may use TDR to the~~
17 ~~extent permitted under this subsection 23.50.053.A.~~

18 ~~2. South Downtown Historic TDR, open space TDR from zones within South~~
19 ~~Downtown, and housing TDR eligible to be transferred from a lot under Section 23.49.014 may~~
20 ~~be transferred from a Downtown zone to a lot eligible as a receiving site in an IC 85-175 zone.~~
21 ~~No other TDR may be used in an IC 85-175 zone under this Section 23.50.053.~~

22 ~~3. Except as expressly permitted pursuant to subsection 23.50.053.A,~~
23 ~~development rights or potential floor area may not be transferred to a lot in an IC 85-175 zone.~~

1 4. ~~No permit after the first building permit, no permit for any construction activity~~
2 ~~other than excavation and shoring, and no permit for occupancy of existing floor area by any use~~
3 ~~based upon TDR will be issued for development that includes TDR until the applicant's~~
4 ~~possession of TDR is demonstrated to the satisfaction of the Director.~~

5 B. ~~Transfer of Transferable Development Rights deeds and agreements. This subsection~~
6 ~~23.50.053.B applies to sending lots in IC zones, and to the use of TDR on receiving lots in IC~~
7 ~~zones regardless of whether the TDR are from a sending lot in an IC zone. If TDR from other~~
8 ~~zones are used on a receiving lot in an IC zone, then the provisions applicable to sending lots in~~
9 ~~the chapter(s) of this Title 23 for the zone(s) in which the sending lots are located apply.~~

10 1. ~~The fee owners of the sending lot shall execute a deed, and shall obtain the~~
11 ~~release of the TDR from all liens of record and the written consent of all holders of~~
12 ~~encumbrances on the sending lot other than easements and restrictions, unless such release or~~
13 ~~consent is waived by the Director for good cause. The deed shall be recorded in the King County~~
14 ~~real property records. If TDR are conveyed to the owner of a receiving lot described in the deed,~~
15 ~~then unless otherwise expressly stated in the deed or any subsequent instrument conveying such~~
16 ~~lot or the TDR, the TDR shall pass with the receiving lot whether or not a structure using such~~
17 ~~TDR shall have been permitted or built prior to any conveyance of the receiving lot. Any~~
18 ~~subsequent conveyance of TDR previously conveyed to a receiving lot shall require the written~~
19 ~~consent of all parties holding any interest in or lien on the receiving lot from which the~~
20 ~~conveyance is made. If the TDR are transferred other than directly from the sending lot to the~~
21 ~~receiving lot using the TDR, then after the initial transfer, all subsequent transfers also shall be~~
22 ~~by deed, duly executed, acknowledged and recorded, each referring by King County recording~~
23 ~~number to the prior deed.~~

1 2. ~~Any person may purchase any TDR that are eligible for transfer by complying~~
2 ~~with the applicable provisions of this Section 23.50.053, whether or not the purchaser is then an~~
3 ~~applicant for a permit to develop real property. Any purchaser of such TDR (including any~~
4 ~~successor or assignee) may use such TDR to obtain floor area above the applicable base on a~~
5 ~~receiving lot to the extent such use of TDR is permitted under the Land Use Code provisions in~~
6 ~~effect on the date of vesting, under applicable law, of such person's rights with respect to the~~
7 ~~issuance of permits for development of the project intended to use such TDR. The Director may~~
8 ~~require, as a condition of processing any permit application using TDR or for the release of any~~
9 ~~security posted in lieu of a deed for TDR to the receiving lot, that the owner of the receiving lot~~
10 ~~demonstrate that the TDR have been validly transferred of record to the receiving lot, and that~~
11 ~~such owner has recorded in the real estate records a notice of the filing of such permit~~
12 ~~application, stating that such TDR are not available for retransfer.~~

13 3. ~~For transfers of Landmark TDR, the owner of the sending lot shall execute and~~
14 ~~record an agreement in form and content acceptable to the Landmarks Preservation Board~~
15 ~~providing for the restoration and maintenance of the historically significant features of the~~
16 ~~structure or structures on the lot.~~

17 4. ~~For transfers of housing TDR, the owner of the sending lot shall execute and~~
18 ~~record an agreement, with the written consent of all holders of encumbrances on the sending lot,~~
19 ~~unless such consent is waived by the Director of Housing for good cause, to provide for the~~
20 ~~maintenance of the required housing on the sending lot for a minimum of 50 years. Such~~
21 ~~agreement shall commit to limits on rent and occupancy consistent with the definition of housing~~
22 ~~TDR site and acceptable to the Director of Housing.~~

1 5. ~~A deed conveying TDR may require or permit the return of the TDR to the~~
2 ~~sending lot under specified conditions, but notwithstanding any such provisions:~~

3 a. ~~The transfer of TDR to a receiving lot shall remain effective so long as~~
4 ~~any portion of any structure for which a permit was issued based upon such transfer remains on~~
5 ~~the receiving lot; and~~

6 b. ~~The City shall not be required to recognize any return of TDR unless it~~
7 ~~is demonstrated that all parties in the chain of title have executed, acknowledged and recorded~~
8 ~~instruments conveying any interest in the TDR back to the sending lot and any lien holders have~~
9 ~~released any liens thereon.~~

10 6. ~~Any agreement governing the use or development of the sending lot shall~~
11 ~~provide that its covenants or conditions shall run with the land and shall be specifically~~
12 ~~enforceable by the City of Seattle.~~

13 C. ~~Time of determination of TDR Eligible for transfer. The eligibility of a sending lot to~~
14 ~~transfer TDR, and the amount transferable from a sending lot, shall be determined as of the date~~
15 ~~of transfer from the sending lot and shall not be affected by the date of any application, permit~~
16 ~~decision or other action for any project seeking to use such TDR.~~

17 D. ~~Use of previously transferred TDR by new projects. Any project using TDR according~~
18 ~~to applicable limits on TDR in this Section 23.50.053 may use TDR that were transferred from~~
19 ~~the sending lot consistent with the provisions of this Title 23 in effect at the time of such transfer.~~

20 E. ~~Rules. The Director may promulgate rules to implement this Section 23.50.053.)~~

1 Section 16. Section 23.50.055 of the Seattle Municipal Code, last amended by Ordinance
2 125791, is repealed:

3 ~~((23.50.055 Street-facing facade requirements and upper-level development standards in an~~
4 ~~IC 85-175 zone~~

5 ~~The following development standards apply to all lots within an IC 85-175 zone:~~

6 ~~A. Street-facing facade requirements. For purposes of this Section 23.50.055, balcony~~
7 ~~railings and other non-structural features or non-structural walls are not considered parts of the~~
8 ~~facade.~~

9 ~~1. Minimum facade height. A minimum facade height of 25 feet is required for~~
10 ~~facades that face streets shown on Map A for 23.50.016, Industrial Streets Landscaping Plan.~~
11 ~~The minimum facade height for facades facing other streets is 15 feet. A minimum facade height~~
12 ~~does not apply if all portions of a structure are lower than the applicable minimum facade height.~~

13 ~~2. Facade setback limits. The total area of street level setbacks between the street~~
14 ~~lot line and the street-facing facade is limited to the area determined by multiplying the~~
15 ~~averaging factor by the width of the structure measured parallel to the abutting street.~~

16 ~~a. The averaging factor is five for facades that face streets shown on Map~~
17 ~~A for 23.50.016.~~

18 ~~b. For all other street-facing facades, the averaging factor is ten.~~

19 ~~c. The maximum width, measured along the street lot line, of any setback~~
20 ~~area exceeding a depth of 15 feet from the street lot line is 80 feet, or 30 percent of the lot~~
21 ~~frontage on that street, whichever is less.~~

22 ~~d. For all lots subject to facade setback limits, the following conditions~~
23 ~~apply:~~

1 ~~1) Parking is prohibited between the facade and the street lot line.~~

2 ~~2) The maximum setback of the facade from street lot lines within~~
3 ~~20 feet of an intersection is 10 feet.~~

4 ~~e. If the presence of a utility easement or other condition requires the~~
5 ~~street facing facade to set back from the street lot line, the Director may, as a Type I decision,~~
6 ~~select another line to apply the standards of subsection 23.50.055.A.2. If sidewalk widening into~~
7 ~~the lot is required as mitigation pursuant to subsection 23.50.028.B, the setback area permitted~~
8 ~~by the applicable averaging factor shall be measured from the new edge of the sidewalk within~~
9 ~~the lot rather than the street lot line.~~

10 ~~3. Principal pedestrian entrances. A principal pedestrian entrance to a structure is~~
11 ~~required on facades facing streets shown on Map A for 23.50.016, Industrial Streets Landscaping~~
12 ~~Plan.~~

13 ~~4. Facade transparency requirements. Facade transparency requirements apply to~~
14 ~~the area of the facade between 2 feet and 8 feet above the sidewalk. Only clear or lightly tinted~~
15 ~~glass in windows, doors, and display windows is considered to be transparent. Transparent areas~~
16 ~~shall allow views into the structure or into display windows from the outside.~~

17 ~~a. For facades facing a street shown on Map A for 23.50.016, Industrial~~
18 ~~Streets Landscaping Plan, a minimum of 60 percent of a street facing facade shall be transparent.~~

19 ~~b. For facades facing all other streets, a minimum of 40 percent of the~~
20 ~~street facing facade shall be transparent.~~

21 ~~B. Upper level development standards~~

22 ~~1. Facade modulation~~

1 a. For structures exceeding 85 feet in height, modulation is required for the
2 portion of a street-facing facade above 65 feet in height if any part of the facade above that
3 height is located less than 15 feet from street lot lines. No modulation is required for portions of
4 a facade set back 15 feet or more from street lot lines.

5 b. For portions of structures subject to the modulation requirements of
6 subsection 23.50.055.B, the maximum length of a street-facing facade without modulation is
7 prescribed in Table A for 23.50.055. For purposes of this subsection 23.50.055.B, length is
8 measured parallel to each street lot line, and includes projections from the street-facing facade,
9 such as balconies, within 15 feet of street lot lines or their projection.

Table A for 23.50.055
Facade modulation in an IC 85-175 zone for structures exceeding 85 feet in height

Height of portion of structure (in feet)	Maximum length of unmodulated facade if less than 15 feet from street lot line (in feet)
65 or less	No limit
Greater than 65 up to 125	155
Greater than 125	125

10 c. Any portion of a facade subject to modulation under subsection
11 23.50.055.B.1.a that exceeds the maximum length of facade prescribed in Table A for 23.50.055
12 must include a portion set back a minimum depth of 15 feet from street lot lines for a minimum
13 length of 60 feet.

14 2. Floor area limit. The maximum floor area for any story wholly or in part above
15 85 feet in height is 25,000 square feet.

1 ~~3. Minimum separation. At all levels above a height of 85 feet, separate structures~~
2 ~~on a lot and separate portions of the same structure must be separated at all points by a minimum~~
3 ~~horizontal distance of 60 feet.))~~

4 Section 17. Section 23.42.126 of the Seattle Municipal Code, last amended by Ordinance
5 124883, is amended as follows:

6 **23.42.126 ((-)) Outdoor storage areas nonconformity**

7 A. An outdoor storage area nonconforming as to screening and landscaping shall be
8 required to be screened and landscaped at the time of any structural alteration or expansion of the
9 outdoor storage area or the structure with which it is associated according to the provisions of:

- 10 1. Subsection 23.47A.016.D.2, if located in a NC zone or C zone;
- 11 2. Section 23.48.055, if located in the SM zone;
- 12 3. Subsection 23.50.016.C, if located on an industrial street designated for

13 landscaping; and/or

- 14 4. Section 23.50.036, if located in an IB zone(~~and/or~~

15 ~~5. Section 23.50.038, if located in an IC zone)).~~

16 * * *

17 Section 18. Section 23.49.014 of the Seattle Municipal Code, last amended by Ordinance
18 126157, is amended as follows:

19 **23.49.014 ((-))Transfer of development rights**

20 * * *

21 G. TDR satisfying conditions to transfer under prior code

22 1. If the conditions to transfer Landmark TDR, as in effect immediately prior to
23 August 26, 2001, were satisfied on or before December 31, 2001, such TDR may be transferred

1 from the sending lot in the amounts eligible for transfer as determined under the provisions of
2 this Title 23 in effect immediately prior to August 26, 2001. If the conditions to transfer housing
3 TDR were satisfied prior to August 26, 2001, under the provisions of this Title 23 then in effect,
4 such TDR may be transferred from the sending lot in the amounts eligible for transfer
5 immediately prior to that date. If the conditions to transfer TDR from a major performing arts
6 facility were satisfied prior to August 26, 2001, under the provisions of this Title 23 then in
7 effect, such TDR may be transferred from the sending lot after that date, for use on any receiving
8 lots in zones where housing TDR may be used according to Table A for 23.49.014 (~~or as~~
9 ~~provided in Section 23.50.053~~), in an amount as determined under subsection 23.49.014.B,
10 provided that the cumulative amount of TDR that may be transferred after June 1, 2005, from
11 any sending lot based on the presence of a major performing arts facility is limited to 150,000
12 square feet.

13 2. For purposes of this subsection 23.49.014.G, conditions to transfer include,
14 without limitations, the execution by the owner of the sending lot, and recording in the King
15 County real property records, of any agreement required by the provisions of this Title 23 or the
16 Public Benefit Features Rule in effect immediately prior to August 26, 2001, but such conditions
17 do not include any requirement for a master use permit application for a project intending to use
18 TDR, or any action connected with a receiving lot. TDR transferable under this subsection
19 23.49.014.G are eligible either for use consistent with the terms of Section 23.49.011 or for use
20 by projects developed pursuant to permits issued under the provisions of this Title 23 in effect
21 prior to August 26, 2001. The use of TDR transferred under this subsection 23.49.014.G on the
22 receiving lot shall be subject only to those conditions and limits that apply for purposes of the
23 master use permit decision for the project using the TDR.

1 * * *

2 Section 19. Section 23.69.022 of the Seattle Municipal Code, last amended by Ordinance
3 123963, is amended as follows:

4 **23.69.022 ((-))Uses permitted within 2,500 feet of a Major Institution Overlay District**

5 * * *

6 B. A medical service use that is over 10,000 square feet shall be permitted to locate
7 within 2,500 feet of a medical MIO District only as an administrative conditional use subject to
8 the conditional use requirements of subsection 23.47A.006.A.4 or subsection ((23.50.014.B.12))
9 23.50.014.B.10.

10 * * *

11 Section 20. Section 23.74.010 of the Seattle Municipal Code, last amended by Ordinance
12 125791, is amended as follows:

13 **23.74.010 ((-)) Development standards**

14 * * *

15 C. Pedestrian environment. The following development standards apply to each use and
16 structure, except spectator sports facilities, to the extent that the use or structure either is on a lot
17 fronting on Railroad Way South, First Avenue South, South Holgate between First Avenue
18 South and Occidental Avenue South, or Occidental Avenue South, or is within a 40-foot radius
19 measured from any of the block corners of First Avenue South or Occidental Avenue South
20 intersecting with the following streets: Railroad Way South, South Royal Brougham, South
21 Atlantic, South Massachusetts, South Holgate, and any other streets intersecting with First
22 Avenue or Occidental Avenue South that may be established between South Holgate Street and
23 Railroad Way South, as depicted in Map A for 23.74.010. Railroad Way South, First Avenue

1 South, South Holgate Street, and Occidental Avenue South within the Stadium Transition Area
2 Overlay District, and all street areas within a 40-foot radius of any of those block corners
3 described above, are referred to in this Section 23.74.010 as the "pedestrian environment," except
4 that in applying this Section 23.74.010 to a through lot abutting on Occidental Avenue South and
5 on First Avenue South, Occidental Avenue South is not considered part of the pedestrian
6 environment.

7 1. Street-facing facade requirements. The following requirements apply to street-
8 facing facades or portions thereof facing streets or portions of streets in the pedestrian
9 environment:

10 a. Minimum facade height. Minimum facade height is 25 feet, but
11 minimum facade heights do not apply if all portions of the structure are lower than the elevation
12 of the required minimum facade height.

13 b. Facade setback limits

14 1) Within the first 25 feet of height measured from sidewalk grade,
15 all building facades must be built to within 2 feet of the street property line for the entire facade
16 length. For purposes of this subsection 23.74.010.C.1.b, balcony railings and other nonstructural
17 features or nonstructural walls are not considered parts of the facade of the structure.

18 2) Above 25 feet measured from sidewalk grade, the maximum
19 setback is 10 feet, and no single setback area that is deeper than 2 feet shall be wider than 20
20 feet, measured parallel to the street property line.

21 3) The facade shall return to within 2 feet of the street property line
22 for a minimum of 10 feet, measured parallel to the street property line, between any two setback
23 areas that are deeper than 2 feet.

1 2. Outdoor service areas. Gas station pumps, service islands, queuing lanes, and
2 other service areas related to fueling are not allowed between any structure and the pedestrian
3 environment area described in this Section 23.74.010. Gas station pumps, service islands,
4 queuing lanes, and other service areas related to fueling must be located behind or to the side of a
5 gas station, as viewed from any street in such pedestrian environment and are not allowed
6 between any structure on the same lot and the pedestrian environment area described in this
7 Section 23.74.010.

8 3. Screening and landscaping. The requirements of Sections 23.50.016~~((,))~~ and
9 23.50.034~~((, and 23.50.038))~~, including requirements contingent on location near a commercial
10 zone, apply to all new uses and structures. ~~((Requirements in Section 23.50.038 contingent on~~
11 ~~location near a residential lot do not apply.))~~ In addition, the screening and landscaping
12 requirements for outdoor storage in subsection 23.47A.016.D.2 apply, with respect to street lot
13 lines abutting the pedestrian environment, to the following uses, where a principal or accessory
14 use is located outdoors: outdoor storage (except for outdoor storage associated with florists and
15 horticultural uses), sales and rental of motorized vehicles, towing services, sales and rental of
16 large boats, dry boat storage, heavy commercial sales (except for fuel sales), heavy commercial
17 services, outdoor sports and recreation, wholesale showrooms, mini-warehouse, warehouse,
18 transportation facilities (except for rail transit facilities), utilities (except for utility service uses),
19 and light and general manufacturing.

20 4. Blank facades, transparency requirements, street trees, and screening. ~~((In~~
21 ~~addition to the blank facade requirements of subsection 23.50.038.B, the))~~ The blank facade
22 limits and transparency and street tree requirements of subsections 23.49.056.C, 23.49.056.D,
23 and 23.49.056.E, and the screening of parking requirements of subsection 23.49.019.B apply to

