

ORDINANCE _____

1
2 AN ORDINANCE related to land use and zoning, amending Seattle Municipal Code (SMC)
3 Sections 23.02.020, 23.22.062, 23.24.045, 23.34.013, 23.34.014, 23.34.016, 23.34.018,
4 23.34.020, 23.34.024, 23.34.026, 23.34.028, 23.34.070, 23.41.012, 23.42.042, 23.42.108,
5 23.42.114, 23.42.122, 23.42.124, 23.42.130, 23.43.008, 23.43.010, 23.43.012, 23.43.040,
6 23.44.006, 23.44.017, 23.44.036, 23.45.002, 23.45.004, 23.45.006, 23.45.008, 23.45.009,
7 23.45.010, 23.45.014, 23.45.015, 23.45.016, 23.45.017, 23.45.018, 23.45.068, 23.45.090,
8 23.45.106, 23.45.110, 23.45.112, 23.45.116, 23.45.144, 23.45.148, 23.45.150,
9 23.47A.006, 23.47A.029, 23.49.025, 23.54.015, 23.54.020, 23.54.030, 23.72.008,
10 23.84A.002, 23.84A.006, 23.84A.008, 23.84A.012, 23.84A.014, 23.84A.025,
11 23.84A.028, 23.84A.030, 23.84A.032, 23.84A.038, 23.86.006, 23.86.007, 23.86.012,
12 23.86.014, 23.86.016, 23.86.020, 23.90.018, 23.90.020, 23.91.002, and 25.05.675 in Title
13 25; creating a new multifamily chapter in Sections 23.45.502 through 23.45.554;
14 consolidating the regulations for public facilities and public schools in new chapters of
15 the Code, 23.51A and 23.51B; adding a new section 23.54.040; and repealing Sections
16 23.34.022, 23.45.092, 23.45.094, 23.45.096, 23.45.098, 23.45.100, 23.45.102,
17 23.47A.029, all in order to support multifamily housing, implement Comprehensive Plan
18 and Neighborhood Plan policies for multifamily areas, to promote the general health,
19 safety and welfare, and to update the Land Use Code.

20
21 WHEREAS, multifamily zones are important as areas within which future housing needs can be
22 met; and

23
24 WHEREAS, housing in multifamily zoned areas tends to be more affordable than housing in
25 single family zoned areas; and

26
27 WHEREAS, the City has conducted extensive analysis and public review of the proposed
28 changes to development regulations for multifamily zones, and other changes in this
ordinance, in order to develop new zoning that will help achieve the goals and objectives
outlined above; NOW THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.02.020 of the Seattle Municipal Code, which section was last
amended by Ordinance 117570, is amended as follows:

23.02.020 General purpose and general provisions.

1 A. The purpose of this Land Use Code is to protect and promote public health, safety and
2 general welfare through a set of regulations and procedures for the use of land which are
3 consistent with and implement the City's Comprehensive Plan. Procedures are established to
4 increase citizen awareness of land use activities and their impacts and to coordinate necessary
5 review processes. The Land Use Code classifies land within the City into various land use zones
6 and overlay districts (~~(which)~~) that regulate the use and bulk of buildings and structures. The
7 provisions are designed to provide adequate light, air, access, and open space; conserve the
8 natural environment and historic resources; maintain a compatible scale within an area; minimize
9 traffic congestion and enhance the streetscape and pedestrian environment. They seek to achieve
10 an efficient use of the land without major disruption of the natural environment and to direct
11 development to sites with adequate services and amenities.
12

13 B. Other regulations apply, such as, but not limited to: Building and Construction Codes,
14 (SMC Title 22) and provisions for environmental review, critical areas and historic preservation
15 (SMC Title 25).
16

17 C. All structures or uses shall be built or established on a lot or lots.
18

19 D. A grant of a waiver, modification, departure, exception or variance from one (1)
20 specific development standard does not relieve the applicant from compliance with any other
21 standard.

22 Section 2. Subsection B of Section 23.22.062 of the Seattle Municipal Code, which
23 subsection was last amended by Ordinance 122190, is amended as follows:
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25 **23.22.062 Unit lot subdivisions.**
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* * *

1
2 B. Except for any site for which a permit has been issued pursuant to Section 23.44.041
3 for a detached accessory dwelling unit, sites developed or proposed to be developed with
4 dwelling units listed in subsection A above may be subdivided into individual unit lots. The
5 development as a whole shall meet development standards applicable at the time the permit
6 application is vested. As a result of the subdivision, development on individual unit lots may be
7 nonconforming as to some or all of the development standards based on analysis of the
8 individual unit lot. ~~((, except that any private, usable open space for each dwelling unit shall be
9 provided on the same lot as the dwelling unit it serves.))~~

* * *

12
13 Section 3. Subsection B of Section 23.24.045 of the Seattle Municipal Code, which
14 subsection was last amended by Ordinance 122190, is amended as follows:

15 **23.24.045 Unit lot subdivisions.**

16 * * *

17
18 B. Except for any site for which a permit has been issued pursuant to Section 23.44.041
19 for a detached accessory dwelling unit, sites developed or proposed to be developed with
20 dwelling units listed in subsection A above may be subdivided into individual unit lots. The
21 development as a whole shall meet development standards applicable at the time the permit
22 application is vested. As a result of the subdivision, development on individual unit lots may be
23 nonconforming as to some or all of the development standards based on analysis of the
24

1 individual unit lot. (~~(, except that any private, usable open space for each dwelling unit shall be~~
2 ~~provided on the same lot as the dwelling unit it serves.))~~)

3 * * *

4 Section 4. Section 23.34.013 of the Seattle Municipal Code, which section was last
5 amended by Ordinance 117430, is amended as follows:

6 **23.34.013 Designation of multifamily zones.**

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8 A. An area zoned single family that meets the criteria of Section 23.34.011 for single
9 family designation, may not be rezoned to a multifamily zone except as otherwise provided in
10 Section 23.34.010 B.

11
12 B. Established multifamily-zoned areas are appropriately designated, especially when
13 properties in the area are developed predominantly to the permitted scale, and if applicable,
14 density, of that multifamily zone.

15
16 C. Generally, reclassifications of areas to L3 and MR zones are appropriate only in
17 urban villages and urban centers. Reclassification to an HR zone may be considered only in
18 urban centers.

19
20 D. Multifamily zoning is appropriate for areas that are generally within one half (1/2)
21 mile of existing or projected facilities and services used by residents, including retail sales and
22 services, schools, parks and community centers.

23
24 E. Land that is designated as an environmentally critical area or is a required buffer due
25 to the presence of a wetland, wildlife habitat or corridor or riparian corridor is generally
26 considered inappropriate for reclassification from a less intensive zone to a L3, MR or HR zone.

1 F. The arrangement of multifamily zones in relation to other zones is generally intended
2 to provide for a gradual transition in the scale and intensity of development.

3 G. No land may be redesignated to Lowrise 4 (L4).

4 Section 5. Section 23.34.014 of the Seattle Municipal Code, which section was last
5 amended by Ordinance 117430, is amended as follows:

6 **23.34.014 Lowrise Duplex/Triplex (LDT) zone, function and locational criteria.**
7

8 ~~((A. Function. An area that provides opportunities for limited infill housing development,~~
9 ~~both through new construction and the conversion of existing single family structures to~~
10 ~~duplexes and triplexes, where, in order to preserve the character of the neighborhood, the~~
11 ~~recycling of existing structures to a slightly higher density and small scale infill development is~~
12 ~~preferable to single family zoning or to the development of townhouses or higher density~~
13 ~~apartments.~~

14
15 ~~B. Locational Criteria. The Lowrise Duplex/Triplex zone designation is most appropriate~~
16 ~~in areas generally characterized by the following:~~

17 ~~1. Development Characteristics of the Area.~~

18 ~~a. Areas where structures areas of small bulk and low heights, generally~~
19 ~~less than thirty (30) feet, establish the pattern of development; and~~
20

21 ~~b. Areas with a mix of single family structures, small multifamily~~
22 ~~structures, and single family structures legally converted into multiple units where, because of~~
23 ~~the type and quality of the existing housing stock, it is desirable to limit new development~~
24 ~~opportunities to infill projects and conversions that preserve the existing character.~~
25

1 ~~2. Relationship to the Surrounding Area.~~

2 ~~a. Areas that do not meet single family criteria, but are otherwise similar~~
3 ~~in character and adjoin areas zoned single family or Lowrise 1 without necessarily the presence~~
4 ~~of a significant topographical break or open space to provide a transitions_ to increased density;~~

5 ~~b. Areas where narrow streets, on-street parking congestion, local traffic~~
6 ~~congestion, lack of alleys, or irregular street patterns restrict local access and circulation;~~

7 ~~c. Areas close to existing or projected facilities and services used by~~
8 ~~households with children, including schools, parks and community centers.~~

9 ~~C. Areas zoned single family meeting the locational criteria for a single family~~
10 ~~designation may be rezoned to LDT only when the provisions of Section 23.34.010 B are met.))~~

11 A. Function. To provide opportunities for duplex and triplex multifamily housing,
12 primarily through new infill development that is similar to the scale of single family structures
13 permitted in single family zones, or through the conversion of existing single family structures to
14 duplexes and triplexes.

15 B. Locational Criteria. The LDT zone is most appropriate on land that is generally
16 characterized by the following conditions:

17 1. A mix of single family structures, or similarly scaled multifamily structures
18 thirty-five feet (35') or less in height, and single family structures legally converted to multiple
19 units or well-suited to conversion;

20 2. Local access and circulation conditions that can accommodate this low density
21 multifamily designation;

1 3. Local access and circulation conditions that are conducive to multiple
2 residential units, especially in structures oriented to the ground level and the street, preferably in
3 locations separated from arterials;

4 4. Areas where a gradual transition is appropriate between single family zoned
5 areas and multifamily or neighborhood commercial zoned areas;

6 5. Areas that are zoned single family may be rezoned to LDT only when the
7 provisions of 23.34.010 are met.

8
9 Section 6. Section 23.34.016 of the Seattle Municipal Code, which section was last
10 amended by Ordinance 119242, is amended as follows:

11 **23.34.016 Lowrise 1 (L1) zone, function and locational criteria.**

12 ~~((A. Function. An area that provides low density, primarily ground-related multifamily~~
13 ~~housing opportunities.~~

14 ~~B. Locational Criteria. The Lowrise 2-1 zone designation is most appropriate in areas~~
15 ~~generally characterized by the following:~~

16 ~~1. Development Characteristics of the Area.~~

17 ~~a. Areas where scale structures of low heights, generally less than thirty~~
18 ~~(30) feet, and small bulk establish the pattern of development;~~

19 ~~b. Areas with:~~

20 ~~(1) A mix of single family structures, small multifamily structures~~
21 ~~and single family structures legally converted into multiple units where, because of the type and~~
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1 ~~quality of the existing housing stock, it is desirable to encourage new development opportunities,~~

2 ~~or~~

3 ~~(2) Numerous or large vacant parcels suitable for family housing~~
4 ~~where densities greater than single family are desired; and~~

5 ~~e. Areas where internal vehicular circulation is conducive to residential~~
6 ~~units that are oriented to the ground level and the street. Preferred locations are generally~~
7 ~~separated from principal arterials, as defined by the Seattle Comprehensive Transportation~~
8 ~~Program, which conflict with the desired character of L1 areas.~~

10 ~~2. Relationship to the Surrounding Areas:~~

11 ~~a. Properties that are definable pockets within a larger, higher density~~
12 ~~multifamily area, where it is desirable to preserve a small scale character;~~

14 ~~b. Properties generally surrounded by a larger single family area where~~
15 ~~variation and replacement in housing type could be accommodated without significant disruption~~
16 ~~of the pattern, character or livability of the surrounding development;~~

17 ~~c. Properties where a gradual transition is appropriate between single-~~
18 ~~family areas and more intensive multifamily or neighborhood commercial zones;~~

20 ~~d. Properties in areas where narrow streets, on street parking congestion,~~
21 ~~local traffic congestion, or irregular street patterns restrict local access and circulation;~~

22 ~~e. Properties in areas close to facilities and services used by households~~
23 ~~with children, including schools, parks and community centers.~~

1 ~~C. Areas zoned single family meeting the locational criteria for single family designation~~
2 ~~may be rezoned to L1 only when the provisions of Section 23.34.010 B are met.))~~

3 A. Function. To provide opportunities for low density multifamily housing, such as
4 townhouses, or to provide a transition from SF or LDT zoned areas to other higher density
5 multifamily or neighborhood commercial zones.

6 B. Locational Criteria. The L1 zone is most appropriate on land that is generally
7 characterized by the following conditions:

8 1. Low-scale structures with structure heights of thirty-five feet (35') or less,
9 compatible with SF and LDT zones;

10 2. Local access and circulation conditions that are conducive to multiple
11 residential units, especially in structures oriented to the ground level and the street, preferably in
12 locations separated from arterials;

13 3. Areas where a gradual transition is appropriate between SF or LDT zones and
14 higher density multifamily or neighborhood commercial zones;

15 4. Areas that are zoned single family may be rezoned to L1 only when the
16 provisions of 23.34.010 are met.

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18 Section 7. Section 23.34.018 of the Seattle Municipal Code, which section was last
19 amended by Ordinance 118794, is amended as follows:

20 **23.34.018 Lowrise 2 (L2) zone, function and locational criteria.**
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1 ~~((A. Function. The intent of the Lowrise 2 zone is to encourage a variety of multifamily~~
2 ~~housing types with less emphasis than the Lowrise 1 zone on ground related units, while~~
3 ~~remaining at a scale compatible with single family structures.~~

4 ~~B. Locational Criteria. Lowrise 2 zone designation is most appropriate in areas generally~~
5 ~~characterized by the following:~~

6 ~~1. Development Characteristics of the Areas.~~

7 ~~a. Areas that feature a mix of single family structures and small to~~
8 ~~medium multifamily structures generally occupying one (1) or two (2) lots, with heights~~
9 ~~generally less than thirty (30) feet;~~

10 ~~b. Areas suitable for multifamily development where topographic~~
11 ~~conditions and the presence of views make it desirable to limit height and building bulk to retain~~
12 ~~views from within the zone;~~

13 ~~c. Areas occupied by a substantial amount of multifamily development~~
14 ~~where factors such as narrow streets, on street parking congestion, local traffic congestion, lack~~
15 ~~of alleys and irregular street patterns restrict local access and circulation and make an~~
16 ~~intermediate intensity of development desirable.~~

17 ~~2. Relationship to the Surrounding Areas.~~

18 ~~a. Properties that are well suited to multifamily development, but where~~
19 ~~adjacent single family areas make a transitional scale of development desirable. It is desirable~~
20 ~~that there be a well defined edge such as an arterial, open space, change in block pattern,~~
21 ~~topographic change or other significant feature providing physical separation from the single-~~
22

1 ~~family area. However, this is not a necessary condition where existing moderate scale~~
2 ~~multifamily structures have already established the scale relationship with abutting single family~~
3 ~~areas;~~

4 ~~b. Properties that are definable pockets within a more intensive area,~~
5 ~~where it is desirable to preserve a smaller scale character and mix of densities;~~

6 ~~c. Properties in areas otherwise suitable for higher density multifamily~~
7 ~~development but where it is desirable to limit building height and bulk to protect views from~~
8 ~~uphill areas or from public open spaces and scenic routes;~~

9 ~~d. Properties where vehicular access to the area does not require travel on~~
10 ~~"residential access streets" in less intensive residential zones.))~~

11 A. Function. To provide opportunities for moderate density multifamily housing, such as
12 townhouse and stacked flat developments, at a scale and character compatible with other lower
13 density single family and multifamily zones, which may serve to provide a transition between
14 zones of different scales and intensities.

15 B. Locational Criteria. The L2 zone is most appropriate on land that is generally
16 characterized by the following conditions:

17 1. A mix of small to medium scale multifamily structures generally occupying not
18 more than one (1) or two (2) lots;

19 2. Local access and circulation conditions that can accommodate a modest
20 increase in density to that permitted in L2;

1 3. Areas where a transition is appropriate between lower density multifamily
2 zones and higher density multifamily or neighborhood commercial zones;

3 4. Areas with a well-defined edge such as an arterial, open space, change in block
4 pattern, topographic change or other significant feature that provides separation from abutting
5 single family zoned areas;

6 5. Areas where narrow streets, on-street parking congestion, local traffic
7 congestion, lack of alleys and irregular street patterns restrict local access and circulation and
8 make designations more intensive than L2 less desirable.

9
10 Section 8. Section 23.34.020 of the Seattle Municipal Code, which section was last
11 amended by Ordinance 121700, is amended as follows:

12 **23.34.020 Lowrise 3 (L3) zone, function and locational criteria.**

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14 ~~((A. Function. An area that provides moderate scale multifamily housing opportunities in~~
15 ~~multifamily neighborhoods where it is desirable to limit development to infill projects and~~
16 ~~conversions compatible with the existing mix of houses and small to moderate scale apartment~~
17 ~~structures.~~

18 ~~B. Locational Criteria.~~

19
20 ~~1. Threshold Conditions. Subject to subsection B2 of this section, properties that~~
21 ~~may be considered for an L3 designation are limited to the following:~~

22 ~~a. Properties already zoned L3;~~

23 ~~b. Properties in areas already developed predominantly to the permitted~~
24 ~~L3 density and where L3 scale is well established;~~

1 e. ~~Properties within an urban center or village, except in the Wallingford~~
2 ~~Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne~~
3 ~~Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City~~
4 ~~Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential~~
5 ~~Urban Village; or~~

6 d. ~~Properties located in the Delridge Neighborhood Revitalization Area, as~~
7 ~~shown in Exhibit 23.34.020 A, L3 provided that the L3 zone designation would facilitate a~~
8 ~~mixed income housing development initiated by a public agency or the Seattle Housing~~
9 ~~Authority; a property use and development agreement is executed subject to the provisions of~~
10 ~~SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad~~
11 ~~public purpose.~~

12 2. ~~Properties designated as environmentally critical may not be rezoned to an L3~~
13 ~~designation, and may remain L3 only in areas predominantly developed to the intensity of the L3~~
14 ~~zone.~~

15 3. ~~Other Criteria. The Lowrise 3 zone designation is most appropriate in areas generally~~
16 ~~characterized by the following:~~

17 a. ~~Development Characteristics of the Area.~~

18 (1) ~~Either:~~

19 (a) ~~Areas that are already developed predominantly to the~~
20 ~~permitted L3 density and where L3 scale is well established,~~

1 ~~(b) Areas that are within an urban center or urban village,~~
2 ~~except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village,~~
3 ~~in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban~~
4 ~~Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in~~
5 ~~the Admiral Residential Urban Village; or~~

6 ~~(c) Areas that are located within the Delridge~~
7 ~~Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L3 zone~~
8 ~~designation would facilitate a mixed income housing development initiated by a public agency~~
9 ~~or the Seattle Housing Authority; a property use and development agreement is executed subject~~
10 ~~to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development~~
11 ~~would serve a broad public purpose.~~

12 ~~(2) Areas where the street pattern provides for adequate vehicular~~
13 ~~circulation and access to sites. Locations with alleys are preferred. Street widths should be~~
14 ~~sufficient for two (2) way traffic and parking along at least one (1) curbside.~~

15 ~~b. Relationship to the Surrounding Areas.~~

16 ~~(1) Properties in areas that are well served by public transit and~~
17 ~~have direct access to arterials, so that vehicular traffic is not required to use streets that pass~~
18 ~~through less intensive residential zones;~~

19 ~~(2) Properties in areas with significant topographic breaks, major~~
20 ~~arterials or open space that provide sufficient transition to ((LDT or L1 multifamily~~
21 ~~development;~~

1 ~~(3) Properties in areas with existing multifamily zoning with close~~
2 ~~proximity and pedestrian connections to neighborhood services, public open spaces, schools and~~
3 ~~other residential amenities;~~

4 ~~(4) Properties that are adjacent to business and commercial areas~~
5 ~~with comparable height and bulk, or where a transition in scale between areas of larger~~
6 ~~multifamily and/or commercial structures and smaller multifamily development is desirable.))~~

7 A. Function. To provide opportunities for a range of multifamily housing types in
8 existing multifamily neighborhoods with a mix of small to moderate scale residential structures
9 or to accommodate redevelopment in areas within urban centers and urban villages where it is
10 desirable to establish multifamily neighborhoods of moderate scale and density.

11 B. Locational Criteria. The L3 zone is most appropriate on land not subject to subsection
12 C, and that is generally characterized by the following conditions:

13 1. Adjacency to neighborhood commercial areas with comparable height and
14 scale, or where a transition in scale between areas of larger multifamily and/or commercial
15 structures and smaller multifamily structures is desirable;

16 2. Alley access to sites is preferred, and street widths should be sufficient for two
17 (2) way traffic and parking along at least one (1) curb;

18 3. Well served by public transit with direct access to arterial streets that can
19 accommodate anticipated vehicular circulation so that traffic is not required to use streets that
20 pass through lower density residential zones;

1 4. In close proximity, generally one half (1/2) mile, and with pedestrian
2 connections to neighborhood services.

3 C. Land zoned a less intensive designation within the following designated areas may
4 not be rezoned to L3:

5 1. The following urban villages: Admiral, Eastlake, Lake City, Morgan Junction,
6 Upper Queen Anne, or Wallingford;

7 2. The Delridge Neighborhood Revitalization Area, as shown in Exhibit
8 23.34.020 A, unless the L3 zone would facilitate a mixed-income housing development initiated
9 by a public agency and a property use and a development agreement is executed subject to the
10 provisions of SMC Chapter 23.76.

11 Section 9. Section 23.34.022 of the Seattle Municipal Code, which section was last
12 amended by Ordinance 121700, is hereby repealed and the section number reserved.

13 Section 10. Section 23.34.024 of the Seattle Municipal Code, which section was last
14 amended by Ordinance 118794, is amended as follows:

15 **23.34.024 Midrise (MR) zone, function and locational criteria.**

16 ~~((A. Function. An area that provides concentrations of housing in desirable, pedestrian-~~
17 ~~oriented urban neighborhoods having convenient access to regional transit stations, where the~~
18 ~~mix of activity provides convenient access to a full range of residential services and amenities,~~
19 ~~and opportunities for people to live within walking distance of employment.~~

20 **B. Locational Criteria.**

1 ~~1. Threshold Conditions. Subject to subsection B2 of this section, properties that~~
2 ~~may be considered for a Midrise designation are limited to the following:~~

- 3 ~~a. Properties already zoned Midrise;~~
4 ~~b. Properties in areas already developed predominantly to the intensity~~
5 ~~permitted by the Midrise zone; or~~

- 6 ~~c. Properties within an urban center, the village core of a hub urban~~
7 ~~village, or a residential urban village, where a neighborhood plan adopted or amended by the~~
8 ~~City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone~~
9 ~~designation.~~

10 ~~2. Environmentally Critical Areas. Properties designated as environmentally~~
11 ~~critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas~~
12 ~~predominantly developed to the intensity of the Midrise zone.~~

13 ~~3. Other Criteria. The Midrise zone designation is most appropriate in areas~~
14 ~~generally characterized by the following:~~

- 15 ~~a. Either:~~
16 ~~(1) Areas that are developed predominantly to the intensity~~
17 ~~permitted by the Midrise zone, or~~
18 ~~(2) Areas that are within an urban center, the village core of a hub~~
19 ~~urban village, or a residential urban village, where a neighborhood plan adopted or amended by~~
20 ~~the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone~~
21 ~~designation;~~

1 ~~b. Properties that are adjacent to business and commercial areas with~~
2 ~~comparable height and bulk;~~

3 ~~c. Properties in areas that are served by major arterials and where transit~~
4 ~~service is good to excellent and street capacity could absorb the traffic generated by midrise~~
5 ~~development;~~

6 ~~d. Properties in areas that are in close proximity to major employment~~
7 ~~centers;~~

8 ~~e. Properties in areas that are in close proximity to open space and~~
9 ~~recreational facilities;~~

10 ~~f. Properties in areas along arterials where topographic changes either~~
11 ~~provide an edge or permit a transition in scale with surroundings;~~

12 ~~g. Properties in flat areas where the prevailing structure height is greater~~
13 ~~than thirty seven (37) feet or where due to a mix of heights, there is no established height~~
14 ~~pattern;~~

15 ~~h. Properties in areas with moderate slopes and views oblique or parallel~~
16 ~~to the slope where the height and bulk of existing structures have already limited or blocked~~
17 ~~views from within the multifamily area and upland areas;~~

18 ~~i. Properties in areas with steep slopes and views perpendicular to the~~
19 ~~slope where upland developments are of sufficient distance or height to retain their views over~~
20 ~~the area designated for the sixty (60) foot height limit;~~

1 j. ~~Properties in areas where topographic conditions allow the bulk of the~~
2 ~~structure to be obscured. Generally, these are steep slopes, sixteen (16) percent or more, with~~
3 ~~views perpendicular to the slope.))~~

4 A. Function. To concentrate higher-density housing in pedestrian-oriented urban
5 neighborhoods having convenient pedestrian access to regional transit, a wide range of services
6 and amenities, and employment centers.

7 B. Locational Criteria. The MR zone is most appropriate on land within urban centers or
8 hub urban villages that is generally characterized by the following conditions:

9 1. Adjacency to business and commercial areas where comparable height and
10 scale is allowed;

11 2. Access to regional transit service is good to excellent and street capacity is able
12 to accommodate vehicular circulation that may result from higher density multifamily
13 development;

14 3. Convenient pedestrian connections to major employment centers and open
15 space and recreational facilities;

16 Section 11. Section 23.34.026 of the Seattle Municipal Code, which section was last
17 amended by Ordinance 117430, is amended as follows:

18 **23.34.026 Midrise/85' (MR/85') zone, function and locational criteria.**

19 ~~((A. The Midrise/85' (MR/85') is most appropriate in areas generally characterized by the~~
20 ~~criteria described for a rezone to Midrise in Section 23.34.024.~~

21 B. ~~In addition, the following shall apply to designate an MR zone as Midrise/85':~~

1 ~~1. A neighborhood plan adopted by the City Council shall have designated the~~
2 ~~area as suitable for Midrise zoning with an eighty five (85) foot height limit; and~~

3 ~~2. A height of eighty five (85) feet could be accommodated without significantly~~
4 ~~blocking views; and~~

5 ~~3. The development permitted by the zone would not exceed the service capacities~~
6 ~~which exist in the area, including transit service, parking, and sewers; and~~

7 ~~4. A gradual transition in height and scale and level of activity between zones is~~
8 ~~provided unless major physical edges are present. These edges may be the following:~~

9 ~~a. Natural features such as topographic breaks, water bodies and ravines,~~

10 ~~b. Freeways, expressways, and other major traffic arterials, and railroad~~
11 ~~tracks;~~

12 ~~c. Street grid and block orientation, or~~

13 ~~d. Significant open space and greenspaces.))~~

14 A. Function. To further encourage the concentration of high density residential
15 development at locations within easy walking distance of a high capacity transit station and to
16 more easily accommodate street level uses by providing flexibility for taller multifamily
17 structures up to eighty five feet (85') in height.

18 B. Locational Criteria. In addition to areas generally characterized by the conditions
19 applicable to MR zones as provided in Section 23.34.024, the MR/85' zone is most appropriate
20 on land in urban centers that is within eight hundred (800) feet of a high capacity transit station.

1 Section 12. Section 23.34.028 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 118794, is amended as follows:

3 **23.34.028 Highrise (HR) zone, function and locational criteria.**

4 ~~((A. Function. An area that provides a concentration of high density multifamily housing~~
5 ~~in a pedestrian oriented neighborhood with convenient access to regional transit stations, and~~
6 ~~where the mix of activity provides convenient access to a full range of residential services and~~
7 ~~amenities and employment centers.~~

8
9 **B. Locational Criteria.**

10 1. ~~Threshold Conditions. Subject to subsection B2 of this section, properties that~~
11 ~~may be considered for a Highrise designation are limited to the following:~~

- 12 a. ~~Properties already zoned Highrise;~~
13 b. ~~Properties in areas already developed predominantly to the intensity~~
14 ~~permitted by the Highrise zone; or~~
15 c. ~~Properties within an urban center, the village core of a hub urban~~
16 ~~village, or a residential urban village, where a neighborhood plan adopted or amended by the~~
17 ~~City Council after January 1, 1995 indicates that the area is appropriate for a Highrise zone~~
18 ~~designation.~~

19
20 2. ~~Environmentally Critical Areas. Properties designated as environmentally~~
21 ~~critical may not be rezoned to a Highrise designation, and may remain Highrise only in areas~~
22 ~~predominantly developed to the intensity of the Highrise zone.~~
23
24
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1 ~~3. Other Criteria. The Highrise zone designation is most appropriate in areas~~
2 ~~generally characterized by the following:~~

3 ~~a. Either:~~

4 ~~(1) Areas that are developed predominantly to the intensity~~
5 ~~permitted by the Highrise zone, or~~

6 ~~(2) Areas that are within an urban center or the village core of a~~
7 ~~hub urban village, or a residential urban village, where a neighborhood plan adopted or amended~~
8 ~~by the City Council after January 1, 1995 indicates that the area is appropriate for a Highrise~~
9 ~~zone designation;~~

10 ~~b. Properties in areas that are served by arterials where transit service is~~
11 ~~good to excellent and street capacity is sufficient to accommodate traffic generated by highrise~~
12 ~~development;~~

13 ~~c. Properties in areas that are adjacent to a concentration of residential~~
14 ~~services or a major employment center;~~

15 ~~d. Properties in areas that have excellent pedestrian or transit access to~~
16 ~~downtown;~~

17 ~~e. Properties in areas that have close proximity to open space, parks and~~
18 ~~recreational facilities;~~

19 ~~f. Properties in areas where no uniform scale of structures establishes the~~
20 ~~character and where highrise development would create a point and help define the character;~~

1 ~~g. Properties in flat areas on the tops of hills or in lowland areas away~~
2 ~~from hills, where views would not be blocked by highrise structures;~~

3 ~~h. Properties in sloping areas with views oblique or parallel to the slope where the height~~
4 ~~and bulk of existing buildings have already limited or blocked views from within the multifamily~~
5 ~~area and upland areas where the hillform has already been obscured by development.))~~

6 A. Function. To accommodate residential towers that concentrate the highest density
7 multifamily development in pedestrian-oriented residential neighborhoods well-served by
8 regional transit and within walking distance to employment centers and a full range of residential
9 services and amenities.

10 B. Locational Criteria. The HR zone is most appropriate in urban centers generally
11 characterized by the following conditions:

12 1. Adjacent to the Downtown Urban Center or centrally located in other urban
13 centers in close proximity to major employment generators and regional transit.

14 2. The presence of intervening MR or NC zones allowing a moderating scale of
15 development that would provide an appropriate transition from Highrise residential tower
16 development to any lower density and scale of development.

17 3. The development pattern lacks uniform scale and character, allowing highrise
18 tower development to help define a high density residential character;

19 4. Where possible, flat areas on the tops of hills or in lowland areas away from
20 hills, where view blockage from highrise tower development would be minimized.

1 Section 13.. Section 23.34.070 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 117430, is amended as follows:

3 **23.34.070 Residential-Commercial (RC) zone, function and locational criteria.**

4 ~~((A. Function.~~

5 1. ~~Purposes. Areas that serve as the following:~~

6 a. ~~As a means to downzone strip commercial areas which have not been~~
7 ~~extensively developed with commercial uses;~~

8 b. ~~As a means to downzone small commercial areas which have not been~~
9 ~~extensively developed with commercial uses and where commercial services are available~~
10 ~~nearby;~~

11 c. ~~To provide opportunities for needed parking in areas where spillover~~
12 ~~parking is a major problem;~~

13 d. ~~As a means of supporting an existing commercial node.~~

14 2. ~~Desired Characteristics. Areas that provide the following:~~

15 a. ~~Physical appearance resembling the appearance of adjacent residential~~
16 ~~areas;~~

17 b. ~~Mixed use with small commercial uses at street level.~~

18 ~~B. Locational Criteria.~~

19 1. ~~Requirement. A residential-commercial designation ((shall be)) can be~~
20 ~~combined only with a multifamily designation.~~

1 ~~2. Other Criteria. Residential Commercial zone designation is most appropriate in~~
2 ~~areas generally characterized by the following conditions:~~

3 a. ~~Existing Character.~~

4 (1) ~~Areas which are primarily residential in character (which may~~
5 ~~have either a residential or commercial zone designation), but where a pattern of mixed~~
6 ~~residential/commercial development is present; or~~

7 (2) ~~Areas adjacent to commercial areas, where accessory parking is~~
8 ~~present, where limited commercial activity and accessory parking would help reinforce or~~
9 ~~improve the functioning of the commercial areas, and/or where accessory parking would help~~
10 ~~relieve spillover parking in residential areas.~~

11 b. ~~Physical Factors Favoring RC Designation.~~

12 (1) ~~Lack of edges or buffer between residential and commercial~~
13 ~~uses;~~

14 (2) ~~Lack of buffer between major arterial and residential uses;~~

15 (3) ~~Streets with adequate access and circulation;~~

16 (4) ~~Insufficient parking in adjacent commercial zone results in~~
17 ~~parking spillover on residential streets.))~~

18 A. Function. To provide access to a limited range of commercial goods and services in
19 residential structures and to support activity in abutting commercial areas.

1 4. In Downtown zones, provisions for exceeding the base FAR or achieving
2 bonus development as provided in Chapter 23.49;

3 5. In Downtown zones, the minimum size for Planned Community Developments
4 as provided in Section 23.49.036;

5 6. In Downtown zones, the average floor area limit for stories in residential use in
6 Chart 23.49.058D1;

7 7. In Downtown zones, the provisions for combined lot developments as provided
8 in Section 23.49.041;

9 8. In Downtown Mixed Commercial zones, tower spacing requirements as
10 provided in 23.49.058E;

11 9. Downtown view corridor requirements, provided that departures may be
12 granted to allow open railings on upper level roof decks or rooftop open space to project into the
13 required view corridor, provided such railings are determined to have a minimal impact on views
14 and meet the requirements of the Building Code;

15 10. Floor Area Ratios;

16 11. Maximum size of use;

17 12. Structure height, except that:

18 a. Within the Roosevelt Commercial Core building height departures up to
19 an additional three (3) feet may be granted for properties zoned NC3-65', (Exhibit 23.41.012 A
20 Roosevelt Commercial Core);
21
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1 b. Within the Ballard Municipal Center Master Plan area building height
2 departures may be granted for properties zoned NC3-65', (Exhibit 23.41.012 B Ballard
3 Municipal Center Master Plan Area). The additional height may not exceed nine (9) feet, and
4 may be granted only for townhouses that front a mid-block pedestrian connection or a park
5 identified in the Ballard Municipal Center Master Plan;

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

8 d. In multifamily zones building height departures may be granted for
9 elevator penthouses as set forth in Section 23.45.514;
10

11 13. Quantity of parking required, maximum parking limit in Downtown zones,
12 and maximum number of drive-in lanes, except that within the Ballard Municipal Center Master
13 Plan area required parking for ground level retail uses that abut established mid-block pedestrian
14 connections through private property as identified in the "Ballard Municipal Center Master Plan
15 Design Guidelines, 2000" may be reduced, but shall not be less than the required parking for
16 Pedestrian-designated areas shown in Section 23.54.015 Chart D;

17 14. Provisions of the Shoreline District, Chapter 23.60;

18 15. Standards for storage of solid-waste containers;

19 16. The quantity of open space required for major office projects in Downtown
20 zones as provided in Section 23.49.016B;

21 17. Noise and odor standards;

22 18. Standards for the location of access to parking in Downtown zones;

1 19. Provisions of Chapter 23.52, Transportation Concurrency Project Review

2 System;

3 20. Provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements,

4 except that departures may be granted from the access easement standards in Section 23.53.025

5 and the provisions for structural building overhangs in Section 23.53.035;

6 21. Definitions; and

7 22. Measurements.

8 * * *

9
10 Section 15. Section 23.42.042 of the Seattle Municipal Code, which section was last
11 amended by Ordinance 122311, is amended as follows:

12 **23.42.042 Conditional uses.**

13
14 A. Administrative conditional uses and uses requiring Council approval as provided in
15 the respective zones of Subtitle III, Part 2, of this Land Use Code, and applicable provisions of
16 SMC Chapter 25.09, Regulations for Environmentally Critical Areas, may be authorized
17 according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and
18 Council Land Use Decisions.

19
20 B. In authorizing a conditional use, the Director or City Council may impose conditions
21 to mitigate adverse impacts on the public interest and other properties in the zone or vicinity.

22
23 C. The Director may deny or recommend denial of a conditional use if the Director
24 determines that adverse impacts cannot be mitigated satisfactorily, or that the proposed use is

1 materially detrimental to the public welfare or injurious to property in the zone or vicinity in
2 which the property is located..

3 ((B))D. A use that was legally established but that is now permitted only as a conditional
4 use is not a nonconforming use and ((shall)) will be regulated as if a conditional use approval
5 had earlier been granted.

6 E. Any authorized conditional use that has been discontinued may not be re-established
7 or recommenced except pursuant to a new conditional use permit. The following will constitute
8 conclusive evidence that the conditional use has been discontinued:

9 1. A permit to change the use of the property has been issued and the new use has
10 been established; or

11 2. The property has not been used for the purpose authorized by the conditional
12 use for more than twenty-four (24) consecutive months. Property that is vacant, or that is used
13 only for storage of materials or equipment, will not be considered as being used for the purpose
14 authorized by the conditional use. The expiration of business or other licenses necessary for the
15 conditional use will suffice as evidence that the property is not being used as authorized by the
16 conditional use. A conditional use in a multifamily structure or a multi-tenant commercial
17 structure will not be considered discontinued unless all portions of the structure are either vacant
18 or committed to another use.

19 Section 16. Subsection C of Section 23.42.108 of the Seattle Municipal Code, which
20 subsection was last amended by Ordinance 122311, is amended as follows:

21 **23.42.108 Change from nonconforming use to conforming use.**

* * *

1
2 C. In multifamily zones, a nonconforming nonresidential use may be converted to
3 residential use, even if all development standards are not met; provided that ~~((the))~~ any
4 applicable limits on density ~~((limitations of the zone))~~ must be met and provided that any
5 ~~((parking))~~ nonconformity with respect to parking ~~((shall))~~ is not increased as a result of the
6 conversion; in Lowrise Duplex/Triplex zones the total number of dwelling units in any structure
7 is limited to three (3).
8

* * *

9
10 Section 17. Section 23.42.114 of the Seattle Municipal Code, which section was last
11 amended by Ordinance 120293, is amended as follows:
12

13 **23.42.114 Multifamily structures nonconforming to development standards.**

14 The following provisions apply to multifamily structures that do not comply with current
15 development standards.

16 A. A nonconforming ~~((ground-related))~~ multifamily structure ~~((or apartment located))~~ in
17 a Lowrise Duplex/Triplex (LDT) or Lowrise 1 (L1) zone may be expanded or extended provided
18 the expansion or extension ~~((shall))~~ conforms to the development standards of the zone and
19 ~~((shall))~~ does not cause an already nonconforming structure to become more nonconforming to
20 development standards.
21

22 B. Additional residential units may be added to a nonconforming ~~((ground-related))~~
23 multifamily structure ~~((or apartment structure,))~~ provided the addition ~~((shall))~~ conforms to the
24
25
26
27

1 development standards of the zone and ~~((shall))~~ does not cause an already nonconforming
2 structure to become more nonconforming ~~((to development standards))~~.

3 ~~((C. In Lowrise Duplex/Triplex zones, a nonconforming ground-related multifamily
4 structure or an apartment may be converted to any permitted use if all development standards are
5 met except for open space and ground level access.))~~

6
7 Section 18. Section 23.42.122 of the Seattle Municipal Code, which section was last
8 amended by Ordinance 120293, is amended as follows:

9 **23.42.122 Height nonconformity.**

10 A. Single Family and Multifamily Zones.

11
12 1. In single-family ~~((and multifamily))~~ zones, a structure nonconforming as to
13 height may be expanded or extended to add eaves, dormers and/or clerestories to an existing
14 pitched roof provided the additions are constructed below the highest point of the roof. An
15 existing pitched roof that is above the height limit ~~((shall))~~ may not be converted into a flat roof,
16 nor shall the slope of the roof be lowered below a four in twelve (4:12) pitch.

17
18 2. In multifamily zones, a structure nonconforming as to height may be expanded
19 or extended to add eaves, dormers and/or clerestories to an existing pitched roof provided the
20 additions are constructed below the highest point of the roof. An existing pitched roof that is
21 above the height limit may not be converted into a flat roof, nor shall the slope of the roof be
22 lowered below a six in twelve (6:12) pitch.

23 * * *

1 Section 19. Section 23.42.124 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 122311, is amended as follows:

3 **23.42.124 Light and glare standards nonconformity.**

4 When nonconforming exterior lighting is replaced, new lighting (~~shall~~) must conform to
5 the requirements of the light and glare standards of the respective zone. See subsection H of
6 Section 23.44.008 for single-family zones; Section (~~23.45.017 for lowrise zones; Section~~
7 ~~23.45.059 for midrise zones; Section 23.45.075 for highrise zones;)) 23.45.534 for multifamily
8 zones; Section 23.46.020 for residential-commercial zones; Section 23.47A.022 for C zones or
9 NC zones; Section 23.48.030 for Seattle Mixed zones; Section 23.49.025 for downtown zones;
10 and Section 23.50.046 for industrial buffer and industrial commercial zones.~~

11 Section 20. Subsection B of Section 23.42.130 of the Seattle Municipal Code, which
12 subsection was last amended by Ordinance 122311, is amended as follows:

13 **23.42.130 Nonconforming solar collectors.**

14 The installation of solar collectors that do not conform to development standards or that
15 increase an existing nonconformity may be permitted as follows:

16 * * *

17 B. In multifamily zones, pursuant to (~~subsection D of Section 23.45.146~~) Section
18 23.45.538;

19 * * *

20 Section 21. Subsection D of Section 23.43.008 of the Seattle Municipal Code, which
21 subsection was last amended by Ordinance 117430, is amended as follows:

23.43.008 Development standards for one dwelling unit per lot.

* * *

D. Yards and Setbacks.

1. Front and Rear Yards.

a. The sum of the front yard plus the rear yard shall be a minimum of thirty (30) feet.

b. In no case shall either yard have a depth of less than ten (10) feet.

c. If recommended in a neighborhood plan adopted or amended by the City Council after January 1, 1995, an ordinance designating an area as RSL may require front and/or rear yard setbacks greater than ten (10) feet, provided that the requirement of subsection D1a of this section shall not be increased or decreased, and the requirement of subsection D1b of this section shall not be reduced.

2. Side Setbacks. The required side setback shall be five (5) feet. The side setback may be averaged. No portion of the side setback shall be less than three (3) feet, except as follows:

a. Street side setbacks shall be a minimum of five (5) feet.

b. If an easement is provided along a side lot line of the abutting lot sufficient to leave a ten (10) foot separation between the two (2) principal structures of the two (2) lots, the required side yard may be reduced from the requirement of subsection D2 above. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the

1 lot with less than the required side setback. No principal structure shall be located in the
2 easement, except that the eaves of a principal structure may project a maximum of eighteen (18)
3 inches into the easement. No portion of any structure, including eaves, shall cross the property
4 line.

5 3. Projections and structures permitted in required yards and setbacks are subject
6 to the standards of subsections 23.45.518 H and I.
7

8 * * *

9 Section 22. Subsection C of Section 23.43.010 of the Seattle Municipal Code, which
10 subsection was last amended by Ordinance 117430, is amended as follows:

11 **23.43.010 Tandem housing.**

12 * * *

13 C. Yards, ~~((and))~~ Setbacks and Separations Between Structures.

14 1. Front Yard. The front yard shall be a minimum of ten (10) feet.

15 2. Interior Separation between Tandem Houses. The interior separation between
16 the residential structures shall be a minimum of ten (10) feet.

17 3. Rear Yard. Where no platted alley exists, the rear yard for a lot containing
18 tandem houses shall be a minimum of ten (10) feet. Where a platted ~~((developed))~~ alley exists,
19 this rear yard requirement shall not apply.

20 4. Total Combined Yards. The total of the front yard, rear yard (if any), and the
21 interior separation shall be a minimum of thirty-five (35) feet.

1 5. Modification of Front and Rear Yards. If recommended in a neighborhood plan
2 adopted or amended by the City Council after January 1, 1995, an ordinance designating an area
3 as RSL may require front and/or rear yard setbacks greater than ten (10) feet (except for rear
4 yards where platted and developed alleys exist), subject to the provisions of subsections C1, C2,
5 C3, and C4 of this section, and provided that the required total combined yards shall not exceed
6 thirty-five (35) feet.
7

8 6. Side Setbacks. The required side setback shall be five (5) feet. The side setback
9 may be averaged. No portion of the side setback shall be less than three (3) feet, except as
10 follows:

11 a. Street side setbacks shall be a minimum of five (5) feet.

12 b. If an easement is provided along a side lot line of the abutting lot
13 sufficient to leave a ten (10) foot separation between the two (2) principal structures of the two
14 (2) lots, the required side setback may be reduced from the requirement of Section 23.43.008 D2.
15 The easement shall be recorded with the King County Department of Records and Elections. The
16 easement shall provide access for normal maintenance activities on the principal structure on the
17 lot with less than the required side setback. No principal structure shall be located in the
18 easement, except that eaves of a principal structure may project a maximum of eighteen (18)
19 inches into the easement. No portion of any structure, including eaves, shall cross the property
20 line.
21

22 7. Projections and structures permitted in required yards, setbacks and
23 separations between structures are subject to the standards of subsections 23.45.518 H and I.
24
25

* * *

Section 23. Subsections D, E and F of Section 23.43.012 of the Seattle Municipal Code, which subsections were last amended by Ordinance 117430, are amended as follows:

23.43.012 Cottage Housing Developments (CHDs).

* * *

D. Lot Coverage and Floor Area.

1. The maximum lot coverage permitted for principal and accessory structures in cottage housing developments ~~((shall))~~ may not exceed forty (40) percent.

2. The maximum ground level floor area ~~((lot coverage))~~ for an individual principal structure in a cottage housing development, as measured for lot coverage, is ~~((shall not exceed))~~ six hundred fifty (650) square feet.

3. ~~((The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or nine hundred seventy-five (975) square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than twelve (12) feet above finished grade, or below the main level, shall be limited to no more than fifty (50) percent of the enclosed space of the main level, or three hundred seventy-five (375) square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces.))~~ The total floor area of each cottage may not exceed nine hundred seventy-five (975) square feet.

E. Yards, Setbacks and Separations Between Structures.

1 1. Front Yards. In order to accommodate a (~~The~~) front yard for cottage housing
2 developments, a setback from the front property line shall be an average of ten (10) feet, and at
3 no point (~~shall~~) may be less than five (5) feet.

4 2. Rear Yards. The minimum rear yard for a cottage housing development shall be
5 ten (10) feet.

6 3. Side Yards. The minimum required side yard for a cottage housing
7 development shall be five (5) feet. When there is a principal entrance along a side facade, the
8 side yard shall be no less than ten (10) feet along that side for the length of the pedestrian route.
9 This ten (10) foot side yard shall apply only to a height of eight (8) feet above the access route.
10

11 4. Interior Separation for Cottage Housing Developments. There shall be a
12 minimum separation of six (6) feet between principal structures. Facades of principal structures
13 facing facades of accessory structures shall be separated by a minimum of three (3) feet. When
14 there is a principal entrance on an interior facade of either or both of the facing facades, the
15 minimum separation shall be ten (10) feet.
16

17 5. Projections and structures permitted in required yards, setbacks and
18 separations between structures are subject to the standards of subsections 23.45.518 H and I.
19

20 F. Required Open Space.

21 1. Quantity of Open Space. A minimum of four hundred (400) square feet per unit
22 of landscaped open space is required. This quantity shall be allotted as follows:

23 a. A minimum of two hundred (200) square feet per unit shall be private
24 usable open space; and
25

1 ((~~Section 23.44.017~~)) Chapter 23.51B, except that departures from development standards may
2 be permitted or required pursuant to procedures and criteria established in Chapter 23.79,
3 Development Standard Departure for Public Schools;

4 * * *

5 Section 26. Section 23.44.017 of the Seattle Municipal Code, which section was last
6 amended by Ordinance 121429, is hereby amended and recodified as follows:

7
8 ~~((23.44.017 Development standards for public schools.))~~ **Chapter 23.51B Public schools in**
9 **residential zones.**

10 **23.51B.002 Public schools in residential zones.**

11 Public schools in all Single Family and Multifamily Zones shall be subject to the
12 following development standards unless otherwise indicated:

13 A. ~~((Maximum Lot Coverage.))~~ New public schools or additions to existing public
14 schools and accessory uses including child care centers that meet the applicable development
15 standards of this Chapter are permitted outright.

16 B. Departures from development standards may be permitted or required pursuant to
17 procedures and criteria established in Chapter 23.79, Establishment of Development Standard
18 Departure for Public Schools.

19 C. Public schools in the Lowrise Duplex/Triplex (LDT) zones shall meet the
20 development standards for public schools in Lowrise 1 (L1) zones.

21 ~~((4.))~~ D. Lot Coverage in Single Family Zones.

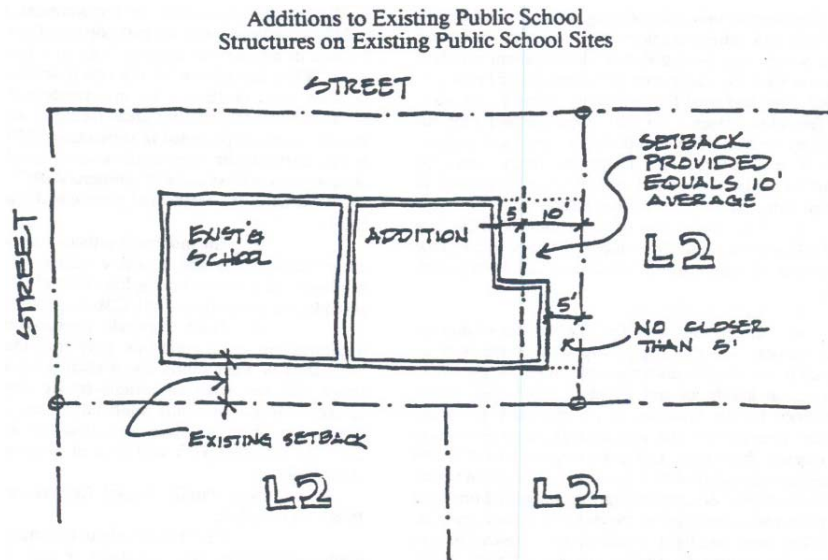
1 1. For new public school construction on new public school sites the maximum
2 lot coverage permitted for all structures shall not exceed forty-five (45) percent of the lot area for
3 one (1) story structures or thirty-five (35) percent of the lot area if any structure or portion of a
4 structure has more than one (1) story.

5 2. For new public school construction and additions to existing public school
6 structures on existing public school sites, the maximum lot coverage permitted shall not exceed
7 the greater of the following:
8

9 a. The lot coverage permitted in subsection A1; or

10 b. The lot coverage of the former school structures on the site provided
11 that the height of the new structure or portion of structure is no greater than that of the former
12 structures as regulated in Section 23.86.006 E, and at least fifty (50) percent of the footprint of
13 the new principal structure is constructed on a portion of the lot formerly occupied by the
14 footprint of the former principal structure. (See Exhibit ((~~23.44.017 A.~~) 23.51B.002A.)

15 **Exhibit 23.51B.002A**
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3. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. Up to fifty-five (55) percent lot coverage may be allowed for single-story structures, and up to forty-five (45) percent lot coverage for structures of more than one (1) story. Lot coverage restrictions may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

4. The exceptions to lot coverage set forth in subsection D of Section 23.44.010 shall apply.

((B-)) E. Height.

1. Single Family and Lowrise Zones.

a. For new public school construction on new public school sites, the maximum permitted height is thirty (30) feet. For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height is thirty-five (35) feet plus ten (10) feet for a pitched roof if all portions of the structure above thirty (30) feet are set back at

1 least twenty (20) feet from all property lines. All parts of a gymnasium or auditorium roof above
2 the height limit must be pitched at a rate of not less than four to twelve (4:12). No portion of a
3 shed roof on a gymnasium or auditorium is permitted to extend above the thirty-five (35) foot
4 height limit under this provision.

5 ~~((2-))~~ b. For new public school construction on existing public school
6 sites, the maximum permitted height is thirty-five (35) feet plus fifteen (15) feet for a pitched
7 roof. All parts of the roof above the height limit must be pitched at a rate of not less than four to
8 twelve (4:12). No portion of a shed roof is permitted to extend beyond the thirty-five (35) foot
9 height limit under this provision.

10 ~~((3-))~~ c. For additions to existing public schools on existing public school
11 sites, the maximum height permitted is the height of the existing school or thirty-five (35) feet
12 plus fifteen (15) feet for a pitched roof, whichever is greater. When the height limit is thirty-five
13 (35) feet, the ridge of the pitched roof on a principal structure may extend up to fifteen (15) feet
14 above the height limit, and all parts of the roof above the height limit must be pitched at a rate of
15 not less than four to twelve (4:12). No portion of a shed roof is permitted to extend beyond the
16 thirty-five (35) foot limit under this provision.

17 2. Midrise and Highrise Zones. The maximum permitted height in all public
18 school scenarios is the maximum height permitted in the zone for multifamily structures.

19 ~~((4-))~~ 3. Development standard departure may be granted or required pursuant to
20 the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new
21 and existing public school sites to the extent not otherwise permitted outright, maximum height

1 that may be granted as development standard departure is thirty-five (35) feet plus fifteen (15)
2 feet for a pitched roof for elementary schools and sixty (60) feet plus fifteen (15) feet for a
3 pitched roof for secondary schools. The standards for roof pitch (~~(at paragraph 3 shall)~~) apply.

4 All height maximums may be waived by the Director when waiver would contribute to reduced
5 demolition of residential structures.

6 ~~((5.))~~ 4. The provisions of subsection B of Section 23.44.012 regarding pitched
7 roofs and sloped lots and the exemptions of subsection C of Section 23.44.012 shall apply.

8 ~~((6.))~~ 5. Light Standards.

9 a. Light standards for illumination of athletic fields on new and existing
10 public school sites will be allowed to exceed the maximum permitted height, up to a maximum
11 height of one hundred (100) feet, where determined by the Director to be necessary to ensure
12 adequate illumination and where the Director determines that impacts from light and glare are
13 minimized to the greatest extent practicable. The applicant must submit an engineer's report
14 demonstrating that impacts from light and glare are minimized to the greatest extent practicable.
15 When proposed light standards are reviewed as part of a project being reviewed pursuant to
16 Chapter 25.05, Environmental Policies and Procedures, and requiring a SEPA determination, the
17 applicant must demonstrate that the additional height contributes to a reduction in impacts from
18 light and glare.

19 b. When proposed light standards are not included in a proposal being
20 reviewed pursuant to Chapter 25.05, the Director may permit the additional height as a special
21

1 exception subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use
2 Decisions.

3 (1) When seeking a special exception for taller light standards, the
4 applicant must submit an engineer's report demonstrating that the additional height contributes to
5 a reduction in impacts from light and glare. When the proposal will result in extending the
6 lighted area's duration of use, the applicant must address and mitigate potential impacts,
7 including but not limited to, increased duration of noise, traffic, and parking demand. The
8 applicant also must demonstrate it has conducted a public workshop for residents within one-
9 eighth (1/8) of a mile of the affected school in order to solicit comments and suggestions on
10 design as well as potential impacts.
11

12 (2) The Director may condition a special exception to address
13 negative impacts from light and glare on surrounding areas, and conditions may also be imposed
14 to address other impacts associated with increased field use due to the addition of lights,
15 including, but not limited to, increased noise, traffic, and parking demand.
16

17 ~~((C-))~~ F. Setbacks.

18 1. General Requirements.

19 a. No setbacks are required for new public school construction or for
20 additions to existing public school structures for that portion of the site across a street or an alley
21 or abutting a lot in a nonresidential zone. When any portion of the site is across a street or an
22 alley from or abuts a lot in a residential zone, setbacks are required for areas facing or abutting
23 residential zones, as provided in subsections ~~((C2))~~ F2 through ~~((C5))~~ F5 below. Setbacks for
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1 sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones are
 2 based upon the residential zone classification of the RC lot.

3 b. The minimum setback requirement may be averaged along the structure
 4 facade with absolute minimums for areas abutting lots in residential zones as provided in
 5 subsections ((~~C2b, C3b and C4b~~) F2b, F3b and F4b).

6 c. Trash disposals, openable windows in a gymnasium, main entrances,
 7 play equipment, kitchen ventilators or other similar items shall be located at least thirty (30) feet
 8 from any single-family zoned lot and twenty (20) feet from any multi-family zoned lot.

9 d. The exceptions of subsections D4, D5, D6, D8, D9, D10, D11 and D12
 10 of Section 23.44.014 shall apply.

11
 12
 13 2. New Public School Construction on New Public School Sites.

14 a. New public school construction on new public school sites across a
 15 street or alley from lots in residential zones shall provide minimum setbacks according to the
 16 facade height of the school and the designation of the facing residential zone, as follows:

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Minimum Setbacks by Zone from which Across				
Facade Height¹	SF/L1	L2/L3/L4	MR	HR
Average				
Up to 20'	15'	10'	5'	0'
21' to 35'	15'	10'	5'	0
36' to 50'	20'	15'	5'	0'
51' or more	35'	20'	10'	0'

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 24 ¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows:

Minimum Setbacks Abutting Zone				
Facade Height¹	SF/L1	L2/L3/L4	MR	HR
Average (minimum)				
Up to 20'	((24')) <u>20'</u> (10')	15'(10')	10'(5')	0'
21' to 35'	((20')) <u>25'</u> (10')	15'(10')	10'(5')	0'
36' to 50'	25'(10')	20'(10')	10'(5')	0'
51' or more	30'(15')	25'(10')	15'(5')	0'

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

3. New Public School Construction on Existing Public School Sites.

a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone as follows, whichever is less:

Minimum Setbacks Zone from which Across				
Facade Height¹	SF/L1	L2/L3/L4	MR	HR
Average				
Up to 20'	10'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or

1 minimum setbacks according to the facade height of the school and the designation of the
 2 abutting residential zone, as follows, whichever is less:

Minimum Setbacks Abutting Zone				
Façade Height¹	SF/L1	L2/L3/L4	MR	HR
Average (minimum)				
Up to 20'	15'(10')	10'(5')	10'(5')	0'(0')
21' to 35'	20'(10')	15'(10')	10'(5')	0'(0')
36' to 50'	25'(10')	20'(10')	10'(5')	0'(0')
51' or more	30'(15')	25'(10')	15'(5')	0'(0')

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 9 ¹. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

10 4. Additions to Existing Public School Structures on Existing Public School Sites.

11 a. Additions to existing public school structures on existing public school
 12 sites across a street or alley from lots in residential zones shall provide either the setback of the
 13 previous structure on the site or minimum setbacks according to the facade height of the school
 14 and the designation of the facing residential zone as follows, whichever is less:
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Minimum Setbacks Zone from which Across				
Façade Height¹	SF/L1	L2/L3/L4	MR	HR
Average				
Up to 20'	5'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

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 24 ¹. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.
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b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone as follows, whichever is less:

Minimum Setbacks Abutting Zone				
Façade Height¹	SF/L1	L2/L3/L4	MR	HR
	Average (minimum)			
Up to 20'	10'(5')	10'(5')	10'(5')	0'(0')
21' to 35'	15'(5')	10'(5')	10'(5')	0'(0')
36' to 50'	20'(10')	20'(10')	10'(5')	0'(0')
51' or more	25'(10')	25'(10')	15'(5')	0'(0')

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

5. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

a. The minimum average setback may be reduced to ten (10) feet and the minimum setback to five (5) feet for structures or portions of structures across a street or alley from lots in residential zones.

b. The minimum average setback may be reduced to fifteen (15) feet and the minimum setback to five (5) feet for structures or portions of structures abutting lots in residential zones.

c. The limits in subsections C5a and C5b may be waived by the Director when a waiver would contribute to reduced demolition of residential structures.

~~(D.)~~ G. Structure Width.

1 1. When a new public school structure is built on a new public school site or on
2 an existing public school site, the maximum width of a structure is sixty-six (66) feet unless
3 either the modulation option in subsection ~~((D1a))~~ G1a below or the landscape option in
4 subsection ~~((D1b))~~ G1b below is met.

5 a. Modulation Option. Facades shall be modulated according to the
6 following provisions:
7

8 (1) The minimum depth of modulation is four (4) feet.

9 (2) The minimum width of modulation is twenty (20) percent of
10 the total structure width or ten (10) feet, whichever is greater.

11 b. Landscape Option. The yards provided by the required setbacks shall be
12 landscaped as follows:

13 (1) One (1) tree and three (3) shrubs are required for each
14 three hundred (300) square feet of required yard. When new trees are planted, at least half must
15 be deciduous.
16

17 (2) Trees and shrubs ~~((which))~~ that already exist in the
18 required planting area or have their trunk or center within ten (10) feet of the area may be
19 substituted for required plantings on a ~~((one (1) tree to one (1) tree or one (1) shrub to one (1)~~
20 ~~shrub basis if the minimum standards in Chapter 23.86, Measurements, are met, except that~~
21 ~~shrub height need not exceed two (2) feet at any time. In order to give credit for large existing~~
22 ~~trees, a tree may count as one (1) required tree for every three hundred (300) square feet of its~~
23 ~~canopy spread.))~~ one-tree-to-one-tree or one-shrub-to-one-shrub basis. In order to qualify, a tree
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1 must be six inches (6”) or greater in diameter, measured four and one-half feet (4.5’) above the
2 ground.

3 (3) The planting of street trees may be substituted for
4 required trees on a one-to-one (1:1) basis. All street trees shall be planted according to City of
5 Seattle tree planting standards.

6 (4) Each setback required to be landscaped shall be planted
7 with shrubs, grass, and/or evergreen ground cover.

8 (5) Landscape features such as decorative paving are
9 permitted to a maximum of twenty-five (25) percent of each required landscaped area.

10 (6) A plan shall be filed showing the layout of the required
11 landscaping.

12 (7) The School District shall maintain all landscape
13 material and replace any dead or dying plants.

14 2. There is no maximum width limit for additions to existing public school
15 structures on existing public school sites. The Director may require landscaping to reduce the
16 appearance of bulk.

17 3. Development standard departure from the modulation and landscaping
18 standards may be granted or required pursuant to the procedures and criteria set forth in Chapter
19 23.79 to permit other techniques to reduce the appearance of bulk. Techniques to reduce the
20 appearance of bulk may be waived by the Director when the waiver would contribute to reduced
21 demolition of residential structures.
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1 ~~((E.))~~ H. Parking Quantity. Parking shall be required as provided in Chapter 23.54.

2 ~~((F.))~~ I. Parking Location. Parking may be located:

3 1. Within the principal structure; or

4 2. On any portion of the lot except the front setback when separated from streets
5 and from abutting lots in residential zones by a five (5) foot deep area that is landscaped with
6 trees and ground cover determined by the Director as adequate to soften the view of the parking
7 from adjacent properties. In the case of a through lot, parking may also be located in one (1)
8 front setback when landscaped as described in this subsection;

9 3. Development standard departure may be granted or required pursuant to the
10 procedures set forth in Chapter 23.79 to permit parking location anywhere on the lot and to
11 reduce required landscaping. Landscaping may be waived in whole or in part if the topography
12 of the site or other circumstances result in the purposes of landscaping being served, as, for
13 example, when a steep slope shields parking from the view of abutting properties. This test may
14 be waived by the Director when waiver would contribute to reduced demolition of residential
15 structures.
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19 ~~((G.))~~ J. Bus and Truck Loading and Unloading.

20 1. Unless subsection ~~((G4))~~ J4 of this section applies, an off-street bus loading
21 and unloading area of a size reasonable to meet the needs of the school shall be provided and
22 may be located in any required yard. The bus loading and unloading area may be permitted in
23 landscaped areas provided under subsection ~~((D4b))~~ G1b if the Director determines that
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1 landscaping around the loading and unloading area softens the impacts of its appearance on
2 abutting properties.

3 2. One (1) off-street truck loading berth meeting the requirements of subsection H
4 of Section 23.54.030 shall be required for new public school construction.

5 3. Development standard departure from the requirements and standards for bus
6 and truck loading and unloading areas and berths may be granted or required pursuant to the
7 procedures and criteria set forth in Chapter 23.79 only when departure would contribute to
8 reduced demolition of residential structures.

9 4. When a public school is remodeled or rebuilt at the same site, an existing on-
10 street bus loading area is allowed if the following conditions are met:

- 11 a. The school site is not proposed to be expanded;
- 12 b. The student capacity of the school is not being expanded by more than
13 twenty-five (25) percent; and
- 14 c. The location of the current on-street bus loading remains the same.

15 ~~((H))~~ K. Noise, Odor, Light and Glare. The development standards for small institutions
16 set forth in ~~((subsections A1, B and C of Section 23.45.100 shall))~~ Section 23.45.554 apply.
17 Development standard departure from these standards may be granted or required pursuant to the
18 procedures and criteria set forth in Chapter 23.79 only when departure would contribute to
19 reduced demolition of residential structures.
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1 Section 27. Section 23.45.112 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 121477, is hereby amended and recodified as shown here and in Section
3 26 of this ordinance:

4 ~~((23.45.112 Public schools.~~

5 ~~Public Schools Meeting Development Standards. New public schools or additions to~~
6 ~~existing public schools and accessory uses including child care centers that meet the following~~
7 ~~development standards are permitted in all multifamily zones. Public schools in the Lowrise~~
8 ~~Duplex/Triplex (LDT) zones shall meet the development standards for public schools in Lowrise~~
9 ~~1 (L1) zones. Departures from development standards of this section may be permitted or~~
10 ~~required pursuant to procedures and criteria established in Chapter 23.79, Establishment of~~
11 ~~Development Standard Departure for Public Schools.~~

14 ~~A. Height.~~

15 ~~1. For new public school construction on new public school sites, the maximum~~
16 ~~permitted height is the maximum height permitted in the zone for multifamily structures. For~~
17 ~~gymnasiums and auditoriums in Lowrise zones that are accessory to the public school, the~~
18 ~~maximum permitted height is thirty five (35) feet plus ten (10) feet for a pitched roof if all~~
19 ~~portions of the structure above the height limit of the zone are set back at least twenty (20) feet~~
20 ~~from all property lines. All parts of a gymnasium or auditorium roof above the height limit must~~
21 ~~be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof on a~~
22 ~~gymnasium or auditorium is permitted to extend above the thirty five (35) foot height limit under~~
23 ~~this provision.~~

1 ~~2. For new public school construction on existing public school sites, the~~
2 ~~maximum permitted height is the maximum height permitted in the zone for multifamily~~
3 ~~structures or thirty five (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater. If~~
4 ~~the thirty five (35) foot height limit applies, all parts of the roof above the height limit must be~~
5 ~~pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof is permitted to~~
6 ~~extend beyond the thirty five (35) foot height limit under this provision.~~

7
8 ~~3. For additions to existing public schools on existing public school sites, the~~
9 ~~maximum height permitted is the maximum height permitted in the zone for multifamily~~
10 ~~structures, the height of the existing school, or thirty five (35) feet plus fifteen (15) feet for a~~
11 ~~pitched roof, whichever is greater. When the height limit is thirty five (35), feet all parts of the~~
12 ~~roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No~~
13 ~~portion of a shed roof is permitted to extend beyond the thirty five (35) foot height limit under~~
14 ~~this provision.~~

15
16 ~~4. Development standard departure may be granted or required pursuant to the~~
17 ~~procedures and criteria set forth in Chapter 23.79. For construction of new structures on new~~
18 ~~and existing public school sites to the extent not otherwise permitted outright, maximum height~~
19 ~~that may be granted as a development standard departure is thirty five (35) feet plus fifteen (15)~~
20 ~~feet for a pitched roof for elementary schools and sixty (60) feet plus fifteen feet (15') for a~~
21 ~~pitched roof for secondary schools. The standards for roof pitch at paragraph 3 applies. All~~
22 ~~height maximums may be waived by the Director when a waiver would reduce or eliminate the~~
23 ~~demolition of residential structures.~~

1 ~~5. The provisions regarding height for sloped lots, pitched roofs, and rooftop~~
2 ~~features for the zone in which the public school is located apply.~~

3 ~~6. Light Standards.~~

4 ~~a. Light standards for illumination of athletic fields on new and existing~~
5 ~~public school sites may exceed the maximum permitted height, up to a maximum height of one~~
6 ~~hundred (100) feet, where determined by the Director to be necessary to ensure adequate~~
7 ~~illumination and where the Director determines that impacts from light and glare are minimized~~
8 ~~to the greatest extent practicable. The applicant must submit an engineer's report demonstrating~~
9 ~~that impacts from light and glare are minimized to the greatest extent practicable. When~~
10 ~~proposed light standards are reviewed as part of a project being reviewed pursuant to Chapter~~
11 ~~25.05, Environmental Policies and Procedures, and requiring a SEPA determination, the~~
12 ~~applicant must demonstrate that the additional height contributes to a reduction in impacts from~~
13 ~~light and glare.~~

14 ~~b. When proposed light standards are not included in a proposal being~~
15 ~~reviewed pursuant to Chapter 25.05, the Director may permit the additional height as a special~~
16 ~~exception subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use~~
17 ~~Decisions.~~

18 ~~(1) When seeking a special exception for taller light standards, the~~
19 ~~applicant must submit an engineer's report demonstrating that the additional height contributes to~~
20 ~~a reduction in impacts from light and glare. When the proposal will result in extending the~~
21 ~~lighted area's duration of use, the applicant must address and mitigate potential impacts,~~

1 ~~including but not limited to, increased duration of noise, traffic, and parking demand. The~~
2 ~~applicant also must demonstrate he or she has conducted a public workshop for residents within~~
3 ~~one eighth (1/8) of a mile of the affected school in order to solicit comments and suggestions on~~
4 ~~design, as well as potential impacts.~~

5 ~~(2) The Director may condition a special exception to address~~
6 ~~negative impacts from light and glare on surrounding areas, and conditions may also be imposed~~
7 ~~to address other impacts associated with increased field use due to the addition of lights,~~
8 ~~including but not limited to, increased noise, traffic, and parking demand.~~

10 ~~B. Setbacks.~~

11 ~~1. General Requirements.~~

12 ~~a. No setbacks are required for new public school construction or for~~
13 ~~additions to existing public school structures for that portion of a site across a street or an alley~~
14 ~~or abutting a lot in a nonresidential zone. When any portion of a site is across a street or an alley~~
15 ~~from or abuts a lot in a residential zone, setbacks are required for areas facing or abutting~~
16 ~~residential zones as provided in subsections B2 through B5 below. Setbacks for sites across a~~
17 ~~street or alley from or abutting lots in Residential Commercial (RC) zones are based upon the~~
18 ~~residential zone classification of the RC lot.~~

19 ~~b. The minimum setback requirement may be averaged along the entire~~
20 ~~structure facade with absolute minimums for areas abutting lots in residential zones as provided~~
21 ~~in subsections B2b, B3b and B4b.~~

~~e. Trash disposals, openable windows in a gymnasium, main entrances, play equipment, kitchen ventilators or other similar items shall be located at least thirty (30) feet from any single family zoned lot and twenty feet (20') from any multifamily zoned lot.~~

~~d. The general setback regulations and exceptions of the zone in which the public school is located apply.~~

~~2. New Public School Construction on New Public School Sites.~~

~~a. New public school construction on new public school sites across a street or alley from lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows:~~

Minimum Setbacks Zone from which Across				
Facade Height¹	SF/L1	L2/L3	MR	HR
	Average			
Up to 20'	15'	10'	5'	0'
21' to 35'	15'	10'	5'	0'
36' to 50'	20'	15'	5'	0'
51' or more	25'	20'	10'	0'

~~¹Height of facade or portion of facade and height of pitched roof to ridge from existing grade.~~

~~b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows:~~

Minimum Setbacks Abutting Zone				
Facade Height[†]	SF/L1	L2/L3	MR	HR
Average (minimum)				
Up to 20'	20' (10')	15' (10')	10' (5')	0' (0')
21' to 35'	25' (10')	20' (10')	10' (5')	0' (0')
36' to 50'	25' (10')	20' (10')	10' (5')	0' (0')
51' or more	30' (15')	25' (10')	15' (5')	0' (0')

[†] Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

3. New Public School Construction on Existing Public School Sites:

a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows, whichever is less:

Minimum Setbacks Zone from which Across				
Facade Height[†]	SF/L1	L2/L3	MR	HR
Average				
Up to 20'	10'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

[†] Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

Minimum Setbacks Abutting Zone				
Facade Height[†]	SF/L1	L2/L3	MR	HR
Average (minimum)				
Up to 20'	15' (10')	10' (5')	10' (5')	0' (0')
21' to 35'	15' (10')	15' (10')	10' (5')	0' (0')
36' to 50'	25' (10')	20' (10')	10' (5')	0' (0')
51' or more	30' (15')	25' (10')	15' (5')	0' (0')

[†] Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

4. Additions to Existing Public School Structures on Existing Public School Sites

(See Exhibit 23.44.017 A).

a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows, whichever is less:

Minimum Setbacks Zone from which Across				
Facade Height[†]	SF/L1	L2/L3	MR	HR
Average (minimum)				
Up to 20'	5'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

[†] Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

Minimum Setbacks Abutting Zone				
Facade Height[†]	SF/L1	L2/L3	MR	HR
Average (minimum)				
Up to 20'	10' (5')	10' (5')	10' (5')	0' (0')
21' to 35'	15' (5')	10' (5')	10' (5')	0' (0')
36' to 50'	20' (10')	20' (10')	10' (5')	0' (0')
51' or more	25' (10')	25' (10')	15' (5')	0' (0')

[†] Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

5. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

1 a. ~~The minimum average setback may be reduced to ten (10) feet and the~~
2 ~~minimum setback to five (5) feet for structures or portions of structures across a street or alley~~
3 ~~from lots in residential zones.~~

4 b. ~~The minimum average setback may be reduced to fifteen (15) feet and~~
5 ~~the minimum setback to five (5) feet for structures or portions of structures abutting lots in~~
6 ~~residential zones.~~

7 c. ~~The limits in this subsection may be waived by the Director when~~
8 ~~waiver would reduce or eliminate demolition of residential structures.~~

9
10 C. ~~Structure Width.~~

11 1. ~~When a new public school structure is built on a new public school site or on~~
12 ~~an existing public school site, the maximum width of a structure is sixty five (65) feet unless~~
13 ~~either the following modulation option or landscape option is met:~~

14 a. ~~Modulation Option. Front facades and side and rear facades facing~~
15 ~~street lot lines shall be modulated according to the following provisions:~~

16 (1) ~~The minimum depth of modulation is four (4) feet.~~

17 (2) ~~The minimum width of modulation is twenty (20) percent of~~
18 ~~the total structure width or ten feet (10'), whichever is greater.~~

19 b. ~~Landscape Option. Setbacks and landscaping are required as follows:~~

20 (1) ~~One (1) tree and three (3) shrubs are required for each three~~
21 ~~hundred (300) square feet of required setback. When new trees are planted, at least half must be~~
22 ~~deciduous.~~

1 ~~D. Parking Quantity. Parking is required pursuant to Chapter 23.54.~~

2 ~~E. Parking Location. Parking may be located:~~

3 ~~1. Within the principal structure; or~~

4 ~~2. On any portion of the site except the front setback when separated from streets~~
5 ~~and from abutting lots in residential zones by a five (5) foot deep area which is landscaped with~~
6 ~~trees and ground cover determined by the Director as adequate to improve the appearance of the~~
7 ~~parking from adjacent properties. In the case of a through lot, parking may also be located in one~~
8 ~~(1) front setback when landscaped as described in this subsection.~~

9 ~~3. Development standard departure may be granted or required pursuant to the~~
10 ~~procedures set forth in Chapter 23.79 to permit parking location anywhere on the site and to~~
11 ~~reduce required landscaping. Landscaping may be waived in whole or in part if the topography~~
12 ~~of the site or other circumstances result in the purposes of landscaping being served, as, for~~
13 ~~example, when a steep slope shields parking from the view of abutting properties. This test may~~
14 ~~be waived by the Director when waiver would reduce or eliminate demolition of residential~~
15 ~~structures.~~

16 ~~F. Bus and Truck Loading and Unloading.~~

17 ~~1. An off street bus loading and unloading area of a size reasonable to meet the~~
18 ~~needs of the school shall be provided and may be located in any required setback. The bus~~
19 ~~loading and unloading area may be permitted in a landscaped area provided under subsection~~
20 ~~C1b if the Director determines that landscaping around the loading and unloading mitigates the~~
21 ~~impacts of its appearance on abutting properties.~~

1 ~~2. One (1) off street loading berth is required for new public school construction.~~

2 ~~3. Development standard departure may be granted or required pursuant to the~~
3 ~~procedures and criteria set forth in Chapter 23.79 from the requirements and standards for bus~~
4 ~~and truck loading and unloading areas and berths only when departure would reduce or eliminate~~
5 ~~demolition of residential structures.~~

6 ~~G. Noise, Odor, Light and Glare. The development standards for institutions set forth in~~
7 ~~subsections A1, B and C of Section 23.45.100 shall apply. Development standard departure from~~
8 ~~these standards may be granted or required pursuant to the procedures set forth in Chapter 23.79~~
9 ~~only when departure would reduce or eliminate demolition of residential structures.))~~

10 Section 28. Section 23.44.036 of the Seattle Municipal Code, which section was last
11 amended by Ordinance 121477, is amended and recodified as follows:

12 ~~((23.44.036 Public facilities.))~~ **23.51A Public facilities in residential zones.**

13 **23.51A.002 Public facilities in Single Family Zones.**

14 A. Except as provided in subsections B, D and E below, uses in public facilities that are
15 most similar to uses permitted outright or permitted as an administrative conditional use under
16 this chapter shall also be permitted outright or as an administrative conditional use, subject to the
17 same use regulations, development standards and administrative conditional use criteria that
18 govern the similar use. The City Council may waive or modify applicable development standards
19 or administrative conditional use criteria according to the provisions of Chapter 23.76,
20 Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-
21 judicial decisions and City facilities considered as Type V legislative decisions.
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1 B. Permitted Uses in Public Facilities Requiring City Council Approval. The following
2 uses in public facilities in single-family zones may be permitted by the City Council, according
3 to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use
4 Decisions:

- 5 1. Police precinct station;
- 6 2. Fire station;
- 7 3. Public boat moorage;
- 8 4. Utility services use; and
- 9 5. Other similar use.

10 The proponent of any such use shall demonstrate the existence of a public necessity for
11 the public facility use in a single-family zone. The public facility use shall be developed
12 according to the development standards for institutions (Section 23.44.022), unless the City
13 Council makes a determination to waive or modify applicable development standards according
14 to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public
15 projects considered as Type IV quasi-judicial decisions and City facilities considered as type V
16 legislative decisions.
17
18
19

20 C. Expansion of Uses in Public Facilities.

21 1. Major Expansion. Major expansions may be permitted to uses in public
22 facilities allowed in subsections A and B above according to the same provisions and procedural
23 requirements as described in these subsections. A major expansion of a public facility use occurs
24 when the expansion that is proposed would not meet development standards or exceed either
25
26
27

1 seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater,
2 including gross floor area and areas devoted to active outdoor uses other than parking.

3 2. Minor Expansion. When an expansion falls below the major expansion
4 threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public
5 facilities allowed in subsections A and B above according to the provisions of Chapter 23.76,
6 Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use
7 Permit when the development standards of the zone in which the public facility is located are
8 met.
9

10 D. Sewage Treatment Plants. The expansion or reconfiguration (which term shall include
11 reconstruction, redevelopment, relocation on the site, or intensification of treatment capacity) of
12 existing sewage treatment plants in single-family zones may be permitted if there is no feasible
13 alternative location in a zone where the use is permitted and the conditions imposed under
14 subsections D3 and D4 are met.
15

16 1. Applicable Procedures. The decision on an application for the expansion or
17 reconfiguration of a sewage treatment plant shall be a Type IV Council land use decision. If an
18 application for an early determination of feasibility is required to be filed pursuant to subsection
19 D2 of this section, the early determination of feasibility will also be a Council land use decision
20 subject to Sections 23.76.038 through 23.76.056.
21

22 2. Need for Feasible Alternative Determination. The proponent shall demonstrate
23 that there is no feasible alternative location in a zone where establishment of the use is permitted.
24
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1 a. The Council's decision as to the feasibility of alternative location(s)
2 shall be based upon a full consideration of the environmental, social and economic impacts on
3 the community, and the intent to preserve and to protect the physical character of single-family
4 areas, and to protect single-family areas from intrusions of non-single-family uses.

5 b. The determination of feasibility may be the subject of a separate
6 application for a Council land use decision prior to submission of an application for a project-
7 specific approval if the Director determines that the expansion or reconfiguration proposal is
8 complex, involves the phasing of programmatic and project-specific decisions or affects more
9 than one site in a single-family zone.
10

11 c. Application for an early determination of feasibility shall include:

12 (1) The scope and intent of the proposed project in the single-
13 family zone and appropriate alternative(s) in zones where establishment of the use is permitted,
14 identified by the applicant or the Director;

15 (2) The necessary environmental documentation as determined by
16 the Director, including an assessment of the impacts of the proposed project and of the
17 permitted-zone alternative(s), according to the state and local SEPA guidelines;
18

19 (3) Information on the overall sewage treatment system which
20 outlines the interrelationship of facilities in single-family zones and in zones where
21 establishment of the use is permitted;
22

23 (4) Schematic plans outlining dimensions, elevations, locations on
24 site and similar specifications for the proposed project and for the alternative(s).
25

1 d. If a proposal or any portion of a proposal is also subject to a feasible or
2 reasonable alternative location determination under Section 23.60.066 of Title 23, the Plan
3 Shoreline Permit application and the early determination application will be considered in one
4 determination process.

5 3. Conditions for Approval of Proposal.

6 a. The project shall be located so that adverse impacts on residential areas
7 shall be minimized;

8 b. The expansion of a facility shall not result in a concentration of
9 institutions or facilities that would create or appreciably aggravate impacts that are incompatible
10 with single-family residences.

11 c. A facility management and transportation plan shall be required. The
12 level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or
13 scale of the proposed facility, and shall at a minimum include discussion of sludge
14 transportation, noise control, and hours of operation. Increased traffic and parking expected to
15 occur with use of the facility shall not create a serious safety problem or a blighting influence on
16 the neighborhood;

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

1 e. Methods of storing and transporting chlorine and other hazardous and
2 potentially hazardous chemicals shall be determined in consultation with the Seattle Fire
3 Department and incorporated into the design and operation of the facility;

4 f. Vehicular access suitable for trucks is available or provided from the
5 plant to a designated arterial improved to City standards;

6 g. The bulk of facilities shall be compatible with the surrounding
7 community. Public facilities that do not meet bulk requirements may be located in single-family
8 residential areas if there is a public necessity for their location there;

9 h. Landscaping and screening, separation from less intensive zones, noise,
10 light and glare controls and other measures to ensure the compatibility of the use with the
11 surrounding area and to mitigate adverse impacts shall be incorporated into the design and
12 operation of the facility.

13 i. Residential structures, including those modified for nonresidential use,
14 shall not be demolished for facility expansion unless a need has been demonstrated for the
15 services of the institution or facility in the surrounding community.

16 4. Substantial Conformance. If the application for a project-specific proposal is
17 submitted after an early determination that location of the sewage treatment plant is not feasible
18 in a zone where establishment of the use is permitted, the proposed project must be in substantial
19 conformance with the feasibility determination.

20 Substantial conformance shall include, but not be limited to, a determination that:
21
22
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1 a. There is no net substantial increase in the environmental impacts of the
2 project-specific proposal as compared to the impacts of the proposal as approved in the
3 feasibility determination.

4 b. Conditions included in the feasibility determination are met.

5 E. Prohibited Uses. The following public facilities are prohibited in single-family zones:

- 6 1. Jails;
7
8 2. Metro operating bases;
9
10 3. Park and ride lots;
11
12 4. Establishment of new sewage treatment plants;
13
14 5. Solid waste transfer stations;
15
16 6. Animal control shelters;
17
18 7. Post Office distribution centers; and
19
20 8. Work-release centers.

16 F. Essential Public Facilities. Permitted essential public facilities shall also be reviewed
17 according to the provisions of Chapter 23.80, Essential Public Facilities.

19 Section 29. Section 23.45.106 of the Seattle Municipal Code, which section was last
20 amended by Ordinance 118672, is amended and recodified as follows:

21 ~~((23.45.106 Public facilities.))~~ **23.51A.004 Public facilities in Multifamily Zones.**

22 ~~((A. Except as provided in subsections B, E, F and G of this section below, uses in public
23 facilities that are most similar to uses permitted outright or permitted as an administrative
24 conditional use under this chapter shall also be permitted outright or as an administrative
25~~

1 ~~conditional use, subject to the same use regulations, development standards and administrative~~
2 ~~conditional use criteria that govern the similar use. The City Council may waive or modify~~
3 ~~applicable development standards or administrative conditional use criteria according to the~~
4 ~~provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects~~
5 ~~considered as Type IV quasi-judicial Decisions and City facilities considered as Type V~~
6 ~~legislative decisions.~~

7
8 ~~B. Other Permitted Uses in Public Facilities Requiring City Council Approval. The~~
9 ~~following uses in public facilities shall be permitted outright in all multifamily zones, when the~~
10 ~~development standards for institutions (Sections 23.45.092 through 23.45.102) are met:~~

- 11 ~~1. Police precinct station;~~
- 12 ~~2. Fire station;~~
- 13 ~~3. Public boat moorage;~~
- 14 ~~4. Utility services use; and~~
- 15 ~~5. Other similar use.~~

16
17 ~~If the proposed public facility use does not meet the development standards for~~
18 ~~institutions, the City Council may waive or modify applicable development standards according~~
19 ~~to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public~~
20 ~~projects considered as Type IV quasi-judicial decisions and City facilities considered as type V~~
21 ~~legislative decisions.~~

22
23 ~~C. In all multifamily zones, uses in public facilities not meeting development standards~~
24 ~~may be permitted by the Council if the following criteria are satisfied:~~

1 ~~1. the project provides unique services which are not provided to the community~~
2 ~~by the private sector, such as police and fire stations; and~~

3 ~~2. The proposed location is required to meet specific public service delivery~~
4 ~~needs; and~~

5 ~~3. The waiver or modification to the development standards is necessary to meet~~
6 ~~specific public service delivery needs; and~~

7 ~~4. The relationship of the project to the surrounding area has been considered in~~
8 ~~the design, siting, landscaping and screening of the facility.))~~

9
10 A. Uses in public facilities that are most similar to uses permitted outright or permitted
11 as a conditional use 23.45.504 are permitted outright or as a conditional use, respectively,
12 subject to the same use regulations, development standards and conditional use criteria that
13 govern the similar use.

14
15 B. Unless specifically prohibited in 23.45.504, public facilities not meeting development
16 standards for institutions, 23.45.554, may be permitted by the City Council.

17
18 C. The Council may waive or grant departures from development standards for public
19 facilities, if the following criteria are satisfied:

20 1. The location of the public facility addresses specific and unique public service
21 needs, such as police and fire stations, and any waiver or departure from development standards
22 is necessitated by those public service delivery needs;

23 2. The impact of the public facility on surrounding properties has been addressed
24 in the design, siting, landscaping and screening of the facility.

1 D. Expansion of Public Facilities.

2 1. Major Expansion. Major expansion of public facilities allowed pursuant to
3 23.45.504 may be approved by the City Council subject to the criteria of subsections C1 and C2
4 of this section. A major expansion of a public facility occurs when an expansion would not meet
5 development standards or the area of the expansion would exceed either seven hundred fifty
6 (750) square feet or ten (10) percent of the existing area of the use, whichever is greater. For the
7 purposes of this subsection, area of use includes gross floor area and outdoor area devoted
8 actively to that use, other than as parking.
9

10 2. Minor Expansion. An expansion of a public facility that is not a major
11 expansion is a minor expansion. Minor expansions to uses in public facilities allowed pursuant to
12 23.45.504 are permitted according to the provisions of Chapter 23.76, for a Type I Master Use
13 Permit.
14

15 ~~((E. The following public facilities shall be prohibited in all multifamily zones:~~

- 16 ~~1. Jails;~~
 - 17 ~~2. Work release centers;~~
 - 18 ~~3. METRO operating bases;~~
 - 19 ~~4. Park and Ride lots;~~
 - 20 ~~5. Sewage treatment plants;~~
 - 21 ~~6. Solid waste transfer stations;~~
 - 22 ~~7. Animal control shelters; and~~
 - 23 ~~8. Post office distribution centers.~~
- 24
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28

1 ~~F. Specific Development Standards for Public Facilities.))~~

2 ((~~4.~~) E. Sale and Consumption of Alcoholic Beverages in Certain Public Facilities.

3 These activities are regarded as accessory to park use, subject to the following:

4 1. Sale and consumption of beer during daylight hours on public park premises is
5 permitted in a building or within fifty feet (50') of the building on an adjoining terrace; provided,
6 that such use shall be in a completely enclosed building or enclosed portion of building when
7 within one hundred feet (100') of any lot in a residential zone.

8
9 2. Sale and consumption of alcoholic beverages under a Class H liquor license on
10 municipal golf course premises during the established hours of operation of the golf course is
11 permitted in a building or within fifty (50) feet of the building on an adjoining terrace, provided,
12 that such use is in a completely enclosed building or enclosed portion of building when within
13 one hundred (100) feet of any lot in a residential zone.

14
15 F. Essential public facilities will be reviewed according to the provisions of Chapter
16 23.80, Essential Public Facilities.

17 ((~~G. Convention Center. The location or expansion of a public convention center may be~~
18 ~~permitted in the Highrise Zone through a Type IV Council land use decision. The following shall~~
19 ~~be considered in evaluating and approving, conditioning or denying public convention center~~
20 ~~proposals:~~

21
22 1. ~~In making its decision, the Council shall determine whether the facility serves~~
23 ~~the public interest. This determination shall be based on an evaluation of the public benefits and~~
24

1 ~~the adverse impacts of the facility. The Council shall approve the facility only if it finds that~~
2 ~~public benefits outweigh the adverse impacts of the facility which cannot otherwise be mitigated.~~

3 ~~2. In evaluating the public benefits and adverse impacts of a proposed convention~~
4 ~~center, the Council shall consider, but is not limited to, the following factors:~~

5 ~~a. Economic impacts including, but not limited to, the net fiscal impacts~~
6 ~~on The State of Washington and City of Seattle, increased employment opportunities, demand~~
7 ~~for new development and increased tourism in the City and state;~~
8

9 ~~b. Public amenities incorporated in the project including, but not limited~~
10 ~~to, open spaces accessible to the public and improved pedestrian circulation systems;~~
11

12 ~~c. The relationship of the project to its surroundings with respect to height,~~
13 ~~bulk, scale, massing, landscaping, aesthetics, view enhancement or blockage, shadows and glare;~~

14 ~~d. Impacts of the facility on traffic, parking, street systems, transit and~~
15 ~~pedestrian circulation;~~

16 ~~e. Impacts of the facility on existing residential development in the~~
17 ~~vicinity of the project, including but not limited to direct and indirect housing loss;~~
18

19 ~~f. Impacts of the facility on local governmental services and operations,~~
20 ~~including, but not limited to police and fire protection, and water, sewer and electric utilities;~~

21 ~~g. Impacts of the facility relative to noise and air quality;~~

22 ~~h. Cumulative impacts of the project on governmental services and~~
23 ~~facilities, natural systems, or the surrounding area, considering the project's impacts in aggregate~~
24

1 ~~with the impacts of prior development and the impacts of future development which may be~~
2 ~~induced by the project;~~

3 ~~i. Additional information as the Council deems necessary to fully evaluate~~
4 ~~the proposal.~~

5 ~~3. If the Council approves a convention center, it may attach conditions to its~~
6 ~~approval as necessary to protect the public interest or to mitigate adverse impacts. Conditions~~
7 ~~required by the Council may include, but are not limited to, landscaping, screening or other~~
8 ~~design amenities; parking facilities adequate to accommodate potential parking demands; a~~
9 ~~traffic management plan; measures to mitigate housing loss; and measures to reduce energy~~
10 ~~consumption.))~~

11
12
13 G. Uses in existing or former public schools:

14 1. Child care centers, preschools, public or private schools, educational and
15 vocational training for the disabled, adult evening education classes, nonprofit libraries,
16 community centers, community programs for the elderly and similar uses are permitted in
17 existing or former public schools.

18
19 2. Other non-school uses are permitted in existing or former public schools
20 pursuant to procedures established in Chapter 23.78, Establishment of Criteria for Joint Use or
21 Reuse of Schools.

22 ~~((H. Essential Public Facilities. Permitted essential public facilities shall also be reviewed~~
23 ~~according to the provisions of Chapter 23.80, Essential Public Facilities.))~~

1 H. Medical service use, meeting the development standards for institutions, are permitted
2 outright on property conveyed by a deed from the City that, at the time of conveyance, restricted
3 the property's use to a health care or health-related facility.

4 Section 30. The Chapter name and subchapter headings and parts for Chapter 23.45 of
5 the Seattle Municipal Code, which were established by Ordinance 110381, are amended as
6 follows:
7

8 **Chapter 23.45 (~~(RESIDENTIAL, MULT-FAMILY)~~) Multifamily**

9 **~~((Subchapter I Principal Uses Permitted Outright~~**

10 **~~Part 1 Generally~~**

11 **~~Part 2 Lowrise Zones~~**

12 **~~Part 3 (Reserved)~~**

13 **~~Part 4 (Reserved)~~**

14 **~~Part 5 Midrise~~**

15 **~~Part 6 Highrise~~**

16 **~~Part 7 Other Principal Uses Permitted Outright~~**

17 **~~Subchapter II~~**

18 **~~Administrative Conditional Uses~~**

19 **~~Subchapter III~~**

20 **~~Accessory Uses))~~**

21 Section 31. Section 23.45.002 of the Seattle Municipal Code, which section was last
22 amended by Ordinance 120928, is amended and recodified as follows:
23
24
25
26

1 ~~((23.45.002))~~ **23.45.502 Scope of provisions**

2 ((A-)) This chapter ~~((details those))~~ describes the authorized uses and ~~((their))~~
3 development standards ~~((which are or may be permitted in the seven (7) multifamily residential~~
4 ~~zones:))~~ for the following zones:

5 Lowrise Duplex/Triplex (LDT),

6 Lowrise 1 (L1),

7 Lowrise 2 (L2),

8 Lowrise 3 (L3),

9 Lowrise 4 (L4),

10 Midrise (MR), Midrise/85' (MR/85'), and

11 Highrise (HR).

12
13
14 ~~((B. Communication utilities and accessory communication devices except as exempted~~
15 ~~in Section 23.57.002 are subject to the regulations in this chapter and additional regulations in~~
16 ~~Chapter 23.57.~~

17
18 ~~C. In addition to the provisions of this chapter, certain multifamily areas may be~~
19 ~~regulated by Overlay Districts, Chapter 23.59.))~~

20 Section 32. Section 23.45.004 of the Seattle Municipal Code, which section was last
21 amended by Ordinance 122311, is amended and recodified as follows:

22 ~~((23.45.004 Principal uses permitted outright.))~~ **23.45.504 Permitted and prohibited uses**

23
24 ~~((A. The following principal uses are permitted outright in all~~
25 ~~multifamily zones:~~

1 ~~1. Single family dwelling units;~~

2 ~~2. Multifamily structures;~~

3 ~~3. Congregate residences;~~

4 ~~4. Adult family homes;~~

5 ~~5. Nursing homes;~~

6 ~~6. Assisted living facilities;~~

7 ~~7. Institutions meeting all development standards;~~

8 ~~8. Major Institution and Major Institution uses within Major Institution Overlay~~

9 ~~Districts subject to Chapter 23.69;~~

10 ~~9. Public facilities meeting all development standards; and~~

11 ~~10. Parks and open space including customary buildings and activities.~~

12 ~~B. In Midrise and Highrise zones certain ground floor business and commercial uses are~~
13 ~~permitted outright according to the provisions of Section 23.45.110.~~

14 ~~C. Uses in existing or former public schools:~~

15 ~~1. Child care centers, public or private schools, educational and vocational~~
16 ~~training for the disabled, adult evening education classes, nonprofit libraries, community centers,~~
17 ~~community programs for the elderly and similar uses are permitted in existing or former public~~
18 ~~schools.~~

1 ~~2. Other nonschool uses shall be permitted in existing or former public schools~~
 2 ~~pursuant to procedures established in Chapter 23.78, Establishment of Criteria for Joint Use or~~
 3 ~~Reuse of Schools:~~

4 ~~D. Medical service use, meeting the development standards for institutions, are permitted~~
 5 ~~outright on property conveyed by a deed from the City which, at the time of conveyance,~~
 6 ~~restricted the property's use to a health care or health related facility.))~~

7 A. All uses are permitted outright, prohibited or permitted as a conditional use according
 8 to Chart 23.45.504 and this section. Uses not referred to in the chart are prohibited, unless
 9 otherwise indicated in this Chapter or 23.51A or 23.51B.

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

12 **Chart for Section 23.45.504**

	<u>Permitted and Prohibited Uses by Zone</u>	
<u>Uses</u>	<u>LDT, L1, L2, L3 and L4</u>	<u>MR and HR</u>
<u>Residential use</u>	<u>P</u>	<u>P</u>
<u>Institutions</u>	<u>P/CU¹</u>	<u>P/CU¹</u>
<u>Police precinct stations; fire stations; public boat moorages; utility service uses; and other similar public facilities not meeting development standards</u>	<u>P²</u>	<u>P²</u>
<u>Park and pool and park and ride lots</u>	<u>X/CU³</u>	<u>X/CU³</u>
<u>Public or private parks and playgrounds including customary uses</u>	<u>P</u>	<u>P</u>
<u>Ground floor commercial uses⁴</u>	<u>RC</u>	<u>P</u>
<u>Uses not otherwise permitted in landmark structures</u>	<u>CU</u>	<u>CU</u>
<u>Cemeteries</u>	<u>P/X⁵</u>	<u>P/X⁵</u>
<u>All other uses</u>	<u>X</u>	<u>X</u>

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

5 2. Listed and similar public facilities that meet the standards for institutions in 23.45.554 are
6 permitted outright; others may be permitted pursuant to Section 23.51A.

7 3. Prohibited in Station Area Overlay Districts. Permitted as an administrative conditional use
8 only on parking lots existing at least 5 years prior to the establishment of the park and pool lot.

9
10 4. Subject to Subsection D.

11 5. Subject to Subsection E.

12 A = Permitted as an accessory use only

13 P = Permitted outright

14 CU = Permitted as an Administrative Conditional Use

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

17
18 C. Accessory uses. The following accessory uses are permitted in all multifamily zones:

19
20 1. Private garages and private carports;

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

22 3. Solar collectors, including solar greenhouses;

23 4. Open wet moorage accessory to residential structures;

24 5. Bed and breakfasts;

1 6. Recycling collection stations; and

2 7. Heat recovery incinerators.

3 D. Ground floor commercial use. The following uses are permitted as ground-floor
4 commercial uses in Midrise and Highrise zones subject to Section 23.45.532:

5 1. Business support services;

6 2. Food processing and craft work;

7 3. General sales and services;

8 4. Medical services;

9 5. Offices;

10 6. Restaurants; and

11 7. Live work with one of the above uses as the permitted commercial use.

12 E. Existing cemeteries are permitted to continue in use. New cemeteries are prohibited
13 and existing cemeteries are prohibited from expanding. For purposes of this section, a change in
14 a cemetery boundary is not considered an expansion in size and is permitted provided that:

15 1. the change does not increase the net land area occupied by the cemetery;

16 2. the land being added to the cemetery is contiguous to the existing cemetery and
17 is not separated from the existing cemetery by a public street or alley whether or not improved;
18 and

19 3. the use of the land being added to the cemetery will not result in the loss of
20 housing.

1 Section 33. Section 23.45.116 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 113262, is amended and recodified as follows:

3 ~~((23.45.116 Administrative conditional uses – General provisions.))~~ **23.45.506**

4 **Administrative conditional uses**

5 ~~((A. Only those uses identified in this subchapter as conditional uses may be authorized
6 as conditional uses in multifamily zones. The master use permit process shall be used to
7 authorize these uses.~~

8
9 ~~B. Unless otherwise specified in this subchapter, conditional uses shall meet the
10 development standards for uses permitted outright in Subchapter I.~~

11
12 ~~C. The Director may approve, condition or deny a conditional use. The Director's
13 decision shall be based on a determination whether the proposed use meets the criteria for
14 establishing a specific conditional use and whether the use will be materially detrimental to the
15 public welfare or injurious to property in the zone or vicinity in which the property is located.~~

16
17 ~~D. In authorizing a conditional use, the Director may mitigate adverse negative impacts
18 by imposing requirements and conditions deemed necessary for the protection of other properties
19 in the zone or vicinity and the public interest.~~

20
21 ~~E. The Director shall issue written findings of fact and conclusions to support the
22 Director's decision.~~

1 ~~F. Any authorized conditional use which has been discontinued shall not be reestablished~~
2 ~~or recommenced except pursuant to a new conditional use permit. The following shall constitute~~
3 ~~conclusive evidence that the conditional use has been discontinued:~~

4 ~~1. A permit to change the use of the property has been issued and the new use has~~
5 ~~been established; or~~

6 ~~2. The property has not been devoted to the authorized conditional use for more~~
7 ~~than twenty four (24) consecutive months.~~

8 ~~Property which is vacant, except for dead storage of materials or equipment of the~~
9 ~~conditional use, shall not be considered as being devoted to the authorized conditional use. The~~
10 ~~expiration of licenses necessary for the conditional use shall be evidence that the property is not~~
11 ~~being devoted to the conditional use. A conditional use in a multifamily structure or a multi-~~
12 ~~tenant commercial structure shall not be considered as discontinued unless all units are either~~
13 ~~vacant or devoted to another use.))~~

14 A. Uses permitted as administrative conditional uses in Chart 23.45.504, may be
15 permitted by the Director when the provisions of Section 23.42.042 and this section are met.

16 1. Institutions other than public schools not meeting the development standards
17 of 23.45.546, Institutions, and Major Institution uses as provided in Chapter 23.69, Major
18 Institution Overlay District, may be permitted subject to the following:

19 a. Bulk and Siting. In order to accommodate the special needs of the
20 proposed institution, and to better site the facility with respect to its surroundings, the Director
21 may modify the applicable development standards for modulation, landscaping, provision of

1 open space, and structure width, depth and setbacks. In determining whether to allow such
2 modifications, the Director shall balance the needs of the institution against the compatibility of
3 the proposed institution with the residential scale and character of the surrounding area.

4 b. Dispersion Criteria. An institution that does not meet the dispersion
5 criteria of Section 23.45.546 may be permitted by the Director upon determination that it would
6 not substantially worsen parking shortages, traffic safety hazards, and noise in the surrounding
7 residential area.

9 c. Noise. The Director may condition the permit in order to mitigate
10 potential noise problems. Measures the Director may require for this purpose include, but are not
11 limited to the following: landscaping, sound barriers, fences, berms, adjustments to yards or the
12 location of refuse storage areas, location of, parking areas and access, structural design
13 modifications, and regulating hours of use.

14 d. Transportation Plan. A transportation plan is required for proposed
15 new institutions and for those institutions proposing to expand larger than four thousand (4,000)
16 square feet of structure area and/or required to provide twenty (20) or more new parking spaces.
17 The Director may condition a permit to mitigate potential traffic and parking impacts pursuant to
18 a Transportation Management Plan or Program as described in directors rules governing such
19 plans or programs. The Director will determine the level of detail to be disclosed in the
20 transportation plan based on the probable impacts and/or scale of the proposed institution.
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1 2. A use not otherwise permitted in the zone within a structure designated as a
2 landmark pursuant to the Seattle Municipal Code, Chapter 25.12, Landmark Preservation
3 Ordinance, may be permitted subject to the following:

4 a. The use is compatible with the existing design and/or construction of
5 the structure without significant alteration; and

6 b. Uses permitted by the zone are impractical because of structure design
7 and/or that no permitted use can provide adequate financial support necessary to sustain the
8 structure in reasonably good physical condition.

9 3. Park and ride or park and pool lots may be permitted subject to the following:

10 a. The park-and-ride or pool lot must have direct vehicular access to a
11 designated arterial improved to City standards.

12 b. If the proposed park-and-ride or pool lot is located on a lot containing
13 accessory parking for other uses, there must be no substantial conflict in the principal operating
14 hours of the park-and-ride or pool lot and other uses on the lot.

15 c. The Director may require landscaping and screening in addition to that
16 required for surface parking areas, noise mitigation, vehicular access control, signage
17 restrictions, and other measures to provide comfort and safety for pedestrians and bicyclists and
18 to ensure the compatibility of the park-and-ride or pool lot with the surrounding area.

19 Section 34. Section 23.45.007 of the Seattle Municipal Code, which section was last
20 enacted by Ordinance 117383, is hereby repealed.
21

1 Section 35. Section 23.45.006 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 120293, is amended and recodified as follows:

3 ~~((23.45.006 General development standards for structures in multifamily zones.))~~

4 **23.45.508 General provisions**

5 ~~((A. Included within Sections 23.45.006 through 23.45.166 are the development
6 standards for structures in each multifamily zone. These standards shall also apply to uses
7 accessory to multifamily structures unless specifically modified by development standards for
8 those accessory uses.~~

9
10 ~~B. All structures or uses shall be built or established on a lot or lots. More than one (1)
11 principal structure or use on a lot shall be permitted.~~

12
13 ~~C. The development standards of each zone shall be applied in that zone, and may not be
14 used in any other zone, unless otherwise specified.~~

15 ~~D. An exception from one (1) specific standard does not relieve the applicant from
16 compliance with any other standard.~~

17
18 ~~E. Methods for measurements are provided in Chapter 23.86. Requirements for streets,
19 alleys and easements are provided in Chapter 23.53. Standards for parking access and design are
20 provided in Chapter 23.54. Standards for permitted signs are provided in Chapter 23.55.~~

21 ~~F. In Lowrise 1 zones all multifamily structures shall be ground related units, except that
22 apartments are permitted on a lot whose platted width as of the effective date of the ordinance
23 codified in this section¹ is less than forty (40) feet, or in a structure existing as of January 26,
24 1990 where density limits of the zone would not be exceeded and new floor area would not be
25~~

1 ~~added. The requirements of this subsection shall not be eligible for a variance according to the~~
2 ~~provisions of Section 23.40.020.~~

3 ~~G. A structure occupied by a permitted use other than single family or multifamily~~
4 ~~residential use may be partially or wholly converted to single family or multifamily residential~~
5 ~~use even if the structure does not conform to the development standards for residential uses in~~
6 ~~the multifamily zones. One (1) unit may be added without a parking space according to~~
7 ~~provisions of Section 23.54.020. If the only use of the structure will be residential and if two (2)~~
8 ~~or more units are being created and there is no feasible way to provide the required parking, then~~
9 ~~the Director may authorize reduction or waiver of parking as a special exception according to the~~
10 ~~standards of Section 23.54.020 E. Expansions of nonconforming converted structures and~~
11 ~~conversions of structures occupied by nonconforming uses shall be regulated by Sections~~
12 ~~23.42.108 and 23.42.110.~~

15 ~~H. When a subdivision is proposed for townhouses, cottage housing, clustered housing,~~
16 ~~or single family residences in Lowrise zones, the subdivision shall be subject to the provisions of~~
17 ~~Section 23.24.045, Unit lot subdivisions.~~

19 ~~I. When construction of townhouses, cottage housing, clustered housing, or single family~~
20 ~~residences in Lowrise zones is proposed on a series of adjoining legally platted lots where each~~
21 ~~dwelling unit is contained within the existing boundaries of each existing lot, these lots may be~~
22 ~~sold as separate legal sites without unit subdivision approval but subject to the provisions of~~
23 ~~Section 23.24.045, Unit lot subdivisions.~~

1 ~~J. Except as provided in subsections H and I above, multifamily zoned lots that have no~~
2 ~~street frontage shall be subject to the following for purposes of structure width, depth,~~
3 ~~modulation and setbacks:~~

4 ~~1. For lots that have only one (1) alley lot line, the alley lot line shall be treated as~~
5 ~~a front lot line.~~

6 ~~2. For lots that have more than one (1) alley lot line, only one (1) alley lot line~~
7 ~~shall be treated as a front lot line.~~

8 ~~3. For lots that have no alley lot lines, the applicant may choose the front lot line~~
9 ~~provided that the selected front lot line length is at least fifty (50) percent of the width of the lot.~~

10 ~~K. Solid Waste and Recyclable Materials Storage Space.~~

11 ~~1. Storage space for solid waste and recyclable materials containers shall be~~
12 ~~provided for all new and expanded multifamily structures as indicated in the table below. For the~~
13 ~~purposes of this subsection, "expanded multifamily structure" means expansion of multifamily~~
14 ~~structures with ten (10) or more existing units by two (2) or more units.~~

Multifamily Structure Size	Minimum Area for Storage Space	Container Type
7-15 units	75 square feet	Rear loading containers
16-25 units	100 square feet	Rear loading containers
26-50 units	150 square feet	Front loading containers
51-100 units	200 square feet	Front loading containers
More than 100 units	200 square feet plus 2 square feet for each additional unit	Front loading containers

2. The design of the storage space shall meet the following requirements:

a. The storage space shall have no minimum dimension (width and depth) less than six (6) feet;

b. The floor of the storage space shall be level and hard surfaced (garbage or recycling compactors require a concrete surface); and

c. If located outdoors, the storage space shall be screened from public view and designed to minimize any light and glare impacts.

3. The location of the storage space shall meet the following requirements:

a. The storage space shall be located within the private property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street facing facade of the structure and the street;

b. The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure;

c. The storage space shall not block or impede any fire exits, public rights of ways or any pedestrian or vehicular access; and

1 ~~d. The storage space shall be located to minimize noise and odor to~~
2 ~~building occupants and neighboring developments.~~

3 ~~4. Access to the storage space for occupants and service providers shall meet the~~
4 ~~following requirements:~~

5 ~~a. For rear-loading containers (usually two (2) cubic yards or smaller):~~

6 ~~(1) Any proposed ramps to the storage space shall be of six (6)~~
7 ~~percent slope or less, and~~

8 ~~(2) Any proposed gates or access routes shall be a minimum of six~~
9 ~~(6) feet wide; and~~

10 ~~b. For front-loading containers (usually larger than two (2) cubic yards):~~

11 ~~(1) Direct access shall be provided from the alley or street to the~~
12 ~~containers;~~

13 ~~(2) Any proposed gates or access routes shall be a minimum of ten~~
14 ~~(10) feet wide, and~~

15 ~~(3) When accessed directly by a collection vehicle into a structure,~~
16 ~~a twenty-one (21) foot overhead clearance shall be provided.~~

17 ~~5. The solid waste and recyclable materials storage space specifications required~~
18 ~~in subsections K1, 2, 3, and 4 of this section, in addition to the number and sizes of containers,~~
19 ~~shall be included on the plans submitted with the permit application.~~

1 ~~6. The Director, in consultation with the Director of Seattle Public Utilities, shall~~
2 ~~have the discretion to modify the requirements of subsections K1, 2, 3, and 4 of this section~~
3 ~~under the following circumstances:~~

4 ~~a. When the applicant can demonstrate difficulty in meeting any of the~~
5 ~~requirements of subsections K1, 2, 3, and 4; or~~
6

7 ~~b. When the applicant proposes to expand a multifamily building, and the~~
8 ~~requirements of subsections K1, 2, 3, and 4 conflict with opportunities to increase residential~~
9 ~~densities; and~~

10 ~~c. When the applicant proposes alternative, workable measures that meet~~
11 ~~the intent of this section.))~~
12

13 A. Uses. A structure occupied by a permitted use other than single family or multifamily
14 residential use may be partially or wholly converted to single family or multifamily residential
15 use even if the structure does not conform to the development standards for residential uses in
16 multifamily zones.

17 B. Off street parking shall be provided as required in Section 23.54.015, except that one
18 (1) unit may be added without a parking space pursuant to Chapter 23.54.

19 C. Expansions of nonconforming converted structures and conversions of structures
20 occupied by nonconforming uses are regulated by Sections 23.42.108 and 23.42.110.

21 D. Methods for measurements are provided in Chapter 23.86. Requirements for streets,
22 alleys and easements are provided in Chapter 23.53. Standards for parking and access and
23 design are provided in Chapter 23.54. Standards for signs are provided in Chapter 23.55.
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1 E. Standards.

2 1. Multifamily zoned lots that have no street frontage are subject to the following
3 for purposes of structure width, depth, and setbacks:

4 a. For lots that have only one (1) alley lot line, the alley lot line may be
5 treated as a front lot line.

6 b. For lots that have more than one (1) alley lot line, only one (1) alley lot
7 line may be treated as a front lot line.

8 c. For lots that have no alley lot lines, the applicant may choose the front
9 lot line provided that the selected front lot line length is at least fifty (50) percent of the width of
10 the lot.

11 2. Proposed uses in all multifamily zones shall meet the transportation
12 concurrency level-of-service standards prescribed in Chapter 23.52.

13 3. All development standards applicable to MR zones, except maximum height,
14 also apply in the MR/85' zone.

15 Section 36. A new Section 23.45.510 is hereby added to the Seattle Municipal Code as
16 follows:

17 **23.45.510 Floor area ratio (FAR)**

18 A. Floor area ratio (FAR) limits apply to all structures and lots in all multifamily zones
19 as shown in Chart 23.45.510A.

20 1. All gross floor area not exempt under subsection B of this section counts
21 toward the maximum gross floor area allowed under the permitted FAR.

1 2. When there is more than one structure on a lot, the applicable FAR limit is
2 calculated for all structures on the lot, subject to subsection A3.

3 3. When a lot is in more than one zone, the FAR limit for each zone applies to the
4 portion of the lot located in that zone. The gross floor area allowed by the permitted floor area
5 may be consolidated on the portion of the lot where the higher density is permitted.

6
7 **Chart 23.45.510A – Floor Area Ratios**

8

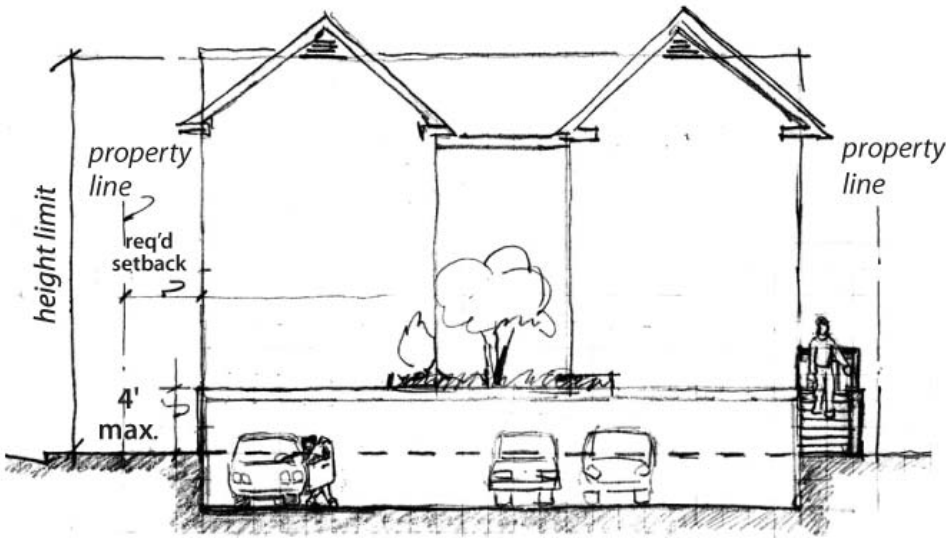
	LDT	L1	L2	L3	L4	MR	HR
9 Base FAR	1.0	1.1	1.2	1.4	2.0	3.2	7.0
10 Maximum FAR, 11 allowed pursuant 12 to 23.58A & 23.45A.016	1.0	1.1	1.2	2.0	2.0	4.0	13

13 B. The following floor area is exempt from calculation of gross floor area subject to
14 FAR limits:

15 1. All stories or portions of stories that are completely below existing and/or
16 finished grade, whichever is lower, except as provided in subsection 2;

17 2. To encourage parking within a structure below grade and reduce the amount of
18 lot area dedicated to surface parking, portions of a structure occupied by parking that extend no
19 more than four feet (4') above existing or finished grade whichever is lower, see Exhibit
20 23.45.510A; and
21

22 **Exhibit 23.45.510A Parking exempt from FAR**



3. Structures built prior to 1982 as single family residences that will remain in residential use.

Section 37. Section 23.45.011 of the Seattle Municipal Code, which section was last amended by Ordinance 114888, is hereby repealed.

Section 38. Section 23.45.008 of the Seattle Municipal Code, which section was last amended by Ordinance 122235, is amended and recodified as follows:

~~((23.45.008 Density – Lowrise zones.))~~ **23.45.512 Density limits**

~~((A. There shall be a minimum lot area per dwelling unit except as provided in subsections B, C and F of this section, as follows:~~

Lowrise Duplex/ Triplex	— One (1) dwelling unit per two thousand (2,000) square feet of lot area.
Lowrise 1	— One (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area.
Lowrise 2	— One (1) dwelling unit per one thousand two hundred (1,200)

	square feet of lot area.
Lowrise 3	— One (1) dwelling unit per eight hundred (800) square feet of lot area.
Lowrise 4	— One (1) dwelling unit per six hundred (600) square feet of lot area.

~~B. 1. In Lowrise 3 and Lowrise 4 zones, low income disabled multifamily structures, low income elderly multifamily structures and low income elderly/low income disabled multifamily structures, operated by a public agency or a private nonprofit corporation, shall have a maximum density as follows:~~

Lowrise 3	— One (1) dwelling unit per five hundred fifty (550) square feet of lot area.
Lowrise 4	— One (1) dwelling unit per four hundred (400) square feet of lot area.

~~2. In order to qualify for the density provisions of this subsection B, a majority of the dwelling units of the structure shall be designed for and dedicated to tenancies of at least three (3) months.~~

~~3. The dwelling units shall remain as a low income disabled multifamily structure, low income elderly multifamily structure, or low income elderly/low income disabled multifamily structure for the life of the structure.~~

~~C. In the Lowrise Duplex/Triplex zone, the minimum lot area per dwelling unit for cottage housing developments shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area. In Lowrise Duplex/Triplex and Lowrise 1 zones, the minimum lot area for cottage housing developments shall be six thousand four hundred (6,400) square feet.~~

1 ~~D. In Lowrise Duplex/Triplex zones no structure shall contain more than three (3)~~
2 ~~dwelling units.~~

3 ~~E. When dedication of right of way is required, permitted density shall be calculated~~
4 ~~before the dedication is made.~~

5 ~~F. Adding Units to Existing Structures in Multifamily zones.~~

6 ~~1. In all multifamily zones, one additional dwelling unit may be added to an~~
7 ~~existing multifamily structure regardless of the density restrictions in subsections A, B and C~~
8 ~~above. This provision shall only apply when the proposed unit is to be located entirely within an~~
9 ~~existing structure.~~

10 ~~2. For the purposes of this subsection "existing structures" shall be those~~
11 ~~structures or portions of structures that were established under permit, or for which a permit has~~
12 ~~been granted and has not expired as of October 31, 2001.)~~

13 ~~A. The maximum number of dwelling units permitted in the LDT, L1 and L2 zones is~~
14 ~~determined according to Chart 23.45.512A.~~

Chart 23.45.512A – Density Limits (LDT, L1 & L2)

	<u>LDT</u>	<u>L1</u>	<u>L2</u>
<u>Density Limit (number of dwelling units permitted per lot area in square feet)</u>	<u>1 unit/2,000 square feet</u>	<u>1 unit/1,600 square feet</u>	<u>1 unit/1,200 square feet</u>

B. When calculating permitted density, if that number is greater than one (1), fractions of one-half (0.5) or greater may be rounded up to the next whole number notwithstanding the provisions of subsection 23.86.002B3.

C. In LDT zones no structure may contain more than three (3) dwelling units, except as permitted in subsections D and E.

D. Dwelling units in structures built prior to 1982 as single family residences that will remain in residential use are exempt from density limits and subsection C.

E. Adding a Dwelling Unit to Existing Structures.

1. In the LDT, L1 and L2 zones, one additional dwelling unit may be added to an existing multifamily structure regardless of applicable density limits when the dwelling unit is located entirely within an existing structure and no additional floor area has been proposed to be added to the existing structure.

2. For the purposes of this subsection, “existing structures” are those structures or portions of structures that were established under permit, or for which a permit has been granted and has not expired, as of October 31, 2001.

1 1. No portion of a shed or butterfly roof is permitted to extend beyond the base or
2 maximum height limit under this provision;

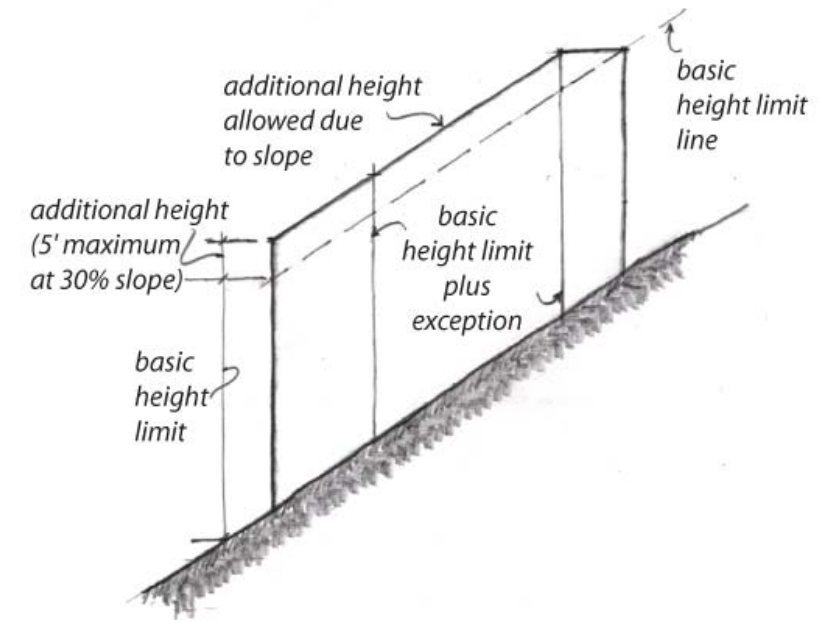
3 2. Roof forms including but not limited to barreled and domed roofs may be
4 allowed under this subsection if the Director determines that the roof form is in keeping with the
5 massing of a pitched roof form such as a gable or gambrel roof that would otherwise be allowed
6 by this subsection;;

7 3. Rooftop features are permitted within the height allowance of this provision
8 subject to subsection F.

9 C. Sloped Lots in all L and MR Zones. Additional height is permitted for sloped lots, at
10 the rate of one foot (1') for each six percent (6%) of slope, to a maximum of five feet (5'). The
11 additional height is permitted on the down-slope side of the structure only, as described in
12 Section 23.86.006 D. See Exhibit 23.45.514 C.

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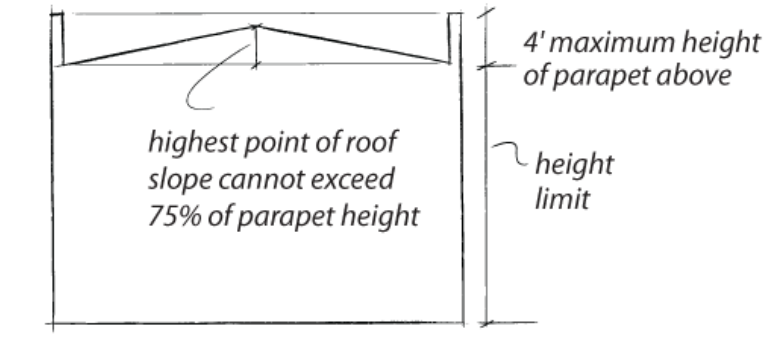
Exhibit 23.45.514C Sloped lot height allowance



D. Roofs enclosed by a parapet. To promote adequate drainage, portions of a roof that are completely surrounded by a parapet may exceed the height limit to allow for a pitch, provided that the highest point of the pitch does not exceed seventy five percent (75%) of the height of the parapet. See Exhibit 23.45.514D.

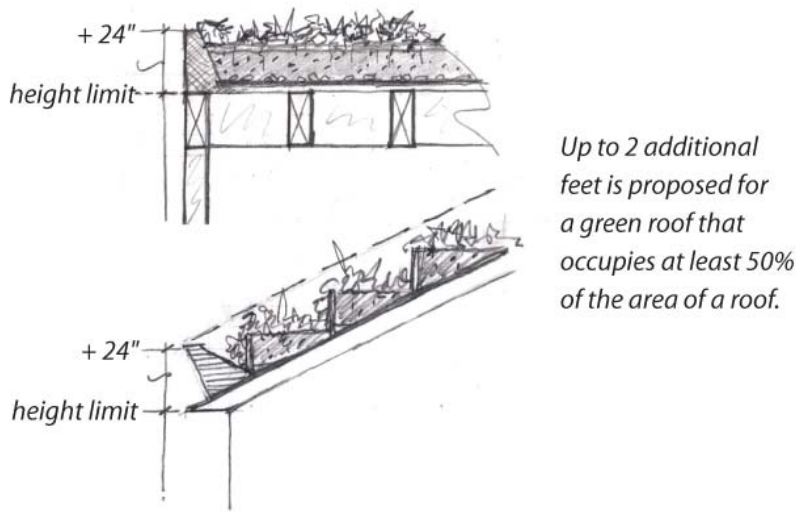
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Exhibit 23.45.514D Height allowance for pitched roofs concealed by a parapet



E. Green roofs. For any structure that has a green roof, meeting the provisions of 23.45.524, with a minimum rooftop coverage of fifty percent (50%), up to twenty four inches (24") of additional height above the height limit is allowed to accommodate structural requirements, roofing membranes and soil. See Exhibit 23.45.514E.

1
2 **Exhibit 23.45.514E Green roof height allowance**



13
14 **F. Rooftop features in all multifamily zones.**

15 1. Flagpoles and religious symbols for religious institutions are exempt from
16 height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided
17 they are no closer than fifty percent (50%) of their height above existing grade or, if attached
18 only to the roof, no closer than fifty percent (50%) of their height above the roof portion where
19 attached, to any adjoining lot line.

20
21 2. Projections that accommodate windows and result in additional interior space,
22 including dormers, clerestories, skylights, and greenhouses, may extend to the ridge of a pitched
23 roof permitted pursuant to subsection B, or four feet (4') above the applicable height limit
24 pursuant to subsection A, whichever is higher, if all of the following conditions are satisfied:
25

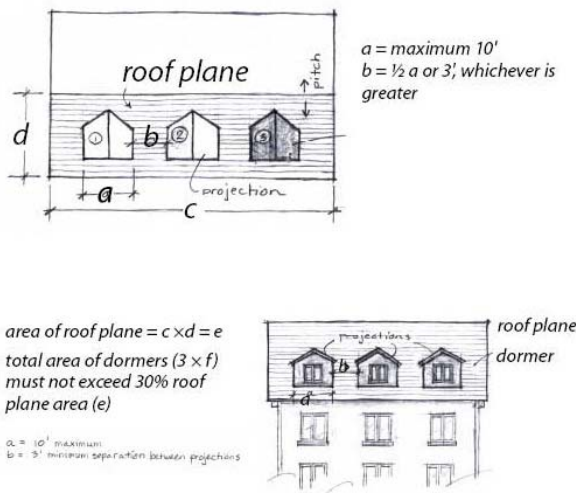
1 a. the total area of these projections is limited to thirty percent (30%) of
2 the area of each roof plane measured from the plan view perspective;

3 b. On pitched roofs, projections are limited to ten feet (10') in width with
4 a minimum separation of three feet (3') from other projections; and

5 c. On flat roofs, projections are set back at least four feet (4') from
6 exterior walls.

7
8 3. Open railings, planters, parapets and firewalls may extend to the height of the
9 ridge of a pitched roof permitted pursuant to subsection B, or four feet (4') above the applicable
10 height limit pursuant to subsection A, whichever is higher.

11 **Exhibit 23.45.514F Permitted projections for dormers**



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24 4. The following rooftop features may extend ten feet (10'), or such other amount
25 as set forth below in this subsection, above the applicable height limit or the height of the
26

1 structure, whichever is less, pursuant to subsection A, if the combined total coverage of all
2 features does not exceed twenty percent (20%) of the roof area and the mechanical equipment is
3 screened:

4 a. Mechanical equipment;

5 b. Play equipment and open-mesh fencing enclosing it, so long as the
6 fencing is at least five feet (5') from each roof edge;

7 c. Chimneys;

8 d. Wind-driven power generators, which are exempt from the roof area
9 limitation.

10 e. Covered or enclosed common residential amenity area provided on the
11 rooftops of structures in the HR zone, except that coverage of the roof area is permitted up to
12 fifty-five (55) percent.

13 5. Stair and elevator penthouses may extend above the applicable height limit up
14 to sixteen feet (16') in L and MR zones, and up to twenty five feet (25') in HR zones, to
15 accommodate mechanical equipment, subject to administrative design review approval pursuant
16 to 23.41;

17 6. For height exceptions for solar collectors, see Section 23.45.038, Standards for
18 certain accessory uses.

19 7. In order to protect solar access for property to the north, the applicant shall
20 either locate the rooftop features listed in this subsection F7 at least ten feet (10') from the north
21 edge of the roof or provide shadow diagrams to demonstrate that the proposed location of such
22

1 features would not shade neighboring properties more than the bulk of the otherwise permitted

2 structure(s):

3 a. Solar collectors;

4 b. Planters;

5 c. Clerestories;

6 d. Greenhouses;

7 e. Non-firewall parapets;

8 f. Play equipment.

9
10 8. For height limits and exceptions for minor communication utilities and
11 accessory communication devices, see Section 23.57.011.

12
13 Section 40. A new Section 23.45.516 is hereby added to the Seattle Municipal Code as
14 follows:

15 **23.45.516 Additional height and floor area**

16 A. General. Additional height above the base height limit or extra floor area, or both,
17 may be permitted up to the maximum limits allowed by Sections 23.45.510 and 23.45.514,
18 according to the provisions of this section and Chapter 23.58A and 23.58B. “Extra floor area” is
19 the amount of chargeable floor area in excess of the lesser of (a) the base FAR, or (b) the total
20 chargeable floor area of stories located entirely below the maximum height that would be
21 allowed if the structure did not qualify for additional height under this section.
22

23 B. Eligible lots. The following lots are eligible for additional height and floor area:
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1 1. Lots in L3 zones in urban villages, urban centers or within the Station Area
2 Overlay District, except: (a) lots that are located in the Admiral, Eastlake, Lake City, Morgan
3 Junction, Upper Queen Anne, or Wallingford Urban Villages; or (b) lots or portions of lots that
4 are within fifty (50) feet of a lot line of an abutting single family zoned lot or is directly across
5 an alley abutting a single family zoned lot;

6 2. Lots in MR zones in urban villages, urban centers and the Station Area
7 Overlay District; and
8

9 3. Lots in HR zones.

10 C. Highrise Zones.

11 1. Extra Floor Area. In HR zones, at least sixty percent (60%) of extra floor area
12 shall be gained in accordance with Chapter 23.58A by providing affordable housing or a
13 payment in lieu thereof. Up to forty percent (40%) of extra floor area may be gained by one or
14 any combination of: (a) transfer of development potential; (b) providing neighborhood open
15 space or a payment in lieu thereof; (c) providing a green street setback where those options are
16 available pursuant to subsection F, all in accordance with this section and Chapter 23.58A
17

18 2. Structure Height.

19 a. Structures up to two hundred forty feet (240'). The applicable height
20 limit in an HR zone under subsection 23.45.514A is two hundred forty feet (240') if the
21 applicant satisfies the conditions to extra floor area but not all of the conditions in subsection
22 C2b of this section are met.
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1 b. Structures over two hundred forty feet (240'). The applicable height
2 limit in an HR zone under subsection 23.45.514A is three hundred feet (300') if the applicant
3 satisfies the conditions to extra floor area and the following additional conditions are met:

4 (1) For any structure above a height of eighty-five feet (85'), the
5 average residential gross floor area per story above a height of forty-five feet (45') does not
6 exceed nine thousand five hundred (9,500) square feet; and
7

8 (2) No parking is located at or above grade, unless it is separated
9 from all street lot lines by another use; and

10 (3) At least twenty-five percent (25%) of the lot area at grade is
11 one (1) or more landscaped areas, each with a minimum horizontal dimension of ten feet (10'),
12 or at least twenty percent (20%) of the lot area at grade is landscaped, common residential
13 amenity area meeting the standards of 23.45.524.
14

15 c. Additional height above the applicable height limit of three hundred feet
16 (300'). A structure may exceed the applicable height limit of three hundred feet (300') either (1)
17 by thirty feet (30') if the area bounded by the facades of the portion of the structure above three
18 hundred feet (300') is no greater than six thousand five hundred (6,500) square feet, or (2) by
19 forty five feet (45') if the area bounded by the facades at an elevation that is halfway between
20 three hundred feet (300') and the height of the structure is no greater than fifty percent (50%) of
21 the area bounded by the facades at a height of three hundred feet (300'). In either case the area
22 bounded by the facades may be occupied only by those uses or features otherwise permitted in
23 Section 23.45.514 as an exception above the height limit, although any limits on the height or
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1 coverage of those uses or features totally screened by the facades extending above a height of
2 three hundred feet (300') shall not apply. Any height exceptions permitted for screening and
3 rooftop features under 23.45.514F shall not allow height in addition to the height gained by a
4 structure under this provision.

5 D. Transfer of development potential from Landmark Structures and Open Space.

6 1. Sending lots. Lots eligible as Landmark TDP sending sites and Open space
7 TDP sending sites must be located in a MR or HR zone located in the First Hill Urban Center
8 Village, and are subject to the limits and conditions in this Chapter and Chapter 23.58A.

9 2. Receiving lots. Any lot located in a HR zone within the First Hill Urban
10 Center Village which allows additional FAR according to the provisions of this section is
11 eligible to receive TDP from an eligible sending lot, and subject to the limits and conditions in
12 this Chapter and Chapter 23.58A.

13 E. Combined lot development. When authorized by the Director pursuant to this section,
14 lots located on the same block in an HR zone may be combined, whether contiguous or not,
15 solely for the purpose of allowing some or all of the capacity for chargeable floor area on one (1)
16 or more such lots under this chapter to be used on one (1) or more other lots, according to the
17 provisions of this subsection E.

18 1. Up to all of the capacity on one (1) lot, referred to in this subsection E as the
19 "base lot," for chargeable floor area in addition to the base FAR, pursuant to Section 23.45.510
20 (referred to in this subsection E as "bonus capacity"), may be used on one (1) or more other lots,
21 subject to compliance with all conditions to obtaining extra floor area, pursuant to Chapter
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1 23.58A, as modified in this section. For purposes of applying any conditions related to amenities
2 or features provided on site under Section 23.45.516 only the lot or lots on which such bonus
3 capacity is used are considered to be the lot or site using a bonus. Criteria for use of extra floor
4 area that apply to the structure or structures shall be applied only to the structure(s) on the lots
5 using the transferred bonus capacity. For purposes of the condition to height above two hundred
6 forty feet (240') in subsection C2b3 of this section, all lots in a combined lot development are
7 considered as one lot.
8

9
10 2. Only if all of the bonus capacity on all lots in a combined lot development is
11 used on fewer than all of those lots, there may be transferred from a base lot where no bonus
12 capacity is used, to one (1) or more other lots in the combined lot development, up to all of the
13 unused base FAR on the base lot, without regard to limits on the transfer or on use of TDP in
14 Chapter 23.58A. Such transfer shall be treated as a transfer of TDP for purposes of determining
15 remaining development capacity on the base lot and TDP available to transfer under Chapter
16 23.58A, but shall be treated as additional base FAR on the other lots, and, to the extent that,
17 together with other base floor area, it does not exceed the amount of chargeable floor area below
18 the base height limit on the lot where it is used, it shall not be treated as extra floor area. If less
19 than all of the bonus capacity of the base lot is used on such other lots, and if the base lot
20 qualifies as a sending lot for TDP, the unused base FAR may be transferred as TDP to the extent
21 permitted by Chapter 23.58A and this section, but in each case only to satisfy in part the
22 conditions to extra floor area, not as additional base FAR.
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1 3. To the extent permitted by the Director, the maximum chargeable floor area for any
2 one (1) or more lots in the combined lot development may be increased up to the combined
3 maximum chargeable floor area under Section 23.45.510 computed for all lots participating in
4 the combined lot development, provided that the maximum chargeable floor area on one or more
5 other lots in the combined lot development is correspondingly reduced. To the extent permitted
6 by the Director, and subject to subsection E2 of this section, the base floor area for any one (1)
7 or more lots in the combined lot development may be increased up to the combined base
8 chargeable floor area under Section 23.45.510 computed for all lots participating in the
9 combined lot development, provided that the base floor area on one (1) or more other lots in the
10 combined lot development is correspondingly reduced.
11

12 4. The Director shall allow a combined lot development only to the extent that the
13 Director determines, in a Type I land use decision, that permitting more chargeable floor area
14 than would otherwise be allowed on a lot or lots and the corresponding reduction on another lot
15 or lots will result in a significant public benefit through one of more of the following:
16

17 a. preservation of a landmark structure located on the block or on an
18 adjacent block either through the inclusion of the lot with the landmark structure as a base lot in
19 the combined lot development or through the transfer of TDP from the lot with the landmark
20 structure to a lot in the combined lot development;
21

22 b. inclusion on the same block of a structure in which low-income
23 housing is provided to satisfy all or part of the conditions to extra residential floor area; and/or
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1 c. provision of open space on the same block to satisfy in part the
2 conditions to extra residential floor area.

3 5. The fee owners of each of the combined lots shall execute an appropriate
4 agreement or instrument, which shall include the legal descriptions of each lot and shall be
5 recorded in the King County real property records. In the agreement or instrument, the owners
6 shall acknowledge the extent to which development capacity on each base lot is reduced by the
7 use of such capacity on another lot or lots, at least for so long as the chargeable floor area for
8 which such capacity is used remains on such other lot or lots. The agreement or instrument shall
9 also provide that its covenants and conditions shall run with the land and shall be specifically
10 enforceable by the parties and by the City of Seattle.

11
12 6. Nothing in this subsection E shall allow the development on any lot in a
13 combined lot development to exceed or deviate from height limits or other development
14 standards.
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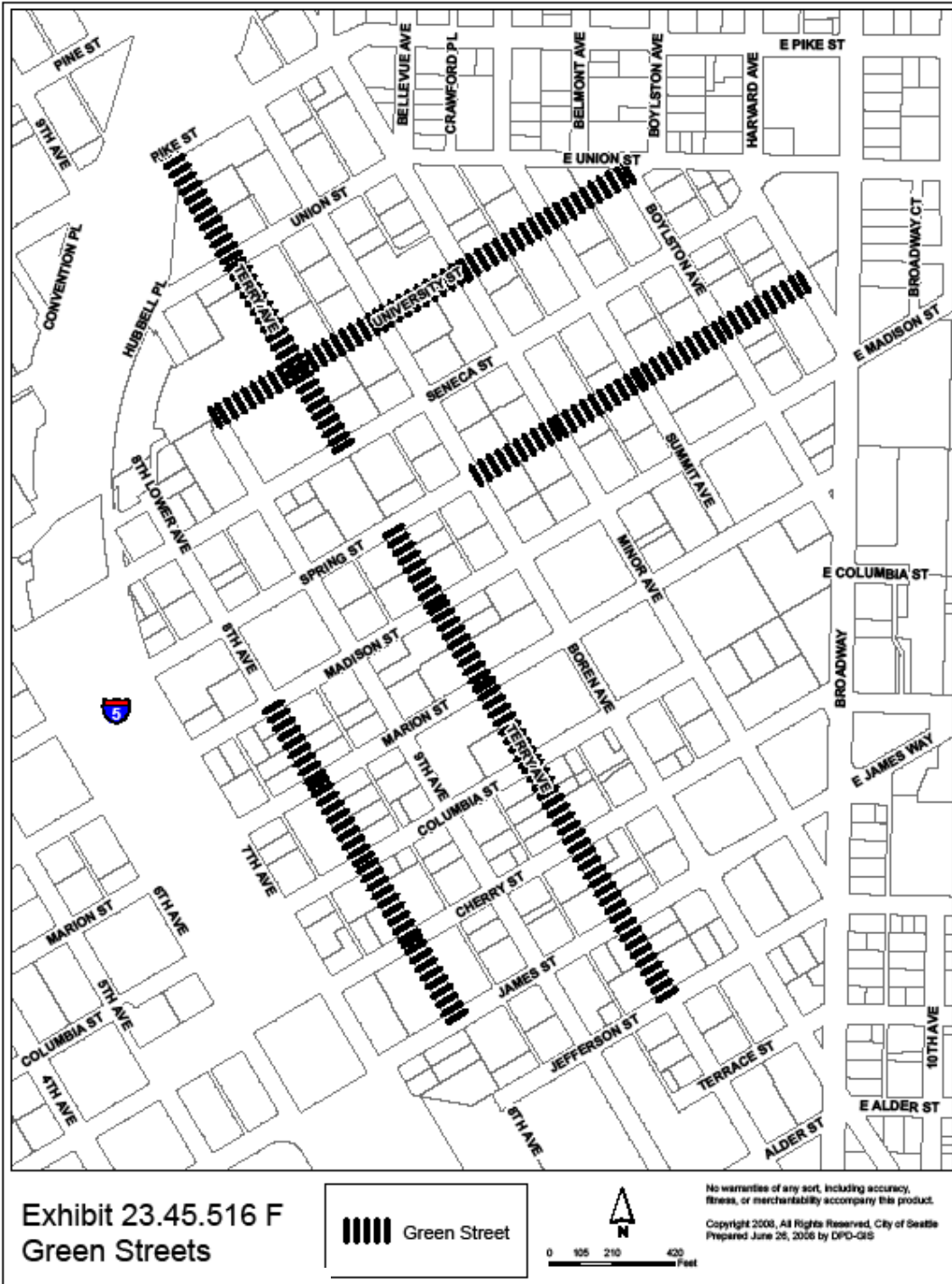
16 F. Green Street Setback. Floor area may be gained for a green street setback according
17 to the provisions of 23.58A by development on lots abutting one of the following streets or street
18 segments within the First Hill Urban Village, as shown on Exhibit 23.45.516 F, if the Director
19 has approved a green street plan for that street or segment and determines that the improvements
20 proposed by the applicant will substantially contribute to the implementation of such plan:
21

- 22 1. 8th Avenue, between Madison Street and James Street;
 - 23 2. Terry Avenue, between Pike Street and James Street;
 - 24 3. University Street from 9th Avenue to Boylston Avenue; or
- 25
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4. Spring Street from Boren Avenue to Harvard Avenue.

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1 G. Neighborhood open space. Floor area may be gained by development that provides
2 for neighborhood open space according to the provisions of 23.58A.

3 Section 41. Section 23.45.014 of the Seattle Municipal Code, which section was last
4 amended by Ordinance 122050, is amended and recodified as follows:

5 ~~((23.45.014 Setback requirements—Lowrise zones.))~~ **23.45.518 Setbacks**

6 ~~((A. Front Setback.~~

7
8 1. ~~The required front setback shall be the average of the setbacks of the first~~
9 ~~principal structures on either side, except for cottage housing developments, subject to the~~
10 ~~following:~~

11 Lowrise Duplex/Triplex—	In no case shall the setback be less than five (5) feet and it shall not be required to exceed twenty (20) feet.
12 Lowrise 1, Lowrise 2 and Lowrise 3—	In no case shall the setback be less than five (5) feet and it shall not be required to exceed fifteen (15) feet.
13 Lowrise 4—	In no case shall the setback be less than five (5) feet and it shall not be required to exceed twenty (20) feet.

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18 2. ~~Cottage Housing Developments. The required front setback shall be a~~
19 ~~minimum of ten (10) feet.~~

20
21 3. ~~Townhouses.~~

22 a. ~~Portions of a structure may project into the required front setback, as~~
23 ~~long as the average distance from the front property line to the structure satisfies the minimum~~
24 ~~front setback requirement.~~

1 ~~b. No portion of a structure shall be closer to the front property line than~~
2 ~~five (5) feet.~~

3
4 ~~4. Through Lots. In the case of a through lot, each setback abutting a street,~~
5 ~~except a side setback, shall be a front setback. Rear setback requirements shall not apply to the~~
6 ~~lot.~~

7
8 ~~5. A greater setback may be required in order to meet the provisions of Section~~
9 ~~23.53.015, Improvement requirements for existing streets in residential and commercial zones.~~

10 ~~B. Rear Setbacks. Rear setbacks shall be provided as follows:~~

11 ~~1. Zones. Lowrise Duplex/Triplex and Lowrise 1—Twenty (20) feet or twenty (20)~~
12 ~~percent of lot depth, whichever is less, but in no case less than fifteen (15) feet, except for~~
13 ~~cottage housing developments, which shall provide a minimum ten (10) foot rear setback.~~

14 ~~Lowrise 2—Twenty five (25) feet or twenty (20) percent of lot depth, whichever~~
15 ~~is less, but in no case less than fifteen (15) feet.~~

16 ~~Lowrise 3 and Lowrise 4—Twenty five (25) feet or fifteen (15) percent of lot~~
17 ~~depth, whichever is less, but in no case less than fifteen (15) feet.~~

18
19 ~~2. Alleys. When a property abuts upon an alley along a rear lot line, the centerline~~
20 ~~of the alley between the side lot lines extended shall be used as the rear lot line for purposes of~~
21 ~~measuring a rear setback; provided that at no point shall the principal structure be closer than ten~~
22 ~~(10) feet to the actual property line at the alley. If the provisions of subsection H of this section~~
23 ~~are used, this subsection may not be used.~~

C. Side Setbacks.

1. The required side setback for structures in Lowrise zones shall be determined by structure depth and height, according to the following Table 23.45.014 A:

TABLE 23.45.014 A				
Side Setbacks – Lowrise Zones				
Height of Side Facade at Highest Point in Feet				
	0-25'	26-30'	31-37'	
Structure Depth in Feet	Average Side Setback in Feet			Minimum Side Setback
65 or less	5	6	7	5'
66 to 80	6	6	8	5'
81 to 100	8	9	11	6'
101 to 120	11	12	14	7'
121 to 140	14	15	17	7'
141 to 160	17	18	20	8'
161 to 180	19	21	23	8'
Greater than 180				1' in addition to 8' for every 50' in depth

The pattern established in the table shall be continued for structures greater than one hundred eighty (180) feet in depth.

2. When there is a principal entrance along a side facade not facing a street or alley, the following shall apply except for cottage housing developments:

a. In addition to the setback required in Table 23.45.014 A, the principal entrance door(s) shall be recessed three (3) feet. This requirement for a recessed entrance shall apply only to a height necessary to accommodate the entrance.

b. Screening along the side property line that faces the principal entrance(s) shall be provided in the form of a wall or fence that meets the standard in subsection

~~G of this section. In order to ensure adequate access width, this screening shall supersede the landscape requirement along property lines that abut single family zoned lots contained in Section 23.45.015 B1b.~~

~~3. The side street setback of a reversed corner lot shall be ten (10) feet or as provided in Table 23.45.014 A, whichever is greater.~~

~~D. Required Setbacks for Cluster Developments.~~

~~1. In Lowrise Duplex/Triplex zones where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be ten (10) feet when the length of facing portions of facades is forty (40) feet or less and fifteen (15) feet when the length of facing portions of facades exceeds forty (40) feet.~~

~~2. In Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 zones where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be as follows:~~

Table 23.45.014 C		
Required Setback Between Facing Facades		
Lowrise Zones		
Length of Facing Facades, in Feet	Average Setback Between Facing Facades (in Feet)	Minimum Setback (in feet)
40 or less	10	10
41 to 60	15	10
61 to 80	20	10
81 to 100	25	10
101 to 150	30	10
151 or more	40	10

1 ~~3. Setbacks shall apply only to portions of the facades that are directly across~~
2 ~~from each other.~~

3 ~~4. In Lowrise 2, Lowrise 3 and Lowrise 4 zones structures in cluster~~
4 ~~developments may be connected by elevated walkways, provided that:~~

5 ~~a. One (1) elevated walkway shall be permitted to connect any two (2)~~
6 ~~structures in the development;~~

7 ~~b. Additional elevated walkways, in excess of one (1), between any two~~
8 ~~(2) structures may be permitted by the Director when it is determined that by their location or~~
9 ~~design a visual separation between structures is maintained;~~

10 ~~c. All elevated walkways shall meet the following standards:~~

11 ~~(1) The roof planes of elevated walkways shall be at different~~
12 ~~levels than the roofs or parapets of connected structures.~~

13 ~~(2) Walkways shall be set back from street lot lines and the front~~
14 ~~facades of the structures they connect, and whenever possible shall be located or landscaped so~~
15 ~~that they are not visible from a street.~~

16 ~~(3) The design of the walkways and the materials used shall seek~~
17 ~~to achieve a sense of openness and transparency.~~

18 ~~(4) Elevated walkways shall add to the effect of modulation rather~~
19 ~~than detract from it.~~

1 ~~5. For structures connected by elevated walkways, the length of the facade shall~~
2 ~~be defined as the lengths of the facades connected by the elevated walkways and shall exclude~~
3 ~~the length of the elevated walkway.~~

4 ~~E. Interior Separation for Cottage Housing Developments. In cottage housing~~
5 ~~developments, there shall be a minimum separation of six (6) feet between principal structures,~~
6 ~~unless there is a principal entrance on an interior facade of either or both of the facing facades, in~~
7 ~~which case the minimum separation shall be ten (10) feet. Facades of principal structures facing~~
8 ~~facades of accessory structures shall be separated by a minimum of three (3) feet.~~

9 ~~F. Projections into Required Setbacks:~~

10 ~~1. Special Features of a Structure.~~

11 ~~a. External architectural details with no living space including cornices,~~
12 ~~eaves, sunshades, gutters, and vertical architectural features which are less than eight (8) feet in~~
13 ~~width, may project a maximum of eighteen (18) inches into any required setback.~~

14 ~~b. Bay windows shall be limited to eight (8) feet in width and may project~~
15 ~~no more than two (2) feet into a front, rear, or street side setback. In no case shall bay windows~~
16 ~~be closer than five (5) feet to any lot line.~~

17 ~~c. Other projections which include interior space, such as garden~~
18 ~~windows, may extend no more than eighteen (18) inches into any required setback, starting a~~
19 ~~minimum of thirty (30) inches above finished floor, and with maximum dimensions of six (6)~~
20 ~~feet tall and eight (8) feet wide.~~

1 ~~d. The combined area of features permitted in subsections F1b and c above~~
2 ~~may comprise no more than thirty (30) percent of the area of the facade.~~

3 ~~2. Unenclosed Decks and Balconies.~~

4 ~~a. Unenclosed decks and balconies may project a maximum of four (4)~~
5 ~~feet into the required front setback provided they are a minimum of ten (10) feet from the front~~
6 ~~lot line in Lowrise Duplex/Triplex and Lowrise 1 zones and eight (8) feet from the front lot line~~
7 ~~in Lowrise 2, Lowrise 3 and Lowrise 4 zones.~~

8 ~~b. Except as provided in subsection G5 of Section 23.45.014, unenclosed~~
9 ~~decks and balconies shall be permitted in side setbacks, provided they are a minimum of five (5)~~
10 ~~feet from a side lot line, and may project into the required rear setback a maximum of four (4)~~
11 ~~feet provided they are a minimum of five (5) feet from a rear lot line.~~

12 ~~c. Unenclosed decks and balconies permitted in required setbacks shall be~~
13 ~~limited to a maximum width of twenty (20) feet and shall be separated by a distance equal to at~~
14 ~~least one-half (1/2) the width of the projection.~~

15 ~~d. All permitted projections into required front and rear setbacks shall~~
16 ~~begin a minimum of eight (8) feet above finished grade.~~

17 ~~3. An unenclosed porch or steps may extend a maximum of six (6) feet into the~~
18 ~~required front setback at ground level, provided that it is set back the same distance from the~~
19 ~~front lot line as that required for unenclosed decks and balconies.~~

20 ~~G. Structures in Required Setbacks.~~

1 ~~1. Detached garages, carports, or other accessory structures are permitted in the~~
2 ~~required rear setback, provided that any accessory structure located between a principal structure~~
3 ~~and the side lot line shall provide the setback required for the principal structure. (See Exhibit~~
4 ~~23.45.014 A.)~~

5 All such accessory structures, including garages, shall be no greater than twelve
6 ~~(12) feet in height. The height of garages shall be measured on the facade containing the~~
7 ~~entrance for the vehicles, with open rails permitted above twelve (12) feet.~~

8 ~~2. Ramps or other devices necessary for access for the disabled and elderly, which~~
9 ~~meet Washington State Building Code, Chapter 11, are permitted in required front, side or rear~~
10 ~~setbacks.~~

11 ~~3. Uncovered, unenclosed pedestrian bridges, necessary for access and less than~~
12 ~~five (5) feet in width, are permitted in required front, side and rear setbacks.~~

13 ~~4. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.~~

14 ~~a. Fences, freestanding walls, signs and other similar structures six (6) feet~~
15 ~~or less in height above existing or finished grade whichever is lower, are permitted in required~~
16 ~~front, side, or rear setbacks. The six (6) foot height may be averaged above sloping grade for~~
17 ~~each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed~~
18 ~~eight (8) feet.~~

19 ~~Architectural features may be added to the top of the fence or freestanding~~
20 ~~wall above the six (6) foot height when the following provisions are met: horizontal architectural~~
21 ~~feature(s), no more than ten (10) inches high and separated by a minimum of six (6) inches of~~

1 ~~open area, measured vertically from the top of the fence, may be permitted when the overall~~
2 ~~height of all parts of the structure, including post caps, are no more than eight (8) feet high;~~
3 ~~averaging the eight (8) foot height is not permitted. Structural supports for the horizontal~~
4 ~~architectural feature(s) may be spaced no closer than three (3) feet on center.~~

5 b. ~~The Director may allow variation from the development standards listed~~
6 ~~in subsection G4a above, according to the following:~~

- 7 i. ~~No part of the structure may exceed eight (8) feet;~~
8 ii. ~~Any portion of the structure above six (6) feet shall be~~
9 ~~predominately open, such that there is free circulation of light and air.~~

10 c. ~~Bulkheads and retaining walls used to raise grade may be placed in any~~
11 ~~required yard when limited to six (6) feet in height, measured above existing grade. A guardrail~~
12 ~~no higher than forty two (42) inches may be placed on top of a bulkhead or retaining wall~~
13 ~~existing as of the date of the ordinance codified in this section. If a fence is placed on top of a~~
14 ~~new bulkhead or retaining wall, the maximum combined height is limited to nine and one half (9~~
15 ~~1/2) feet.~~

16 d. ~~Bulkheads and retaining walls used to protect a cut into existing grade~~
17 ~~may not exceed the minimum height necessary to support the cut or six (6) feet, whichever is~~
18 ~~greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open~~
19 ~~guardrail of no more than forty two (42) inches meeting Building Code requirements may be~~
20 ~~placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3)~~
21 ~~feet from such a bulkhead or retaining wall.~~

1 ~~5. Decks no more than eighteen (18) inches above existing or finished grade,~~
2 ~~whichever is lower, may project into required setbacks.~~

3 ~~6. Underground structures are permitted in all setbacks.~~

4 ~~7. Solar collectors are permitted in required setbacks, subject to the provisions of~~
5 ~~Section 23.45.146, Solar collectors.~~

6 ~~8. Arbors. Arbors may be permitted in required setbacks under the following~~
7 ~~conditions:~~

8 ~~a. In each required setback, an arbor may be erected with no more than a~~
9 ~~forty (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a~~
10 ~~maximum height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty~~
11 ~~(50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches~~
12 ~~between crosspieces.~~

13 ~~b. In each required setback abutting a street, an arbor over a private~~
14 ~~pedestrian walkway with no more than a thirty (30) square foot footprint, measured on the~~
15 ~~horizontal roof plane and inclusive of eaves, may be erected to a maximum height of eight (8)~~
16 ~~feet. The sides of the arbor shall be at least fifty (50) percent open, or, if latticework is used,~~
17 ~~there must be a minimum opening of two (2) inches between crosspieces.~~

18 ~~H. Front and rear setbacks on lots containing certain environmentally critical areas or~~
19 ~~buffers may be reduced pursuant to the provisions of Sections 25.09.280 and 25.09.300.)~~

20 Section 42. Section 23.45.018 of the Seattle Municipal Code, which Section was last
21 amended by Ordinance 120611, is amended as follows:

1 ~~((A. Parking Quantity. Parking shall be required as provided in Chapter 23.54.~~

2 ~~B. Access to Parking.~~

3 ~~1. Alley Access Required. Access to parking shall be from the alley when the site~~
4 ~~abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the~~
5 ~~Director determines that alley access is feasible and desirable to mitigate parking access impacts.~~
6 ~~Except as provided in subsections B2 or B3 of this section, street access shall not be permitted.~~

7 ~~2. Street Access Required. Access to parking shall be from the street when:~~

8 ~~a. Due to the relationship of the alley to the street system, use of the alley~~
9 ~~for parking access would create a significant safety hazard; or~~

10 ~~b. The lot does not abut a platted alley; or~~

11 ~~c. In Lowrise 3 zones, apartments are proposed across an alley from a~~
12 ~~Single family or Lowrise Duplex/Triplex zone; or~~

13 ~~d. In Lowrise 4 zones apartments are proposed across an alley from a~~
14 ~~Single family, Lowrise Duplex/Triplex or Lowrise 1 zone.~~

15 ~~3. Street or Alley Access Permitted. Access to parking may be from either the~~
16 ~~alley or the street, but not both, when the conditions listed in subsection B2 do not apply, and~~
17 ~~one (1) or more of the folloing conditions are met:~~

18 ~~a. Topography makes alley access infeasible;~~

19 ~~b. In all zones except Lowrise Duplex/Triplex, ground related housing is~~
20 ~~proposed across an alley from a Single family zone;~~

1 ~~e. Access to required barrier-free parking spaces which meet the~~
2 ~~Washington State Building Code, Chapter 11, may be from either the street or alley, or both.~~

3 ~~4. In Lowrise Duplex/Triplex zones, no more than fifty (50) percent of the total~~
4 ~~area of the required front setback extended to side lot lines may be occupied by a driveway~~
5 ~~providing access to parking, except where the minimum required driveway standards will exceed~~
6 ~~fifty (50) percent of the front setback.~~

7
8 ~~C. Location of Parking.~~

9 ~~1. Parking shall be located on the same site as the principal use.~~

10 ~~2. Parking may be located in or under the structure, provided that:~~

11 ~~a. For ground-related housing, the parking is screened from direct street~~
12 ~~view by the street-facing facades of the structure (see Exhibit 23.45.018 A, by garage doors, or~~
13 ~~by a fence and landscaping as provided in subsection D of Section 23.45.018 (see Exhibit~~
14 ~~23.45.018 B.)~~

15 ~~b. For apartments, the parking is screened from direct street view by the street-~~
16 ~~facing facades of the structure. For each permitted curbcut, the facades may contain one (1)~~
17 ~~garage door, not to exceed the maximum width allowed for curbcuts (see Exhibit 23.45.018 A.)~~

18 ~~3. Parking may be located outside a structure provided it maintains the following~~
19 ~~relationships to lot lines and structures. In all cases parking located outside of a structure shall be~~
20 ~~screened from direct street view as provided in subsection D of Section 23.45.018.~~

1 ~~a. Parking may be located between any structures on the same lot, except~~
2 ~~that for cottage housing developments, parking is not permitted between cottages.~~

3 ~~b. Rear Lot Lines. Parking may be located between any structure and the~~
4 ~~rear lot line of the lot. (See Exhibit 23.45.018 C)~~

5 ~~c. Side Lot Lines. Parking may be located between any structure and a~~
6 ~~side lot line which is not a street side lot line (see Exhibit 23.45.018 C.) Where the location~~
7 ~~between the structure and a side lot line is also between a portion of the same structure and the~~
8 ~~front lot line, subsection C3d(3) shall apply. (See Exhibit 23.45.018 D)~~

9 ~~d. Front and Street Side Lot Lines. Parking may be located between any~~
10 ~~structure and the front and street side lot lines, provided that:~~

11 ~~(1) On a through lot, parking may be located between the structure~~
12 ~~and one (1) of the front lot lines; provided, that on lots one hundred twenty five (125) feet or~~
13 ~~more in depth, parking shall not be located in either front setback. The frontage in which the~~
14 ~~parking may be located shall be determined by the Director based on the prevailing character and~~
15 ~~setback patterns of the block.~~

16 ~~(2) For ground related housing on corner lots, parking may be~~
17 ~~located between the structure and a street lot line along one (1) street frontage only.~~

18 ~~(3) Parking may be located between the front lot line and a portion~~
19 ~~of a structure, provided that:~~

1 ~~i. The parking is also located between a side lot line, other~~
2 ~~than a street side lot line, and a portion of the same structure which is equal to at least thirty (30)~~
3 ~~percent of the total width of the structure. (See Exhibit 23.45.018 D)~~

4 ~~ii. In Lowrise 1 and Lowrise 2 zones the parking is not~~
5 ~~located in the front setback and in no case closer than twenty (20) feet to the front lot line.~~

6 ~~iii. In Lowrise 3 and Lowrise 4 zones the parking is not~~
7 ~~located in the front setback and in no case closer than fifteen (15) feet to the front lot line.~~

8
9 ~~4. Location of Parking in Special Circumstances.~~

10 ~~a. For a cluster development, the location of parking shall be determined~~
11 ~~in relation to the structure or structures which have perimeter facades facing a street. (See~~
12 ~~Exhibit 23.45.018 E)~~

13 ~~b. In all Lowrise zones, the Director may permit variations from the~~
14 ~~development standards for parking location and design, and curbcut quantity and width, for lots~~
15 ~~meeting the following conditions:~~

16 ~~(1) Lots proposed for ground related housing with no feasible alley~~
17 ~~access and with:~~

18 ~~i. Less than eighty (80) feet of street frontage, or~~

19 ~~ii. Lot depth of less than one hundred (100) feet, or~~

20 ~~iii. A rise or drop in elevation of at least twelve (12) feet in~~
21 ~~the first sixty (60) feet from the front lot line; and~~
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1 ~~(3) feet deep on the street side of the fence or wall. The screening shall be located outside any~~
2 ~~required sight triangle. (See Exhibit 23.45.018 F)~~

3 2. ~~The height of the visual barrier created by the screen required in subsection D1~~
4 ~~shall be measured from street level. If the elevation of the lot line is different from the finished~~
5 ~~elevation of the parking surface, the difference in elevation may be measured as a portion of the~~
6 ~~required height of the screen, so long as the screen itself is a minimum of three (3) feet in height~~
7 ~~(see Exhibit 23.45.018 F.)~~

8
9 3. ~~Screening may also be required to reduce glare from vehicle lights, according~~
10 ~~to Section 23.45.017, Light and glare standards:))~~

11 A. L Zones.

12
13 1. For L zoned lots, the required setback from all property lines is an average of
14 seven feet (7') and in no case less than five feet (5'), except as provided in this section.

15 2. The required side setback for facades no longer than forty feet (40') is five feet
16 (5').

17 3. When a lot zoned L abuts a single family zoned lot, or is directly across a
18 street or alley from a single family zoned lot, a front or rear setback for structures on the lot are
19 required as provided in Chart 23.45.518A, see also Exhibit 23.45.518A.
20

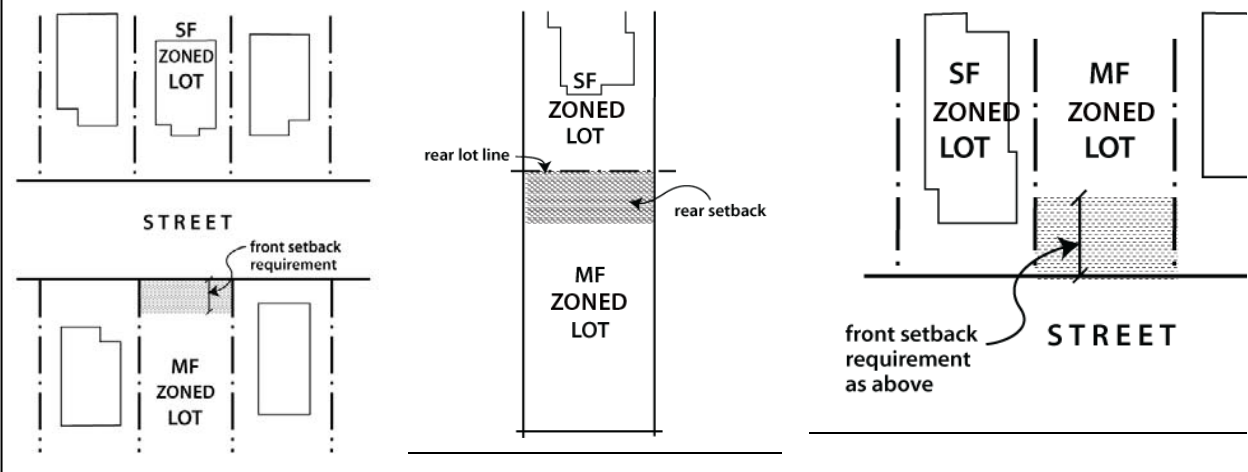
Chart 23.45.518A – L transition setbacks

Setback	Zones	
	LDT and L1	L2, L3 and L4
Front	The average* of the setback of the nearest principal structure(s) on either side, but not more than twenty feet (20') or less than five feet (5').	The average* of the setback of the nearest principal structure(s) on either side, but not more than fifteen feet (15') or less than five feet (5').
Rear	Twenty feet (20') or twenty percent (20%) of lot depth, whichever is less, but not less than fifteen feet (15').**	Twenty five feet (25') or fifteen percent (15%) of lot depth, whichever is less, but not less than fifteen feet (15') from rear lot line that does not abut an alley; or ten feet (10') from rear lot line abutting an alley.**

* For averaging purposes, structures may be in any zone.

** When a lot abuts an alley along a rear lot line, the centerline of the alley between the side lot lines extended is used as the rear lot line for purposes of measuring the rear setback; provided that at no point may the principal structure be closer than ten feet (10') to the property line at the alley.

Exhibit 23.45.518A L transition setbacks – 3 examples



1 4. When a street separating a L zoned lot from a single-family zoned lot is a
2 major arterial as designated by the Seattle Department of Transportation or is a right-of-way
3 under state jurisdiction, the required setback from the street property line is an average of seven
4 feet (7') and in no case less than five feet (5').

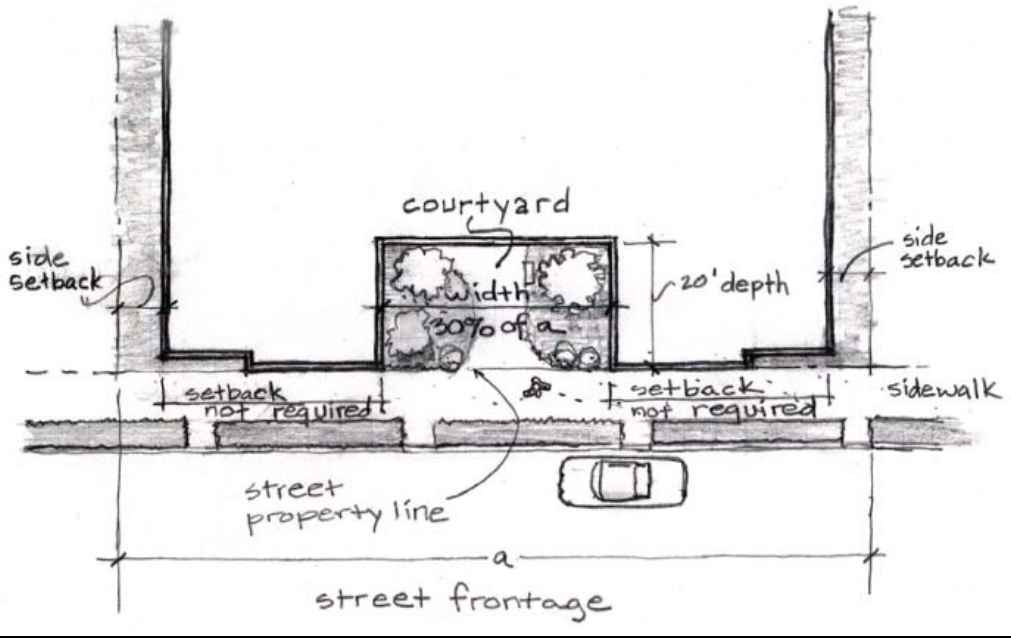
5 B. MR Zones. Minimum setbacks for the MR zone are shown in Chart 23.45.518B,
6 except as provided in subsection 23.45.508E.

7
8 **Chart 23.45.518B – MR setbacks**

<u>Front and side setback from lot lines abutting a street</u>	<u>An average setback of seven feet (7') and a minimum setback of five feet (5').</u> <u>May reduce to zero (0') feet when a courtyard is provided abutting the street (see Exhibit 23.45.518B) with:</u> <u>a) a minimum width equal to thirty percent (30%) of the width of the abutting street frontage or twenty feet (20'), whichever is greater, and</u> <u>b) a minimum depth of twenty feet (20') measured from the abutting street lot line.</u>
<u>Rear setback</u>	<u>Fifteen feet (15') from rear lot line that does not abut an alley; or</u> <u>Ten feet (10') from rear lot line abutting an alley</u>
<u>Side setback from interior lot line</u>	<u>For portions of a structure:</u> <ul style="list-style-type: none">• <u>Between zero (0) and thirty seven (37) feet in height: seven feet (7') average setback; five feet (5') minimum setback.</u>• <u>Above thirty seven feet (37') in height: Ten feet (10') average setback; seven feet (7') minimum setback.</u>

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Exhibit 23.45.518B MR courtyard example



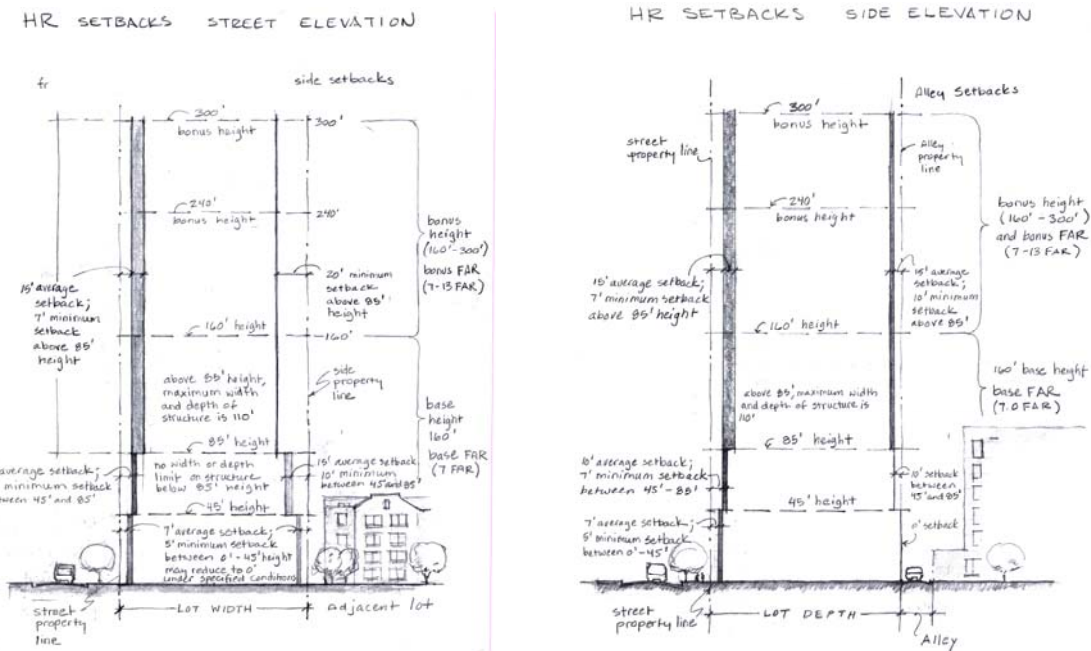
C. HR Zones. Minimum setbacks for HR zones are shown in Chart 23.45.518C, except as provided in subsection 23.45.508E.

Chart 23.45.518C – HR setbacks (see also Exhibit 23.45.518C)

<u>Setbacks for structures eighty-five feet in height or less</u>	
Structures eighty-five (85) feet in height or less are subject to the setback provisions of the MR zone.	
<u>Setbacks for structures greater than eighty-five feet in height</u>	
<u>Front and side setback from lot lines abutting a street</u>	<p>For portions of a structure:</p> <ul style="list-style-type: none"> • <u>Between zero (0) and forty-five feet (45') in height: seven feet (7') average setback; five feet (5') minimum setback, except that the setback may be reduced to zero (0) for frontages occupied by street level uses or townhouse units accessible from the street;</u> • <u>Above forty-five feet (45') to eighty-five feet (85') in height: ten feet (10') average setback; seven feet (7') minimum setback; and</u> • <u>Above eighty-five feet (85') in height: fifteen feet (15') average setback; seven feet (7') minimum setback.</u>
<u>Side setback from interior lot lines</u>	<p>For portions of a structure:</p> <ul style="list-style-type: none"> • <u>Between zero (0) to forty-five feet (45') in height: seven feet (7') average setback, five feet (5') minimum setback, except that the setback may be reduced to zero (0) for portions abutting an existing structure built to the abutting property line;</u> • <u>Above forty-five feet (45') to eighty-five feet (85') in height: fifteen feet (15') average setback; ten feet (10') minimum setback; and</u> • <u>Above eighty-five feet (85') in height: twenty feet (20') minimum setback.</u>
<u>Rear setback</u>	<p><u>Rear lot line abuts an alley</u></p> <p>For portions of a structure:</p> <ul style="list-style-type: none"> • <u>Between zero to forty-five feet (0 – 45') in height: zero (0) setback;</u> • <u>Above forty five (45) feet to eight-five (85) feet in height: ten feet (10') minimum setback; and</u> • <u>Above eighty-five feet (85') in height: fifteen feet (15') average setback; ten feet (10') minimum setback.</u> <p><u>Rear lot line does not abut an alley</u></p> <p>For portions of a structure:</p> <ul style="list-style-type: none"> • <u>Between zero to forty-five feet (0 – 45') in height: five feet (5') minimum setback;</u>

- Above forty-five (45) feet to eighty-five (85) feet in height: fifteen feet (15') minimum setback; and
- Above eighty-five feet (85') in height: twenty feet (20') minimum setback.

Exhibit 23.45.518C HR setbacks



D. Through Lots. On a through lot, each setback abutting a street, except a side setback, is considered a front setback. Rear setback requirements do not apply to through lots.

E. Other Requirements. Additional structure setbacks may be required in order to meet the provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements.

G. Separations between multiple structures.

1. L and MR zones.

1 a. Where two (2) or more principal structures are located on a lot, the
2 minimum separation between the structures at any two (2) points on different interior facades is
3 ten feet (10’), except as follows:

4 (1) When the structures are separated by a driveway or parking
5 aisle the minimum separation from finished grade to a height of nine feet (9’) above finished
6 grade is two (2) feet greater than the required width of the driveway or parking aisle, provided
7 that separation is not required to be any greater than twenty four feet (24’) to accommodate a
8 parking aisle.

9 (2) Enclosed floor area of a structure may extend a maximum of
10 three feet (3’) over driveways and parking aisles, subject to this subsection; and

11 b. Architectural or structural features and unenclosed decks up to eighteen
12 inches (18”) above existing or finished grade, whichever is lower, may project into the required
13 separation between structures under subsection G1a, pursuant to subsection H.

14 2. HR zones. Where two (2) or more structures or portions of a structure above
15 eighty-five feet (85’) in height are located on one (1) lot, the minimum horizontal separation
16 between interior facades in each height range is as provided in Chart 23.45.518G.

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20 **Chart 23.45.518G – HR facade separation for structures on the same lot**

<u>Height Range</u>	<u>Minimum separation required between interior facades</u>
<u>Zero to eighty five feet (0 -85’)</u>	<u>no minimum</u>
<u>Above eighty five (85’) feet up to one hundred sixty (160’) feet</u>	<u>Thirty feet (30’)</u>
<u>Above one hundred sixty feet (160’)</u>	<u>Forty feet (40’)</u>

1
2 H. Projections into required setbacks and separations.

3 1. Cornices, eaves, gutters, roofs and other forms of weather protection may
4 project into required setbacks and separations a maximum of two feet (2') if they are no closer
5 than three (3) feet to any lot line, except as provided in subsection 4.

6 2. Garden windows and other features that do not provide floor area may project
7 eighteen inches (18") into required setbacks and separations if they are:

8 a. a minimum of thirty inches (30") above the finished floor;

9 b. no more than six feet (6') in height and eight feet (8') wide; and

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

12 3. Bay windows and other features with floor area may project a maximum of
13 eighteen inches (18") into required setbacks and separations if they are:

14 a. no closer than five feet (5') to any lot line

15 b. no more than ten feet (10') in width; and

16 c. combined with garden windows, make up no more than thirty percent
17 (30%) of the area of the façade.

18 4. Unenclosed decks and balconies may project a maximum of four feet (4') into
19 the required setbacks or separations if they are:

20 a. no closer than five feet (5') to any lot line; and

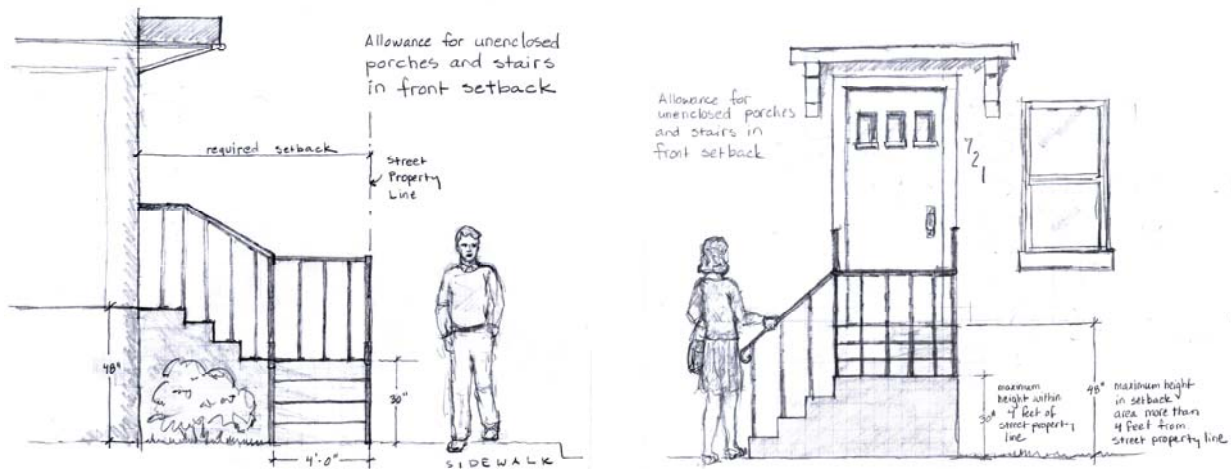
1 b. no more than twenty feet (20') wide and are separated from other
2 balconies by a distance equal to at least one-half (1/2) the width of the projection.

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

5 6. Unenclosed porches or steps.

6 a. When setbacks are required pursuant to subsection A1, unenclosed
7 porches or steps may extend to within four feet (4') of a street lot line, except that portions of
8 entry stairs or stoops not more than thirty inches (30") in height from existing or finished grade
9 whichever is lower, excluding guard rails or hand rails, may extend to a street lot line. See
10 Exhibit 23.45.518H.

11 **Exhibit 23.45.518H Porches and steps in required setbacks along street lot lines**



1 b. When transition setbacks are required pursuant to subsection A3,
2 unenclosed porches or steps may extend a maximum of six feet (6') into the required front or
3 rear setback, provided that they are no closer than five feet (5') to the front, rear or side lot lines.

4 c. Permitted porches may be covered, provided no portion of the cover-
5 structure, including any supports, are closer than three feet (3') to any lot line.

6 7. Fireplaces and chimneys may project eighteen inches (18") into required
7 setbacks or separations.

8
9 I. Structures in required setbacks or separations.

10 1. Detached garages, carports, or other accessory structures are subject to the
11 following:

12 a. A minimum of five (5) feet is maintained from all property lines; and

13 b. The accessory structure is no taller than twelve feet (12') in height as
14 measured from existing or finished grade, whichever is lower, except for garages and carports as
15 specified below;

16 i.. garages and carports are limited to twelve feet (12') in height as
17 measured from the façade containing the vehicle entrance; and

18 ii open rails are allowed to extend an additional three feet (3')
19 above the roof of the accessory structure if any portion of the roof is within four feet (4') of
20 existing grade.

21 2. Fences, freestanding structures, bulkheads, arbors, signs and other similar
22 structures are permitted in any required setback pursuant to Sections 23.44.014C, and 23.45.530,
23

1 except that fences in required setbacks facing a street may not exceed four feet (4') in height,
2 measured from the elevation of the abutting sidewalk, existing or finished grade whichever is
3 lower, unless provided to screen parking areas, pursuant to subsection 23.45.524.

4 3. Underground structures are permitted in all setbacks. Enclosed structures
5 entirely below the surface of the earth, at existing or finished grade, whichever is lower, are
6 permitted in all setbacks.

7
8 4. Solar collectors are permitted in required setbacks, pursuant to Section
9 23.45.538.

10 5. Ramps or other devices necessary for access for the disabled and elderly, that
11 meet the Seattle Building Code, Chapter 11 – Accessibility, are permitted in any required
12 setback.

13
14 6. Uncovered, unenclosed pedestrian bridges, necessary for access, and less than
15 five feet (5') in width, are permitted in any required setback.

16 7. Structures built as single family residences prior to 1982, that will remain in
17 residential use, are permitted in required setbacks provided nonconformity to setback
18 requirements is not increased.

19
20 J. Front and rear setbacks on lots containing environmentally critical areas or buffers may
21 be reduced pursuant to Sections 25.09.280 and 25.09.300.

22 Section 43. Section 23.45.068 of the Seattle Municipal Code, which section was last
23 amended by Ordinance 110570, is amended and recodified as follows:
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1 ~~((23.45.068 Highrise – Structure width and depth.))~~ **23.45.520 Highrise zone width & depth**

2 **limits**

3 ~~((A. Maximum Width.~~

4 1. ~~For facades or portions of facades along the street which are thirty-seven (37)~~
5 ~~feet in height or less, and which are not modulated according to the standards of Section~~
6 ~~23.45.070 B, maximum width shall be thirty (30) feet.~~

7 2. ~~For facades or portions of facades along the street which are thirty-seven (37)~~
8 ~~feet in height or less, and which are modulated according to the standards of Section 23.45.070~~
9 ~~B, there shall be no maximum width limit.~~

10 3. ~~Facades or portions of facades which begin thirty-seven (37) feet or more~~
11 ~~above existing grade shall have a maximum width limit of one hundred (100) feet, whether they~~
12 ~~are modulated or not (Exhibit 23.45.068 A.~~

13 ~~B. Maximum Depth.~~

14 1. ~~For facades or portions of facades thirty-seven (37) feet or less in height, which~~
15 ~~are not along a street, there shall be no maximum depth limit.~~

16 2. ~~Facades or portions of facades above thirty-seven (37) feet in height shall not~~
17 ~~exceed one hundred (100) feet in depth (Exhibit 23.45.068 B.)~~

18 In HR zones, portions of structures above a height of eighty-five feet (85') are limited to
19 a maximum façade width and depth of one hundred ten feet (110'). These portions of structures
20 must be separated from any other portion of a structure on the lot above eighty-five feet (85') at

1 all points by the minimum horizontal distance shown on Chart 23.45.518G - HR zone façade
2 separation for structures on the same lot.

3 Section 44. Section 23.45.016 of the Seattle Municipal Code, which section was last
4 amended by Ordinance 120928, is amended and recodified as follows:

5 ~~((23.45.016 Open space requirements – Lowrise zones.))~~ **23.45.522 Residential amenity**
6 **areas**

7
8 ~~((A. Quantity of Open Space.~~

9 1. Lowrise Duplex/Triplex Zones:

10 a. ~~Single family Structures. A minimum of six hundred (600) square feet~~
11 ~~of landscaped area shall be provided, except for cottage housing developments.~~

12 b. ~~Cottage Housing Developments. A minimum of four hundred (400)~~
13 ~~square feet per unit of landscaped area is required. This quantity shall be allotted as follows:~~

14 (1) ~~A minimum of two hundred (200) square feet per unit shall be~~
15 ~~private usable open space; and~~

16 (2) ~~A minimum of one hundred fifty (150) square feet per unit~~
17 ~~shall be provided as common open space.~~

18 c. ~~Structures with Two Dwelling Units. At least one (1) unit shall have~~
19 ~~direct access to a minimum of four hundred (400) square feet of private, usable open space. The~~
20 ~~second unit shall also have direct access to four hundred (400) square feet of private, usable open~~
21 ~~space; or six hundred (600) square feet of common open space shall be provided on the lot.~~

1 ~~d. Structures with Three Dwelling Units. At least two (2) units shall have~~
2 ~~direct access to a minimum of four hundred (400) square feet of private, usable open space per~~
3 ~~unit. The third unit shall have direct access to four hundred (400) square feet of private, usable~~
4 ~~open space; or six hundred (600) square feet of common open space shall be provided on the lot.~~

5
6 2. ~~Lowrise 1 Zones.~~

7 a. ~~Ground related Housing.~~

8 (1) ~~An average of three hundred (300) square feet per unit of~~
9 ~~private, usable open space, at ground level and directly accessible to each unit, shall be required,~~
10 ~~except for cottage housing developments. No unit shall have less than two hundred (200) square~~
11 ~~feet of private, usable open space. When a new unit that is not a ground-related unit is added to~~
12 ~~an existing structure, common open space at ground level shall be provided for the new unit. As~~
13 ~~long as the average per unit amount of open space is maintained at three hundred (300) square~~
14 ~~feet on the lot, a minimum of two hundred (200) square feet of common open space at ground~~
15 ~~level shall be provided for the unit but it does not have to be directly accessible to the unit.~~

16
17 (2) ~~On lots with slopes of twenty (20) percent or more, decks of~~
18 ~~the same size as the required ground level open space may be built over the sloping ground level~~
19 ~~open space. In order to qualify for this provision, such decks shall not cover the open space of~~
20 ~~another unit, nor be above the living space of any unit. Decks may project into setbacks in~~
21 ~~accordance with subsection F of Section 23.45.014.~~

1 ~~b. Apartments. An average of three hundred (300) square feet per unit of~~
2 ~~common open space, with a minimum of two hundred (200) square feet, shall be provided at~~
3 ~~ground level, but it does not have to be directly accessible to the unit.~~

4 ~~c. Cottage Housing Developments. A minimum of three hundred (300)~~
5 ~~square feet per unit of landscaped area is required. This quantity shall be allotted as follows:~~

6 ~~(1) A minimum of one hundred fifty (150) square feet per unit~~
7 ~~shall be private, usable open space; and~~

8 ~~(2) A minimum of one hundred fifty (150) square feet per unit~~
9 ~~shall be provided as common open space.~~

10 ~~3. Lowrise 2, Lowrise 3 and Lowrise 4 Zones.~~

11 ~~a. Ground related Housing.~~

12 ~~(1) In Lowrise 2 and Lowrise 3 zones an average of three hundred~~
13 ~~(300) square feet per unit of private, usable open space, at ground level and directly accessible to~~
14 ~~each unit, shall be required. No unit shall have less than two hundred (200) square feet of~~
15 ~~private, usable open space.~~

16 ~~(2) In Lowrise 4 zones a minimum of fifteen (15) percent of lot~~
17 ~~area, plus two hundred (200) square feet per unit of private usable open space, at ground level~~
18 ~~and directly accessible to each unit, shall be required.~~

19 ~~(3) On lots with slopes of twenty (20) percent or more, decks of~~
20 ~~the same size as the required ground level open space may be built over the sloping ground level~~
21 ~~open space. In order to qualify for this provision, such decks shall not cover the open space of~~

1 ~~another unit, nor be above the living space of any unit. Decks may project into setbacks in~~
2 ~~accordance with subsection F of Section 23.45.014.~~

3 ~~b. Apartments.~~

4 ~~(1) Lowrise 2 Zones. A minimum of thirty (30) percent of the lot~~
5 ~~area shall be provided as usable open space at ground level.~~

6 ~~(2) Lowrise 3 and Lowrise 4 Zones.~~

7 ~~i. A minimum of twenty five (25) percent of the lot area~~
8 ~~shall be provided as usable open space at ground level, except as provided in subsection~~
9 ~~A3b(2)ii.~~

10 ~~ii. A maximum of one third (1/3) of the required open~~
11 ~~space may be provided above ground in the form of balconies, decks, individual unit decks on~~
12 ~~roofs or common roof gardens if the total amount of required open space is increased to thirty~~
13 ~~(30) percent of lot area.~~

14 ~~B. Development Standards.~~

15 ~~1. Lowrise Duplex/Triplex Zones and Ground related Housing in Lowrise 1,~~
16 ~~Lowrise 2, Lowrise 3 and Lowrise 4 Zones.~~

17 ~~a. Lowrise Duplex/Triplex Zones Private Usable Open Space.~~

18 ~~(1) Private usable open space shall be provided at ground level in~~
19 ~~one (1) contiguous parcel with a minimum area of four hundred (400) square feet, except that in~~
20 ~~cottage housing developments, the quantity per unit shall be a minimum of two hundred (200)~~
21 ~~square feet. No horizontal dimension of the open space shall be less than ten (10) feet.~~

1 ~~access to such open space does not go through or over common circulation areas, common or~~
2 ~~public open spaces, or the open space serving another unit.~~

3 (3) ~~At least fifty (50) percent of the required open space for a unit~~
4 ~~shall be level, provided that:~~

5 i. ~~The open space may be terraced; and~~

6 ii. ~~Minor adjustments in level shall be permitted as long as~~
7 ~~the difference in elevation between the highest and lowest point does not exceed two (2) feet.~~

8 (4) ~~For additional dwelling units proposed within a structure~~
9 ~~existing on August 11, 1982, the vertical distance between the unit and the private, landscaped~~
10 ~~open space may exceed ten (10) feet where the following criteria are met:~~

11 i. ~~Where the structure was constructed with floor to floor~~
12 ~~heights in excess of ten (10) feet, the open space may be located a maximum of ten (10) feet plus~~
13 ~~the height between floors in excess of ten (10) feet, above or below the unit it serves; or~~

14 ii. ~~Where the structure was constructed with the first floor~~
15 ~~in excess of two (2) feet above grade, the open space may be located a maximum of ten (10) feet~~
16 ~~plus the additional height of the first floor in excess of two (2) feet above grade, above or below~~
17 ~~the unit it serves.~~

18 (5) ~~Lowrise 1 Zone Cottage Housing Developments.~~

19 i. ~~At least fifty (50) percent of the required total open space~~
20 ~~per unit shall be provided as private usable open space in one (1) contiguous parcel. No~~
21 ~~horizontal dimension of the open space shall be less than ten (10) feet.~~

~~ii. Common open space shall be provided at ground level in~~

~~one (1) contiguous parcel with a minimum area per unit of one hundred fifty (150) square feet.~~

~~No horizontal dimension of the open space shall be less than ten (10) feet. Each cottage shall
abut the common open space.~~

~~d. Required open space may be located in the front, sides or rear of the
structure.~~

~~e. To ensure privacy of open space, openings such as windows and doors
on the ground floor of walls of a dwelling unit, or common areas which directly face the open
space of a different unit, are prohibited, unless such openings are screened by view obscuring
fences, freestanding walls or wingwalls.~~

~~f. Parking areas, driveways and pedestrian access, except for pedestrian
access meeting the Washington State Building Code, Chapter 11, shall not be counted as open
space.~~

~~g. Required private usable open space shall be landscaped according to
standards promulgated by the Director for ground related dwelling units.~~

~~2. Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones Apartments.~~

~~a. No horizontal dimension for required ground level open space shall be
less than ten (10) feet.~~

~~b. Required open space is permitted in the front, sides or rear of the
structure.~~

1 ~~e. Parking areas, driveways and pedestrian access, except pedestrian~~
2 ~~access meeting the Washington State Building Code, Chapter 11, shall not be counted as open~~
3 ~~space.~~

4 ~~d. In order to qualify as above ground level open space, balconies, decks,~~
5 ~~and in L3 and L4 zones, individual unit decks on roofs, shall all have a minimum horizontal~~
6 ~~dimension of six (6) feet, and a total area of at least sixty (60) square feet, while common roof~~
7 ~~gardens in L3 and L4 zones shall have a minimum area of two hundred fifty (250) square feet.~~
8 ~~Common roof garden open space shall be landscaped according to the rules promulgated by the~~
9 ~~Director.~~

10
11 ~~e. For cluster development, at least twenty (20) percent of the required~~
12 ~~open space shall be provided in one (1) contiguous area.~~

13
14 ~~f. Terraced Housing on a Slope of Twenty five (25) Percent or More:~~

15 ~~(1) No horizontal dimension for required ground level open space~~
16 ~~shall be less than ten (10) feet.~~

17 ~~(2) Required open space is permitted in the front, sides or rear of~~
18 ~~the structure.~~

19
20 ~~(3) Parking areas, driveways and pedestrian access, except~~
21 ~~pedestrian access meeting the Washington State Building Code, Chapter 11, shall not be counted~~
22 ~~as open space.~~

1 ~~(4) In order to qualify as above ground level open space, rooftop~~
2 ~~areas shall have a minimum horizontal dimension of at least ten (10) feet and a total area of at~~
3 ~~least one hundred twenty (120) square feet.~~

4 ~~g. When a transmitting antenna is sited or proposed to be sited on a~~
5 ~~rooftop where required open space is located, see Section 23.57.011.~~

6 ~~3. Open Space Exception. When all parking and access to parking is uncovered~~
7 ~~and is surfaced in permeable material, except gravel, the quantity of required ground level open~~
8 ~~space shall be reduced by five (5) percent of the total lot area.~~

9
10 ~~C. Open Space Relationship to Grade:~~

11 ~~1. The elevation of open space for ground related housing must be within ten (10)~~
12 ~~feet of the elevation of the dwelling unit it serves. The ten (10) feet shall be measured between~~
13 ~~the finished floor level of the principal living areas of a dwelling unit and the grade of at least~~
14 ~~fifty (50) percent of the required open space. Direct access to the open space shall be from at~~
15 ~~least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the~~
16 ~~unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms,~~
17 ~~hallways, bathrooms or similar rooms alone or in combination.~~

18
19 ~~2. The grade of the open space can either be the existing grade or within eighteen~~
20 ~~(18) inches of existing grade. The portion of the open space which is within ten (10) feet of the~~
21 ~~unit shall include the point where the access to the open space from the unit occurs.~~

22
23 ~~3. The elevation of private usable open space for Lowrise Duplex/Triplex~~
24 ~~structures must be within four (4) feet of the elevation of the dwelling unit it serves. The four (4)~~
25

1 ~~feet shall be measured between the finished floor level of the dwelling unit and the grade of at~~
2 ~~least fifty (50) percent of the required open space. The grade of the open space can either be the~~
3 ~~existing grade or within eighteen (18) inches of existing grade. The maximum difference in~~
4 ~~elevation at the point of access shall be four (4) feet.)~~

5 A. Residential amenity areas, including but not limited to decks, balconies, terraces, roof
6 gardens, plazas, courtyards, play areas, or sport courts, are required in an amount equal to five
7 percent (5%) of the total gross floor area of a structure in residential use, except as otherwise
8 provided in this chapter.

9 B. Required residential amenity areas must meet the following conditions, as applicable:

10 1. All residents must have access to at least one common or private residential
11 amenity area;

12 2. Residential amenity areas may not be enclosed, except common residential
13 amenity areas in HR zones located on rooftops pursuant to Section 23.45.514F.

14 3. Parking areas, driveways, and pedestrian access to building entrances, except
15 for pedestrian access meeting the Seattle Building Code, Chapter 11 -- Accessibility, do not
16 qualify as residential amenity areas;

17 4. Common amenity areas must have a minimum horizontal dimension of at least
18 ten feet (10'), and no common amenity area can be less than two hundred and fifty (250) square
19 feet;

20 5. Private balconies, decks, stoops and porches must have a minimum area of
21 sixty (60) square feet, and no horizontal dimension shall be less than six feet (6').

1 6. Rooftop areas excluded pursuant to Section 23.57.012C1d do not qualify as
2 residential amenity areas.

3 Section 45. Section 23.45.015 of the Seattle Municipal Code, which section was last
4 amended by Ordinance 121477, is amended and recodified as follows:

5 ~~((23.45.015 Screening and landscaping requirements—Lowrise zones.))~~ **23.45.524**

6 **Landscaping and screening standards**

7
8 ~~((A. Quantity.~~

9 1. A minimum landscaped area that is equivalent in square footage to three (3)
10 feet times the total length of all property lines shall be provided, except as specified in
11 ~~subsection A5 of this section.~~

12
13 2. If screening and landscaping of parking from direct street view is provided
14 according to subsection D of Section 23.45.018, that amount of landscaped area may be counted
15 toward fulfilling the total amount of landscaped area required by this section.

16 3. Landscaped usable open space that is provided for apartments or terraced
17 housing and located at ground level, may be counted toward fulfilling the total amount of
18 landscaped area required by this section.

19
20 4. Street trees shall be provided in the planting strip according to Seattle
21 Department of Transportation Tree Planting Standards, unless it is not possible to meet the
22 standards. Existing street trees may count toward meeting the street tree requirement.

23
24 5. Exceptions:

1 a. ~~If full landscaping is not possible because of the location of existing~~
2 ~~structures and/or existing parking, the amount of required landscaped area may be reduced by up~~
3 ~~to fifty (50) percent. The Director may require that landscaping which cannot be provided on the~~
4 ~~lot be provided in the planting strip.~~

5 b. ~~If landscaping would obscure the visibility of retail uses or obstruct~~
6 ~~pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the~~
7 ~~Director may reduce or waive the amount of landscaping required in those locations. No~~
8 ~~reduction or waiver shall apply to screening and landscaping of parking required by subsection D~~
9 ~~of Section 23.45.018 or open space required by Section 23.45.016.~~

10
11 B. ~~Development Standards.~~

12 1. ~~Except for the screening and landscaping of parking, which shall be provided~~
13 ~~according to subsection D of Section 23.45.018, landscaping may be provided on all sides of the~~
14 ~~lot, or may be concentrated in one (1) or more areas. However, a landscaped area at least three~~
15 ~~(3) feet deep shall be provided at the following locations, except as provided in subsection B2:~~

16 a. ~~Along street property lines;~~

17 b. ~~Along property lines which abut single family zoned lots;~~

18 c. ~~Along alleys across from single family zoned lots.~~

19 2. ~~Breaks in required screening and landscaping shall be permitted to provide~~
20 ~~pedestrian and vehicular access. Breaks in required screening and landscaping for vehicular~~
21 ~~access shall not exceed the width of permitted curbeuts and any required sight triangles. When~~
22
23
24

1 ~~an alley is used as an aisle, the Director may reduce or waive the required screening or~~
2 ~~landscaping along the alley.~~

3 ~~3. Required landscaping shall meet standards promulgated by the Director.~~

4 ~~C. Tree Requirements in Landscaped Areas in Lowrise Duplex/Triplex, Lowrise 1, and~~
5 ~~Lowrise 2 Zones.~~

6 ~~1. Trees shall be required when new lowrise multifamily dwelling units are~~
7 ~~constructed. This requirement may be met using options in subsection C1a or C1b below. The~~
8 ~~minimum number of caliper inches of tree required per lot may be met through using either the~~
9 ~~tree preservation option or tree planting option set forth below, or through a combination of~~
10 ~~preservation and planting. Trees within public and private rights-of-way may not be used to meet~~
11 ~~this standard.~~

12 ~~a. Tree Preservation Option. For lots over three thousand (3,000) square~~
13 ~~feet, at least two (2) caliper inches of existing tree per one thousand (1,000) square feet of lot~~
14 ~~area must be preserved. On lots that are three thousand (3,000) square feet or smaller, at least~~
15 ~~three (3) caliper inches of existing tree must be preserved per lot. When this option is used, a tree~~
16 ~~preservation plan is required.~~

17 ~~b. Tree Planting Option. For lots over three thousand (3,000) square feet,~~
18 ~~at least two (2) caliper inches of tree per one thousand (1,000) square feet of lot area must be~~
19 ~~planted. On lots that are three thousand (3,000) square feet or smaller, at least three (3) caliper~~
20 ~~inches of tree must be planted per lot.~~

1 ~~2. Tree Measurements. Trees planted to meet the requirements in subsection C1~~
2 ~~above shall be at least one and one half (1.5) inches in diameter. The diameter of new trees shall~~
3 ~~be measured (in caliper inches) six (6) inches above the ground. Existing trees shall be measured~~
4 ~~four and one half (4.5) feet above the ground. When an existing tree is three (3) to ten (10)~~
5 ~~inches in diameter, each one (1) inch counts as one (1) inch toward meeting the tree~~
6 ~~requirements in subsection C1 above. When an existing tree is more than ten (10) inches in~~
7 ~~diameter, each one (1) inch of the tree that is over ten (10) inches shall count as three (3) inches~~
8 ~~toward meeting the tree requirement.~~

10 ~~3. Tree Preservation Plans. If the tree preservation option is chosen, a tree~~
11 ~~preservation plan must be submitted and approved. The plan may be submitted as part of the~~
12 ~~overall landscaping plan for the project. Tree preservation plans shall provide for protection of~~
13 ~~trees during construction according to standards promulgated by the Department of Planning and~~
14 ~~Development.)~~

16 A. Landscaping requirements.

17 1. Standards. All landscaping provided to meet requirements under this Section
18 must meet standards promulgated by the Director to provide for the long-term health, viability,
19 and coverage of plantings. The Director may promulgate standards relating to matters including,
20 but not limited to, the type and size of plants, number of plants, concentration of plants, depths
21 of soil, use of drought-tolerant plants, and access to light and air for plants.

22 2. Seattle Green Factor Requirement. Landscaping that achieves a Green Factor
23 score of 0.6 or greater is required for any new development in multifamily residential zones.

1 3. Green Factor Calculation. The Green Factor score for a lot is determined as

2 follows:

3 a. Multiply the square feet, or equivalent square footage where applicable,

4 of each of the existing and proposed elements listed in Chart A of this section by the green area

5 multiplier shown for that element, according to the following provisions:

6 (1) If multiple elements listed on Chart A occupy an area (for
7 example, groundcover under a tree), the full square footage or equivalent square footage of each
8 element is used to calculate the product for that element.

9 (2) In rights-of-way adjacent to the lot, landscaping that is
10 provided between the lot line and the roadway may be included, provided that it is approved by
11 the Director of the Department of Transportation.

12 (3) Elements listed on Chart A that are provided to satisfy any
13 requirements of this chapter may be included.

14 (4) For trees, large shrubs, and large perennials, use the equivalent
15 square footage according to Chart B of this Section.

16 (5) For vegetated walls, use the square footage of the portion of
17 the wall covered by vegetation.

18 (6) For all elements other than trees, large shrubs, and vegetated
19 walls, square footage is determined by the area of the portion of a horizontal plane that lies over
20 or under the element.

1 (7) The score for all pervious paving areas together may not
 2 exceed one third of the total Green Factor score for a site.

3 b. Add together all the products computed under subsection A3a to
 4 determine the Green Factor numerator.

5 c. Divide the Green Factor numerator by the lot area to determine the
 6 Green Factor score.

7
 8 **Chart 23.45.524A**

<u>Seattle Green Factor Elements*</u>	<u>Multiplier</u>
<u>A. Landscaped Areas (choose one of the following)</u>	
<u>1. Landscaped areas with a soil depth of less than twenty-four (24) inches</u>	<u>0.1</u>
<u>2. Landscaped areas with a soil depth of twenty-four (24) inches or more</u>	<u>0.6</u>
<u>3. Bioretention facilities as per Stormwater Code</u>	<u>1.0</u>
<u>B. Plants</u>	
<u>1. Mulch, ground covers, or other plants normally expected to be less than two (2) feet tall at maturity</u>	<u>0.1</u>
<u>2. Large shrubs or perennials at least two (2) feet tall at maturity</u>	<u>0.3</u>
<u>3. Small trees</u>	<u>0.3</u>
<u>4. Small/medium trees</u>	<u>0.3</u>
<u>5. Medium/large trees</u>	<u>0.4</u>
<u>6. Large trees</u>	<u>0.4</u>
<u>7. Preservation of exceptional or other large existing trees at least six (6) inches in diameter at breast height.</u>	<u>0.8</u>
<u>C. Green roofs</u>	
<u>1. Over at least two (2) inches and less than four (4) inches of growth medium</u>	<u>0.4</u>
<u>2. Over at least four (4) inches of growth medium</u>	<u>0.7</u>
<u>D. Vegetated walls</u>	<u>0.7</u>
<u>E. Approved water features</u>	<u>0.7</u>
<u>F. Pervious paving</u>	
<u>1. Pervious paving over at least six (6) inches and less than</u>	<u>0.2</u>

1	<u>twenty-four (24) inches of soil and/or gravel</u>	
2	<u>2. Pervious paving over at least twenty-four (24) inches of soil and/or gravel</u>	<u>0.5</u>
3	<u>G. Approved structural soil systems</u>	<u>0.2</u>
4	<u>H. Bonuses applied to Green Factor elements, above:</u>	
5	<u>1. Landscaping that consists entirely of drought-tolerant or native plant species, as defined by the Director</u>	<u>0.1</u>
6	<u>2. Landscaping that is designed for at least fifty (50) percent of irrigation to be provided through use of harvested rainwater</u>	<u>0.2</u>
7	<u>3. Landscaping visible to passersby</u>	<u>0.1</u>
7	<u>4. Landscaping in food cultivation</u>	<u>0.1</u>

8
 9 * A feature may qualify as an element in this Chart only if it satisfies applicable
 10 conditions in rules promulgated by the Director for such element, if any.

11 **Chart 23.45.524B**

12 **Equivalent square footage of trees and large shrubs**

13	<u>Landscaping Elements</u>	<u>Equivalent Square Feet</u>
14		
15	<u>Large shrubs or perennials</u>	<u>16 square feet per plant</u>
16	<u>Small trees</u>	<u>50 square feet per tree</u>
17	<u>Small/medium trees</u>	<u>100 square feet per tree</u>
18	<u>Medium/large trees</u>	<u>150 square feet per tree</u>
19		
20	<u>Large trees</u>	<u>200 square feet per tree</u>
21	<u>Exceptional trees and large existing trees</u>	<u>15 square feet per inch diameter at breast</u>
22		<u>height</u>
23		

24
 25 B. Street tree requirements.

1 1. Street trees are required when any type of development is proposed, except as
2 provided in subsection B2 and section 23.53.015. Existing street trees shall be retained unless
3 the Director of Transportation approves their removal. The Director, in consultation with the
4 Director of Transportation, will determine the number, type, and placement of additional street
5 trees to be provided, based on the following considerations:

- 6 a. public safety;
- 7
- 8 b. presence, type, and condition of existing street trees;
- 9
- 10 c. space in the planting strip;
- 11
- 12 d. size of trees to be planted;
- 13 e. spacing required between trees in order to encourage healthy growth;
- 14 f. location of utilities; and
- 15 g. approved access to the street, buildings, and lot.

16 2. Exceptions to street tree requirements.

17 a. If a lot borders an unopened street, the Director may reduce or waive
18 the street tree requirement along that street if, after consultation with the Director of
19 Transportation, the Director determines that the street is unlikely to be developed.

20 b. Street trees are not required as a condition to any of the following:

- 21 (1) establishing, constructing, or modifying single-family dwelling
22 units; or
- 23 (2) changing a use or establishing a temporary use or intermittent
24 use; or
- 25
- 26
- 27
- 28

1 (3) expanding a structure by one thousand (1,000) square feet or

2 less; or

3 (4) expanding surface area parking by less than ten (10) percent in

4 area or in number of spaces.

5 c. When an existing structure is proposed to be expanded by more than
6 one thousand (1,000) square feet, one street tree is required for each five hundred (500) square
7 feet over the first one thousand (1,000) square feet, up to the maximum number of required trees.

9 3. If it is not feasible to plant street trees in an abutting planting strip, a five (5)
10 foot setback shall be planted with street trees along the street property line or landscaping other
11 than trees shall be provided in the planting strip, subject to approval by the Director of the
12 Department of Transportation. If, according to the Director of the Department of Transportation,
13 a five (5) foot setback or landscaped planting strip is not feasible, the Director may reduce or
14 waive this requirement.

15 C. Screening of parking.

16 1. Parking must be screened from direct street view by the front facade of a
17 structure, by garage doors, or by a fence or wall between four feet (4') and six feet (6') in height.
18 When the fence or wall parallels a street, a minimum three foot (3') deep landscaped area is
19 required on the street side of the fence or wall. The screening may not be located within any
20 required sight triangle.

21 2. The height of the visual barrier created by the screen required in subsection 1
22 shall be measured from the elevation of the curb or street if no curb is present. If the elevation of
23

1 the lot line is different from the finished elevation of the parking surface, the difference in
2 elevation may be measured as a portion of the required height of the screen, so long as the screen
3 itself is a minimum of three feet (3') in height.

4 Section 46. A new Section 23.45.526 is hereby added to the Seattle Municipal Code as
5 follows:

6 **23.45.526 LEED/Built Green.**
7

8 A. Applicants for all new development gaining incentive floor area, except additions and
9 alterations, shall make a commitment that the structure will earn a LEED Silver rating or
10 comparable rating from Built Green Program of the Master Builders Association of King and
11 Snohomish Counties, Washington.

12 B. The Director may establish by rule procedures for determining whether an applicant
13 has demonstrated that a new structure has earned a LEED Silver or a 4-star Built Green rating,
14 provided that no rule may assign authority for making a final determination to any person other
15 than an officer of the Department of Planning and Development or another City agency with
16 regulatory authority and expertise in green building practices.
17

18 C. The applicant shall demonstrate to the Director the extent to which the applicant has
19 complied with the commitment to earn a LEED Silver rating or 4-star Built Green rating no later
20 than ninety days after issuance of final Certificate of Occupancy for the new structure, or such
21 later date as may be allowed by the Director for good cause, by submitting a report analyzing the
22 extent credits earned toward such rating from the U.S. Green Building Council or another
23 independent entity approved by the Director. For purposes of this section, if the Director
24
25
26

1 approves a commitment to achieve a substantially equivalent standard, the term "LEED Silver
2 rating" shall mean such other standard.

3 D. Failure to submit a timely report regarding a LEED or Built Green rating from an
4 approved independent entity by the date required is a violation of the Land Use Code. The
5 penalty for such violation shall be \$500 per day from the date when the report was due to the
6 date it is submitted, without any requirement of notice to the applicant.
7

8 E. Failure to demonstrate, through an independent report as provided in this subsection,
9 full compliance with the applicant's commitment to earn a LEED or Built Green rating, is a
10 violation of the Land Use Code. The penalty for each violation is an amount determined by rules
11 promulgated by the Director.
12

13 F. Use of Penalties. A subfund shall be established in the City's General Fund to receive
14 revenue from penalties under subsection B of this section. Revenue from penalties under that
15 subsection shall be allocated to activities or incentives to encourage and promote the
16 development of sustainable buildings. The Director shall recommend to the Mayor and City
17 Council how these funds should be allocated.
18

19 Section 47. Section 23.45.010 of the Seattle Municipal Code, which section was last
20 amended by Ordinance 118794, is amended and recodified as follows:

21 ~~((23.45.010 Lot coverage – Lowrise zones.))~~ **23.45.528 L and MR standards for lots greater**
22 **than 9,000 square feet**

23 ~~((A. Except as provided in subsection C of this section, the maximum lot coverage~~
24 ~~permitted for principal and accessory structures shall not exceed the following limits:~~
25

1. For townhouses, the following lot coverage limits shall apply:

Lowrise duplex/Triplex	-- Forty five (45) percent.
Lowrise 1	— Fifty (50) percent.
Lowrise 2	— Fifty (50) percent.
Lowrise 3	— Fifty (50) percent.
Lowrise 4	— Fifty (50) percent.

2. For all other structures, the following lot coverage limits shall apply:

Lowrise duplex/Triplex	-- Thirty five (35) percent.
Lowrise 1	— Forty (40) percent.
Lowrise 2	— Forty (40) percent.
Lowrise 3	— Forty five (45) percent.
Lowrise 4	— Fifty (50) percent.

3. When townhouses and other structures are located on the same lot, the lot coverage shall be calculated as follows:

a. Divide the number of townhouse units by the total number of units on the site, and multiply this figure by the percentage of lot coverage allowed for townhouses in that zone; and

b. Divide the number of units in all other (nontownhouse) structures on the site by the total number of units on site and multiply this figure by the percentage of lot coverage allowed for all other structures in that zone; and

c. Add subsections A3a and A3b above, which equals the maximum lot coverage.

1 ~~B. For cottage housing developments, in addition to the limitations of subsection A~~
2 ~~above, the lot coverage for an individual principal structure shall not exceed six hundred fifty~~
3 ~~(650) square feet.~~

4 ~~C. Lot Coverage Exceptions. The following structures or portions of structures shall be~~
5 ~~exempted from the measurement of lot coverage:~~

6 ~~1. Pedestrian access bridges from alleys, streets or easements, and uncovered,~~
7 ~~unenclosed bridges of any height necessary for access and five (5) feet or less in width;~~
8

9 ~~2. Ramps or other access for the disabled or elderly meeting Washington State~~
10 ~~Building Code, Chapter 11;~~

11 ~~3. Fences, freestanding walls, bulkheads, signs and other similar structures;~~

12 ~~4. An underground structure, or underground portion of a structure, on any part of~~
13 ~~the entire lot;~~
14

15 ~~5. The first eighteen (18) inches of horizontal projection of eaves, cornices and~~
16 ~~gutters;~~
17

18 ~~6. The first four (4) feet of horizontal projection from principal and accessory~~
19 ~~structures of unenclosed decks, balconies and porches;~~

20 ~~7. Solar collectors meeting the provisions of Section 23.44.046 and swimming~~
21 ~~pools eighteen (18) inches or less above grade;~~

22 ~~8. Decks or parts of a deck that are eighteen (18) inches or less above existing~~
23 ~~grade.))~~
24

1 The provisions of this section apply to lots in L and MR zones that are greater than 9,000
2 square feet in size.

3 A. Lot Coverage. Except as provided in subsection B and C, the maximum lot
4 coverage permitted for principal and accessory structures is shown in Chart 23.45.528A.

5 **Chart 23.45.528A – L and MR, Lot Coverage.**

6

	<u>LDT</u>	<u>L1, L2, L3 and L4</u>	<u>MR</u>
<u>Lot coverage limit</u>	<u>45%</u>	<u>50%</u>	<u>65%</u>

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8
9

10

11 B. Lot Coverage Exceptions. The following structures or portions of structures are
12 exempt from the measurement of lot coverage:

13 1. Pedestrian access bridges from alleys, streets or easements, and uncovered,
14 unenclosed bridges of any height necessary for access and five feet (5') or less in width;

15 2. Ramps or other access for the disabled or elderly meeting the Seattle Building
16 Code, Chapter 11 -- Accessibility;

17 3. Fences, freestanding walls, bulkheads, signs and other similar structures;

18 4. Portions of a structure that are occupied only by parking and extend no more
19 than four feet (4') above existing or finished grade, whichever is lower;
20

21 5. The first two feet (2') of horizontal projection of eaves, cornices and gutters;

22 6. The first four feet (4') of horizontal projection from principal and accessory
23 structures of unenclosed decks, balconies, stoops and porches;
24

1 7. Solar collectors meeting the provisions of Section 23.44.046 and swimming
2 pools eighteen inches (18”) or less above existing or finished grade whichever is lower;

3 8. Decks or portions of a deck that are eighteen inches (18”) or less above existing
4 or finished grade, whichever is lower.

5 9. Single family structures built prior to 1982 that remain in residential use.

6 C. Width and Depth Limits.

7 1. The width of structures may not exceed the applicable limits shown in Chart
8 23.45.528C1, L and MR Width Limits.

9
10 **Chart 23.45.528C1 – L and MR width limits**

11

	<u>LT</u>	<u>L1</u>	<u>L2</u>	<u>L3 and L4</u>	<u>MR</u>
<u>Maximum width</u>	<u>45'</u>	<u>60'</u>	<u>90'</u>	<u>120'</u>	<u>150'</u>

12
13

14 2. The maximum depth of structures may not exceed the limits shown in Chart
15 23.45.528C2, L and MR Depth Limits as follows:

16
17 **23.45.528C2 – L and MR depth limits**

18

	<u>LDT and L1</u>	<u>L2, L3, L4 & MR</u>
<u>Maximum depth</u>	<u>65% of the depth of the lot</u>	<u>75% of the depth of the lot</u>

19
20

21 3. Accessory structures are counted in structure width and depth if less than three
22 feet (3’) from the principal structure at any point.

23
24 Section 48. A new Section 23.45.530 is hereby added to the Seattle Municipal Code as
25 follows:

1 **23.45.530 Design standards.**

2 A. Intent. The intent of design standards is:

3 1. to enhance street facing facades and avoid the appearance of blank walls along
4 a street; and

5 2. to foster a sense of community and create pedestrian connections between
6 multifamily buildings and streets, to help ensure eyes on the streets, and to promote a sense of
7 openness and access to light and air.

8
9 B. Application of Provisions. The provisions of this section apply to all development in
10 LDT, L1 and L2 zones; development with eight (8) or fewer units in L3 or L4 zones; and twenty
11 (20) or fewer units in MR or HR zones.

12 C. Façade Openings.

13
14 1. Windows and/or doors must account for a minimum of twenty (20) percent of
15 the area of each exterior wall facing a street.

16 2. For the purposes of this subsection C the exterior street facing wall includes
17 the exterior plane of the building measured from grade to the top of the parapet on a flat roof,
18 and including the surface of exterior vertical street facing surfaces, including surfaces enclosing
19 interior space on pitched-roofs, such as gables and dormers.

20
21 3. Windows must allow views from the interior of the building to the street and
22 vice versa. Windows composed of glass blocks, garage doors, and doors accessing uninhabited
23 spaces, such as utility and service areas, do not count toward meeting this requirement.

24 D. Treatment of Street Facing Façades.

1 1. In the case of facades or segments that are not vertical, such as curved or
2 otherwise non-standard arrangements, the Director has the discretion to determine what facades
3 are required to be treated pursuant to this section.

4 2. Where the street facing, vertical façade of a structure exceeds 750 square feet
5 in area, projections or recesses are required to divide the façade into smaller areas or planes as
6 follows (see Exhibit 23.45.530D):

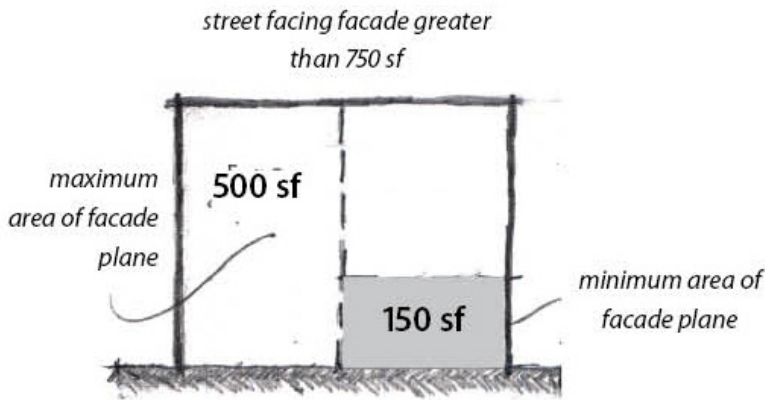
7 a. Different vertical planes shall be separated by a minimum depth of
8 eighteen (18) inches;

9 b. The surface of a vertical façade plane shall have a minimum area of 150
10 square feet and a maximum area of 500 square feet;

11 c. For the purpose of this subsection, the projection of such features as a
12 porch or the roof over a porch from a wall that is entirely separated from other wall areas will be
13 considered an individual facade plane; and

14 d. Trim of sufficient width and depth to create shadow lines is required to
15 mark roof lines, porches, windows and doors on all street facing facades.

16 **Exhibit 23.45.530D Street facing facades**
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3. The Director may allow exceptions to the required division in street facing facades, if the Director determines that the project will maintain the desired visual interest and aesthetics of the streetscape through one or more of the following alternative street facing façade treatments:

14
15
16

a. changes in building materials and/or color that reflect the stacking of floors or reinforce articulation of the façade;

17
18
19

b. incorporation of architectural features that add interest and dimension to the façade, such as porches, bay windows, chimneys, pilasters, columns, cornices, and/or balconies;

20
21
22
23

c. special landscaping elements in addition to those required to meet the Seattle Green Factor requirements pursuant to 23.45.524, such as trellises, that accommodate vegetated walls covering a minimum of twenty-five percent (25%) of the façade surface;

24
25
26

d. special fenestration treatment, including an increase in the percentage of façade openings beyond the minimum requirement of twenty percent (20%).

1 E. Building Entry Orientation and Fencing Along the Front Lot Line.

2 1. All townhouse units with street-facing facades must have a minimum of one
3 visually prominent pedestrian entry. Access to these entrances may be through private open
4 space associated with the dwelling units that front on the street.

5 2. The primary entrance to a structure with stacked flat dwelling units must face a
6 street or a shared, landscaped courtyard directly accessible from the street.

7 3. For structures without street frontage, the Director will determine the optimal
8 location for entrances to units most accessible from a street. A clear pedestrian pathway from the
9 street to the structure shall be delineated by one or more of the following:

- 10 a. a separate pathway;
11 b. co-location of the driveway and pathway, differentiated by color or
12 texture or similar technique; and
13 c. signage identifying the unit addresses and the direction to the unit
14 entrance(s).

15 F. Appearance of Parking Garage Entrances. When parking is provided serving only one
16 unit in a garage attached to the primary structure and garage doors face a street, the following
17 standards must be met:

18 1. No portion of the garage above four feet (4') from existing or finished grade,
19 whichever is less, may be closer to a street lot line than the street facing façade of the street-level
20 portion of the principal structure on the lot served by the garage; and
21
22
23
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27
28

1 2. Garage doors for individual units that are part of the street-facing elevations of
2 a primary structure may be no more than 75 square feet in area.

3 G. Limit on Surface Parking Areas.

4 1. Except when parking spaces are directly accessible from an alley, no more
5 than six (6) parking spaces are allowed in a surface parking lot.

6 2. Surface parking areas must be separated from each other by a structure or a
7 landscaped area at least six feet (6') wide.

8 Section 49. Section 23.45.110 of the Seattle Municipal Code, which section was last
9 amended by Ordinance 122311, is amended and recodified as follows:

10 ~~((23.45.110 Ground floor business and commercial use in Midrise and Highrise zones.))~~

11 **23.45.532 Standards for ground floor commercial uses in MR and HR zones**

12 ~~((Certain commercial uses shall be permitted outright on the ground floor of multifamily
13 structures in Midrise and Highrise zones under the following conditions. These provisions shall
14 not apply to Midrise and Highrise zones which have been designated Residential Commercial on
15 the Official Land Use Map.~~

16 A. Location.

17 1. ~~In Midrise Zones, the use may be located only within a one (1) block radius of
18 a commercial zone.~~

19 2. ~~In Highrise Zones, the use may be located anywhere in the zone.~~

20 3. ~~The commercial use may be located only on the ground floor of a multifamily
21 structure. On sloping sites, the commercial use may be located at more than one (1) level within~~

1 ~~the structure as long as the commercial area does not exceed the area of the structure's footprint~~
2 ~~(Exhibit 23.45.110 A.)~~

3 ~~B. Permitted Commercial Uses. The following uses are permitted as ground floor~~
4 ~~commercial uses in Midrise and Highrise zones:~~

- 5 ~~1. Sales and services, general;~~
- 6 ~~2. Medical services;~~
- 7 ~~3. Restaurants;~~
- 8 ~~4. Business support services;~~
- 9 ~~5. Offices;~~
- 10 ~~6. Food processing and craft work; and~~
- 11 ~~7. Retail sales, major durables.~~

12 ~~C. Ground floor commercial uses shall meet the following standards:~~

13 ~~1. All business, service, repair, processing, storage or merchandise display shall~~
14 ~~be conducted wholly within an enclosed structure, except for off-street vehicle parking and off-~~
15 ~~street loading. All goods produced shall be sold at retail on the premises where produced.~~

16 ~~2. The maximum gross floor area of any one (1) business enterprise shall be no~~
17 ~~greater than four thousand (4,000) square feet, except that the maximum gross floor area of a~~
18 ~~multi-purpose convenience store shall be ten thousand (10,000) square feet.~~

19 ~~3. Processes and equipment employed and goods processed or sold shall be~~
20 ~~limited to those which do not produce noticeable odors, dust, smoke, cinders, gas, noise,~~
21 ~~vibration, refuse matter or water-carried waste.~~

1 ~~4. Parking shall be required as provided in Chapter 23.54.~~

2 ~~5. No loading berths shall be required for ground-floor commercial uses. If~~
3 ~~provided, loading berths shall be located so that access to residential parking is not blocked.~~

4 ~~6. Identifying signs shall be permitted according to Chapter 23.55, Signs.))~~

5 A. In MR zones, a commercial use may be located in a structure that is within eight
6 hundred feet (800') of a neighborhood commercial zone.

7 B. In HR Zones, the use may be located anywhere in the zone.

8 C. All ground-floor commercial uses, permitted pursuant to 23.45.504, must meet the
9 following:

10 1. The commercial use may only be located on the ground floor of a structure. On
11 sloping sites, the commercial use may be located at more than one (1) level within the structure
12 as long as the floor area in commercial use does not exceed the area of the structure's footprint.

13 2. All business, service, repair, processing, storage or merchandise display must
14 be conducted wholly within an enclosed structure, except for off-street parking and off-street
15 loading. All goods produced must be sold at retail on the premises where produced.

16 3. The maximum gross floor area of any one (1) business establishment can be no
17 greater than four thousand (4,000) square feet, except that the maximum gross floor area of a
18 multi-purpose retail sales establishment may be up to ten thousand (10,000) square feet.

19 4. Parking is not required for ground-floor commercial uses.

20 5. No loading berths are required for ground-floor commercial uses. If provided,
21 loading berths must be located so that access to residential parking is not blocked.

1 6. Identifying business signs are permitted according to Chapter 23.55, Signs.

2 Section 50. Section 23.45.017 of the Seattle Municipal Code, which section was last
3 enacted by Ordinance 115043, is recodified as follows:

4 ~~((23.45.017 Light and glare standards—Lowrise zones.))~~ **23.45.534 Light and glare**

5 A. Exterior lighting shall be shielded and directed away from adjacent properties.

6 B. Interior lighting in parking garages shall be shielded to minimize nighttime glare on
7 adjacent properties.
8

9 C. To prevent vehicle lights from affecting adjacent properties, driveways and parking
10 areas for more than two (2) vehicles shall be screened from adjacent properties by a fence or
11 wall between five (5) feet and six (6) feet in height, or a solid evergreen hedge or landscaped
12 berm at least five (5) feet in height. If the elevation of the lot line is different from the finished
13 elevation of the driveway or parking surface, the difference in elevation may be measured as a
14 portion of the required height of the screen so long as the screen itself is a minimum of three (3)
15 feet in height. The Director may waive the requirement for the screening if it is not needed due
16 to changes in topography, agreements to maintain an existing fence, or the nature and location of
17 adjacent uses.
18
19

20 Section 51. 23.45.018 of the Seattle Municipal Code, which section was last amended by
21 Ordinance 120611, is amended and recodified as follows:

22 ~~((23.45.018 Parking and access—Lowrise zones.))~~ **23.45.536 Required parking, location and**
23 **access**

24 ~~((A. Parking Quantity. Parking shall be required as provided in Chapter 23.54.~~

1 ~~B. Access to Parking.~~

2 1. ~~Alley Access Required. Access to parking shall be from the alley when the site~~
3 ~~abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the~~
4 ~~Director determines that alley access is feasible and desirable to mitigate parking access impacts.~~
5 ~~Except as provided in subsections B2 or B3 of this section, street access shall not be permitted.~~

6 2. ~~Street Access Required. Access to parking shall be from the street when:~~

7 a. ~~Due to the relationship of the alley to the street system, use of the alley~~
8 ~~for parking access would create a significant safety hazard; or~~

9 b. ~~The lot does not abut a platted alley; or~~

10 c. ~~In Lowrise 3 zones, apartments are proposed across an alley from a~~
11 ~~Single family or Lowrise Duplex/Triplex zone; or~~

12 d. ~~In Lowrise 4 zones apartments are proposed across an alley from a~~
13 ~~Single family, Lowrise Duplex/Triplex or Lowrise 1 zone.~~

14 3. ~~Street or Alley Access Permitted. Access to parking may be from either the~~
15 ~~alley or the street, but not both, when the conditions listed in subsection B2 do not apply, and~~
16 ~~one (1) or more of the folloing conditions are met:~~

17 a. ~~Topography makes alley access infeasible;~~

18 b. ~~In all zones except Lowrise Duplex/Triplex, ground related housing is~~
19 ~~proposed across an alley from a Single family zone;~~

20 c. ~~Access to required barrier free parking spaces which meet the~~
21 ~~Washington State Building Code, Chapter 11, may be from either the street or alley, or both.~~

1 ~~4. In Lowrise Duplex/Triplex zones, no more than fifty (50) percent of the total~~
2 ~~area of the required front setback extended to side lot lines may be occupied by a driveway~~
3 ~~providing access to parking, except where the minimum required driveway standards will exceed~~
4 ~~fifty (50) percent of the front setback.~~

5 C. Location of Parking.

6 ~~1. Parking shall be located on the same site as the principal use.~~

7 ~~2. Parking may be located in or under the structure, provided that:~~

8 ~~a. For ground related housing, the parking is screened from direct street~~
9 ~~view by the street facing facades of the structure (see Exhibit 23.45.018 A, by garage doors, or~~
10 ~~by a fence and landscapin g as provided in subsection D of Section 23.45.018 (see Exhibit~~
11 ~~23.45.018 B.)~~

12 ~~b. For apartments, the parking is screened from direct street view by the~~
13 ~~street facing facades of the structure. For each permitted curbcut, the facades may contain one~~
14 ~~(1) garage door, not to exceed the maximum width allowed for curbcuts (see Exhibit 23.45.018~~
15 ~~A.)~~

16 ~~3. Parking may be located outside a structure provided it maintains the following~~
17 ~~relationships to lot lines and structures. In all cases parking located outside of a structure shall be~~
18 ~~screened from direct street view as provided in subsection D of Section 23.45.018.~~

19 ~~a. Parking may be located between any structures on the same lot, except~~
20 ~~that for cottage housing developments, parking is not permitted between cottages.~~

1 ~~b. Rear Lot Lines. Parking may be located between any structure and the~~
2 ~~rear lot line of the lot. (See Exhibit 23.45.018 C.)~~

3 ~~c. Side Lot Lines. Parking may be located between any structure and a~~
4 ~~side lot line which is not a street side lot line (see Exhibit 23.45.018 C). Where the location~~
5 ~~between the structure and a side lot line is also between a portion of the same structure and the~~
6 ~~front lot line, subsection C3d(3) shall apply. (See Exhibit 23.45.018 D.)~~

7 ~~d. Front and Street Side Lot Lines. Parking may be located between any~~
8 ~~structure and the front and street side lot lines, provided that:~~

9 ~~(1) On a through lot, parking may be located between the structure~~
10 ~~and one (1) of the front lot lines; provided, that on lots one hundred twenty five (125) feet or~~
11 ~~more in depth, parking shall not be located in either front setback. The frontage in which the~~
12 ~~parking may be located shall be determined by the Director based on the prevailing character and~~
13 ~~setback patterns of the block.~~

14 ~~(2) For ground related housing on corner lots, parking may be~~
15 ~~located between the structure and a street lot line along one (1) street frontage only.~~

16 ~~(3) Parking may be located between the front lot line and a portion~~
17 ~~of a structure, provided that:~~

18 ~~i. The parking is also located between a side lot line, other~~
19 ~~than a street side lot line, and a portion of the same structure which is equal to at least thirty (30)~~
20 ~~percent of the total width of the structure. (See Exhibit 23.45.018 D.)~~

1 ~~elevation of the parking surface, the difference in elevation may be measured as a portion of the~~
2 ~~required height of the screen, so long as the screen itself is a minimum of three (3) feet in height~~
3 ~~(see Exhibit 23.45.018 F).~~

4 ~~3. Screening may also be required to reduce glare from vehicle lights, according~~
5 ~~to Section 23.45.017, Light and glare standards:))~~

6 A. Off-street parking spaces may be required pursuant to Section 23.54.015, Required
7 parking.

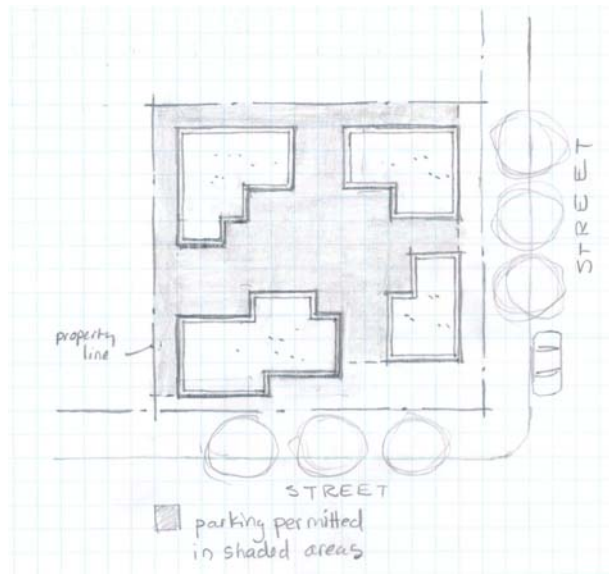
8 B. Location of parking.

9 1. Required parking may be located between a structure and a lot line that is not
10 a street lot line, in a structure or under a structure, or in any combination of these locations,
11 unless otherwise provided in subsections B2, B3 or B4 of this section.

12 2. On a through lot, parking may be located between the structure and one (1)
13 front lot line; except that on lots one hundred twenty-five feet (125') or more in depth, parking
14 may not be located in either front setback. The frontage in which the parking may be located will
15 be determined by the Director based on the prevailing character and setback patterns of the
16 block.

17 3. When there are multiple structures on a lot, the location of parking is
18 determined in relation to the structure or structures that have perimeter facades facing a street.

19 **Exhibit 23.45.536B Location of parking on a lot with multiple structures**



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12 4. On waterfront lots in the Shoreline District, parking may be located between
13 the structure and the front lot line, if necessary to prevent blockage of view corridors or to keep
14 parking away from the edge of the water as required by Chapter 23.60, Shoreline District.

15 C. Access to parking.

16 1. Access to parking shall be from an improved alley, but not from the street or
17 both unless the Director determines that access from the street is permitted according to
18 subsection D.

19 2. If the lot does not abut an improved alley or street, access may be permitted
20 from an easement meeting the provisions of 23.53.

21 3. When access is provided to individual garages pursuant to subsection D from
22 the street, all garage doors facing the street must be set back fifteen feet (15') from the street
23 property line.

1 D. Exceptions for parking location and access. The Director may permit an alternate
2 location of parking on the lot or access to off-street parking as a Type I Master Use Permit based
3 on consideration of the following:

4 1. whether access would require backing onto an arterial street designated by
5 SDOT;

6 2. whether on-street parking capacity is maintained or losses are minimized by
7 measures such as serving two (2) garages with one (1) curbcut;

8 3. whether, as a result, the project is better integrated with the topography of the
9 site such as allowing for structured parking below grade or shared parking that reduces the
10 overall impact of parking on the design of the project;

11 4. whether site layout is improved, allowing for more landscaping or increased
12 Green Area Factor rating and amenity areas and reducing surface parking areas;

13 5. whether traffic flow, including pedestrian flow, is not significantly impacted;

14 E. Parking must be screened from all streets and adjacent uses according to the
15 provisions of 23.45.524.

16 Section 52. Section 23.45.144 of the Seattle Municipal Code, which section was last
17 amended by Ordinance 110570, is amended and recodified as follows:

18 ~~((23.45.144 Swimming pools.))~~ **23.45.538 Standards for certain accessory uses.**

19 ~~((Private, permanent swimming pools, hot tubs and other similar uses are permitted as~~
20 ~~accessory uses subject to the following standards:~~

21 ~~A. Swimming pools may be located in any required setbacks, provided that:~~

1 1. ~~No part of any swimming pool shall project more than eighteen (18) inches~~
2 ~~above existing grade in a required front setback; and~~

3 2. ~~No swimming pool shall be placed closer than five (5) feet to any front or side~~
4 ~~lot line.~~

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

7 C. ~~Swimming pools may be included in the measurement of required open space.))~~

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

10 1. No part of any swimming pool shall project more than eighteen inches (18”)
11 above existing grade in a required front setback; and

12 2. No swimming pool may be placed closer than five feet (5’) to any front or side
13 lot line.

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

17 4. Swimming pools may be counted toward meeting the residential amenity
18 requirement pursuant to Section 23.45.522.

19 B. Solar greenhouses attached and integrated with the principal structure and no more
20 than twelve feet (12’) in height are permitted in a required setback. Such solar greenhouses may
21

1 extend a maximum of six feet (6') into required front and side setbacks. Attached solar
2 greenhouses in required setbacks shall be no closer than:

3 1. Three feet (3') from side lot lines; and

4 2. Eight feet (8') from front lot lines.

5 3. Solar greenhouses may be built to a rear lot line that abuts an alley, provided
6 that the greenhouse is no taller than ten feet (10') along the rear property line, and of no greater
7 average height than twelve feet (12') for a depth of fifteen feet (15') from the rear property line,
8 and the greenhouse is no wider than fifty percent (50%) of lot width for a depth of fifteen feet
9 (15') from the rear property line. Otherwise solar greenhouses may be no closer than five feet
10 (5') from the rear lot line.

11
12
13 C. Solar collectors that meet minimum written energy conservation standards
14 administered by the Director are permitted in required setbacks, subject to the following:

15 1. Detached solar collectors are permitted in required rear setbacks, no closer
16 than five feet (5') to any other principal or accessory structure.

17 2. Detached solar collectors are permitted in required side setbacks, no closer
18 than five feet (5') to any other principal or accessory structure, and no closer than three feet (3')
19 to the side lot line.

20 3. The area covered or enclosed by solar collectors may be counted toward any
21 residential amenity requirement pursuant to Section 23.45.522.

22 4. Sunshades that provide shade for solar collectors that meet minimum written
23 energy conservation standards administered by the Director may project into southern front or
24

1 rear setbacks. Those that begin at eight feet (8') or more above finished grade may be no closer
2 than three feet (3') from the property line. Sunshades that are between finished grade and eight
3 feet (8') above finished grade may be no closer than five feet (5') to the property line.

4 D. Solar Collectors and Greenhouses on Rooftops. Solar collectors that are located on a
5 roof and meet minimum energy conservation standards administered by the Director are
6 permitted to project as follows:

7
8 1. In L zones up to four feet (4') above the maximum height limit and on top of
9 elevator penthouse(s);

10 2. In MR and HR zones up to seven feet (7') above the maximum height limit and
11 on top of elevator penthouse(s); and

12 3. In MR and HR zones, solar greenhouses may project up to ten feet (10') above
13 the otherwise applicable maximum height limit.

14
15 E. Nonconforming Solar Collectors. The Director may permit the installation of solar
16 collectors that meet minimum energy standards, that may cause an existing structure to become
17 nonconforming, or that increase an existing nonconformity, as a special exception pursuant to
18 Chapter 23.76, Master Use Permits and Council Land Use Decisions. Such an installation may
19 be permitted even if it exceeds the height limits established in subsection B when the following
20 are met:

21
22 1. There is no feasible alternative solution to placing the collector(s) on the roof;
23
24
25
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1 2. Such collector(s) are located so as to minimize view blockage from
2 surrounding properties and the shading of property to the north, while still providing adequate
3 solar access for the solar collectors.

4 F. Open wet moorage facilities for residential structures are permitted as an accessory
5 use as regulated in Chapter 23.60, Shoreline District, provided that only one (1) slip per
6 residential unit is provided.

7 G. Bed and Breakfast. A bed and breakfast use may be operated in a dwelling unit that
8 is at least five (5) years old by a resident of the dwelling unit under the following conditions:

9 1. The bed and breakfast use must have a business license issued by the
10 Department of Finance.

11 2. The operation of a bed and breakfast use may be conducted only within a single
12 dwelling unit.

13 3. The bed and breakfast shall be operated within the principal structure and not
14 in an accessory structure.

15 4. Interior and exterior alterations consistent with the development standards of
16 the underlying zone are permitted.

17 5. There shall be no evidence of such use from the exterior of the structure other
18 than a sign permitted by Section 23.55.022D1, so as to preserve the residential appearance of the
19 structure.

20 6. No more than two (2) people who are not residents of the dwelling may be
21 employed in the operation of a bed and breakfast, whether or not compensated.

1 7. Parking is required as provided in Chapter 23.54.

2 H. Heat recovery incinerators, located on the same lot as the principal use, may be
3 permitted by the Director as accessory conditional uses, pursuant to Chapter 23.76, Master Use
4 Permits and Council Land Use Decisions, subject to the following conditions:

5 1. The incinerator may be located no closer than one hundred feet (100') to any
6 property line unless completely enclosed within a building.

7 2. If not within a building, the incinerator shall be enclosed by a view-obscuring
8 fence of sufficient strength and design to resist entrance by children.

9 3. Adequate control measures for insects, rodents and odors shall be continuously
10 maintained.

11
12 Section 53. Section 23.45.148 of the Seattle Municipal Code, which section was last
13 amended by Ordinance 122311, is recodified as follows:

14
15 **~~((23.45.148))~~ 23.45.540 **Keeping of animals**~~((:))~~**

16 The keeping of animals is regulated by Section 23.42.052, Keeping of Animals.

17
18 Section 54. Section 23.45.150 of the Seattle Municipal Code, which section was last
19 amended by Ordinance 110570, is recodified as follows:

20 **~~((23.45.150))~~ 23.45.550 **Home occupations**~~((:))~~**

21 Home occupations are regulated by Section 23.42.050, Home Occupations.

22
23 Section 55. A new Section 23.45.552 of the Seattle Municipal Code, is adopted to read
24 as follows:

25
26 **23.45.552 **Cottage Housing.****

1 Cottage housing must meet the general standards of the applicable zone as modified by
2 the provisions of this section.

3 A. Minimum lot area. In the LDT and L1 zones, the minimum lot area for a cottage
4 housing development is six thousand four hundred (6,400) square feet.

5 B. Floor area ratio (FAR). Cottage housing development is not subject to a floor area
6 ratio (FAR) limit.

7
8 C. Maximum density limit. The maximum density limit for a cottage housing
9 development is the same as that established for other residential development permitted in the
10 applicable zone, except that in the LDT zone, one (1) cottage dwelling unit is permitted per one
11 thousand six hundred (1,600) square feet of lot area.

12
13 D. Type of dwelling units permitted. Only single-family dwelling units are permitted in a
14 cottage housing development, except that dwelling units may also be provided as attached units
15 in a carriage house structure. A carriage house structure includes an enclosed garage at ground
16 level accommodating parking accessory to the project with one or more dwelling units above.
17 No more than one third (1/3) of the total number of dwellings in the CHD may be provided in a
18 carriage house structure. Parking in a carriage house structure must be accessed from garage
19 doors facing an alley.
20

21 E. A minimum of four (4) cottages must be arranged on at least two (2) sides of a
22 common open space, with a maximum of twelve (12) cottages per development; and
23
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26

1 F. The maximum ground level area permitted for an individual principal structure in a
2 cottage housing development, as measured for lot coverage, is six hundred fifty (650) square
3 feet, except that for a carriage house structure, the limit on lot coverage is as follows:

4 1. the ground level of the structure used primarily as a garage for accessory
5 parking is limited to a maximum area of one thousand two hundred (1,200) square feet, and
6

7 2. the floor area of any residential unit located above ground level parking is
8 limited to a maximum of 650 square feet.

9 G. Height limit and roof pitch. The maximum height permitted for a structure in a
10 cottage housing development is eighteen (18) feet, except the height of a carriage house
11 structure, which includes an enclosed garage with one or more dwelling units above, shall be
12 twenty-two (22) feet.
13

14 1. All parts of the roof of a cottage structure above eighteen (18) feet in height
15 shall be pitched. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may
16 extend up to twenty-three (23) feet, and the ridge of a pitched roof with a minimum slope of six
17 to twelve (6:12) may extend up to twenty-eight (28) feet.
18

19 2. For a carriage house structure, all parts of the roof above twenty-two feet in
20 height shall be pitched. The ridge of pitched roofs with a minimum slope of four to twelve may
21 extend up to twenty-seven (27) feet, and the ridge of a pitched roof with a minimum slope of six
22 to twelve (6:12) may extend up to twenty-eight (32) feet.
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1 3. The following rooftop features may extend four feet (4') above the eighteen
2 foot (18') height limit allowed for cottage housing structures: open railings, planters, skylights,
3 clerestories, greenhouses, parapets and firewalls.

4 4. Chimneys may exceed the height limit by four feet (4') or may extend four (4)
5 feet above the ridge of a pitched roof of cottage housing structures.

6 H. The setback provisions for cottage housing development are the same as those
7 established for the zone in Section 23.45.518.

8 I. A minimum separation of six feet (6') is required between principal structures in a
9 cottage housing development, unless there is a principal entrance on an interior facade of either
10 or both of two facing facades, in which case the minimum separation is ten feet (10'). Facades of
11 principal structures that face facades of accessory structures must be separated by a minimum of
12 three feet (3'). Permitted projections into required separations are the same as those permitted
13 by subsection H of Section 23.45.518
14
15

16 J. Required open space in cottage housing developments.

17 1. Quantity of open space. A minimum of two hundred and fifty (250) square
18 feet of common open space is required per cottage housing unit.

19 2. Development Standards.

20 a. Required common open space must have a minimum area of six hundred (600) square feet that
21 is provided at ground level and landscaped. Required common open space may be divided into
22 no more than two (2) separate areas meeting the minimum size requirements. Common open
23 space must be visible from the street and easily accessible to all cottages, including units in
24
25
26

1 carriage house structures.

2 b. The minimum horizontal dimension for required common open space is 10 feet (10').

3 c. Fences are not permitted in required common open space.

4 K. Orientation of cottages.

5 1. Each cottage unit that abuts a common open space shall have an entry and/or
6 covered porch oriented to the common open space.

7 2. Each cottage unit with a street facing façade must have an entry that is visible
8 and accessible from the street.

9
10 Section 56. Section 23.45.090 of the Seattle Municipal Code, which section was last
11 amended by Ordinance 115043, is hereby amended and recodified as follows:

12 ~~((23.45.090 Institutions—General provisions.))~~ **23.45.554 Institutions**

13 ~~((A. The establishment of new institutions, such as religious facilities, community
14 centers, private schools and child care centers, which meet the development standards of
15 Sections 23.45.092 through 23.45.102, shall be permitted outright in all multifamily zones.
16 Institutions not meeting all the development standards of these sections may be permitted as
17 administrative conditional uses subject to the requirements of Section 23.45.122.))~~

18
19
20 A. General Provisions.

21 1. Provisions for the establishment of new institutions, such as religious facilities,
22 community centers, private schools and child care centers, in multifamily zones are in 23.45.504.

23 ~~((B.))~~ 2. Public schools are permitted as regulated in ((Section 23.45.122))
24 Chapter 23.51B.

1 ~~((C:))~~ 3. If the expansion of an existing institution meets all development
2 standards of ~~((Sections 23.45.092 through 23.45.102 it shall be))~~ Chapter 23.45, it is permitted
3 outright. Expansions not meeting development standards may be permitted as administrative
4 conditional uses subject to the requirements of Section 23.45.506. Structural work that does not
5 increase usable floor area or seating capacity and does not exceed the height limit is not
6 considered expansion. Such work includes but is not limited to roof repair or replacement, and
7 construction of uncovered decks and porches, bay windows, dormers, and eaves. The
8 establishment of a child care center in a legally established institution devoted to the care or
9 instruction of children that does not require expansion of the existing structure or violate any
10 condition of approval of the existing institutional use is not considered an expansion of the use.
11 ~~((Institutions in the Lowrise Duplex/Triplex zones shall meet the development standards for
12 institutions in Lowrise 1 zones.))~~

15 ~~((D:))~~ 4. The provisions of this Chapter apply to Major Institution uses as
16 provided in Chapter 23.69, Major Institution Overlay District. All major institutions shall be so
17 designated and their boundaries approved by the Council.

19 B. Height Limits.

20 1. Maximum height limits for institutions are as provided for multifamily
21 structures in the applicable zones.

22 2. In LR zones, gymnasiums and auditoriums accessory to institutions are
23 permitted up to thirty five feet (35') in height. Pitched roofs with a minimum slope of 6:12 may
24

extend an additional five feet (5') above the height limit, provided no portion of the structure above thirty five feet (35') is within twenty feet (20') of any property line.

C. Structure Width.

1. The maximum permitted width for institutions is as follows:

<u>Zone</u>	<u>Maximum Width Without Modulation or Landscaping Option (feet)</u>	<u>Maximum Width With Modulation or Landscaping Option (feet)</u>
<u>Lowrise Duplex/Triplex and Lowrise 1</u>	<u>45'</u>	<u>75'</u>
<u>Lowrise 2</u>	<u>45'</u>	<u>90'</u>
<u>Lowrise 3 and Lowrise 4</u>	<u>60'</u>	<u>150'</u>
<u>Midrise</u>	<u>60'</u>	<u>150'</u>
<u>Highrise</u> <u>-- Facades or portions of facades below thirty seven feet (37') in height</u>	<u>90'</u>	<u>No maximum width</u>
<u>-- Facades or portions of facades above thirty seven feet (37') in height</u>	<u>100'</u>	<u>100'</u>

2. In order to achieve the maximum width permitted in each zone, institutional structures are required to reduce the appearance of bulk through one (1) of the following options:

a. Modulation Option. Front facades, and side and rear facades facing street lot lines, shall be modulated according to the following provisions:

	<u>Minimum depth of modulation in feet</u>	<u>Minimum height of modulation in feet</u>	<u>Minimum width of modulation</u>
<u>L zones</u>	<u>4</u>	<u>5</u>	<u>20% or 10' of the total structure width, whichever is greater</u>
<u>MR and HR zones</u>	<u>6</u>		

1 (1) Any un-modulated portion of the facade cannot comprise more
2 than fifty percent (50%) of the total facade area.

3 (2) In Highrise zones, modulation is only required for the first
4 sixty feet (60') in height of a facade; or if the facade above thirty-seven feet (37') is set back
5 twenty feet (20') or more from the lot line, modulation shall only be required for the first thirty-
6 seven feet (37') in height of the structure. The maximum width of any non-modulated portion of
7 the facade is ninety feet (90').

9 b. Landscape Option. Front setbacks and landscaping shall be provided as
10 follows:

11 (1) The required front setback shall be five feet (5') more than the
12 required minimum setback for the lot pursuant to 23.45.518.

13 (2) One (1) tree and three (3) shrubs are required for each three
14 hundred (300) square feet of required front setback and street-facing side and rear setbacks.
15 When new trees are planted, at least half must be deciduous.

16 (3) Trees and shrubs that already exist in the required planting
17 area or have their trunk or center within ten feet (10') of the area may be counted toward
18 requirements for plantings on a one-tree-to-one-tree or one-shrub-to-one-shrub basis. In order to
19 qualify, a tree must be six inches (6") or greater in diameter, measured four and one-half feet
20 (4.5') above the ground.

1 (4) The planting of street trees may be substituted for required
2 trees on a one-to-one (1:1) basis. All street trees shall be planted according to Seattle Department
3 of Transportation Tree Planting Standards.

4 (5) Each setback required to be landscaped shall be planted with
5 shrubs, grass and/or evergreen ground cover.

6 (6) Landscape features such as decorative paving, sculptures or
7 fountains are permitted to a maximum of twenty-five percent (25%) of each required landscaped
8 area.

9
10 D. Structure Depth. The maximum permitted depth of institutional structures is sixty-
11 five percent (65%) of lot depth.

12 E. Setback Requirements.

13 1. Front Setback. The minimum depth of the required front setback is determined
14 by the average of the setbacks of structures on adjoining lots, but is not required to exceed
15 twenty feet (20'). In L zones, the setback may not be reduced below an average of ten feet (10'),
16 and no portion of the structure may be closer than five feet (5') to a front lot line. In HR zones,
17 where the street front is devoted to retail and service use, no front yard setback is required.

18 2. Rear Setback. The minimum rear setback is ten feet (10') in L and MR zones.
19 The minimum rear setback in HR zones is twenty feet (20').

20 3. Side Setback.
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1 a. The minimum side setback is ten feet (10') from a side lot line that
 2 abuts any other residentially zoned lot. A five foot (5') setback shall be required in all other
 3 cases, except that the minimum side street side setback shall be ten feet (10').

4 b. In Highrise Zones, structures which are between ninety-one feet (91')
 5 and one hundred twenty feet (120') in height shall have a minimum side setback of fourteen feet
 6 (14'); structures which are taller than one hundred twenty feet (120') shall have a minimum side
 7 setback of sixteen feet (16').

8 c. When the depth of a structure exceeds sixty-five feet (65'), an
 9 additional setback shall be required for that portion of the structure in excess of sixty-five feet
 10 (65'): This additional setback may be averaged along the entire length of the wall. The side
 11 setback requirement for portions of walls subject to this provision shall be provided as shown in
 12 the following chart:

13
 14
 15 **Side Setback Requirements for Structures**
 16 **Greater than Sixty-Five Feet in Depth**

<u>Structure Depth in feet</u>	<u>Setback</u>				
	<u>up to 20'in height</u>	<u>Greater than 20' up to 40' in height</u>	<u>Greater than 40' up to 60' in height</u>	<u>Greater than 60' up to 80' in height</u>	<u>Greater than 80' in height</u>
<u>Up to 70'</u>	12'	14'	16'	18'	--
<u>Greater than 70', up to 80'</u>	13'	15'	17'	19'	21'
<u>Greater than 80', up to 90'</u>	14'	16'	18'	20'	22'
<u>Greater than 90', up to 100'</u>	15'	17'	19'	21'	23'
<u>Greater than 100'</u>	16'	18'	20'	22'	24'

1 4. Setbacks for Specific Items. In L zones, the following shall be located at least
2 twenty feet (20') from any abutting residentially zoned lot:

3 a. Emergency entrances;

4 b. Main entrance door of the institutional structure;

5 c. Outdoor play equipment and game courts;

6 d. Operable window of gymnasium, assembly hall or sanctuary;

7 e. Garbage and trash disposal mechanism;

8 f. Kitchen ventilation;

9 g. Air-conditioning or heating mechanism;

10 h. Similar mechanisms/features causing noise and/or odors as determined

11 by the Director.

12
13
14 F. Parking

15 1. Parking Quantity. Parking and loading is required as provided in Section
16 23.54.015.

17 2. Location of Parking. Parking areas and facilities may be located on-site or
18 adjacent to the institution, but may not be located in the required front setback or side street side
19 setback.

20 3. Screening of Surface Parking Areas. Surface parking areas for more than five
21 (5) vehicles shall be screened in accordance with the following requirements and the provisions
22 of 23.45.524.
23
24
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26

1 a. Screening shall be provided on each side of the parking area which
2 abuts on a lot in a residential zone of faces across a street, alley or access easement from any
3 such lot.

4 b. Screening shall consist of a fence, solid evergreen hedge or wall
5 between four (4') and six feet (6') in height. Sight triangles must be provided. Fences
6 surrounding sports fields/ recreation areas may be eight feet (8') high. The Director may permit
7 higher fencing when necessary for sports fields.

8 c. The height of the visual barrier created by the screen required in
9 paragraph 2 shall be measured from street level. If the elevation of the lot line is different from
10 the finished elevation of the parking surface, the difference in elevation may be measured as a
11 portion of the required height of the screen, so long as the screen itself is a minimum of three
12 feet (3') in height.

13 5. Landscaping of Parking. Accessory parking areas for more than twenty (20)
14 vehicles shall be landscaped according to the following requirements:

15 a. One (1) tree per every five (5) parking spaces is required.

16 b. Each required tree shall be planted in a landscaped area and shall be
17 three feet (3') away from any curb of a landscaped area or edge of the parking area. Permanent
18 curbs or structural barriers shall enclose each landscaped area.

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

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

3 G. Odors. The venting of odors, vapors, smoke, cinders, dust, gas and fumes shall be at
4 least ten feet (10') above finished sidewalk grade, and directed away to the extent possible from
5 residential uses within fifty feet (50') of the vent.

6 H. Light and Glare.

7 1. Exterior lighting for institutions shall be shielded or directed away from
8 principal structures on adjacent residential lots.

9 2. Poles for freestanding exterior lighting are permitted up to a maximum height
10 of thirty feet (30'). Light poles for illumination of athletic fields on new and existing public
11 school sites will be allowed to exceed thirty feet (30') subject to the requirements of Section
12 23.51B, Public schools.

13 I. Dispersion. The lot line of any new or expanding institution locating within a legally
14 established institution shall be located six hundred feet (600') or more from any lot line of any
15 other institution in a residential zone with the following exceptions:

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

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

1 topographical breaks or other elements such as arterials, freeways or nonresidential uses, that
2 provide substantial separation from other institutions.

3 Section 57. Sections 23.45.092 through 23.45.102 of the Seattle Municipal Code, which
4 sections were last amended by Ordinances 118414, 120794, 114875 and 120266, are hereby
5 repealed.

6 Section 58. Section 23.47A.006 of the Seattle Municipal Code, which section was last
7 amended by Ordinance 122311, is amended as follows:

8 **23.47A.006 Conditional uses.**

9 ~~((A. All conditional uses are subject to the procedures described in Chapter 23.76,~~
10 ~~Master Use Permits and Council Land Use Decisions, and must not be materially detrimental to~~
11 ~~the public welfare or injurious to property in the zone or vicinity in which the property is~~
12 ~~located. In authorizing a conditional use, the Director or City Council may require that adverse~~
13 ~~impacts be mitigated by imposing any conditions to protect other properties in the zone or~~
14 ~~vicinity, to compensate for impacts, and to protect the public interest. The Director shall deny or~~
15 ~~recommend denial of a conditional use if the Director determines that adverse impacts cannot be~~
16 ~~mitigated satisfactorily.~~

17 **B)) A.** The following uses, where identified as administrative conditional uses on Chart
18 A of Section 23.47A.004, or other features of development identified in this Section, may be
19 permitted by the Director when the provisions of ~~((subsection A))~~ Section 23.42.042 are met,
20 subject to the further provisions below in this subsection:
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1 c. The Director may require landscaping and screening in addition to that
2 required for surface parking areas, noise mitigation, vehicular access control, signage
3 restrictions, and other measures to provide comfort and safety for pedestrians and bicyclists and
4 to ensure the compatibility of the park-and-ride lot with the surrounding area.

5
6 3. Residential Uses in C2 zones.

7 a. Residential uses may be permitted in C2 zones as a conditional use
8 subject to the following criteria:

9 (1) The residential use generally should not be located in an area
10 with direct access to major transportation systems such as freeways, state routes and freight rail
11 lines.

12 (2) The residential use generally should not be located in close
13 proximity to industrial areas and/or nonresidential uses or devices that have the potential to
14 create a nuisance or adversely affect the desirability of the area for living purposes as indicated
15 by one of the following:

16 (a) The nonresidential use is prohibited in the NC3 zone;
17 (b) The nonresidential use or device is classified as a
18 major noise generator; or
19

20 (c) The nonresidential use is classified as a major odor
21 source.
22

23 (3) In making a determination to permit or prohibit residential uses
24 in C2 zones, the Director shall take the following factors into account:
25

1 (a) The distance between the lot in question and major
2 transportation systems and potential nuisances;

3 (b) The presence of physical buffers between the lot in
4 question and major transportation systems and potential nuisance uses;

5 (c) The potential cumulative impacts of residential uses on
6 the availability for nonresidential uses of land near major transportation systems; and

7 (d) The number, size and cumulative impacts of potential
8 nuisances on the proposed residential uses.
9

10 b. Residential uses required to obtain a shoreline conditional use permit
11 are not required to obtain an administrative conditional use permit.

12 c. Additions to, or on-site accessory structures for, existing residential
13 structures are permitted outright.
14

15 4. Medical service uses. Medical service uses over ten thousand (10,000) square
16 feet, outside but within two thousand five hundred (2,500) feet of a medical Major Institution
17 overlay district boundary, may be approved as administrative conditional uses, except that they
18 are permitted outright if included in an adopted master plan or dedicated to veterinary services.
19 In order to approve a medical service use under this subsection, the Director must determine that
20 an adequate supply of commercially zoned land for businesses serving neighborhood residents
21 will continue to exist. The following factors will be used in making this determination:
22
23
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1 a. Whether the amount of medical service uses existing and proposed in
2 the vicinity would result in an area containing a concentration of medical services with few other
3 uses; and

4 b. Whether medical service uses would displace existing neighborhood-
5 serving commercial uses at street level or disrupt a continuous commercial street front,
6 particularly of general sales and services uses, or significantly detract from an area's overall
7 neighborhood-serving commercial character.
8

9 5. Change of One Nonconforming Use to Another. A nonconforming use may be
10 converted by an administrative conditional use authorization to a use not otherwise permitted in
11 the zone based on the following factors:

12 a. New uses are limited to those permitted in the next more intensive
13 zone;
14

15 b. The relative impacts of size, parking, traffic, light, glare, noise, odor
16 and similar impacts of the two (2) uses, and how these impacts could be mitigated.
17

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

20 6. Lodging uses in NC2 zones. Lodging uses in NC2 zones are permitted up to
21 twenty five thousand (25,000) ((sq-ft.)) square feet, when all of the following conditions are
22 met, except that bed and breakfasts in existing structures are permitted outright with no
23 maximum size limit:
24

25 a. The lodging use contains no more than fifty (50) units;
26

1 b. The proposed development is subjected to City design review, whether
2 required by SMC Chapter 23.41 or not;

3 c. The design of the development, including but not limited to signing and
4 illumination, is compatible with surrounding commercial areas; and

5 d. Auto access is via an arterial street that does not draw traffic through
6 primarily residentially zoned areas.

7
8 ~~((C))~~ B. The following uses, identified as Council Conditional Uses on Chart A of
9 Section 23.47A.004, may be permitted by the Council when the ~~((conditions of subsection A of~~
10 ~~this section))~~ provisions of Section 23.42.042 are met, subject to the following additional
11 provisions:

12 1. In C1 and C2 zones, new bus bases for one hundred fifty (150) or fewer buses,
13 and existing bus bases that are proposed to be expanded to accommodate additional buses,
14 according to the following standards and criteria.

15 a. The bus base has vehicular access, suitable for use by buses, to a
16 designated arterial improved to City standards; and

17 b. The lot includes adequate buffering from the surrounding area and the
18 impacts created by the bus base have been effectively mitigated.

19 c. The Council may require mitigating measures, which may include, but
20 are not limited to:

- 21 (1) Noise mitigation,
22 (2) An employee ridesharing program,
23
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- (3) Landscaping and screening,
- (4) Odor mitigation,
- (5) Vehicular access controls, and
- (6) Other measures to ensure the compatibility of the bus base

with the surrounding area.

2. Helistops in NC3, C1 and C2 zones as accessory uses, according to the following standards and criteria:

- a. The helistop is used solely for the takeoff and landing of helicopters serving public safety, news gathering or emergency medical care functions; is a public facility that is part of a City and regional transportation plan approved by the City Council; or is part of a City and regional transportation plan approved by the City Council and is not within two thousand (2,000) feet of a residential zone.
- b. The helistop is located so as to minimize impacts on surrounding areas.
- c. The lot includes sufficient buffering of the operations of the helistop from the surrounding area.
- d. Open areas and landing pads are hard-surfaced.
- e. The helistop meets all federal requirements, including those for safety, glide angles and approach lanes.

3. Work-release centers in all NC zones and C zones, according to the following standards and criteria:

1 a. Maximum Number of Residents. No work-release center may house
2 more than fifty (50) persons, excluding resident staff.

3 b. Dispersion Criteria.

4 (1) Each lot line of any new or expanding work-release center
5 must be located six hundred (600) feet or more from any residential zone, any lot line of any
6 assisted living facility, congregate residence, domestic violence shelter or nursing home, and any
7 lot line of any school.
8

9 (2) Each lot line of any new or expanding work-release center
10 must be located one (1) mile or more from any lot line of any other work-release center.

11 c. The Council's decision shall be based on the following criteria, after
12 review by the Director and the Seattle Police Department:
13

14 (1) The applicant must demonstrate the need for the new or
15 expanding facility in the City;

16 (2) The applicant must demonstrate that the facility can be made
17 secure through a security plan to appropriately monitor and control residents, through a staffing
18 plan for the facility, and through compliance with the security standards of the American
19 Corrections Association;
20

21 (3) Proposed lighting must be located so as to minimize spillover
22 light on surrounding properties while maintaining appropriate intensity and hours of use to
23 ensure that security is maintained;
24
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1 (4) The facility's landscape plan must meet the requirements of the
2 zone while allowing visual supervision of the residents of the facility;

3 (5) Appropriate measures must be taken to minimize noise
4 impacts on surrounding properties;

5 (6) The impacts of traffic and parking must be mitigated;

6 (7) The facility must be well-served by public transportation or
7 the facility must demonstrate a commitment to a program of encouraging the use of public or
8 private mass transportation;
9

10 (8) Verification from the Department of Corrections (DOC) must
11 be provided that the proposed work-release center meets DOC standards for such facilities and
12 that the facility will meet state laws and requirements.
13

14 ~~((D. Any authorized conditional use that has been discontinued shall not be re-~~
15 ~~established or recommenced except pursuant to a new conditional use permit. The following~~
16 ~~shall constitute conclusive evidence that the conditional use has been discontinued:~~
17

18 ~~1. A permit to change the use of the property has been issued and the new use has~~
19 ~~been established; or~~

20 ~~2. The property has not been devoted to the authorized conditional use for more~~
21 ~~than twenty four (24) consecutive months. Property that is vacant, or that is used only for dead~~
22 ~~storage of materials or equipment, shall not be considered as being devoted to the authorized~~
23 ~~conditional use. The expiration of licenses necessary for the conditional use shall be evidence~~
24 ~~that the property is not being devoted to the conditional use. A conditional use in a multifamily~~
25

1 ~~structure or a multi-tenant commercial structure shall not be considered discontinued unless all~~
2 ~~portions of the structure are either vacant or devoted to another use.))~~

3 Section 59. Subsection B and Chart B of Section 23.54.015 of the Seattle Municipal
4 Code, which section and chart were last amended by Ordinance 122411, are amended as follows:

5 **23.54.015 Parking.**

6 * * *

7
8 **B. Exceptions to Required Parking.**

9 1. Parking in downtown zones is regulated by Section 23.49.019 and not by this
10 section;

11 2. In urban centers or the Station Area Overlay District, ~~((N))~~no parking for motor
12 vehicles is required for uses in commercial zones and multifamily zones ~~((in urban centers and in~~
13 ~~the Station Area Overlay District,))~~ except that parking for fleet vehicles is required;

14
15 3. Parking for major institution uses is regulated by Section 23.54.016 and not by
16 this Section;

17 4. Parking for motor vehicles for uses located in the Northgate Overlay District is
18 regulated by Section 23.71.016 and not by this Section; and

19 5. No parking is required for business establishments permitted in multifamily
20 zones.

21 * * *

22
23
24 **Chart B**
25 **for Section 23.54.015**
26 **PARKING FOR RESIDENTIAL USES**

Use	Minimum parking required
A. General Residential Uses	
A. Adult family homes	1 space for each dwelling unit
B. Artist's studio/dwellings	1 space for each dwelling unit
C. Assisted living facilities	1 space for each 4 assisted living units; plus 1 space for each 2 staff members on-site at peak staffing time; plus 1 barrier-free passenger loading and unloading space
D. Caretaker's Quarters	1 space for each dwelling unit
E. Congregate residences	1 space for each 4 residents
F. Floating homes	1 space for each dwelling unit
G. Mobile home parks	1 space for each mobile home lot as defined in Chapter 22.904
H. Multifamily (structures) <u>dwelling units</u> , except as provided in Sections B or C of this chart (1) (2)	<p>((Lots containing: ———— 2 — 10 dwelling units: 1.1 spaces for each dwelling unit ———— 11 — 30 dwelling units: 1.15 spaces for each dwelling unit ———— 31 — 60 dwelling units: 1.2 spaces for each dwelling unit ———— More than 60 dwelling units: 1.25 spaces for each dwelling unit In addition, for all multifamily structures whose average gross floor area per dwelling unit, excluding decks and all portions of a structure shared by multiple dwelling units, exceeds 500 square feet, an additional .0002 spaces per square foot in excess of 500 shall be required up to a maximum additional .15 spaces per dwelling unit; and When at least 50 percent of the dwelling units in a multifamily structure have 3 bedrooms, an additional .25 spaces per bedroom for each unit with 3 bedrooms; and When a multifamily structure contains a dwelling unit with 4 or more bedrooms, an additional .25 spaces per bedroom for each unit with 4 or more bedrooms)) <u>1 space per dwelling unit.</u></p>

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Chart B for Section 23.54.015 PARKING FOR RESIDENTIAL USES	
Use	Minimum parking required
I. Nursing homes (3)	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds
J. Single-family dwelling units	1 space for each dwelling unit
B. Residential or Multifamily Requirements with Location Criteria	
K. Residential uses in commercial <u>and</u> multifamily zones within Urban Centers ((and)) or Station Area Overlay District (1)	No minimum requirement
((L. Residential uses in commercial zones. (1)))	((1 space for each dwelling unit))
((M.)) L. Multifamily structures within the University of Washington parking impact area shown on Map A (1)	For units with less than two bedrooms, as required in row H. 1.5 spaces per unit with 2 or more bedrooms; plus .25 spaces per bedroom for units with 3 or more bedrooms
((N. Multifamily structures within multifamily zones in the University District Northwest Urban Center Village (1)))	((1 space for each dwelling unit with 2 or fewer bedrooms; 1.5 spaces for each dwelling unit with 3 or more bedrooms, plus .25 spaces for each bedroom in dwelling units with more than 3 bedrooms))
((O.)) M. Multifamily ((structures)) dwelling units, within the Alki area shown on Map B following this section(1)	1.5 spaces for each dwelling unit
((P. Multifamily structures, on lots that contain a total of 10 or fewer dwelling units, all in ground-related structures, except within the University District Northwest Urban Center Village(1)))	((1 space for each dwelling unit))
((Q. Multifamily structures, within multifamily zones in the Capitol Hill Urban Center Village(1)))	((1 space for each dwelling unit))

**Chart B
 for Section 23.54.015**

PARKING FOR RESIDENTIAL USES

Use	Minimum parking required
((R. Multifamily structures, within multifamily zones in the First Hill or Pike/Pine Urban Center Villages(1)))	((0.5 spaces for each dwelling unit))
C. Multifamily Requirements with Income Criteria or Location Criteria and Income Criteria	
((S. Multifamily structures located in multifamily zones in the Capitol Hill, First Hill, Pike/Pine, South Lake Union, 12th Avenue and Uptown Urban Center Villages: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median income(4), for the life of the building(1)))	((0.33 space for each dwelling unit with 2 or fewer bedrooms, and 0.5 space for each dwelling unit with 3 or more bedrooms))
((T. Multifamily structures located in multifamily zones in the Capitol Hill, South Lake Union, 12th Avenue and Uptown Urban Center Villages: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median income(4), for the life of the building(1)))	((0.5 space for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms))
((U.)) N. Multifamily ((structures)) <u>dwelling units</u> located outside of commercial zones in urban centers: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median income(4), for the life of the building(1)	0.33 space for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms
((V.)) O. Multifamily ((structures)) <u>dwelling units</u> located outside of commercial zones in urban centers: for each dwelling unit with 2 or fewer	0.75 spaces for each dwelling unit

Chart B
for Section 23.54.015
PARKING FOR RESIDENTIAL USES

Use	Minimum parking required
bedrooms rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median income(4), for the life of the building(1)	
((W-)) <u>P. Low-income elderly multifamily ((structures)) dwelling units</u> (1) (4)	1 space for each 6 dwelling units
((X-)) <u>Q. Low-income disabled multifamily ((structures)) dwelling units</u> (1) (4)	1 space for each 4 dwelling units
((Y-)) <u>R. Low-income elderly/low-income disabled multifamily ((structures)) dwelling units</u> (1) (4)	1 space for each 5 dwelling units

(1) The general requirements of line H of Chart B for multifamily structures are superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement under any other multifamily provision. To the extent that a multifamily structure fits within more than one line in Chart B, the least of the applicable parking requirements applies, except that if an applicable parking requirement in section B of Chart B requires more parking than line H, the parking requirement in line H does not apply. The different parking requirements listed for certain categories of multifamily structures shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title.

(2) Parking spaces required for multifamily structures may be provided as “tandem parking” spaces according to subsection B of Section 23.54.020.

(3) For development within single family zones the Director may waive some or all of the parking requirements according to Section 23.44.015.

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

Exhibit for Chart A, Section 23.54.015

Map A – University District Parking Impact Area

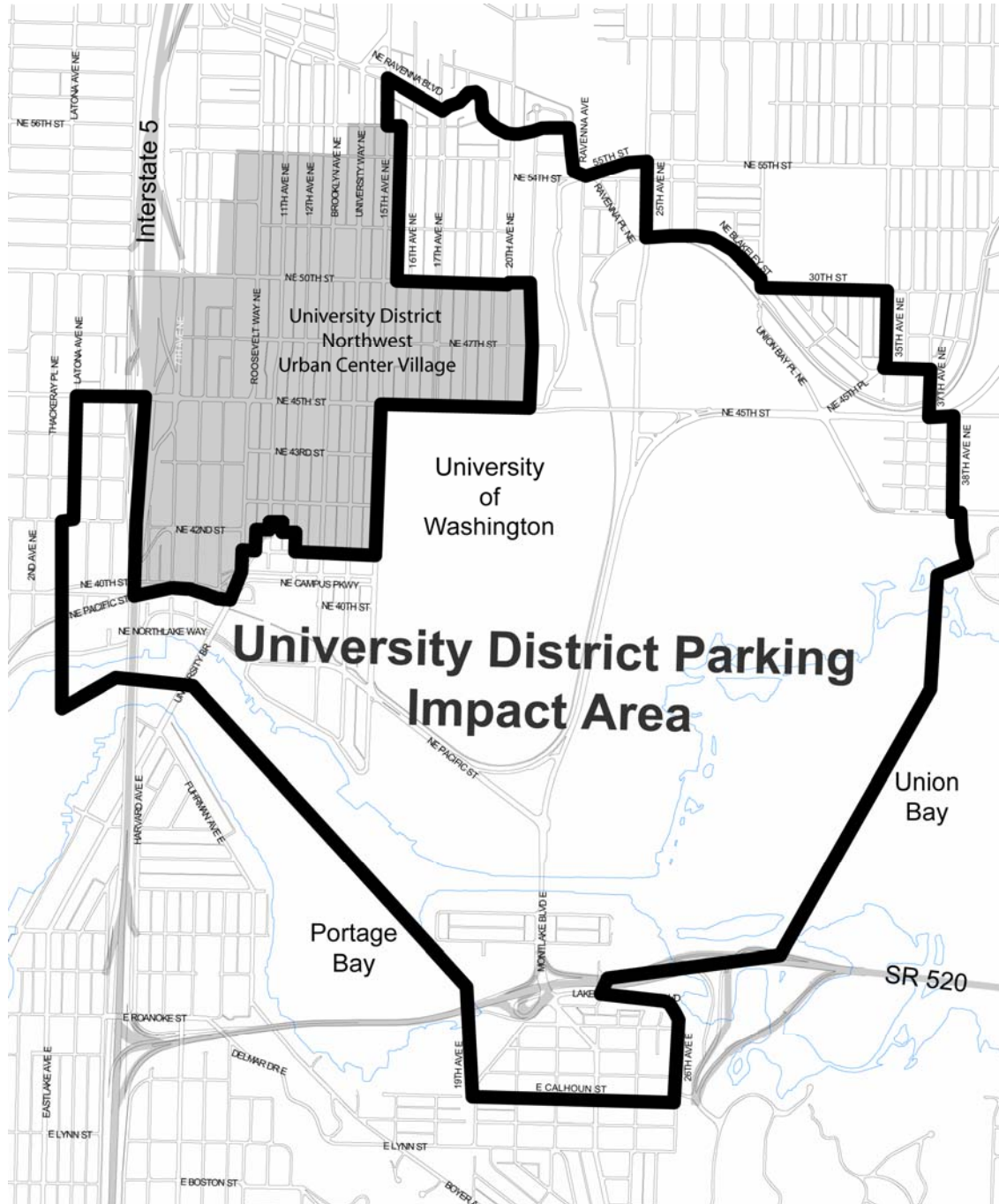
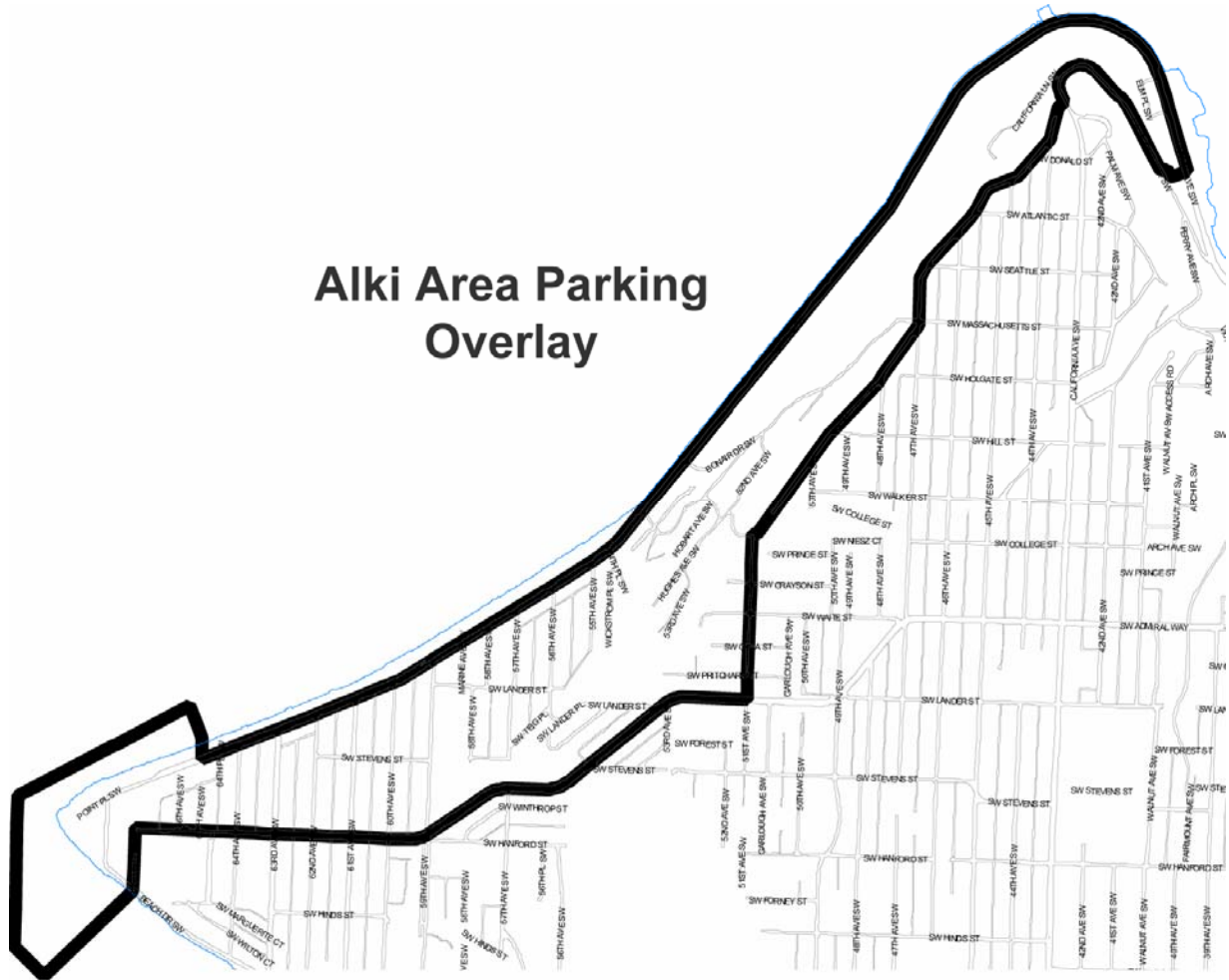


Exhibit for Chart B, Section 23.54.015

Map B – Alki Area Parking Overlay



Section 60. Subsections A and F of Section 23.54.020 of the Seattle Municipal Code, which subsections were last amended by Ordinance 122311, are amended as follows:

23.54.020 Parking quantity exceptions.

1 The parking quantity exceptions set forth in this section apply in all zones except
2 downtown zones, which are regulated by Section 23.49.019, and Major Institution zones, which
3 are regulated by Section 23.54.016.

4 A. Adding Units to Existing Structures in Multifamily and Commercial Zones. If the only
5 use of the structure will be residential and if two (2) or more units are being added, then the
6 Director may authorize reduction or waiver of parking if:

7
8 1. The topography of the lot or location of existing structures makes provision of
9 an off-street parking space physically infeasible in a conforming location; or

10 2. The site is located in a residential parking zone (RPZ) and a current parking
11 study is submitted showing a utilization rate of less than seventy-five percent (75%) for on-
12 street parking within four hundred feet (400') of all property lines of the site.

13 3. This exception does not apply to sites located in either the University District
14 Parking Overlay Area (Exhibit for Chart A, Section 23.54.015, Map A) or the Alki Area Parking
15 Overlay (Exhibit for Chart A, Section 23.54.015, Map B).

16
17 ~~((4.))~~ 4. For the purposes of this section, "existing structures" means those
18 structures that were established under permit, or for which a permit has been granted and has not
19 expired as of the applicable date, as follows:

20
21 a. In multifamily zones, August 10, 1982;

22 b. In commercial zones, June 9, 1986.

23
24 ~~((2.))~~ 5. If an existing residential structure in a multifamily or commercial zone
25 has parking that meets the development standards, and the lot area is not increased, one (1) unit

1 may be added without additional parking. If two (2) units are added, one (1) space will be
2 required; three (3) units will require two (2) spaces, etc. Additional parking must meet all
3 development standards for the particular zone.

4 ((3-)) 6. In a Lowrise Duplex/Triplex zone:

5 a. When an existing residential structure provides less than one (1) parking
6 space per unit, one (1) parking space is required for each additional dwelling unit when dwelling
7 units are added to the structure or the structure is altered to create additional dwelling units;
8

9 b. When an existing nonresidential structure is partially or completely
10 converted to residential use, then no parking space shall be required for the first new dwelling
11 unit, provided that the lot area is not increased and existing parking is screened and landscaped
12 to the greatest extent practical.
13

14 Additional parking provided shall meet all development standards for the Lowrise
15 Duplex/Triplex zone.

16 ((4-)) 7. If an existing structure does not conform to the development standards
17 for parking, or is occupied by a nonconforming use, no parking space is required for the first new
18 or added dwelling unit, provided:
19

20 a. The lot area is not increased and existing parking is screened and
21 landscaped to the greatest extent practical.

22 b. Additional parking provided shall meet all development standards for
23 the particular zone.
24

25 c. This exception shall not apply in Lowrise Duplex/Triplex zones.
26

* * *

F. Reductions to Minimum Parking Requirements for Nonresidential Uses.

1. Reductions to minimum parking requirements permitted by this subsection will be calculated from the minimum parking requirements in Section 23.54.015. Total reductions to required parking as provided in this subsection may not exceed forty (40) percent.

2. Transit Reduction.

a. In NC zones and C zones, except pedestrian-designated zones, and in the Seattle Mixed (SM) zone, except on Class 1 Pedestrian Streets, the minimum parking requirement for a nonresidential use, except institutions, may be reduced by twenty (20) percent when the use is located within eight hundred (800) feet of a street with midday transit service headways of fifteen (15) minutes or less in each direction. This distance will be the walking distance measured from the nearest bus stop to the property line of the lot containing the use.

b. In multifamily, NC and C zones the minimum parking requirement, where applicable outside of urban centers, for a residential use may be reduced by twenty (20) percent when the use is located within eight hundred (800) feet of a street with midday transit service headways of fifteen (15) minutes or less in each direction. This distance will be the walking distance measured from the nearest bus stop to the property line of the lot containing the use.

~~((b-))~~ c. In industrial zones, the minimum parking requirement for a nonresidential use may be reduced by fifteen (15) percent when the use is located within eight hundred (800) feet of a street with peak transit service headways of fifteen (15) minutes or less

1 in each direction. This distance will be the walking distance measured from the nearest bus stop
2 to the property line of the lot containing the use.

3 3. Substitution of Alternative Transportation. For new or expanding offices or
4 manufacturing uses that require forty (40) or more parking spaces, the minimum parking
5 requirement may be reduced up to a maximum of forty (40) percent by the substitution of
6 alternative transportation programs, according to the following provisions:
7

8 a. For every certified carpool space accompanied by a cash fee,
9 performance bond or alternative guarantee acceptable to the Director, the total parking
10 requirement will be reduced by one and nine-tenths (1 9/10) spaces, up to a maximum of forty
11 (40) percent of the parking requirement. The Director will consult with the Seattle Rideshare
12 Office in certifying carpool spaces and the location of carpool parking.
13

14 b. For every certified vanpool purchased or leased by the applicant for
15 employee use, or equivalent cash fee for purchase of a van by the public ridesharing agency, the
16 total parking requirement will be reduced by six (6) spaces, up to a maximum of twenty (20)
17 percent of the parking requirement. Before a certificate of occupancy may be issued, details of
18 the vanpool program shall be specified in a Memorandum of Agreement executed between the
19 proponent, the Director, and the Seattle Rideshare Office.
20

21 c. If transit or transportation passes are provided with a fifty (50) percent
22 or greater cost reduction to all employees in a proposed structure for the duration of the business
23 establishment(s) within it, or five (5) years, whichever is less, and if transit service is located
24 within eight hundred (800) feet, the parking requirement shall be reduced by ten (10) percent.
25
26

1 With a twenty-five (25) percent to forty-nine (49) percent cost reduction, and if transit service is
2 located within eight hundred (800) feet, the parking requirement shall be reduced by five (5)
3 percent.

4 d. For every four (4) covered bicycle parking spaces provided, the total
5 parking requirement shall be reduced by one (1) space, up to a maximum of five (5) percent of
6 the parking requirement, provided that there is access to an arterial over improved streets.
7

8 * * *

9 Section 61. Subsections B, D and F of Section 23.54.030 of the Seattle Municipal Code,
10 which subsections were last amended by Ordinance 122311, are amended as follows:

11 **23.54.030 Parking standards.**

12 * * *

13
14 B. Parking Space Requirements. The required size of parking spaces shall be determined
15 by whether the parking is for a residential, nonresidential or live-work use. In structures
16 containing both residential and either nonresidential uses or live-work units, parking that is
17 clearly set aside and reserved for residential use shall meet the standards of subsection B1;
18 otherwise, all parking for the structure shall meet the standards of subsection B2.
19

20 1. Residential Uses.

21 a. When five (5) or fewer parking spaces are provided, the minimum
22 required size of a parking space shall be for a medium car, as described in subsection A2 of this
23 section, except as provided in subsection B1d.
24
25
26

1 b. When more than five (5) parking spaces are provided, a minimum of
2 sixty (60) percent of the parking spaces shall be striped for medium vehicles. The minimum size
3 for a medium parking space shall also be the maximum size. Forty (40) percent of the parking
4 spaces may be striped for any size, provided that when parking spaces are striped for large
5 vehicles, the minimum required aisle width shall be as shown for medium vehicles.

6 c. Assisted Living Facilities. Parking spaces shall be provided as in
7 subsections B1a and B1b above, except that a minimum of two (2) spaces shall be striped for a
8 large vehicle.
9

10 d. Townhouses. For an individual garage serving a townhouse unit, the
11 minimum required size of a parking space shall be for a large car, as described in subsection A2.
12

13 2. Nonresidential Uses and Live-work Units.

14 a. When ten (10) or fewer parking spaces are provided, a maximum of
15 twenty-five (25) percent of the parking spaces may be striped for small vehicles. A minimum of
16 seventy-five (75) percent of the spaces shall be striped for large vehicles.

17 b. When between eleven (11) and nineteen (19) parking spaces are
18 provided, a minimum of twenty-five (25) percent of the parking spaces shall be striped for small
19 vehicles. The minimum required size for these small parking spaces shall also be the maximum
20 size. A maximum of sixty-five (65) percent of the parking spaces may be striped for small
21 vehicles. A minimum of thirty-five (35) percent of the spaces shall be striped for large vehicles.
22

23 c. When twenty (20) or more parking spaces are provided, a minimum of
24 thirty-five (35) percent of the parking spaces shall be striped for small vehicles. The minimum
25

1 required size for small parking spaces shall also be the maximum size. A maximum of sixty-five
2 (65) percent of the parking spaces may be striped for small vehicles. A minimum of thirty-five
3 (35) percent of the spaces shall be striped for large vehicles.

4 d. The minimum vehicle clearance shall be at least six (6) feet nine (9)
5 inches on at least one (1) floor, and there shall be at least one (1) direct entrance from the street
6 that is at least six (6) feet nine (9) inches in height for all parking garages accessory to
7 nonresidential uses and live-work units and for all principal use parking garages.

8 * * *

9
10 D. Driveways. Driveway requirements for residential and nonresidential uses are
11 described below. When a driveway is used for both residential and nonresidential parking, it
12 shall meet the standards for nonresidential uses described in subsection D2.

13
14 1. Residential Uses.

15 a. Driveways shall be at least ten (10) feet wide. Driveways with a turning
16 radius of more than thirty-five (35) degrees shall conform to the minimum turning path radius
17 shown in Exhibit 23.54.030 B

18 b. Vehicles may back onto a street from a parking area serving five (5) or
19 fewer vehicles, provided that:

20 (1) The street is not an arterial as defined in Section 11.18.010 of
21 the Seattle Municipal Code;

22 (2) ~~((The slope of the driveway does not exceed ten (10) percent in
23 the first twenty (20) feet from the property line; and))~~ The slope of a driveway shall be fifteen
24

1 percent (15%) on average, measured from high to low points. The ends of a driveway shall be
2 adjusted to accommodate an appropriate crest and sag.

3 (3) For one (1) single-family structure, the Director may waive the
4 requirements of subsections D1b(1) and (2) above, and may modify the parking access standards
5 based upon a safety analysis, addressing visibility, traffic volume and other relevant issues.

6 c. Driveways less than one hundred (100) feet in length, which serve thirty
7 (30) or fewer parking spaces, shall be a minimum of ten (10) feet in width for one (1) way or two
8 (2) way traffic.

9 d. Except for driveways serving one (1) single-family dwelling, driveways
10 more than one hundred (100) feet in length which serve thirty (30) or fewer parking spaces shall
11 either:

12 (1) Be a minimum of sixteen (16) feet wide, tapered over a twenty
13 (20) foot distance to a ten (10) foot opening at the property line; or

14 (2) Provide a passing area at least twenty (20) feet wide and twenty
15 (20) feet long. The passing area shall begin twenty (20) feet from the property line, with an
16 appropriate taper to meet the ten (10) foot opening at the property line. If a taper is provided at
17 the other end of the passing area, it shall have a minimum length of twenty (20) feet.

18 e. Driveways serving more than thirty (30) parking spaces shall provide a
19 minimum ten (10) foot wide driveway for one (1) way traffic or a minimum twenty (20) foot
20 wide driveway for two (2) way traffic.

1 f. Nonconforming Driveways. The number of parking spaces served by an
2 existing driveway that does not meet the standards of this subsection D1 shall not be increased.

3 This prohibition may be waived by the Director after consulting with Seattle Department of
4 Transportation based on a safety analysis.

5 2. Nonresidential Uses.

6 a. Driveway Widths.

7
8 (1) The minimum width of driveways for one (1) way traffic shall
9 be twelve (12) feet and the maximum width shall be fifteen (15) feet.

10 (2) The minimum width of driveways for two (2) way traffic shall
11 be twenty-two (22) feet and the maximum width shall be twenty-five (25) feet.

12
13 b. Driveways shall conform to the minimum turning path radius shown in
14 Exhibit 23.54.030 B.

15 ~~((3. Maximum grade curvature for all driveways shall not exceed the curvature~~
16 ~~shown in Exhibit 23.54.030 C.~~

17
18 4.) 3. Driveway Slope. No portion of a driveway, whether located on private
19 property or on a right-of-way, shall exceed a slope of twenty (20) percent, except as provided in
20 this subsection. The maximum twenty (20) percent slope shall apply in relation to both the
21 current grade of the right-of-way to which the driveway connects, and to the proposed finished
22 grade of the right-of-way if it is different from the current grade. The ends of a driveway shall be
23 adjusted to accommodate an appropriate crest and sag. The Director may permit a driveway
24 slope of more than twenty (20) percent if it is found that:
25
26

1 a. The topography or other special characteristic of the lot makes a twenty
2 (20) percent maximum driveway slope infeasible;

3 b. The additional amount of slope permitted is the least amount necessary
4 to accommodate the conditions of the lot; and

5 c. The driveway is still useable as access to the lot.

6 * * *

7
8 F. Curb cuts. Curb cut requirements shall be determined by whether the parking served
9 by the curb cut is for residential or nonresidential use, and by the zone in which the use is
10 located. When a curb cut is used for more than one (1) use or for one (1) or more live-work units,
11 the requirements for the use with the largest curb cut requirements shall apply.

12 1. Residential uses in single-family and multi-family zones and residential
13 structures in all other zones.

14 a. For lots not located on a principal arterial as designated on Exhibit
15 23.53.015 A, the number of curb cuts permitted shall be according to the following chart:

16
17

Street or Easement Frontage of the Lot	Number of Curb Cuts Permitted
0 -- 80 feet	1
81 -- 160 feet	2
161 -- 240 feet	3
241 -- 320 feet	4

18
19
20

21
22 For lots with frontage in excess of three hundred twenty (320) feet, the
23 pattern established in the chart is continued.

24 b. Curb cuts must not exceed a maximum width of ten (10) feet except
25 that:
26

1 (1) One (1) curb cut greater than ten (10) feet but in no case greater
2 than twenty (20) feet in width may be substituted for each two (2) curb cuts permitted by
3 subsection F1a; and

4 (2) A greater width may be specifically permitted by the
5 development standards in a zone; and

6 (3) When subsection D of Section 23.54.030 requires a driveway
7 greater than ten (10) feet in width, the curb cut may be as wide as the required width of the
8 driveway.
9

10 c. For lots on principal arterials designated on Exhibit 23.53.015 A curb
11 cuts of a maximum width of twenty-three (23) feet are permitted according to the following
12 chart(-):
13

14 Street or Easement Frontage of the Lot	Number of Curb Cuts Permitted
15 0 -- 160 feet	1
16 161 -- 320 feet	2
321 -- 480 feet	3

17 For lots with street frontage in excess of four hundred eighty (480) feet,
18 the pattern established in the chart is continued.

19 d. There must be at least thirty (30) feet between any two (2) curb cuts
20 located on a lot.
21

22 e. A curb cut may be less than the maximum width permitted but shall be
23 at least as wide as the minimum required width of the driveway it serves.
24
25
26

1 f. Where two (2) adjoining lots share a common driveway according to the
2 provisions of Section 23.54.030 D1, the combined frontage of the two (2) lots will be considered
3 one (1) in determining the maximum number of permitted curb cuts.

4 2. Nonresidential uses in single-family and multifamily zones, and in all other
5 zones except industrial zones, all uses except residential structures.

6 a. Number of Curb cuts.

7
8 (1) In RC, NC1, NC2 and NC3 zones and within Major Institution
9 Overlay Districts, the number of two-way curb cuts are permitted according to the following
10 chart:

11

Street Frontage of the Lot	Number of Curb cuts Permitted
0 -- 80 feet	1
81 -- 240 feet	2
241 -- 360 feet	3
361 -- 480 feet	4

12
13
14
15
16 For lots with frontage in excess of four hundred eighty (480) feet
17 the pattern established in the chart shall be continued. The Director may allow two (2) one-way
18 curb cuts to be substituted for one (1) two-way curb cut, after determining that there would not
19 be a significant conflict with pedestrian traffic.

20
21 (2) In C1 and C2 zones and the SM zone, the Director will review
22 and make a recommendation on the number and location of curb cuts.

23 (3) In downtown zones, a maximum of two (2) curb cuts for one
24 (1) way traffic at least forty (40) feet apart, or one (1) curb cut for two (2) way traffic, shall be
25 permitted on each street front where access is permitted by Section 23.49.019 H. No curb cut
26

1 shall be located within forty (40) feet of an intersection. These standards may be modified by the
2 Director as a Type I decision on lots with steep slopes or other special conditions, to the
3 minimum extent necessary to provide vehicular and pedestrian safety and facilitate a smooth
4 flow of traffic.

5 (4) For public schools, the Director shall permit the minimum
6 number of curb cuts that he or she determines is necessary.

7
8 b. Curb cut widths.

9 (1) For one (1) way traffic, the minimum width of curb cuts is
10 twelve (12) feet, and the maximum width is fifteen (15) feet.

11 (2) For two (2) way traffic, the minimum width of curb cuts is
12 twenty-two (22) feet, and the maximum width is twenty-five (25) feet, except that the maximum
13 width may be increased to thirty (30) feet when truck and auto access are combined.

14 (3) For public schools, the maximum width of curb cuts is twenty-
15 five (25) feet. Development standards departure may be granted or required pursuant to the
16 procedures and criteria set forth in Chapter 23.79.

17 (4) When one (1) of the following conditions applies, the Director
18 may require a curb cut of up to thirty (30) feet in width, if it is found that a wider curb cut is
19 necessary for safe access:

20 i. The abutting street has a single lane on the side that abuts
21 the lot; or
22
23
24
25
26

1 ii. The curb lane abutting the lot is less than eleven (11)
2 feet wide; or

3 iii. The proposed development is located on an arterial with
4 an average daily traffic volume of over seven thousand (7,000) vehicles; or

5 iv. Off-street loading space is required according to
6 subsection G of Section 23.54.015.

7
8 c. The entrances to all garages accessory to nonresidential uses or live-
9 work units and the entrances to all principal use parking garages shall be at least six (6) feet nine
10 (9) inches high.

11 3. All uses in industrial zones.

12 a. Number and location of curb cuts. The number and location of curb cuts
13 will be determined by the Director.

14 b. Curb cut width. Curb cut width in Industrial zones shall be provided as
15 follows:

16 (1) When the curb cut provides access to a parking area or
17 structure it must be a minimum of fifteen (15) feet wide and a maximum of thirty (30) feet wide.

18 (2) When the curb cut provides access to a loading berth, the
19 maximum width of thirty (30) feet set in subsection F3b(1) may be increased to fifty (50) feet.

20 (3) Within the minimum and maximum widths established by this
21 subsection, the Director shall determine the size of the curb cuts.

22 4. Curb cuts for access easements.

1 a. When a lot is crossed by an access easement serving other lots, the curb
2 cut serving the easement may be as wide as the easement roadway.

3 b. The curb cut serving an access easement shall not be counted against
4 the number or amount of curb cuts permitted to a lot if the lot is not itself served by the
5 easement.

6 5. Curb cut flare. A flare with a maximum width of two and one-half (2 1/2) feet
7 is permitted on either side of curb cuts in any zone.

8 6. Replacement of unused curb cuts. When a curb cut is no longer needed to
9 provide access to a lot, the curb and any planting strip must be replaced.

10 * * *

11 Section 62. Section 23.47A.029 of the Seattle Municipal Code, last amended by
12 ordinance 122311, is hereby repealed.

13 Section 63. Subsection D of 23.49.025 of the Seattle Municipal Code, which subsection
14 was last amended by Ordinance 122054, is amended and recodified as follows:

15 * * *

16 ~~D. Solid Waste and Recyclable Materials Storage Space.~~

17 ~~1. Storage space for solid waste and recyclable materials containers shall be~~
18 ~~provided for all new and expanded multifamily structures as indicated in the table below. For the~~
19 ~~purposes of this subsection, the addition of two (2) or more units to a multifamily structure shall~~
20 ~~be considered expansion.~~

21 ~~2. The design of the storage space shall meet the following requirements:~~

1 ~~(2) Any proposed gates or access routes shall be a minimum of six~~

2 ~~(6) feet wide; and~~

3 ~~b. For front-loading containers:~~

4 ~~(1) Direct access shall be provided from the alley or street to the~~
5 ~~containers;~~

6 ~~(2) Any proposed gates or access routes shall be a minimum of ten~~
7 ~~(10) feet wide, and~~

8 ~~(3) When accessed directly by a collection vehicle into a structure,~~
9 ~~a twenty-one (21) foot overhead clearance shall be provided.~~

10 ~~5. The solid waste and recyclable materials storage space specifications required~~
11 ~~in subsections 1, 2, 3, and 4 of this section, in addition to the number and sizes of containers,~~
12 ~~shall be included on the plans submitted with the permit application.~~

13 ~~6. The Director, in consultation with the Director of Seattle Public Utilities, shall~~
14 ~~have the discretion to allow departure from the requirements of subsections 1, 2, 3, and 4 of this~~
15 ~~subsection as a Type I decision when the applicant proposes alternative, workable measures that~~
16 ~~meet the intent of this section and:~~

17 ~~a. For new construction, the applicant can demonstrate significant~~
18 ~~difficulty in meeting any of the requirements of subsections 1, 2, 3, and 4 of this subsection due~~
19 ~~to unusual site conditions such as steep topography; or~~

~~b. For expansion of an existing building, the applicant can demonstrate that the requirements of subsections 1, 2, 3, and 4 of this subsection conflict with opportunities to retain ground-level retail uses.~~

Seattle Municipal Code

Chart 23.49.025 A

Structure Type	Structure Size	Minimum Area for Storage Space	Container Type
Multifamily	7-15 units	75 square feet	Rear-loading containers
	16-25 units	100 square feet	Rear-loading containers
	26-50 units	150 square feet	Front-loading containers
	51-100 units	200 square feet	Front-loading containers
	More than 100 units	200 square feet plus 2 square feet for each additional unit	Front-loading containers
Commercial*	0—5,000 square feet	82 square feet	Rear-loading containers
	5,001—15,000 square feet	125 square feet	Rear-loading containers
	15,001—50,000 square feet	175 square feet	Front-loading containers
	50,0001—100,000 square feet	225 square feet	Front-loading containers
	100,001—200,000 square feet	275 square feet	Front-loading containers
	200,001—plus square feet	500 square feet	Rear-loading containers

~~* Mixed Use Buildings. Mixed use buildings with eight (80) percent or more of floor space designated for residential use will be considered residential buildings. All other mixed use buildings will be considered commercial buildings.))~~

23.54.040 Solid waste and recyclable materials storage and access.

A. Storage space for solid waste and recyclable materials containers shall be provided for all new structures permitted in multifamily and NC or C zones and for existing structures when expanded by two (2) or more units as shown in Table 23.54.040, Storage for residential and nonresidential development.

Table for Section 23.54.040 – Storage for residential and nonresidential development*

<u>Residential Development</u>	<u>Minimum Area for Storage Space</u>
<u>2-15 units</u>	<u>150 square feet</u>
<u>16-25 units</u>	<u>225 square feet</u>
<u>26-50 units</u>	<u>375 square feet</u>
<u>51-100 units</u>	<u>375 square feet plus four (4) square feet for each additional unit above 51</u>
<u>More than 100 units</u>	<u>575 square feet plus four (4) square feet for each additional unit above 100, except as permitted in Subsection C</u>
<u>Nonresidential Development</u>	
	<u>Minimum Area for Storage Space</u>
<u>0--5,000 square feet</u>	<u>82 square feet</u>
<u>5,001--15,000 square feet</u>	<u>125 square feet</u>
<u>15,001--50,000 square feet</u>	<u>175 square feet</u>
<u>50,001--100,000 square feet</u>	<u>225 square feet</u>
<u>100,001--200,000 square feet</u>	<u>275 square feet</u>
<u>200,001 plus square feet</u>	<u>500 square feet</u>

*Mixed use development, with both residential and nonresidential use, shall meet the requirements of subsection B.

1 B. Mixed use development must meet the storage space requirements shown in the chart
2 for residential development, plus fifty percent (50%) of the requirement for nonresidential
3 development. In mixed use development, storage space for garbage may be shared between
4 residential and nonresidential uses, but separate spaces for recycling shall be provided.

5 C. For development with more than one hundred (100) units, the required minimum area
6 for storage space may be reduced by fifteen percent (15%), if the area provided as storage space
7 has a minimum horizontal dimension of twenty feet (20').

8 D. The design of the storage space shall meet the following requirements:

9 1. The storage space shall have no horizontal dimension (width and depth) less
10 than twelve feet (12');

11 2. The floor of the storage space shall be level and hard-surfaced (garbage or
12 recycling compactors require a concrete surface); and

13 3. If located outdoors, the storage space shall be screened from public view and
14 designed to minimize light and glare impacts.

15 E. The location of the storage space shall meet the following requirements:

16 1. The storage space must be located on the lot of the structure it serves and, if
17 located outdoors, it shall not be located between a street-facing facade of the structure and the
18 street;

19 2. The storage space must not be located in any required driveways, parking
20 aisles, or parking spaces for the structure;

1 3. The storage space must not block or impede any fire exits, any public rights-of-
2 ways or any pedestrian or vehicular access;

3 4. The storage space must be located to minimize noise and odor to building
4 occupants and neighboring developments;

5 5. The storage space must meet the contractor safety standards promulgated by
6 the Director of Seattle Public Utilities; and

7 6. The storage space may not be used for purposes other than solid waste and
8 recyclable materials storage and access.

9 F. Access to the storage space for occupants and service providers shall meet the
10 following requirements:

11 1. For containers two (2) cubic yards or smaller:

12 a. Containers to be manually pulled shall be placed no more than fifty feet
13 (50') from a curbcut or collection location;

14 b. Collection location may not be within a bus stop or the sole travel lane
15 for a bus;

16 c. Access ramps to the storage space may not exceed a grade of six percent
17 (6%); and

18 d. Any proposed gates or access routes for trucks shall be a minimum of
19 ten feet (10') wide.

20 2. For containers larger than two (2) cubic yards and all compacted refuse
21 containers:

1 a. Direct access shall be provided from the alley or street to the containers;

2 b. Any proposed gates or access routes for trucks shall be a minimum of
3 ten feet (10') wide;

4 c. Collection location may not be within a bus stop or the sole travel lane
5 for a bus;

6 d. When accessed directly by a collection vehicle, whether into a structure
7 or otherwise, a twenty-one foot (21') overhead clearance shall be provided.

8 G. The solid waste and recyclable materials storage space specifications required in this
9 section, including the number and sizes of containers, shall be included on the plans submitted
10 with the permit application.

11 H. The Director, in consultation with the Director of Seattle Public Utilities, has the
12 discretion to grant departures from the requirements of this section, as a Type I Master Use
13 Permit decision, under the following circumstances:

14 1. When either:

15 a. The applicant can demonstrate difficulty in meeting any of the
16 requirements of this section; or

17 b. The applicant proposes to expand a structure, and the requirements of
18 this section conflict with opportunities to increase residential densities and/or retain ground-level
19 retail uses; and

20 2. When the applicant proposes alternative, workable measures that meet the
21 intent of this section.

1 Section 64. Subsection B of Section 23.72.008 of Section of the Seattle Municipal Code,
2 which subsection was last amended by Ordinance 122311, is amended as follows:

3 **23.72.008 Uses permitted in specified areas within the Sand Point Overlay District.**

4 * * *

5 B. Uses Permitted Within Portions of Subarea B Lowrise 3 as Depicted on Map A. In
6 addition to the uses permitted outright in accordance with Section 23.45.~~((006))~~504, the
7 following principal uses are permitted outright within structures existing as of July 18, 1997, in
8 the portions of Subarea B zoned L3:
9

- 10 1. Food processing;
- 11 2. Horticulture;
- 12 3. Institutions, except hospitals;
- 13 4. Lecture and meeting halls;
- 14 5. Medical service uses;
- 15 6. Offices; and
- 16 7. Restaurants.

17 * * *

18
19
20 Section 65. Subsection “Apartment” of Section 23.84A.002 of the Seattle Municipal
21 Code, which section was last amended by Ordinance 122311, is amended as follows:

22 **23.84A.002 Definitions – “A”**

23 * * *

1 "Apartment" means a multi((-))family structure in which one (1) or more of the dwelling
2 units is ~~((not ground related))~~ a stacked flat unit.

3 * * *

4 Section 66. A new Subsection "Carriage housing structure" is added and Subsections
5 "Clerestory" and "Cluster development" of Section 23.84A.006 of the Seattle Municipal Code,
6 which sections were last amended by Ordinance 122311, are amended as follows:
7

8 **23.84A.006 Definitions – "C"**

9 * * *

10 "Carriage housing structure" means a structure within a cottage housing development
11 that includes parking in an enclosed garage at ground level with one or more residential units on
12 the floor above.
13

14 * * *

15 "Clerestory" means an outside wall of a building that rises above an adjacent roof of that
16 building and contains vertical windows. Clerestories function so that light is able to penetrate
17 below the roof of the structure.
18

19 * * *

20 "Cluster development" means a development containing two (2) or more principal
21 structures on one (1) lot. ~~((, except that a cottage housing development is not considered a cluster
22 development. In Highrise zones, two (2) or more towers on one (1) base structure will be
23 considered a cluster development.))~~
24

25 * * *

1 Section 67. Subsection “Dormer” of Section 23.84A.008 of the Seattle Municipal Code,
2 which section was last amended by Ordinance 122311, is amended as follows:

3 **23.84A.008 Definitions – “D”**

4 * * *

5 "Dormer" means a (~~minor gable in~~) projection from a pitched roof, usually bearing a
6 window on its vertical face. A dormer is part of the roof system.

7 * * *

8 Section 68. Subsection “Flat” of Section 23.84A.012 of the Seattle Municipal Code,
9 which section was last amended by Ordinance 122311, is amended as follows:

10 **23.84A.012 Definitions – “F”**

11 * * *

12 "Flat" means a dwelling unit that is located entirely on one (1) level in a multi((-))family
13 structure. A stacked flat is a flat on top of or under another flat or other type of dwelling unit.

14 * * *

15 Section 69. Section 23.84A.014 of the Seattle Municipal Code, which section was last
16 amended by Ordinance 122311, is amended to deletes two subsections as follows:

17 **23.84A.014 “G.”**

18 * * *

19 (~~“Ground-related dwelling unit” means a dwelling unit with direct access to private
20 ground-level usable open space. The open space may be located at the front, sides or rear of the
21 structure, and not more than ten (10) feet above or below the unit. Access to the open space shall~~

1 ~~not go through or over common circulation areas, common or public open spaces, or the open~~
2 ~~space of another unit.~~

3 "Ground-related structure" means a structure containing only ground-related dwelling
4 ~~units.)~~

5 * * *

6
7 Section 70. Subsection "Multifamily structure" of Section 23.84A.025 of the Seattle
8 Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

9 **23.84A.025 Definitions – "M"**

10 * * *

11 "Multifamily structure" (~~See "Residential use."~~) means a structure or portion of a
12 structure containing two (2) or more dwelling units, excluding single family and accessory
13 dwelling units.

14 * * *

15
16
17 Section 71. Subsection "Open space, private usable" of Section 23.84A.028 of the
18 Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as
19 follows:
20

21 **23.84A.028 "O."**

22 * * *

23 "Open space, private usable" means usable open space that is intended to be used only by
24 the occupants of one (~~ground-related~~) dwelling unit.
25
26

* * *

1
2 Section 72. Subsection “Porch” of Section 23.84A.030 of the Seattle Municipal Code,
3 which section was last amended by Ordinance 122311, is amended as follows:

4 **23.84A.030 “P.”**

5 * * *

6 "Porch" means an elevated platform extending from a wall of a principal structure, with
7 steps or ramps to the ground providing access by means of a usable doorway to the structure. A
8 porch may also be called a stoop. A porch may be connected to a deck. (See also "Deck.")
9

10 * * *

11 Section 73. Subsection “Residential use” of Section 23.84A.032 of the Seattle Municipal
12 Code, which section was last amended by Ordinance 122311, is amended and a new subsection
13 “Roof plane” is added as follows:

14 **23.84A.032 Definitions – “R.”**

15 * * *

16 "Residential use" means any one (1) or more of the following:

- 17
- 18 1. "Accessory dwelling unit" means an additional room or set of rooms located
19 within an owner-occupied single family structure or within an accessory structure on the same
20 lot as an owner-occupied single-family dwelling unit, meeting the standards of Section
21 23.44.041 and designed, arranged, occupied or intended to be occupied by not more than one (1)
22 household as living accommodations independent from any other household.
23
24
25
26
27
28

1 2. "Adult family home" means a residential use as defined and licensed as such by
2 The State of Washington in a dwelling unit.

3 3. "Artist's studio/dwelling" means a combination working studio and dwelling
4 unit for artists, consisting of a room or suite of rooms occupied by not more than one (1)
5 household.

6 4. "Assisted living facility" means a use licensed by The State of Washington as a
7 boarding home pursuant to RCW 18.20, for people who have either a need for assistance with
8 activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g.,
9 moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment
10 but who do not need the skilled critical care provided by nursing homes. An "assisted living
11 facility" contains multiple assisted living units. An assisted living unit is a dwelling unit
12 permitted only in an assisted living facility.
13
14

15 5. "Caretaker's quarters" means a use accessory to a nonresidential use consisting
16 of a dwelling unit not exceeding eight hundred (800) square feet of living area and occupied by a
17 caretaker or watchperson.
18

19 6. "Congregate residence" means a use in which rooms or lodging, with or
20 without meals, are provided for nine (9) or more non-transient persons not constituting a single
21 household, excluding single-family dwelling units for which special or reasonable
22 accommodation has been granted.
23

24 7. "Detached accessory dwelling unit. means an additional room or set of rooms
25 located within an accessory structure on the same lot as an owner-occupied single-family
26

1 dwelling unit, meeting the standards of Section 23.44.041 and designed, arranged, occupied or
2 intended to be occupied by not more than one (1) household as living accommodations
3 independent from any other household.

4 8. "Domestic violence shelter" means a dwelling unit managed by a nonprofit
5 organization, which unit provides housing at a confidential location and support services for
6 victims of family violence.
7

8 9. "Floating home" means a dwelling unit constructed on a float, that is moored,
9 anchored or otherwise secured in the water.

10 10. "Mobile home park" means a use in which a tract of land is rented for the use
11 of more than one (1) mobile home occupied as a dwelling unit.
12

13 11. "Multifamily (~~(structure)~~) residential use" means (~~(a structure or)~~) that portion
14 of a structure containing two (2) or more dwelling units, (~~but does not include a single family~~
15 dwelling unit)) excluding single family and accessory dwelling units.

16 12. "Nursing home" means a residence, licensed by the state, that provides full-
17 time convalescent and/or chronic care for individuals who, by reason of chronic illness or
18 infirmity, are unable to care for themselves, but that does not provide care for the acutely ill or
19 surgical or obstetrical services. This definition excludes hospitals or sanitariums.
20

21 13. "Single-family dwelling (~~(unit)~~)" means a residential use in a detached
22 structure having a permanent foundation(,); (~~(containing one (1) dwelling unit, except that~~
23 ~~the)) The structure may also contain an accessory dwelling unit where expressly authorized
24~~

1 pursuant to this title. A detached accessory dwelling unit is not considered a single-family
2 dwelling ((unit)) for purposes of this chapter.

3 * * *

4 “Roof plane” means a section of the roof system divided from another section by a gap,
5 exterior wall, roof apex, or change in the horizontal angle of the plane. Changes in roof pitch,
6 such as occur on a gambrel roof, and projections such as dormers or skylights shall not serve to
7 divide a section into multiple planes.

8 * * *

9
10 Section 74. Subsection “Tandem houses,” “Terraced housing” and “Townhouse” of
11 Section 23.84A.038 of the Seattle Municipal Code, which section was last amended by
12 Ordinance 122311, are amended as follows:

13
14 **23.84A.038 Definitions – “T”**

15 "Tandem houses" means two (2) unattached ((ground-related)) dwelling units occupying
16 the same lot.

17 * * *

18
19 (~~“Terraced housing” means a multi-family structure located on a sloping site in which a~~
20 ~~series of flat rooftops at different heights function as open space for abutting units.~~)

21 * * *

22
23 "Townhouse" means a form of ((ground-related)) multifamily housing in which
24 individual dwelling units are attached along at least one (1) common wall to at least one (1) other
25

1 dwelling unit. Each dwelling unit occupies space from the ground to the roof. ~~((and has direct~~
2 ~~access to private open space.))~~ No portion of a unit may occupy space above or below another
3 unit, except that townhouse units may be constructed over a common shared parking garage ((;
4 ~~provided the garage is underground)). Townhouse development may include common or shared
5 features such as parking garages or residential amenities, including open space.~~

6 * * *

7
8 Section 75. Subsection A of Section 23.86.006 of the Seattle Municipal Code, which
9 subsection was last amended by Ordinance 121476, is amended as follows:

10 **23.86.006 Structure height.**

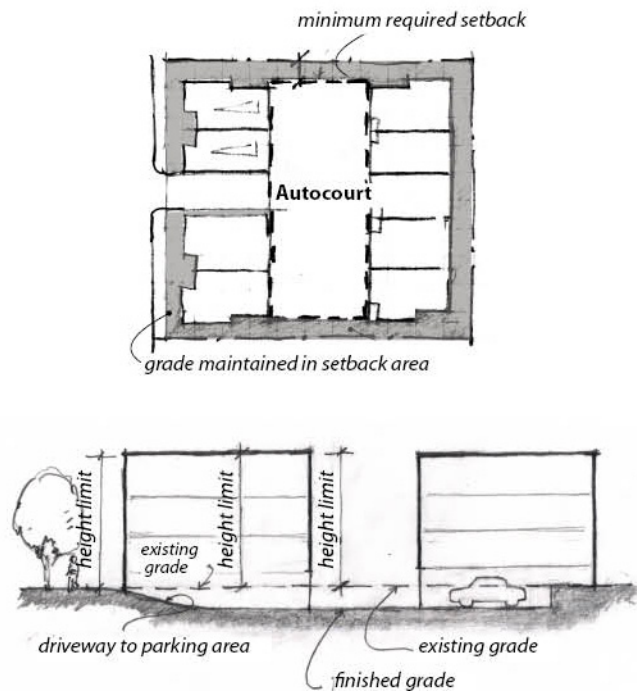
11 A. Height Measurement Technique in All Zones Except Downtown Zones and
12 Within the South Lake Union Hub Urban Village.

13
14 1. Except as provided for multifamily zones in subsection 2, ((F)) the height shall
15 be measured at the exterior walls of the structure. Measurement shall be taken at each exterior
16 wall from the existing or finished grade, whichever is lower, up to a plane essentially parallel to
17 the existing or finished grade. For determining structure height, the exterior wall shall include a
18 plane between supporting members and between the roof and the ground. The vertical distance
19 between the existing grade, or finished grade, if lower, and the parallel plane above it shall not
20 exceed the maximum height of the zone.

21
22 2. In multifamily zones, when measuring height for interior facades facing
23 parking area below existing grade and perimeter facades when a driveway providing access to
24 parking below existing grade is located between the perimeter façade and a property line, the
25

1 height shall be measured from the existing grade when the area is screened according to the
2 provisions of 23.45.524 (see Exhibit 23.86.006A).

3 **Exhibit 23.86.006A Height measurement for interior facades facing parking areas and**
4 **driveways**



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18 ((2)) 3. When finished grade is lower than existing grade, in order for an upper
19 portion of an exterior wall to avoid being considered on the same vertical plane as a lower
20 portion, it must be set back from the lower portion a distance equal to two (2) times the
21 difference between existing and finished grade on the lower portion of the wall (Exhibit
22 23.86.006 A1).

23 ((3)) 4. Depressions such as window wells, stairwells for exits required by other
24 codes, "barrier free" ramps on grade, and vehicle access driveways into garages shall be
25

1 disregarded in determining structure height in determining structure height when in combination
2 they comprise less than fifty percent (50%) of the facade on which they are located. When
3 features are disregarded, ((In such cases,)) the grade for height measurement purposes shall be a
4 line between the grade on either side of the depression.

5 ((4.)) 5. No part of the structure, other than those specifically exempted or
6 excepted under the provisions of the zone, shall extend beyond the plane of the maximum height
7 limit.
8

9 ((5.)) 6. Underground portions of structures are not included in height
10 calculations. The height of structures shall be calculated from the point at which the sides meet
11 the surface of the ground.
12

13 * * *

14 Section 76. Section 23.86.007 of the Seattle Municipal Code, which section was last
15 amended by Ordinance 115326, is amended as follows:

16 **23.86.007 Gross floor area and floor area ratio.**

17 A. Certain items may be exempted from calculation of gross floor area of a structure.

18 Except as otherwise expressly provided in this Title, ((W)) when gross floor area below grade is
19 exempted, the amount of below-grade floor area ((shall be)) is measured as follows:
20

21 1. The existing grade of the lot shall be established by the elevations of the
22 perimeter lot lines of the lot.
23

24 2. To determine the amount of gross floor area ((which)) that is below grade, find
25 the point where the ceiling or other point, as specified in the applicable Chapter, of each floor
26

1 intersects the existing grade elevation. Draw a line perpendicular to the point of intersection. All
2 gross floor area behind this line (~~((shall be))~~) is considered below-grade (see Exhibit 23.86.007 A).

3 B. Public rights-of-way (~~((shall not be))~~) are not considered part of a lot when
4 calculating floor area ratio; (~~((provided))~~) except that when dedication of right-of-way is required,
5 permitted floor area (~~((ratio shall be))~~) is calculated (~~((before the dedication is made))~~) including the
6 area dedicated in lot area.

7
8 Section 77. Section 23.86.012 of the Seattle Municipal Code, which section was last
9 amended by Ordinance 115326, is amended as follows:

10 **23.86.012 Setbacks in multifamily zones.**

11 A. Front Setbacks.

12
13 1. Determining Front Setbacks (~~((Requirements. Front setback requirements are~~
14 ~~presented in the development standards for each zone.))~~) Where the minimum required front
15 setback is to be determined by averaging the setbacks of structures on either side of the subject
16 lot, the following provisions (~~((shall))~~) apply:

17 a. The required (~~((depth of the))~~) front setback (~~((shall be))~~) is the average of
18 the distances between principal structures and front lot lines of the nearest principal structures on
19 each side of the subject lot if each of those structures is on the same block front as the subject lot
20 and is within one hundred feet (100') of the side lot lines of the subject lot (Exhibit 23.86.012

21 A).

1 ~~((b. The setbacks used for front setback averaging shall be on the same~~
2 ~~block front as the subject lot, and shall be the front setbacks of the nearest principal structures~~
3 ~~within one hundred (100) feet of the side lot lines of the subject lot.))~~

4 b. When the first principal structure within one hundred feet (100') of a
5 side lot line of the subject lot is not on the same block front or when there is no principal
6 structure within one hundred feet (100') of the side lot line, the setback depth used for averaging
7 purposes on that side is ten feet (10').

8 c. For averaging purposes, front setback depth ~~((shall be))~~ is ~~((measured))~~
9 the shortest distance from the front lot line to the nearest wall or, where there is no wall, the
10 plane between supports ~~((which))~~ that span ~~((comprises))~~ twenty (20) percent or more of the
11 width of the front facade of the principal structure ~~((on either side))~~. Attached garages and
12 enclosed porches ~~((shall be))~~ are considered part of the principal structure for measurement
13 purposes. Decks less than eighteen (18) inches above existing grade, uncovered porches, eaves,
14 attached solar collectors and other similar parts of the structure ~~((shall not be))~~ are not
15 considered part of the principal structure. ~~((When the front facade of the principal structure is not~~
16 ~~parallel to the front lot line, the shortest distance from the front lot line to the structure shall be~~
17 ~~used for averaging purposes.))~~

18 d. When there is a dedication of street right-of-way to bring the street
19 abutting the lot closer to the minimum widths established in Section 23.53.015, for averaging
20 purposes the amount of dedication ~~((shall be))~~ is subtracted from the front setbacks of the
21 structures on either side.

1 ~~((e. When the first principal structure within one hundred feet (100') of a~~
2 ~~side lot line of the subject lot is not on the same block front or when there is no principal~~
3 ~~structure within one hundred feet (100') of the side lot line, the setback depth used for averaging~~
4 ~~purposes on that side shall be ten feet (10').))~~

5 ((f.)) e. When the front setback of the first principal structure within one
6 hundred feet (100') of the side lot line of the subject lot exceeds twenty feet (20'), the setback
7 depth used for averaging purposes on that side ~~((shall be))~~ is twenty feet (20').

8 ((g.)) f. In cases where the street is very steep or winding, the Director
9 ~~((shall))~~ will determine which adjacent structures should be used for averaging purposes.

10 ((h.)) g. In the case of a through lot, the ~~((requirement for))~~ front setback
11 ~~((shall be))~~ is determined independently for each street frontage. The measurement techniques of
12 this section ~~((shall be applied for))~~ apply to each street frontage separately.

13 ((i.)) h. For ~~((cluster development))~~ multiple structures on the same lot,
14 the front setback of a principal structure on the same lot may be used for averaging purposes.

15 2. Front Setback Averaging. In certain zones the required front setback may be
16 averaged. In such cases the following provisions ~~((shall))~~ apply:

17 a. The average distance from the front lot line to the facade ~~((shall))~~ must
18 satisfy the minimum front setback requirement. The front setback ~~((shall be))~~ is averaged for the
19 entire width of the structure, except that areas ~~((which))~~ that are farther than three (3) times the
20 required front setback from the front lot line ~~((shall not be))~~ are not calculated in the front
21 setback.
22
23
24
25

1 b. Portions of the facade at existing grade (~~shall be~~) are used in
2 determining the average setback.

3 c. Projections of the front facade (~~which~~) that begin at least eight feet (8')
4 above finished grade and project four feet (4') or less from the lower portion of the facade (~~shall~~
5 ~~not be~~) are not included in (~~the~~) setback averaging. For such projections (~~which~~) that project
6 more than four feet (4') from the lower portion of the facade, only the first four feet (4') (~~shall~~
7 ~~be~~) is exempt from the averaging calculation. This provision applies to such features as
8 cantilevered floor area, decks, and bay windows. Eaves, gutters and cornices are not (~~permitted~~
9 ~~to project eighteen inches (18") beyond any front facade without being~~) counted in averaging.

10
11 3. Measuring Street-facing Setbacks for Institutions and Public Facilities in
12 Multifamily Zones.

13
14 a. In multifamily zones, the depth of setback from a street lot line may be
15 averaged along the width and height of the facade (~~for institutions and public facilities, as an~~
16 ~~alternative~~) providing greater design flexibility than standard modulation requirements.

17 b. This average setback (~~shall be~~) is calculated by dividing the three (3)
18 dimensional volume of setback by the area of the structure facade.

19
20 (1) Find the sum of volumes within the space defined by extension
21 of the roof line, the planes of the side walls, and the vertical extension of the front lot line; and

22 (2) Divide this sum by the area of the street-facing facade,
23 calculated as the product of facade height and facade width (Exhibit 23.86.012 B)
24
25
26

1 ~~((B. Rear Setbacks. In Midrise zones applicants are given an option in multifamily zones~~
2 ~~to provide a minimum rear setback of ten feet (10') which must be modulated, or an averaged~~
3 ~~rear setback of at least fifteen feet (15'). The following provisions shall apply when the applicant~~
4 ~~has chosen to provide an averaged rear setback of at least fifteen feet (15'):~~

5 1. All projections of the facade shall be included in averaging the rear setback,
6 ~~with the exception of eaves, gutters and cornices which project eighteen inches (18") or less~~
7 ~~from the facades.~~

8 2. The rear setback shall be averaged for the entire width of the structure.

9 C.)) B. Side Setbacks.

10 ~~((1. Side setbacks requirements are presented in the standard development~~
11 ~~requirements for each zone. Side setback requirements are based on the height and the depth of a~~
12 ~~structure. Where two (2) or more structures are connected by elevated walkways, structure depth~~
13 ~~shall be determined by the combined depth of the structures connected by the elevated walkway,~~
14 ~~not including the walkway itself.~~

15 2. ~~Side Setback Averaging. In certain cases where specifically permitted, the))~~
16 When a side setback requirement ((may be satisfied by)) includes averaging the distance from
17 side lot line to structure facade for the depth of the structure ((. In those cases the following
18 provisions shall apply)) the following applies:

19 ~~((a-))~~1. The side setback ~~((shall be))~~ is measured horizontally from side lot
20 line to the side facade of the structure.

1 ~~((b-))~~2. The~~((is))~~ side setback ~~((shall be))~~ is averaged for the entire depth
2 of the structure, except that areas ~~((which))~~ that are farther than two (2) times the required
3 average side setback from the side lot line ~~((shall not be))~~ are not counted as part of the side
4 setback (Exhibit 23.86.012 C.)

5 ~~((C. Setbacks))~~ D. Separations Between Structures ~~((in Cluster Developments))~~ on Lots
6 With Multiple Structures. Required ~~((setbacks in cluster developments))~~ separations between
7 structures are specified in each multifamily zone. In certain cases, the ~~((setback))~~ requirement
8 may be satisfied by averaging the distance between the portions of the facades ~~((which))~~ that
9 face each other. In those cases the following ~~((provisions apply))~~ applies:
10

11 1. The ~~((setback shall be))~~ separation is measured horizontally from one (1)
12 facade to the other.

13 2. The ~~((setback shall be))~~ separation is averaged across the width of those
14 portions of the facades which face each other.

15 Section 78. Section 23.86.014 of the Seattle Municipal Code, which section was last
16 amended by Ordinance 118414, is amended as follows:
17

18 **23.86.014 Structure width.**
19

20 A. Structure width is measured as follows: ~~((shall be measured by the following~~
21 ~~method:))~~

- 22 1. Draw a rectangle that encloses the principal structure.
23 2. Structure width ~~((shall be))~~ is the length of the side of that rectangle most
24 closely parallel to the front lot line (Exhibit 23.86.014 A).
25

1 B. Portions of a structure (~~((which shall be))~~) considered part of the principal structure
2 for the purpose of measuring structure width are as follows:

3 1. Carports and garages attached to the principal structure unless attached by a
4 structural feature not counted in structure width under subsection C;

5 2. Exterior corridors, hallways or open, above-grade walkways (~~((, except portions
6 which are elevated walkways connecting structures in a cluster development))~~);

7 3. Enclosed porches, decks, balconies and other enclosed projections;

8 4. Chimneys, up to eighteen inches (18') of projection (~~((used to meet modulation
9 requirements))~~); and

10 5. Modulated and projecting segments of a facade unless excluded in subsection
11 C.

12 C. Portions of a structure (~~((which shall not be))~~) that are not considered part of the
13 principal structure for the purpose of measuring structure width are as follows:

14 1. Eaves, cornices and gutters, up to eighteen inches (18") of projection
15 ~~((provided that when such features project more than eighteen (18) inches from an exterior wall
16 only eighteen (18) inches shall be excluded in the measurement of structure width))~~;

17 ~~((2. The portion of elevated walkways connecting buildings in cluster
18 developments))~~;

19 ~~((3.))~~ 2. Chimneys, up to eighteen inches (18") of projection; ~~((not used to meet
20 modulation requirements provided that only eighteen (18) inches shall be excluded in the
21 measurement of structure width))~~;

1 ((4.)) 3. Attached solar greenhouses meeting minimum energy conservation
2 standards administered by the Director;

3 ((5.)) 4. Unenclosed decks, balconies and porches, ten (10) feet or less above
4 existing grade, unless located on the roof of an attached garage or carport included in structure
5 width in subsection B 1 of this section;

6 ((6.)) 5. Unenclosed decks, balconies and porches, more than ten (10) feet above
7 existing grade, provided that when such features project more than four (4) feet from an exterior
8 wall, only four (4) feet ~~((shall be))~~ is excluded ~~((in))~~ from the measurement of structure width ~~((-~~
9 ~~Such features shall be excluded whether or not used to meet modulation requirements))~~; and
10

11 ((7.)) 6. Arbors, trellises and similar features.

12
13 Section 79. Section 23.86.016 of the Seattle Municipal Code, which section was last
14 amended by Ordinance 118414, is amended as follows:

15 **23.86.016 Structure depth.**

16 A. Measuring Structure Depth. In certain zones structure depth is limited by development
17 standards. The following provisions ~~((shall))~~ apply for determining structure depth:

18 1. Structure depth ~~((shall be))~~ is measured as follows: ~~((by the following~~
19 ~~method:))~~

20 a. Draw a rectangle that encloses the principal structure.

21 b. Structure depth ~~((shall be))~~ is the length of the sides of that rectangle
22 most closely parallel to the side lot lines (Exhibit 23.86.016 A).
23
24
25
26

1 c. In Lowrise Residential zones when more than one (1) structure is
2 located on a lot and no portion of a structure is behind any portion of another structure and the
3 structures are separated by a minimum of ten (10) feet, the maximum depth of each structure
4 ~~((shall be))~~ is measured individually. (See Exhibit 23.86.016 B). When any portion of a
5 structure is behind any portion of another structure then maximum structure depth ~~((shall be))~~ is
6 the combined depth of the structures on the lot.
7

8 2. Portions of a structure ~~((which shall be))~~ considered part of the principal
9 structure for the purpose of measuring structure depth ~~((are as follows))~~ include:

10 a. Carports and garages attached to the principal structure unless attached
11 by a structural feature not counted in structure depth under subsection A3;

12 b. Exterior corridors, hallways or open, and abovegrade walkways (~~;~~
13 ~~except portions which are elevated walkways connecting structures in a cluster development));~~

14 c. Enclosed porches, decks, balconies and other enclosed projections;

15 d. Chimneys, up to eighteen inches (18') of projection. ~~((used to meet~~
16 ~~modulation requirements));~~
17

18 e. Modulated and projecting segments of a facade unless excluded in
19 subsection A3;

20 f. Accessory structures which are less than three (3) feet from the principal
21 structure at any point.
22

23 3. Portions of a structure ~~((which shall not be))~~ are not considered part of the
24 principal structure for the purpose of measuring structure depth include:
25

1 a. Eaves, cornices and gutters, up to eighteen inches of projection

2 ~~((provided that when such features project more than eighteen (18) inches ((from an exterior wall~~
3 ~~only eighteen (18) inches shall be excluded in the measurement of the structure depth));~~

4 ~~((b. The portion of elevated walkways connecting buildings in a cluster~~
5 ~~development));~~

6 ~~((c.))~~ b. Chimneys, up to eighteen inches (18') of projection. ~~((not used to~~
7 ~~meet modulation requirements provided that only eighteen (18) inches shall be excluded in the~~
8 ~~measurement of structure depth));~~

9 ~~((d.))~~ c. Attached solar greenhouses meeting minimum energy
10 conservation standards administered by the Director;

11 ~~((e.))~~ d. Unenclosed decks, balconies and porches, ten (10) feet or less in
12 height, unless located on the roof of an attached garage or carport included in structure depth in
13 subsection A2a;

14 ~~((f.))~~ e. Unenclosed decks, balconies and porches, more than ten (10) feet
15 above existing grade, provided that when such features project more than four (4) feet from an
16 exterior wall only four (4) feet ~~((shall be))~~ are excluded in the measurement of structure depth.
17 ~~((Such features shall be excluded whether or not used to meet modulation requirements)).~~

18 B. Determining Maximum Permitted Structure Depth. In certain zones, structure depth is
19 limited to a percentage of lot depth. For those cases the following provisions ~~((shall))~~ apply:

1 1. When the lot is essentially rectangular and has a rear lot line (~~(which is)~~) within
2 fifteen (15) degrees of parallel to the front lot line, the lot depth (~~(shall be)~~) is the horizontal
3 distance between the midpoints of the front and rear lot lines (Exhibit 23.86.016 C).

4 2. When the lot is triangular or wedge-shaped, lot depth (~~(shall be)~~) is the
5 horizontal distance(~~(s)~~) between the midpoint of the front lot line and the rear point of the lot. If
6 (~~(such a)~~) the lot does not actually come to a point, lot depth (~~(shall be)~~) is measured from the
7 midpoint of the front lot line to the midpoint of the rear lot line (Exhibit 23.86.016 C).

8 3. In the case of a through lot, lot depth (~~(shall be)~~) is measured between the
9 midpoint(~~(s)~~) of each front lot line(~~(s)~~).

10 4. When lot shape is so irregular that provisions 1, 2 or 3 cannot be used, lot depth
11 (~~(shall be that)~~) is the distance equal to the result of lot area divided by length of front lot line,
12 provided that in no case (~~(shall be)~~) is the depth permitted to be greater than the distance from
13 front lot line to the furthest point on the perimeter of the lot (Exhibit 23.86.016 D).

14 C. Measuring Structural Depth Exceptions. In certain zones, exceptions permit increased
15 structure depth. For those cases total permitted lot coverage (~~(shall)~~) equals maximum width
16 times maximum depth, less the area required for modulation, according to the following
17 provisions:

18 1. Maximum width (~~(shall be)~~) is considered to be the width of the lot less the
19 total required side setbacks, (~~(, but shall in no case exceed the maximum width permitted for the~~
20 ~~housing type and zone. In Lowrise 3 zones, apartments no more than thirty (30) feet in height~~
21 ~~may have a maximum depth of one hundred (100) feet)).~~

1 2. Maximum depth (~~((shall be considered to be))~~) is the percentage of lot depth
2 permitted for the (~~((proposed housing type))~~) development.

3 3. The area of minimum required modulation (~~((shall be))~~) is subtracted from the
4 calculation to determine maximum lot coverage permitted.

5 4. Eaves, and unenclosed decks, balconies and porches, (~~((shall not be))~~) are not
6 calculated as part of lot coverage, provided that when such features project more than four (4)
7 feet from an exterior wall only four (4) feet (~~((shall be))~~) are excluded from the lot coverage
8 calculation.
9

10 Section 80. Section 23.86.020 of the Seattle Municipal Code, which section was last
11 amended by Ordinance 110570, is amended as follows:

12 **23.86.020 Modulation.**

13 Modulation is one method of complying with the design standard provisions of 23.45.530

14 D. (~~((criteria are described in the development standards for each multifamily residential zone))~~).

15 The following provisions describe how measurements (~~((shall be))~~) are made in determining
16 whether (~~((modulation requirements have been met))~~) the intent of modulation requirements are
17 met.
18

19 A. Modulation Width.

20 1. Modulation width (~~((shall be))~~) is the width of a facade segment between the
21 points at which adjacent segments begin to step forward or back (Exhibit 23.86.020 A).
22

23 2. Balconies and decks (~~((shall be))~~) are considered to be projections of the facade
24 for the purpose of measuring modulation width.
25

1 3. The stepping forward or back (~~((in the))~~) of a facade between which modulation
2 width is measured (~~((shall))~~) must be sufficient to satisfy (~~((the))~~) any minimum modulation
3 requirements for width and depth in the applicable Chapter. (~~((specified in the standard~~
4 ~~development requirements for the appropriate multi-family zone.))~~) Steps in the facade (~~((which))~~)
5 that do not satisfy minimum modulation width or depth requirements (~~((shall not be))~~) are not
6 considered to form a separate facade segment for the purpose of measuring maximum permitted
7 façade areas. (~~((modulation width, until such steps cumulatively satisfy the minimum dimension~~
8 ~~required)).~~)

9
10 ~~((4. In cases where the design of a structure is so unusual that the above~~
11 ~~provisions cannot be applied; for example, for wedge-shaped or curved facade projections; the~~
12 ~~Director shall determine when modulation requirements have been met.))~~

13
14 B. Modulation Depth.

15 1. Modulation depth (~~((shall be))~~) is the distance a facade segment steps forward or
16 back from an adjacent facade segment (Exhibit 23.86.020 B).

17 2. Balconies and decks (~~((shall be))~~) are considered to be projections of the facade
18 for the purpose of measuring modulation depth.

19 3. When portions of a facade (~~((which))~~) step forward or back, but do not satisfy
20 (~~((the))~~) any minimum modulation width or depth specified in the applicable Chapter. (~~((the~~
21 ~~standard development requirements for the appropriate multifamily zone, such))~~) these portions
22 of facades (~~((shall))~~) are not be considered to form a separate facade segment (~~((for the purpose of~~
23
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1 ~~measuring modulation depth, until such steps cumulatively satisfy the minimum dimensions~~
2 ~~required)).~~

3 ~~((4. In cases where the design of the structure is so unusual that the above~~
4 ~~provisions cannot be applied, the Director shall determine when modulation requirements have~~
5 ~~been met.))~~

6 ~~((C. Calculating Maximum Permitted Modulation Width. The maximum width of~~
7 ~~modulation is prescribed in the standard development requirements for each multi-family zone.~~
8 ~~In those cases for which the maximum modulation width may be increased if the modulation~~
9 ~~depth is increased, the following provisions shall apply:~~

10
11 ~~1. When the depth of modulation provided allows the structure to qualify for~~
12 ~~increased modulation width, each adjacent facade segment shall qualify for the increased width,~~
13 ~~each adjacent facade segment shall qualify for the increased width (Exhibit 23.86.020 C).~~

14
15 ~~2. When a facade segment is bounded by two (2) modulated segments of differing~~
16 ~~depths, the maximum modulation width shall be determined by the greater of the two modulation~~
17 ~~depths (Exhibit 23.86.020 D).))~~

18
19 C. In cases where the design of a structure is so unusual that the above provisions cannot
20 be applied; for example, for wedge-shaped or curved facade projections; the Director will
21 determine when requirements have been satisfied.

22 Section 81. Subsections B and D of Section 23.90.018 of the Seattle Municipal Code,
23 which sections were last amended by Ordinance 122190, are amended as follows:

24 **23.90.018 Civil penalty.**

* * *

1
2 B. Specific Violations.

3 1. Violations of Section 23.71.018 are subject to penalty in the amount specified
4 in Section 23.71.018 H.

5 2. Violations of the requirements of Section 23.44.041C are subject to a civil
6 penalty of Five Thousand Dollars (\$5,000).

7 3. Violations of Section 23.45.526, 23.49.011 or 23.49.015 with respect to failure
8 to demonstrate compliance with commitments to earn LEED Silver or other eligible ratings
9 under ((~~either such~~)) applicable Sections are subject to penalty in amounts determined under
10 Section 23.49.020, and not to any other penalty.
11

12 ***

13
14 D. Except in cases of violations of Section 23.45.526, 23.49.011 or 23.49.015 with
15 respect to failure to demonstrate compliance with commitments to earn LEED Silver or other
16 eligible ratings, the violator may show as full or partial mitigation of liability:

17 1. That the violation giving rise to the action was caused by the willful act, or
18 neglect, or abuse of another; or

19 2. That correction of the violation was commenced promptly upon receipt of the
20 notice thereof, but that full compliance within the time specified was prevented by inability to
21 obtain necessary materials or labor, inability to gain access to the subject structure, or other
22 condition or circumstance beyond the control of the defendant.
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1 Section 82. Subsection B of Section 23.90.020 of the Seattle Municipal Code, which
2 subsection was last amended by Ordinance 122054, is amended as follows:

3 **23.90.020 Criminal penalties.**

4 ***

5 B. A criminal penalty, not to exceed Five Thousand Dollars (\$5,000) per occurrence, may
6 be imposed:

- 7 1. For violations of Section 23.90.002 D;
- 8 2. For any other violation of this Code for which corrective action is not possible,
9 other than violations with respect to commitments to earn LEED Silver or other eligible ratings
10 under SMC 23.45.526, 23.49.011 or 23.49.015; and
- 11 3. For any willful, intentional, or bad faith failure or refusal
12 to comply with the standards or requirements of this Code.

13 Section 83. Subsection A of Section 23.91.002 of the Seattle Municipal Code, which
14 subsection was last amended by Ordinance 122311, is amended as follows:

15 **23.91.002 Scope.**

16 A. Violations of the following provisions of Seattle Municipal Code Title 23 shall be
17 enforced under the citation or criminal provisions set forth in this Chapter 23.91:

- 18 1. Junk storage in residential zones (Sections 23.44.006, 23.44.040, (~~23.45.004,~~
19 ~~and 23.45.140~~)) Chapter 23.45);

1 a. It is the City's policy to minimize or prevent adverse parking impacts
2 associated with development projects.

3 b. Subject to the overview and cumulative effects policies set forth in
4 SMC Sections 25.05.665 and 25.05.670, the decisionmaker may condition a project to mitigate
5 the effects of development in an area on parking; provided that:

6 i. No SEPA authority is provided to mitigate the impact of
7 development on parking availability in the downtown zones;

8 ii. In the Seattle Mixed (SM) zone and for residential uses located
9 within the Pike/Pine Urban Center Village, the First Hill/Capitol Hill Urban Center (~~Village~~),
10 the University District Northwest Urban Center Village, (~~and the First Hill Urban Center~~
11 ~~Village~~), and the Station Area Overlay District no SEPA authority is provided for the
12 decisionmaker to require more parking than the minimum required by the Land Use Code;
13

14 iii. Parking impact mitigation for multifamily development, except
15 in the Alki area, as described in subsection M2c below, may be required only where on-street
16 parking is at capacity, as defined by Seattle Transportation or where the development itself
17 would cause on-street parking to reach capacity as so defined.
18

19 c. For the Alki area, as identified on Exhibit 2, a higher number of spaces
20 per unit than is required by SMC Section 23.54.015 may be required to mitigate the adverse
21 parking impacts of specific multifamily projects. Projects that generate a greater need for
22 parking and that are located in places where the street cannot absorb that need -- for example,
23 because of proximity to the Alki Beach Park -- may be required to provide additional parking
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1 spaces to meet the building's actual need. In determining that need, the size of the development
2 project, the size of the units and the number of bedrooms in the units shall be considered.

3 d. Parking impact mitigation for projects outside of downtown zones may
4 include but is not limited to:

5 i. Transportation management programs;
6 ii. Parking management and allocation plans;
7 iii. Incentives for the use of alternatives to single-occupancy
8 vehicles, such as transit pass subsidies, parking fees, and provision of bicycle parking space;

9
10 iv. Increased parking ratios, except for projects located within
11 the Seattle Mixed (SM) zone, and residential uses located in the Pike/Pine Urban Center Village,
12 the First Hill/Capitol Hill Urban Center ((Village)), the University District Northwest Urban
13 Center Village, ~~((or the First Hill Urban Center Village,))~~ and the Station Area Overlay District;
14 and
15

16 v. Reduced development densities to the extent that it can be
17 shown that reduced parking spillover is likely to result; provided, that parking impact mitigation
18 for multifamily development may not include reduction in development density.
19

20 * * *

21
22 Section 85. The provisions of this ordinance are declared to be separate and severable.
23 The invalidity of any particular provision, or its invalidity as applied in any circumstances, shall
24 not affect the validity of any other provision or the application of the particular provision in
25
26

1 other circumstances. To the extent that sections of this ordinance recodify or are incorporated
2 into new or different sections provisions of the Seattle Municipal Code as previously in effect,
3 this ordinance shall be construed to continue such provisions in effect. The repeal of various
4 sections of Title 23 of the Seattle Municipal Code by this ordinance shall not relieve any person
5 of the obligation to comply with the terms and conditions of any permit issued pursuant to the
6 provisions of such Title as in effect prior to such repeal, nor shall it relieve any person or
7 property of any obligations, conditions or restrictions in any agreement or instrument made or
8 granted pursuant to, or with reference to, the provisions of such Title in effect prior to such
9 repeal.
10

11 Section 86. This ordinance shall take effect and be in force thirty (30) days from and
12 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
13 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
14

15 Passed by the City Council the ____ day of _____, 2008, and
16 signed by me in open session in authentication of its passage this
17 ____ day of _____, 2008.
18

19
20 _____
21 President _____ of the City Council

22 Approved by me this ____ day of _____, 2008.
23

24
25 _____
26 Gregory J. Nickels, Mayor

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Filed by me this ____ day of _____, 2008.

City Clerk

(Seal)