of Adjustment, and repealing
through 24.70.050, and 24.74.050
ie Municipal Code and Section
(86300).

AN ORDINANCE relating to land use and zoning; amending Sections 24.08.2[illegible], 24.08.220, 24.14.030 through 24.14.07[illegible], 24.16.04[illegible], 24.16.0[illegible], 24.16.070, 24.18.020, 24.18.030, 24.18.050, 24.18.060, 24.20.020, 24.20.030, 24.20.050, 24.2[illegible].060, 24.22.010, 24.22.020, 24.22.030, 24.22.050, 24.22.060, 24.24.030, 24.24.040, 24.24.060, 24.24.[illegible]70, 24.26.010, 24.26.020, 24.26.030, 24.26.050, 24.26.060, 24.28.020, 24.28.030, 24.28.050, 24.28.060, 24.30.0[illegible]0, 24.30.060, 24.30.070, 24.30.090, 24.30.100, 24.32.050, 24.32.060, 24.32.080, 24.32.090, 24.34.030, 24.34.040, 24.34.060, 24.34.070, 24.36.030, 24.36.040, 24.36.060, 24.36.070, 24.38.030, 24.38.040, 24.38.060, 24.40.030, 24.40.040, 24.40.060, 24.40.070, 24.42.030, 24.42.040, 24.42.0[illegible], 24.42.070, 24.44.070, 24.44.0[illegible], 24.44.100, 24.44.110, 24.46.060, 24.46.070, 24.46.090, 24.46.100, 24.48.050, 24.48.060, 24.48.080, 24.50.070, 24.50.090, 24.52.100, 24.52.110, 24.52.130, 24.54.110, 24.54.130, 24.56.030, 24.56.040, 24.56.060, 24.58.030, 24.60.425, 24.60.430, 24.60.485, 24.64.100, 24.66.020, 24.10.010, 24.10.020, 24.10.030, 24.10.040, 24.10.060 through 24.10.090, 24.70.010, 24.70.060, 24.70.070, 24.74.010, 24.74.020, 24.74.030, 24.74.040, 24.74.130 to reflect the consolidation of applications, notice and appeal procedures for certain land use decisions accomplished by adoption of Ordinance 109438 establishing the Master Use Permit process, the transfer of all appellate functions of the Board of Adjustment to the Hearing Examiner and the transfer of certain functions of the Hearing Examiner to the Director of Construction and Land Use and the change in title of the Superintendent of Buildings to Director of Construction and

(see over)

# Ordinance No. 109737

Amending the Zoning Ordinance to implement those procedural reforms legislated by the City Council with the adoption of the Master Use Permit.

2-24-81 DRAFT
FREE AS AMENDED

COMPTROLLER
FILE NUMBER

# Council Bill No. 102056

| | |
|---|---|
| INTRODUCED: 2-2-81 | BY: EXECUTIVE REQUEST |
| REFERRED: 2-2-81 | TO: UD&H |
| REFERRED: | |
| REFERRED: | |
| REPORTED: MAR 02 1981 | SECOND READING: MAR 9 1981 |
| THIRD READING: MAR 02 1981 | SIGNED: MAR 02 1981 |
| PRESENTED TO MAYOR: MAR 03 1981 | APPROVED: |
| RETD. TO CITY CLERK: | PUBLISHED: |
| VETOED BY MAYOR: | VETO PUBLISHED: |
| PASSED OVER VETO: | VETO SUSTAINED: |

JBB:vf
1/23/81

ORDINANCE 109737

AN ORDINANCE relating to land use and zoning; amending Sections 24.08.220, 24.08.230, 24.14.030 through 24.14.070, 24.16.040, 24.16.060, 24.16.070, 24.18.020, 24.18.030, 24.18.050, 24.18.060, 24.20.020, 24.20.030, 24.20.050, 24.20.060, 24.22.010, 24.22.020, 24.22.030, 24.22.050, 24.22.060, 24.24.030, 24.24.040, 24.24.060, 24.24.070, 24.26.010, 24.26.020, 24.26.030, 24.26.050, 24.26.060, 24.28.020, 24.28.030, 24.28.050, 24.28.060, 24.30.050, 24.30.060, 24.30.070, 24.30.090, 24.30.100, 24.32.050, 24.32.060, 24.32.080, 24.32.090, 24.34.030, 24.34.040, 24.34.060, 24.34.070, 24.36.030, 24.36.040, 24.36.060, 24.36.070, 24.38.030, 24.38.040, 24.38.060, 24.40.030, 24.40.040, 24.40.060, 24.40.070, 24.42.030, 24.42.040, 24.42.060, 24.42.070, 24.44.070, 24.44.080, 24.44.100, 24.44.110, 24.46.060, 24.46.070, 24.46.090, 24.46.100, 24.48.050, 24.48.060, 24.48.080, 24.50.070, 24.50.090, 24.52.100, 24.52.110, 24.52.130, 24.54.110, 24.54.130, 24.56.030, 24.56.040, 24.56.060, 24.58.030, 24.60.425, 24.60.430, 24.60.485, 24.64.100, 24.66.020, 24.10.010, 24.10.020, 24.10.030, 24.10.040, 24.10.060 through 24.10.090, 24.70.010, 24.70.060, 24.70.070, 24.74.010, 24.74.020, 24.74.030, 24.74.040, 24.74.130 to reflect the consolidation of applications, notice and appeal procedures for certain land use decisions accomplished by adoption of Ordinance 109438 establishing the Master Use Permit process, the transfer of all appellate functions of The Board of Adjustment to the Hearing Examiner and the transfer of certain functions of the Hearing Examiner to the Director of Construction and Land Use, and the change in title of the Superintendent of Buildings to Director of Construction and Land Use, abolishing the Board of Adjustment, and repealing Sections 24.10.050, 24.70.020 through 24.70.050, and 24.74.050 through 24.74.120 of the Seattle Municipal Code and Section 25.3 of the Zoning Ordinance (86300).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 3.22 of the Zoning Ordinance (86300), Code Section 24.08.220, as last amended by Ordinance 107075 is further amended as follows:

Section 3.22 "U"

USE

The purpose for which land or a building is designed, arranged or intended, or for which it is occupied or maintained, let or leased.



CS 19.2

USE, CONSUMER SHOPPING

A use in which goods, including food, are displayed and/or served on the premises and sold at retail to the public and which when used in conjunction with a shopping plaza or shopping arcade for which a floor area bonus is claimed in connection with the provisions of this Ordinance shall have:

(a) direct access from such a plaza or arcade;

(b) an average depth of at least fifteen ((~~(15~~)) feet measured perpendicular to the improvement on which it abuts; and

(c) exterior display walls that are transparent and visually oriented to pedestrians passing the premises.

USE, NON-CONFORMING

A lawful use of land or structure in existence on the effective date of this Ordinance or at the time of any amendments thereto and which does not conform to the use regulations of the zone in which such use is located.

USEABLE OPEN SPACE

An outdoor area of such location, size and shape as to provide space for outdoor recreational activity, landscape features, or pedestrian access.

USE OR BUILDING, PRINCIPAL

The principal use conducted on the lot or the building housing the principal use as distinguished from any separate buildings housing accessory uses.

USE OR STRUCTURE, ACCESSORY

A use or structure incidental to a permitted principal use, provided that such use or structure shall be located on the same lot as the principal use or structure, except when permitted elsewhere as specifically set forth in this Ordinance.

USE OR STRUCTURE, CONDITIONAL

Uses permitted in this Ordinance as principal or accessory uses when authorized by the Director, the Hearing Examiner upon appeal, or by the Council, and subject to specified conditions.

Section 2. That Section 3.23 of the Zoning Ordinance (86300), Code Section 24.08.230, as last amended by Ordinance 100542 is further amended as follows:

Section 3.23 "V"

VARIANCE

A modification of the regulations of this Ordinance when authorized by the Director, the Hearing Examiner upon appeal, or Council after a finding that the literal application of the provisions of this Ordinance would cause undue and unnecessary hardship in view of specific facts and conditions applying to a lot.

VOLUNTARY BUILDING SETBACK AREA

An area on a lot, at a maximum height of twenty-five ((~~(25)~~)) feet above curb elevation or the roof of a building, whichever is the lower, which is open and uncovered to the sky and which, if a floor area bonus is claimed in connection with its provision, is within twenty ((~~(20)~~)) feet of the street lot line on streets less than ((~~(70)~~))

feet wide or within fifteen ((~~(15)~~)) feet of the street lot line on streets at least seventy ((~~(70)~~)) feet wide.

VOLUNTARY BUILDING SETBACK AREA, LANDSCAPED

A voluntary building setback area having seventy-five ((~~(75)~~)) percent or more of its qualifying area landscaped.

Section 3. That Section 5.3 of the Zoning Ordinance (86300), Code Sections 24.14.030 through 24.14.070, as last amended by Ordinance 107074 is further amended and divided into sections designated 5.30 through 5.35 as follows:

Section 5.30 Nonconforming ((~~U~~)) uses and ((~~B~~)) buildings shall be as set forth in Sections 5.31 through 5.35 of this Article. Reference in other sections of the Zoning Ordinance to "Section 5.3" shall mean and include Sections 5.30 through 5.35, inclusive.

Section 5.31 Continuing Existing Use

Any nonconforming building or use may be continued, subject, however, to provisions of Section 5.3.

Section 5.32 Buildings Nonconforming as to Bulk

Any building conforming as to use but which is a building nonconforming as to bulk as of the effective date of this ordinance may be altered, repaired or extended; provided, that such alteration, repair or extension does not cause such building to further exceed the bulk provisions of this ordinance.

Section 5.33 Termination of Certain Nonconforming Uses

(a) Any nonconforming use not involving a structure or one involving a structure having an assessed value of less than one hundred dollars ((~~($100)~~)) on the effective date of this ordinance may be continued for no longer than one year after said date, and

any noncomforming use involving a structure having an assessed value of more than one hundred dollars ((~~($100)~~)) but less than three hundred dollars ((~~($300)~~)) on the effective date of this ordinance may be continued no longer than two years after said date; provided, however, the above provisions shall not apply to any nonconforming advertising sign.

(b) All advertising signs in R and BN Zones which have been nonconforming uses for a period of three or more years prior to July 1, 1962, shall be discontinued by July 1, 1963, and all other nonconforming advertising sign uses in R and BN Zones shall be discontinued within three years of the date such sign became or becomes a nonconforming use; provided, that such time limitations may be extended for periods of not to exceed two years at a time by the ((~~Superintendent of Buildings~~)) Director, upon application by the owner of such sign and payment of a Twenty-five Dollars ((~~($25.00)~~)) filing fee, if ((~~said Superintendent~~)) the Director finds that such nonconforming use is on a lot with or adjacent to and fronting on the same street with uses (other than another advertising sign) which are first permitted in BC or more intensive zones or that such nonconforming use is on a lot separated from the nearest portion of an existing R or BN use by a grade equal to the height of the sign above the ground, and further finds that continuance of such nonconforming sign will

not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the sign is located, and is not otherwise inconsistent with the spirit and purpose of the Zoning Ordinance and that such advertising sign has been and will be properly maintained. Decisions of ((~~said Superintendent~~)) the Director hereunder shall be final, subject to review by the City Council upon application.

(c) Advertising signs in all zones other than the M, IG, and IH Zones which are nonconforming because located upon and supported by a roof or parapet of a building or structure shall be discontinued and removed upon notification in writing within a period of from three to seven years from August 1, 1975 or from the date such sign became or becomes nonconforming in accordance with an amortization schedule established by the ((~~Superintendent~~)) Director and based upon the age, condition, cost, and remaining useful life of the sign.

(d) Adult Motion Picture Theaters which are nonconforming in the zone in which located shall be discontinued within ((90)) ninety days of the date the use became or becomes nonconforming.

Section 5.34 Limitations on Nonconforming Uses

(a) Subject to Section 5.33, any nonconforming building or part may be maintained with ordinary repair, but, no such building or part shall be extended, expanded or structurally altered, except as otherwise required by law, nor shall a nonconforming use be extended or

expanded; provided, that nothing in this ordinance shall prevent the restoration of a nonconforming building destroyed by fire or other act of God.

(b) Any change of a nonconforming use in a conforming building shall be to a conforming use.

(c) Except as provided in Section 5.34 (d) or (e), a nonconforming use in a nonconforming building or part may be changed only to a use permitted in a less intensive zone than said nonconforming use.

(d) A nonconforming building or part which has been unoccupied continuously for one ((~~(1)~~)) year or more shall not be reoccupied except by a conforming use.

(e) In any zone, except an M or I Zone, a nonconforming use in a nonconforming building, may be changed to a use permitted in a less intensive zone than the zone in which the nonconforming use would be conforming, or to another use which is listed and grouped in the same zone classification as an outright permitted use, if such new use will be no more detrimental or injurious than the previous nonconforming use to other property in the same zone or vicinity.

(f) In any R zone, a nonconforming business use may change an existing business sign to another business sign, subject to the limitations contained in Section 14.41(b) and Chapter 49 of the Seattle Building Code (Sign Ordinance).

Section 5.35 Existing Automobile Service Stations

Existing automobile service stations may be extended, expanded or structurally altered in the BN and more intensive zones without obtaining conditional use authorization from the ((~~Hearing Examiner or Board~~)) Director where the estimated cost of such improvements within any ((~~12~~)) twelve month period does not exceed ((~~25~~)) twenty-five percent of the true and fair market value of such automobile service station as computed from the assessed value of the existing use.

Section 4. Section 6.22 of the Zoning Ordinance (86300), Code Section 24.16.040, as last amended by Ordinance 106090 is further amended as follows:

Section 6.22. The following uses permitted when authorized by the ((~~Hearing Examiner or Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Children's Resident Home, provided such is operated under standards established in accordance with State laws governing child welfare.

(b) Day Care Center subject to the following conditions:

(1) Such use shall be instituted and operated under standards established in accordance with State laws governing child welfare.

(2) No lot so used shall be less than five thousand ((~~(5,000)~~)) square feet in area plus two hundred fifty ((~~(250)~~)) square feet per child over ten ((~~(10)~~)) in number.

(3) A fenced outdoor play area shall be provided on the lot. When more than ten ((~~(10)~~)) children are accommodated, such play area shall be located no closer than fifteen

((~~15~~)) feet from any other lot in an R Zone.

(c) Children's Institution, subject to the following conditions:

(1) Such institution shall be operated by public or non-profit charitable organization or instituted and operated under standards established in accordance with State laws governing child welfare.

(2) No lot so used shall be less than fifteen thousand ((~~15,000~~)) square feet plus one thousand ((~~1,000~~)) square feet for each child over fifteen ((~~15~~)) in number.

(3) Maximum lot coverage shall not exceed twenty ((~~20~~)) percent of the lot.

(4) No building shall be closer than thirty ((~~30~~)) feet to any other lot in an RS or RD Zone.

(5) No building shall exceed one story in height nor shall any single building be occupied by more than twenty ((~~20~~)) children.

(6) Border screen planting shall be provided as specified by the ((~~Hearing Examiner or Board~~)) Director.

(d) Homes for the Retired, subject to the following conditions:

(1) Such homes shall be instituted and operated under standards established in accordance with State laws governing such homes; provided, that nothing in said standards or in any definition established thereby shall govern

or affect the meaning or interpretation of the term "Home for the Retired" as defined in Section 3.09 of this Ordinance.

(2) No lot so used shall be less than fifteen thousand ((~~(15,000)~~)) square feet in area plus one thousand ((~~(1,000)~~)) square feet additional for each resident person over fifteen ((~~(15)~~)) in number.

(3) Such homes shall be occupied by no more than twenty ((~~(20)~~)) persons.

(4) No structure so used shall be located closer than thirty ((~~(30)~~)) feet from any other lot in an RS or RD Zone.

(5) No structure so used shall be more than one ((~~(1)~~)) story in height.

(e) Riding academy, provided the building and related exercise ring is located one hundred ((~~(100)~~)) feet or more from any other lot in an R Zone.

(f) Private non-profit athletic or recreational club-house not providing dwelling accommodations for members; swimming pool or like facility when lcoated on a lot forty thousand ((~~(40,000)~~)) square feet or more in area, provided any building or active play area shall be located twenty-five ((~~(25)~~)) feet or more from any other lot in an RS Zone and fifteen ((~~(15)~~)) feet or more from any other lot in any other R Zone and subject to screening and other requirements which may be imposed at the discretion of the ((~~Hearing Examiner or Board~~)) Director.

(g) Private community club provided any building or active play area shall be located twenty-five ((~~(25)~~)) feet or more from any other lot in an RS Zone and fifteen ((~~(15)~~)) feet or more from any other lot in any other R Zone.

(h) Reserved.

(i) The following uses provided any building or active play area shall be located twenty-five ((~~(25)~~)) feet or more from any other lot in an RS Zone and fifteen ((~~(15)~~)) feet or more from any other lot in any other R Zone:

(1) Dormitories on separate lots but in connection with and owned and operated by a permitted school giving pre-college academic courses.

(2) Group dwellings for members of religious orders in conjunction with permitted churches and for personnel of public and private graded schools for academic instruction when located on the same lot with the principal building(s) or on a lot abutting such principal use lot directly or across an alley or street. Such group dwelling may be divided into living units each with kitchen facilities.

(j) Public and private colleges and universities for academic instruction, including dormitories owned and operated in connection therewith and accessory thereto; scientific and technological seminar centers and institutes for advanced study and other institutes organized as nonprofit

entities for the advancement of knowledge, including theoretical and light physical laboratory research incidental thereto and customarily incidental accessory uses, but excluding the performance of heavy types of laboratory physical research, subject to the following conditions:

(1) No lot so used shall be less than ten ((~~(10)~~)) acres in area.

(2) No building shall exceed two ((~~(2)~~)) stories nor thirty-five ((~~(35)~~)) feet in height.

(3) No principal building shall be located closer than one hundred ((~~(100)~~)) feet to any other lot in an R Zone.

(4) No offstreet parking area shall be closer than fifty ((~~(50)~~)) feet to any other lot in an R Zone.

(5) Border screen planting and fencing shall be provided as specified by the ((~~Hearing Examiner or Board~~)) Director.

(k) Halfway houses subject to the following conditions:

(1) For each resident over eight in number, including required staff, the minimum lot area shall be increased by two hundred eighty-four ((~~(284)~~)) square feet.

(2) Not more than twenty ((~~(20)~~)) persons in residence shall be accommodated at one time, exclusive of required staff.

(3) No lot so used shall be less than six hundred ((~~(600)~~)) feet from any other lot with the same such use.

(4) No such use shall be located in an area where such location would increase to more than five ((~~(5)~~)) the number of such uses located within a one-half mile radius of the applicant use.

(5) Authorization for such use shall be reviewed ((~~at a public hearing by the Hearing Examiner~~)) by the Director one ((~~(1)~~)) year after occupancy as a halfway house. Such permit may be withdrawn by the ((~~Hearing Examiner~~)) Director for cause following such review ((~~and public hearing~~)).

(l) Public and private schools for academic instruction which do not group children by age or grade level for purposes of instruction, subject to the following conditions:

(1) No lot so used shall be less than ninety-six hundred ((~~(9600)~~)) square feet for the first ten ((~~(10)~~)) children and two hundred ((~~(200)~~)) square feet for each child in excess of ten ((~~(10)~~)).

(2) An active play area of not less than fifty ((~~(50)~~)) square feet per child shall be provided which shall be located fifteen ((~~(15)~~)) feet or more from any other lot in an RS Zone and ten ((~~(10)~~)) feet or more from any other lot in any other R Zone.

(3) The principal building shall be located twenty ((~~(20)~~)) feet from any other lot in an RS Zone and ten ((~~(10)~~)) feet from any other lot in any other R Zone.

(m) Neighborhood development or improvement project site office for a period not to exceed the life of the project but in no event longer than thirty-six ((~~(36)~~)) months, subject to the following conditions:

(1) Such use shall be located in an authorized neighborhood development or improvement program area designated by the Council.

(2) Such use shall be located in a pre-existing structure.

(3) No exterior structural alterations to accommodate such use shall be permitted.

Section 5. That Section 6.4 of the Zoning Ordinance (86300), Code Sections 24.16.060 and 24.16.070, as last amended by Ordinance 109274 is further amended and divided into sections designated 6.40 through 6.42 as follows:

Section 6.40 Accessory ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 6.41 and 6.42 of this Article. Reference in other sections of the Zoning Ordinance to "Section 6.4" shall mean and include Sections 6.40 through 6.42, inclusive.

Section 6.41 Uses customarily incidental to the principal conditional uses specified in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 6.42 The following uses permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28.

(a) Accessory uses customarily incidental to the principal conditional uses permitted in Section 6.22.

(b) Parking areas accessory to permitted uses in abutting RM, RMH, B, or C Zones under conditions specified in Section 23.43.

(c) Parking areas accessory to permitted uses when not located on the lot of the principal building, under conditions specified in Section 23.42.

(d) Helistops accessory to principal uses permitted, subject to the provisions for heliports in Section 19.24, provided that the authorization for such accessory conditional use shall be subject to annual review by the ((~~Board~~)) Director, and, for cause, may be withdrawn by the ((~~Board~~)) Director following ((~~any such~~)) annual review.

(e) Sale and consumption of beer during daylight hours on public park premises, in a building or within fifty feet of the building on an adjoining terrace, provided however, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred feet of any lot in an R Zone.

(f) Sale and consumption of alcoholic beverages under a Class H liquor license on municipal golf course premises during the established hours of operation of the golf course, in a building or within fifty feet of the building on an adjoining terrace, provided, however, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred feet of any lot in an R zone.

Section 6. That Section 7.2 of the Zoning Ordinance (86300), Code Sections 24.18.020 and 24.18.030, as last amended by Ordinance 106090 is further amended and divided into sections designated 7.20 through 7.22 as follows:

Section 7.20 Principal ((C)) conditional ((U)) uses shall be as set forth in Sections 7.21 and 7.22 of this Article. Reference in other sections of the Zoning Ordinance to "Section 7.2" shall mean and include Sections 7.20 through 7.22, inclusive.

Section 7.21 The principal conditional uses set forth in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27, except as modified in this Article.

Section 7.22 The following uses are permitted when authorized by the ((~~Hearing Examiner or Board~~)) Director in accordance with Article ((~~26~~)) 28.

(a) Principal conditional uses set forth in Section 6.22 unless modified in this Article.

(b) Commercial nursery or greenhouse, provided that the following conditions are met:

(1) All structures shall be located twenty ((~~(20)~~)) feet or more from any lot line.

(2) Any heating plant or chimney shall be located fifty ((~~(50)~~)) feet or more from any other lot in an R Zone.

(3) No retail sales shall be permitted on the premises.

(4) No advertising sign shall be permitted.

(5) The number of employees on the premises shall not exceed five ((~~(5)~~)) in number.

(c) Halfway houses as specified and regulated in Section 6.22(k), except that for each resident over eight in number, including required staff, the minimum lot area shall be increased by three hundred seventeen ((~~(317)~~)) square feet and the maximum number of persons in residence, including required staff, shall be sixteen.

(d) Public and private schools for academic instruction which do not group children by age or grade level for purposes of instruction as specified and regulated in Section 6.22(l), except that no lot so used shall be less than seventy-two hundred ((~~(7200)~~)) square feet for the first ten ((~~(10)~~)) children and two hundred ((~~(200)~~)) square feet for each child in excess of ten ((~~(10)~~)).

Section 7. That Section 7.4 of the Zoning Ordinance (86300), Code Sections 24.18.050 and 24.18.060, as last amended by Ordinance 91700 is further amended and divided into sections designated 7.40 through 7.42 as follows:

Section 7.40 Accessory ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 7.41 and 7.42 of this Article. Reference in other sections of the Zoning Ordinance to "Section 7.4" shall mean and include Sections 7.40 through 7.42, inclusive.

Section 7.41 Accessory uses customarily incidental to the principal conditional uses specified in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 7.42 The following uses permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28.

(a) Accessory uses customarily incidental to principal conditional uses specified in Section 7.22 except as modified in this Article.

(b) Accessory conditional uses as set forth in Section 6.42, except as modified in this Article.

Section 8. That Section 8.2 of the Zoning Ordinance (86300), Code Sections 24.20.020 and 24.20.030, as last amended by Ordinance 106090 is further amended and divided into sections designated Sections 8.20 through 8.22 as follows:

Section 8.20 Principal ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 8.21 through 8.22 of this Article. References in other sections of the Zoning Ordinance to "Section 8.2" shall mean and include Sections 8.20 through 8.22, inclusive.

Section 8.21 The Principal conditional uses set forth in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27, except as modified in this Article.

Section 8.22

(a) Principal conditional uses which the ((~~Hearing Examiner or Board~~)) Director may authorize in less intensive zones are permitted when authorized by the ((~~Hearing Examiner or Board~~)) Director in accordance with Article ((~~26~~)) 28, except as modified in this Article.

(b) Halfway houses as specified and regulated in Section 6.22(k), except that for each resident over eight in number, including required staff, the minimum lot area shall be increased by three hundred thirty-four ((~~(1334)~~)) square feet and

the maximum number of persons, in residence, including required staff, shall be sixteen.

(c) Public and private schools for academic instruction which do not group children by age or grade level for purposes of instruction as specified and regulated in Section 6.22(1), except that no lot so used shall be less than five thousand ((~~(5000)~~)) square feet for the first ten ((~~(10)~~)) children and two hundred ((~~(200)~~)) square feet for each child in excess of ten ((~~(10)~~)).

Section 9. Section 8.4 of the Zoning Ordinance (86300), Code Sections 24.20.050 and 24.20.060, as last amended by Ordinance 91700 is further amended and divided into sections designated Sections 8.40 through 8.42 as follows:

Section 8.40 Accessory ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 8.41 through 8.42 of this Article. Reference in other sections of the Zoning Ordinance to "Section 8.4" shall mean and include Sections 8.40 through 8.42 inclusive.

Section 8.41 Accessory uses customarily incidental to the principal conditional uses specified in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27 except as modified in this Article.

Section 8.42 The following uses permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Accessory uses customarily incidental to principal conditional uses specified in Section 8.22 except as modified in this Article.

(b) Accessory conditional uses as set forth in Section 6.42, except as modified in this Article.

Section 10. That Section 9.1 of the Zoning Ordinance (86300), Code Section 24.22.010, as last amended by Ordinance 87225 is further amended as follows:

Section 9.1 Principal Uses Permitted Outright

9.11 The following uses:

(a) RS 5000 principal uses permitted outright as specified and regulated in Article 8, except as modified in this Article.

(b) Buildings and facilities for yacht or boat clubs which are incorporated, non-profit, fraternal organizations limited to pleasure boat and pleasure yachting activities and not including the public sale of alcoholic beverages on the premises, subject to the following conditions and restrictions and the requirements of the Building Code:

(1) No boat sales, service, repair, boat charter or rental shall be permitted on the premises.

(2) The deck of any pier shall be no more than five ((~~(5)~~)) feet above high water level.

(3) On-shore toilet facilities shall be provided.

(4) Boats using such moorage facilities shall not be used as a place of residence.

(5) No overhead wiring shall be permitted on piers or floats except within covered moorage structures.

(6) All covered structures over water shall abut upon the shore or where more than one covered structure over water is permitted, it shall be in accordance with the provisions of Section 9.11(b)(12) herein.

(7) No covered structure over water shall be permitted to extend out from shore a distance greater than fifty ((~~(50)~~)) percent of the maximum permitted distance from shore of a pier on the applicant's property, but in no case a distance of more than three hundred ((~~(300)~~)) feet from shore, provided that in cases where the outer line of applicant's property is less than two hundred ((~~(200)~~)) feet from shore, a covered structure may be permitted to extend to the applicant's outer property line.

(8) No pier, including finger piers, shall occupy more than ten ((~~(10)~~)) percent of the water area of any lot upon which same is built, nor shall the total area of covered structures over water occupy more than twenty ((~~(20)~~)) percent of the water area of such lot.

(9) All covered structures over water under one ownership shall be built in a uniform manner and design with no point in the roof of such structure higher than sixteen ((~~(16)~~)) feet above high water in fresh water, and no floating moorage located in fresh or tidal water shall have a structure higher than sixteen ((~~(16)~~)) feet from the water line.

(10) The roofs of covered moorages shall contain no more than seventy-two hundred ((~~(7200)~~)) square feet in any one unit and shall not be supported directly by extended piling.

(11) Side walls on covered moorages shall not exceed fifty ((~~(50)~~)) percent of the area of any three sides, shall be of rigid or semi-rigid material and shall cover from external view all roof bracing.

(12) Covered structures over water shall be at least forty ((~~(40)~~)) feet apart when placed side by side, or fifteen ((~~(15)~~)) feet apart when placed end to end or side to end.

((~~(13)~~) ~~No permit shall be issued for a covered moorage until authorization therefor has been granted by the board. Before granting such authorization for a covered moorage, the applicant shall submit to the Board plans and specifications describing in full the location, design, extent of coverage, and type of materials to be used in said structure, which plans and specifications shall be open for public inspection for at least ten (10) days before approval and notice of filing of said plans and specifications shall be given by posting a notice in the area affected at least five (5) days before approval thereof, and the Board may, if deemed necessary, hold a public hearing thereon. The Board, immediately upon receipt of such plans and specifications, shall submit same to the Municipal Arts Commission for review and recommendation as to the appropriateness of the design. In order to assure that the development of such moorage facility~~

~~will be compatible with surrounding residential uses, the Board may require the plans and specifications submitted by the applicant to be altered or changed in regard to location, design, extent of coverage and/or material used, before approving said plans.~~))

(c) Houseboats, subject to the following conditions:

(1) Minimum lot area shall be two thousand ((~~(2000)~~)) square feet per houseboat.

(2) The minimum distance between the sides or ends of adjacent houseboats shall be ten ((~~(10)~~)) feet. The minimum distance between any houseboats and any lot line shall be five ((~~(5)~~)) feet.

(3) Each houseboat shall abut upon open water at least forty ((~~(40)~~)) feet wide and open continuously to navigable waters.

(4) For each houseboat there shall be provided one off street parking space within a distance of six hundred ((~~(600)~~)) feet.

Section 11. Section 9.2 of the Zoning Ordinance (86300), Code Sections 24.22.020 and 24.22.030, is amended and divided into sections designated 9.20 through 9.22 as follows:

Section 9.20 Principal ((~~C~~)) conditional ((~~B~~)) uses shall be as set forth in Sections 9.21 through 9.22 of this Article. Reference in other sections of the Zoning Ordinance to "Section 9.2" shall mean and include Sections 9.20 through 9.22, inclusive.

Section 9.21 The principal conditional uses set forth in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27, except as modified in this Article.

Section 9.22 The following uses are permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Principal conditional uses which the ((~~Board~~)) Director may authorize in less intensive zones, except as modified in this Article.

(b) Covered group moorages for small pleasure craft only subject to the following conditions:

(1) Conditions (1) through (12) as specified in Section 9.11. ((~~(2)~~)) ~~The applicant shall submit to the Board plans and specifications describing in full the location, design, extent of coverage, and type of materials to be used in the proposed covered moorage. The Board, immediately upon receipt of such plans and specifications, shall transmit same to the Municipal Arts Commission for review and recommendation as to the appropriateness of the design. In order to assure the development of such moorage facility will be compatible with surrounding residential uses, the Board may require the plans and specifications submitted by the applicant to be altered or changed in regard to location, design, extent of coverage and/or material used before approving said plans.~~))

Section 12. Section 9.4 of the Zoning Ordinance (86300), Code Sections 24.22.050 and 24.22.060, as last amended by

Ordinance 91700 is further amended and divided into Sections 9.40 through 9.42 as follows:

Section 9.40 Accessory ((C)) conditional ((U)) uses shall be as set forth in Sections 9.41 and 9.42 of this Article. Reference in other sections of the Zoning Ordinance to "Section 9.4" shall mean and include Sections 9.40 through 9.42, inclusive.

Section 9.41 The accessory uses customarily incidental to the principal conditional uses specified in Section 6.21 are permitted when authorized by the Council in accordance with Article ((28)) 27.

Section 9.42 The following uses permitted when authorized by the ((Board)) Director in accordance with Article ((26)) 28.

(a) Accessory uses customarily incidental to principal conditional uses specified in Section 9.22 except as modified in this Article.

(b) Accessory conditional uses as set forth in Section 6.42, except as modified in this Article.

Section 13. That Section 10.2 of the Zoning Ordinance (86300), Code Sections 24.24.030 and 24.24.040, as last amended by Ordinance 106090 is further amended and divided into sections designated 10.20 through 10.22 as follows:

Section 10.20 Principal ((C)) conditional ((U)) uses ((.)) shall be as set forth in Sections 10.21 and 10.22 of this Article. Reference in other sections of the Zoning Ordinance to "Section 10.2" shall mean and include Sections 10.20 through 10.22, inclusive.

Section 10.21 The uses set forth in Section 6.21 when authorized by the Council in accordance with Article ((28)) 27.

Section 10.22 The following uses permitted when authorized by the ((~~Hearing Examiner or Board after public hearing and~~)) Director in accordance with the provisions of Article ((~~26.~~)) 28.

(a) Principal conditional uses which the ((~~Hearing Examiner or Board~~)) Director may authorize in less intensive zones unless modified in this Article.

(b) Reserved

(c) Nursing or convalescent homes, subject to the following conditions:

(1) Such homes shall be established and operated under standards established in accordance with State laws governing such homes; provided, that nothing in said standards or in any definition established thereby shall govern or affect the meaning or interpretation of the term "Nursing or Convalescent Home" as defined in Section 3.15 of this ordinance.

(2) No lot so used shall be less than fifteen thousand ((~~(15,000)~~)) square feet plus one thousand ((~~(1,000)~~)) square feet additional for each resident person over fifteen ((~~(15)~~)) in number.

(3) All principal buildings shall be located thirty ((~~(30)~~)) feet or more from any other lot in an RS or RD Zone.

(4) No structure so used shall be more than one story in height.

(5) Not more than twenty ((~~(20)~~)) patients shall be accommodated at one time.

(6) Any other condition which the ((~~Hearing Examiner or Board~~)) Director may impose for the protection of adjacent properties and in the public interest.

(d) Hospitals or sanitariums not predominantly for psychiatric care, contagious diseases, or for epileptics, spastics, drug or liquor addicts, subject to the following conditions:

(1) No lot so used shall be less than forty thousand ((~~(40,000)~~)) square feet in area.

(2) No structure so used shall be greater than two stories in height where the lot is less than four ((~~(4)~~)) acres in area.

(3) All principal buildings shall be located fifty ((~~(50)~~)) feet or more from any other lot in an RS or RD Zone.

(e) Homes for the Retired and Nursing or Convalescent Homes accommodating more than twenty ((~~(20)~~)) persons in residence or patients at one time, subject to the following conditions:

(1) Such homes shall be established and operated under standards established in accordance with State laws governing such homes; provided, that nothing in said standards or in any definition established thereby shall govern or affect the meaning or interpretation of the terms "Home for the Retired" and "Nursing or Convalescent Home" as defined respectively in Sections 3.09 and 3.15 of this ordinance.

(2) No lot so used shall be less than forty thousand ((~~(40,000)~~)) square feet in area.

(3) No structure so used shall be greater than two stories in height where the lot is less than four ((~~(4)~~)) acres in area.

(4) All principal buildings shall be located fifty ((~~(50)~~)) feet or more from any other lot in an RS or RD Zone.

(f) Hospitals and sanitariums, predominantly for psychiatric care, contagious diseases, epileptics, spastics, care of the mentally retarded, drug or liquor addicts, provided that no lot so used shall be less than four ((~~(4)~~)) acres in area, and that all principal buildings shall be located one hundred (100) feet or more from any other lot in an R Zone.

(g) Halfway houses as specified and regulated in Section 6.22(k) except that no lot so used shall be less than eight thousand ((~~(8,000)~~)) square feet in area, and no lot so used shall be less than six hundred feet from any other such use.

Section 14. That Section 10.4 of the Zoning Ordinance (86300), Code Sections 24.24.060 and 24.24.070, as last amended by Ordinance 91700 is further amended and divided into sections designated 10.40 through 10.42 as follows:

Section 10.40 Accessory ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 10.41 and 10.42 of this Article. Reference in other sections of the Zoning Ordinance to "Section 10.4" shall mean and include Sections 10.40 through 10.42, inclusive.

Section 10.41 Accessory uses customarily incidental to the principal conditional uses specified in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 10.42 The following uses are permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Accessory uses customarily incidental to the principal conditional uses specified in Section 10.22 except as modified in this Article.

(b) Accessory conditional uses as set forth in Section 6.42 except as modified in this Article.

(c) Access driveway or walk not more than twenty ((~~(20)~~)) feet in width to premises in an RM, RMH, B, C or M Zone provided such driveway or walk is contiguous to the boundary of such zone.

Section 15. That Section 11.1 of the Zoning Ordinance (86300), Code Section 24.26.010, as last amended by Ordinance 109266 is further amended as follows:

Section 11.1 Principal Uses Permitted Outright.

11.11 The following uses:

(a) RD 7200 Principal Uses permitted outright as specified and regulated in Article 10, unless modified in this Article.

(b) Three-family dwellings (triplexes) subject to the following conditions:

The minimum lot area shall be six thousand five hundred ((~~(6,500)~~)) square feet, and Section 22.31 shall not apply.

(c) Townhouse structures, subject to the following conditions:

(1) A townhouse structure shall contain at least two ((~~(2)~~)) and not more than ten ((~~(10)~~)) townhouse dwellings.

(2) The minimum lot area shall be at least sixteen hundred ((~~(1,600)~~)) square feet per townhouse dwelling and Section 22.31 shall not apply.

(3) Each townhouse dwelling shall have a rear and front yard totalling forty-five ((~~(45)~~)) feet, provided that the average of such front and rear yards for one townhouse structure shall be no less than twenty ((~~(20)~~)) feet and twenty-five ((~~(25)~~)) feet respectively and the minimum front or rear yard of any townhouse dwelling shall not be less than ten ((~~(10)~~)) feet. If townhouse dwellings make up an entire block front, the front yard may be reduced to five ((~~(5)~~)) feet, provided, however, that the townhouse dwelling abutting a less intensive zone or development shall provide front and rear yards as otherwise required in the zone.

(4) The minimum side yard for an end townhouse dwelling of a townhouse structure shall be five ((~~(5)~~)) feet, except as modified in Section 22.4

(5) Townhouse dwellings shall not occupy more than fifty-five ((~~(55)~~)) percent of the lot and Section 22.5 shall not apply.

(6) No townhouse dwelling shall exceed a height of thirty-five ((~~(35)~~)) feet and Section 22.2 shall not apply.

(7) At least ten ((~~(10)~~)) feet of open space shall be provided between townhouse structures except when the overlap is ten ((~~(10)~~)) feet or less and then the open space may be reduced to five ((~~(5)~~)) feet.

(8) A minimum of fifteen ((~~(15)~~)) percent of the lot must be private usable open space.

(9) In townhouse dwelling developments consisting of five ((~~(5)~~)) or more townhouse dwellings, the required lot area may be reduced up to fifteen ((~~(15)~~)) percent by providing an equivalent amount of continuous open space not including the required parking area.

(10) Required parking with connecting permanent pedestrian access shall be located within two hundred ((~~(200)~~)) feet of the townhouse dwelling that it serves.

(11) Each proposal for townhouse dwellings shall be reviewed in its preliminary form and approved in writing as to design <u>by the Community Development Director</u> prior to issuance of a building or <u>master</u> use permit<u>.</u> ((~~by the Community Development Director. Any applicant feeling aggrieved by a decision of the Community Development Director may appeal such decision within fourteen (14) days to the Council, citing~~

~~the reasons therefor. The Council shall consider such appeal with or without a public hearing, and render a decision within sixty (60) days of the filing of such appeal.~~)) The proposal will be judged as to design on the following criteria:

(a) Efficient and harmonious grouping of structures and space encouraging individuality of separate townhouse dwellings within a unifying design concept.

(b) Efficient parking for occupants and guests with adequate space for maneuvering.

(c) Provision for short-term parking of service and delivery vehicles.

(d) Provision for common open space.

(e) Space for children's play space with allowance for visual supervision.

(f) Access points from all townhouse dwellings to common space separated from moving vehicles.

(g) Separation of pedestrians, common open spaces, and children's play spaces from moving vehicles.

(h) Clear definition between the private domain of the townhouse dwelling.

(i) Screening of private spaces, as appropriate; and the Community Development Director may authorize fences exceeding the height limits established in

Section 22.42(c) where necessary to achieve privacy.

(j) Adequate light and air.

(k) Provision for emergency access of escape, fire, ambulance and service.

(l) Enclosed garbage storage and collection area.

(m) Provision of space for control and maintenance of public utilities.

(n) Preservation of natural vegetation and topography to the greatest extent possible.

(o) Undergrounding of utilities.

(p) Due consideration for the impact of the townhouse dwelling proposal on the vicinity or zone in which the property is located.

Section 16. That Section 11.2 of the Zoning Ordinance (86300), Code Sections 24.26.020 and 24.26.030, as last amended by Ordinance 87225 is further amended and divided into sections designated 11.20 through 11.22 as follows:

Section 11.20 Principal ((~~C~~)) conditional ((~~B~~)) uses shall be as set forth in Sections 11.20 through 11.22 of this Article. Reference in other sections of the Zoning Ordinance to "Section 11.2" shall mean and include Sections 11.20 through 11.22, inclusive.

Section 11.21 The principal conditional uses set forth in Section 6.21 when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 11.22 The following uses permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Principal Conditional Uses which the ((~~Board~~)) Director may authorize in less intensive zones, unless modified in this Article.

(b) Fraternity, sorority or group student house, provided that all principal buildings are located twenty ((~~(20)~~)) feet or more from any other lot in an R Zone except when the side of a lot adjoins a lot occupied by a fraternity, sorority, or group student house.

Section 17. That Section 11.4 of the Zoning Ordinance (86300) Code Sections 24.26.050 and 24.26.060, as last amended by Ordinance 91700 are further amended and divided into sections designated 11.40 through 11.42 as follows:

Section 11.40 Accessory ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 11.41 through 11.42 of this Article. Reference in other sections of the Zoning Ordinance to "Section 11.4" shall mean and include Sections 11.40 through 11.42, inclusive.

Section 11.41 Accessory uses customarily incidental to the principal conditional uses specified in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 11.42 The following uses are permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Accessory uses customarily incidental to the principal conditional uses specified in Section 11.22 except as modified in this Article.

(b) Accessory conditional uses as set forth in Section 6.42 except as modified in this Article.

(c) Access driveway or walk not more than twenty ((~~(20)~~)) feet in width to premises in an RM, RMH, B, C or M Zone provided such driveway or walk is contiguous to the boundary of such zone.

Section 18. That Section 11A.2 of the Zoning Ordinance (86300), Code Sections 24.28.020 and 24.28.030, as added by Ordinance 98608 is amended and divided into sections designated 11A.20 through 11A.22 as follows:

Section 11A.20 Principal ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 11A.21 and 11A.22 of this Article. Reference in other sections of the Zoning Ordinance to "Section 11A.2" shall mean and include Sections 11A.20 through 11A.22, inclusive.

Section 11A.21 The principal conditional uses set forth in Section 6.21 when authorized by the Council in accordnce with Article ((~~28~~)) 27.

Section 11A.22 Principal conditional uses which the ((~~Board~~)) Director may authorize in less intensive zones unless modified in this Article.

Section 19. That Section 11A.4 of the Zoning Ordinance (86300), Code Sections 24.28.050 and 24.28.060, as added by Ordinance 98608 is amended and divided into sections designated 11A.40 through 11A.42 as follows:

Section 11A.40 Accessory ((~~C~~)) conditional ((~~U~~)) uses((~~.~~)) shall be as set forth in Sections 11A.41 through 11A.42 of this Article. Reference in other sections of the Zoning Ordinance to "Section 11A.4" shall mean and include Sections 11A.40 through 11A.42, inclusive.

Section 11A.41 Accessory uses customarily incidental to the principal conditional uses specified in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 11A.42 The following uses permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Accessory uses customarily incidental to the principal conditional uses specified in Section 11A.22 except as modified in this Article.

(b) Accessory conditional uses as set forth in Section 6.42 except as modified in this Article.

(c) Access driveway or walk not more than twenty ((~~(20)~~)) feet in width to premises in an RM 800, RMH 350, B, C or M Zone provided such driveway or walk is contiguous to the boundary of such zone.

Section 20. That Section 12.2 of the Zoning Ordinance (86300), Code Sections 24.30.050, 24.30.060 and 24.30.070, as last amended by Ordinance 107579 is further amended and divided into sections designated 12.20 through 12.23 as follows:

Section 12.20 Principal ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 12.21 through 12.23 of this Article. Reference in other sections of the Zoning Ordinance to "Section 12.2" shall mean and include Sections 12.20 through 12.23, inclusive.

Section 12.21 The principal conditional uses set forth in Section 6.21 when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 12.22 The following uses permitted when authorized by the ((~~Hearing Examiner or Board~~)) Director in accordance with Article ((~~26.~~)) 28:

(a) Principal conditional uses which the ((~~Hearing Examiner or Board~~)) Director may authorize in less intensive zones unless modified in this Article.

(b) Motels, subject to the following conditions:

(1) The property so used shall abut upon a major arterial as defined by City ordinance.

(2) Separate sanitary facilities shall be provided for each motel unit.

(3) No business, other than the renting of rooms shall be conducted on the premises.

(4) Motels shall be subject to all bulk provisions of this Article except that the minimum lot area required shall be no less than one thousand ((~~(1,000)~~)) square feet for each motel unit.

(5) When the motel consists of detached buildings, the minimum distance between such buildings shall be ten ((~~(10)~~)) feet.

(6) Signs shall be limited to nonilluminated, illuminated or self-illuminated business signs not exceeding thirty ((~~(30)~~)) square feet and not exceeding one ((~~(1)~~)) in number.

(c) Mortuary, when located on a lot containing at least fifteen thousand ((~~(15,000)~~)) square feet.

(d) Trailer parks, subject to the following conditions:

(1) The property so used shall abut upon a major arterial street as defined by City ordinance.

(2) No business other than the rental of house trailer space shall be conducted on the premises.

(3) A screening shall be provided as specified for parking lots in Section 23.42(a) except on that side of the lot which adjoins or faces premises used for a motel or trailer park or a B, C, M, or I Zone.

(4) Except where abutting upon a lot occupied by a motel or trailer park, minimum side yards of ten ((~~(10)~~)) feet shall be provided when adjoining any lot in any R Zone. No house trailer shall encroach upon any required yard space.

(5) Each house trailer space shall include one thousand ((~~(1,000)~~)) square feet.

(e) Offices and clinics of physicians, surgeons, psychiatrists, psychologists, dentists, chiropractors, chiropodists, osteopaths, optometrists, engineers, surveyors, lawyers, public accountants, architects, landscape architects, or interior designers, having no stock in trade and making no retail sales on the premises, and offices of civic, religious or charitable organizations, provided such offices or clinic occupy no more than the first two ((~~(2)~~)) stories of a building or a cellar of a building and the story next above, and the property so used shall front upon an arterial as defined by City ordinance; provided further, that offices and clinics of physicians, surgeons, psychiatrists, psychologists,

dentists, chiropractors, chiropodists, osteopaths, and optometrists, which are part of an existing hospital and which either abut or are directly across a street or alley from such hospital, shall not be required to front upon an arterial.

(f) Halfway houses as specified and regulated in Section 6.22(k), except that there shall be not more than thirty ((~~(30)~~)) persons in residence and no lot so used shall be less than five thousand ((~~(5,000)~~)) square feet in area for up to twenty ((~~(20)~~)) persons in residence, exclusive of required staff, plus two hundred fifty ((~~(250)~~)) square feet for each nonstaff person in residence over twenty ((~~(20)~~)) in number.

(g) Nursing or convalescent homes, subject to the following conditions:

(1) Such homes shall be established and operated under standards established in accordance with state laws governing such homes; provided, that nothing in said standards or in any definitions established thereby shall govern or affect the meaning or interpretation of the term "Nursing or Convalescent Home" as defined in Section 3.15 of this Ordinance.

(2) No lot so used shall be less than ten thousand ((~~(10,000)~~)) square feet in area.

(3) All principal buildings shall be located fifteen ((~~(15)~~)) feet or more from any other lot in an R Zone.

(4) No more than twenty ((~~(20)~~)) persons shall be in residence at one time.

(h) Hospitals or sanitariums not predominantly for psychiatric care, contagious diseases, epileptics, spastics, or drug or liquor addicts, provided that no lot so used shall be less than twenty thousand ((~~(20,000)~~)) square feet in area.

(i) Professional pharmacies when located within a medical office building, hospital or clinic, subject to the following conditions: No exterior display or advertising may be used except for an illuminated or nonilluminated identifying sign, not exceeding three ((~~(3)~~)) square feet in area and not exceeding one ((~~(1)~~)) in number. Any such sign shall be installed flush against the wall of the principal building.

Section 12.23 Uses permitted when all principal buildings are located twenty ((~~(20)~~)) feet or more from any other lot in an R Zone.

(a) Private or fraternal clubs, lodges, social or recreational buildings, except those the chief activity of which is customarily carried on primarily for gain.

(b) Trade or business school, excluding mechanical equipment not customarily used in dwellings for professional offices.

Section 21. That Section 12.4 of the Zoning Ordinance (86300), Code Sections 24.30.090 and 24.30.100, as last amended by Ordinance 91700 is further amended and divided into sections designated 12.40 through 12.42 as follows:

Section 12.40 Accessory ((~~C~~)) conditional ((~~B~~)) uses shall be as set forth in Sections 12.41 and 12.42 of this Article. Reference in other sections of the Zoning Ordinance to "Section 12.4" shall mean and include Sections 12.40 through 12.42, inclusive.

Section 12.41 Accessory uses customarily incidental to the principal conditional uses specified in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 12.42 The following uses are permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26.~~)) 28:

(a) Accessory uses customarily incidental to the principal conditional uses specified in Section 12.22 except as modified in this Article.

(b) Parking areas accessory to permitted uses in an abutting RMH, B or C Zone under conditions specified in Section 23.43.

(c) Accessory conditional uses as set forth in Section 6.42 (a), (c) and (d), except as modified in this Article.

(d) Accessory conditional uses in connection with a club, lodge, social or recreational building, when conducted and entered entirely from within the building with no visible evidence from the outside and no exterior display or advertising except for an illuminated or non-illuminated identifying sign not exceeding one and one-half ((~~(1-1/2)~~)) square feet. Any such sign shall be attached flat against the principal building.

(e) Access driveway or walk not more than twenty (20) feet in width to premises in an RMH, B, C, or M Zone provided such driveway or walk is contiguous to the boundary of such zone.

Section 22. That Section 13.2 of the Zoning Ordinance (86300), Code Sections 24.32.050 and 24.32.060, as last amended by Ordinance 92059 is further amended and divided into sections designated 13.20 through 13.22 as follows:

Section 13.20 Principal ((C)) conditional ((U)) uses((.)) shall be as set forth in Sections 13.21 through 13.22 of this Article. Reference in other sections of the Zoning Ordinance to "Section 13.2" shall mean and include Sections 13.20 through 13.22, inclusive.

Section 13.21 The principal conditional uses set forth in Section 6.21 when authorized by the Council in accordance with Article ((28)) 27.

Section 13.22 The following uses permitted when authorized by the ((Board)) Director in accordance with Article ((26)) 28.

(a) Principal conditional uses which the ((Board)) Director may authorize in less intensive zones unless modified in this Article.

(b) Hotels

(c) Prescription pharmacy when located within a permitted clinic building and having no exterior entrance.

(d) Offices for no more than three (((3)) stories of financial or insurance institutions, the activities of which are conducted primarily by mail and no merchandise is displayed or handled or services rendered on the premises, provided that all principal buildings are located fifteen ((15)) feet

or more from any other lot in an R zone. Such offices may be located in the same building with the uses allowed in Section 13.11 (c), provided that the combined non-residential uses shall not exceed three ((~~(3)~~)) stories.

Section 23. That Section 13.4 of the Zoning Ordinance (86300), Code Sections 24.32.080 and 24.32.090, as last amended by Ordinance 92886 is further amended and divided into sections designated 13.40 through 13.42 as follows:

Section 13.40 Accessory ((~~C~~)) conditional ((~~U~~)) uses((~~.~~)) shall be as set forth in Sections 13.41 and 13.42 of this Article. Reference in other sections of the Zoning Ordinance shall mean and include Sections 13.40 through 13.42, inclusive.

Section 13.41 Accessory uses customarily incidental to the principal uses specified in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 13.42 The following uses are permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28.

(a) Accessory uses customarily incidental to the principal conditional uses specified in Section 13.22, except as modified in this Article.

(b) Parking areas accessory to permitted uses in an abutting B or C Zone under conditions specified in Section 23.43.

(c) Accessory conditional uses as set forth in Section 6.42(a), (c) and (d) except as modified in this Article.

(d) Access driveway or walk not more than twenty ((~~20~~)) feet in width to premises in a B, C, or M Zone provided such driveway or walk is contiguous to the boundary of such zone.

(e) Serving of alcoholic beverages incidental to the serving of meals in a public restaurant operated as specified in Section 13.31(d).

Section 24. That Sections 13A.2 and 13A.4 of the Zoning Ordinance (86300), Code sections 24.34.030, 24.34.040, 24.34.060 and 24.34.070, as added by Ordinance 96202 are amended and divided into sections designated 13A.20 through 13A.22 and 13A.40 through 13A.42 as follows:

Section 13A.20 Principal ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 13A.21 and 13A.22 of this Article. Reference in other sections of the Zoning Ordinance to "Section 13A.2" shall mean and include Sections 13A.20 through 13A.22, inclusive.

Section 13A.21 The principal conditional uses set forth in Sections 6.21 when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 13A.22 The following uses permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28:

((~~(a)~~)) Principal conditional uses which the ((~~Board~~)) Director may authorize in less intensive zones unless modifed in this Article.

Section 13A.40 Accessory ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 13A.41 and 13A.42 of this Article. Reference in other sections of the Zoning Ordinance to "Section 13A.4" shall mean and include Sections 13A.40 through 13A.42, inclusive.

Section 13A.41 Accessory uses customarily incidental to the principal uses specified in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 13A.42 The following uses are permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28.

(a) Accessory uses customarily incidental to the principal conditional uses specified in Section 13.22 except as modified in this Article.

(b) RMH 350 accessory conditional uses listed under 13.42(b), (c), (d), and (e), unless modified in this Article.

Section 25. That Section 13B.2 of the Zoning Ordinance (86300), Code sections 24.36.030 and 24.36.040, as added by Ordinance 96202 is amended and divided into sections designated 13B.20 through 13B.22 as follows:

Section 13B.20 Principal ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 13B.21 and 13B.22 of this Article. Reference in other sections of the Zoning Ordinance to "Section 13B.2" shall mean and include Sections 13B.20 through 13B.22, inclusive.

Section 13B.21 The principal conditional uses set forth in Section 6.21 when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 13B.22 The following uses permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28: Principal conditional uses which the ((~~Board~~)) Director may authorize in less intensive zones unless modified in this Article.

Section 26. That Section 13B.4 of the Zoning Ordinance (86300), Code sections 24.36.060 and 24.36.070, as last amended by Ordinance 97085 is further amended and divided into sections designated 13B.40 through 13B.42 as follows:

Section 13B.40 Accessory ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 13B.41 and 13B.42 of this Article. Reference in other sections of the Zoning Ordinance to "Section 13B.4" shall mean and include Sections 13B.40 through 13B.42, inclusive.

Section 13B.41 Accessory uses customarily incidental to the principal uses specified in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 13B.42 The following uses are permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Accessory uses customarily incidental to the principal conditional uses specified in Section 13A.42 except as modified in this Article.

(b) RMV 200 accessory conditional uses listed under 13A.42, unless modified in this Article.

(c) Accessory parking garages on a lot other than the principal use lot, in accordance with the provisions of Sections 23.22 and 23.44.

Section 27. That Section 13C.2 of the Zoning Ordinance (86300), Code sections 24.38.030 and 24.38.040, as last amended by Ordinance 105876 is further amended and divided into sections designated 13C.20 through 13C.22 as follows:

Section 13C.20 Principle ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 13C.21 through

13C.22 of this Article. Reference in other sections of the Zoning Ordinance to "Section 13C.2" shall mean and include Sections 13C.20 through 13C.22, inclusive.

Section 13C.21 The principal conditional uses set forth in Section 6.21 when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 13C.22 The following uses when authorized by the ((~~Hearing Examiner or Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Nursing or convalescent homes;

(b) Commercial parking lots or structures for private passenger vehicles only, subject to Sections 23.21 and 23.42(a) and following review and report by the Engineering Department ((~~and the Department of Community Development~~)) concerning the impact on adjacent streets, on existing and proposed development, and on pedestrian corridors as defined in Section 13C.8(k).

Section 28. That Section 13C.4 of the Zoning Ordinance (86300), Code section 24.38.060, as added by Ordinance 104271 is amended as follows:

Section 13C.4 Accessory Conditional Uses.

Accessory uses customarily incidental to the principal conditional uses specified in Section 13C.2 except as modified in this Article, when authorized by the Council ((~~, Hearing Examiner or Board~~)) or the Director, as appropriate.

Section 29. That Section 14.3 of the Zoning Ordinance (86300), Code sections 24.40.030 and 24.40.040, as last amended by Ordinance 108137 is further amended and divided into sections designated 14.30 through 14.32 as follows:

Section 14.30 Principal ((~~C~~)) conditional ((~~B~~)) uses shall be as set forth in Sections 14.31 and 14.32 of this Article. Reference in other sections of the Zoning Ordinance to "Section 14.3" shall mean and include Sections 14.30 through 14.32, inclusive.

Section 14.31 The principal conditional uses set forth in Sections 6.21 when authorized by the Council in accordance with Article 27, except as modified by this Article.

Section 14.32 The following uses when authorized by the ((~~Hearing Examiner or Board~~)) Director in accordance with Article ((~~26.~~)) 28:

(a) Principal conditional uses which the ((~~Hearing Examiner or Board~~)) Director may authorize in less intensive zones unless modified in this Article.

(b) Automobile service station, including accessory towing service limited to two ((~~(2~~)) tow trucks subject to the following conditions:

(1) At least six percent of the lot area shall be landscaped, including all lot lines except for necessary walkways and driveways.

(2) Driveway access lanes to abutting property in the C, M or I Zones shall not exceed thirty feet in width.

(3) A view-obscuring fence or wall not less than five nor more than six feet in height shall be established and maintained between the automobile service station and any abutting lot in an R Zone except adjacent to the front or street yard of said abutting lot

where the fence or wall shall be three feet in height.

(c) Shops of home builders and renovators, provided such use is completely enclosed within a building when located within fifty (((~~50'~~)) feet of any lot in an R Zone.

(d) Restaurants serving alcoholic beverages, subject to the following conditions:

(1) The property so used shall front upon an arterial as defined by City ordinance.

(2) There shall be no visible evidence from the outside and no interior advertising of the sale or serving of alcoholic beverages.

(3) No alcoholic beverage shall be served without meals or in any room or area where meals are not served.

Section 30. That Section 14.5 of the Zoning Ordinance (86300), Code sections 24.40.060 and 24.40.070, as last amended by Ordinance 103064 is further amended and divided into sections designated 14.50 through 14.52 as follows:

Section 14.50 Accessory ((~~C~~)) conditional ((~~B~~)) uses shall be as set forth in Sections 14.51 and 14.52 of this Article. Reference in other sections of the Zoning Ordinance to "Section 14.5" shall mean and include Sections 14.50 through 14.52, inclusive.

Section 14.51 Accessory uses customarily incidental to the principal conditional uses specified in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27, except as modified in this Article.

Section 14.52 The following uses permitted when authorized by the ((~~Hearing Examiner or Board after public~~

~~hearing and~~)) Director in accordance with the provisions of Article (~~26~~)) 28.

(a) Accessory uses customarily incidental to the principal conditional uses specified in Section 14.32 except as modified in this Article.

(b) Any principal use permitted outright in Article 15, but only when necessary as an appurtenant accessory use to a principal use permitted in this Article.

(c) Collection stations for secondhand goods and recyclable materials subject to the following provisions:

(1) The use shall be located on a lot with a minimum lot area of ten thousand ((~~10,000~~)) square feet.

(2) The use shall occupy no more than eight hundred ((~~(800)~~)) square feet.

(3) All goods and materials shall be stored in sturdy, weather-resistant containers maintained in good condition.

(4) No processing of secondhand goods or recyclable materials shall be permitted.

(5) The use shall be located fifty ((~~(50)~~)) feet or more from any lot in an R Zone, or shall be screened by a six ((~~(6)~~)) foot view-obscuring fence or wall on all sides which abut upon or face across a street or alley any lot in an R Zone.

Section 31. That Section 14A.3 of the Zoning Code (86300), Code sections 24.42.030 and 24.42.040, as last amended by Ordinance 105294 is further amended and divided

into sections designated Sections 14A.30 through 14A.32 as follows:

Section 14A.30 Principal ((C)) conditional ((U)) uses shall be as set forth in Sections 14A.31 and 14A.32 of this Article. Reference in other sections of the Zoning Ordinance to "Section 14A.3" shall mean and include Sections 14A.30 through 14A.32, inclusive.

Section 14A.31 The principal conditional uses set forth in Section 6.21 when authorized by the Council in accordance with Article 27, except as modified in this Article.

Section 14A.32 The following uses permitted when authorized by the ((~~Hearing Examiner or Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Principal conditional uses which the ((~~Hearing Examiner or Board~~)) Director may authorize in less intensive zones unless modified in this Article.

(b) Restaurants with Class H liquor licenses, package liquor stores, and taverns; provided, however, such uses shall be located five hundred ((~~(500)~~)) feet or more from the grounds of any school for academic instruction other than a university or college campus, or from any publicly designated play area for children measured along the most direct route over or across established public walks, streets, or other public passageways from the outer property line of the school or play area to the nearest public entrance of the restaurant, package liquor store or tavern; and provided further that such uses shall be

in a completely enclosed building or completely enclosed portion of a building when the lot devoted to such use is within fifty ((~~(50)~~)) feet of any lot in an R Zone.

Section 32. That Section 14A.5 of the Zoning Ordinance (86300), Code sections 24.42.060 and 24.42.070, as added by Ordinance 96395 is amended as follows:

Section 14A.50 Accessory (((C)) conditional ((~~B~~)) uses shall be as set in Sections 14A.51 and 14A.52 of this Article. Reference in other sections of this Zoning Ordinance to "Section 14A.5" shall mean and include Sections 14A.50 through 14A.52, inclusive.

Section 14A.51 Accessory uses customarily incidental to the principal conditional uses specified in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27, except as modified in this Article.

Section 14A.52 The following uses permitted when authorized by the ((~~Board after public hearing and~~)) Director in accordance with the provisions of Article ((~~26~~)) 28.

(a) Accessory uses customarily incidental to the principal conditional uses specified in Section 14A.32 except as modified in this Article.

(b) Any principal use permitted outright in Article 15, but only when necessary as an appurtenant accessory use to a principal use permitted in this Article.

Section 33. That Section 15.3 of the Zoning Ordinance (86300), Code sections 24.44.070 and 24.44.080, as last amended by Ordinance 108137 is further amended and divided into sections designated 15.30 through 15.32 as follows:

Section 15.30 Principal ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 15.31 and 15.32 of this Article. Reference in other sections of the Zoning Ordinance to "Section 15.3" shall mean and include Sections 15.30 through 15.32, inclusive.

Section 15.31 The principal conditional uses set forth in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27, except as provided in Section 14.21(c).

Section 15.32 The following uses permitted when authorized by the ((~~Hearing Examiner or Board~~)) Director in accordance with Article ((~~26~~)) 28.

(a) Principal conditional uses which the ((~~Board~~)) Director may authorize in less intensive zones are permitted unless modified in this Article.

(b) Automobile sales area subject to the requirements of Section 15.1(f).

(c) Repair garage for automobile repair, major, including accessory towing service limited to three ((~~(3)~~)) tow trucks.

(d) Uses permitted, provided, however that they shall be in a completely enclosed building or completely enclosed portion of building when within fifty ((~~(50)~~)) feet of any lot in an R Zone: pleasure craft servicing and repair, sail making and allied canvas goods, limited to sale of products on the premises, manufacture of pleasure craft up to forty ((~~(40)~~)) feet overall length, all when located on a lot having frontage on navigable water; sheet metal shops; carpenter shops, plumbing or heating shops.

(e) Helistops, subject to the provisions of Section 19.24 for heliports and provided further:

(1) That no landing area shall be developed or continue to be used within a horizontal distance of two hundred ((~~(200)~~)) feet from the nearest wall of any other building constructed to a height which exceeds that of the landing area.

(2) That the authorization for such conditional use shall be subject to annual review by the ((~~Board~~)) Director and, for cause, may be withdrawn by the ((~~Board~~)) Director following any such annual review.

(f) Hospitals and sanitariums predominantly for psychiatric care, epileptics, spastics, care of the mentally retarded, drug or liquor addicts, provided that all principal buildings shall be located twenty-five ((~~(25)~~)) feet or more from any other lot in an R Zone.

(g) Residential tower structures and dormitory tower complexes when located and regulated as provided in Section 15.21 (e), in which all or any part of the street level floor space is occupied by permitted uses other than those specified in Section 16.21.

(h) Drive-in restaurants, subject to the following conditions:

(1) Site shall be located in an auto-oriented portion or on the fringe of a business zone.

(2) Vehicular access to the premises shall not conflict with high volume pedestrian walkways

nor interrupt established retail or service frontages designed to serve pedestrians.

(3) Adequate refuse receptacles shall be provided on site.

(4) Design of the use, including architectural treatment, signing, landscaping, illumination and site integration shall be compatible with other uses and structures in the vicinity.

(i) Fast Food Restaurant, subject to the following conditions:

(1) A view obscuring fence or wall not less than five nor more than six feet in height shall be established and maintained between a fast food restaurant and any abutting R-Zoned lot and any R-Zoned lot facing across an alley except for alley access openings.

(2) Access to an abutting alley shall be limited to a maximum of two driveways, each not to exceed twenty-four ((~~(24)~~)) feet in width.

(3) As a minimum, exterior litter containers shall be provided at a ratio of one for every five off-street parking stalls.

(4) Such uses shall be compatible with the character of existing structures in areas where a distinct and definite pattern or style has been established.

Section 34. That Section 15.5 of the Zoning Ordinance (86300), Code sections 24.44.100 and 24.44.110, is amended and divided into sections designated 15.50 through 15.52 as follows:

Section 15.50 Accessory ((C)) conditional ((U)) uses shall be as set forth in Sections 15.51 and 15.52 of this Article. Reference in other sections of the Zoning Ordinance to "Section 15.5" shall mean and include sections 15.50 through 15.52, inclusive.

Section 15.51 Accessory uses customarily incidental to the principal conditional uses specified in Section 6.21 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 15.52 The following uses permitted when authorized by the ((~~Board after public hearing and~~)) Director in accordance with the provisions of Article ((~~26~~)) 28.

(a) Accessory uses customarily incidental to the principal conditional uses specified in Section 15.32 unless modified in this Article.

(b) Any principal use permitted outright in Article 16, but only when necessary as an appurtenant accessory use to a principal use permitted in this Article.

Section 35. That Section 16.3 of the Zoning Ordinance (86300), Code sections 24.46.060 and 24.46.070, as last amended by Ordinance 109155 is further amended and divided into sections designated 16.30 through 16.32 as follows:

Section 16.30 Principal ((C)) conditional ((U)) uses shall be as set forth in Sections 16.31 and 16.32 of this Article. Reference in other sections of the Zoning Ordinance to "Section 16.3" shall mean and include Sections 16.30 through 16.32, inclusive.

Section 16.31 The following principal conditional uses when authorized by the Council in accordance with Article ((~~28~~)) 27:

Micro-wave or line-of-sight transmission station.

Section 16.32 The following uses permitted when authorized by the ((~~Hearing Examiner or Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Outdoor ice-skating rink.

(b) Apartment hotel, apartment house, or home for the retired on other than street level floor space, following review and report by the Engineering Department concerning impact on adjacent streets and the Central Business District Comprehensive Plan.

(c) Helistop, subject to the provisions of Sections 15.32 (e) and 19.24.

(d) Automobile service station under the conditions provided in Section 14.32 (b).

(e) Fast food restaurant, subject to the following conditions:

(1) A view-obscuring fence or wall not less than five nor more than six feet in height shall be established and maintained between a fast food restaurant and any abutting R-zoned lot and any R-zoned lot facing across an alley except for alley access openings.

(2) Access to an abutting alley shall be limited to a maximum of two driveways, each not to exceed twenty-four feet in width.

(3) At a minimum, exterior litter containers shall be provided at a ratio of one for every five off-street parking stalls.

(4) Such uses shall be compatible with the character of existing structures in areas

where a distinct and definite pattern or style has been established.

Section 36. That Section 16.5 of the Zoning Ordinance (86300), Code sections 24.46.090 and 24.46.100, as last amended by Ordinance 109155 is further amended and divided into sections designated 16.50 through 16.52 as follows:

Section 16.50 Accessory ((C)) conditional ((U)) uses shall be as set forth in Sections 16.31 and 16.32 of this Article. Reference in other sections of the Zoning Ordinance to "Section 16.3" shall mean and include Sections 16.30 through 16.32, inclusive.

Section 16.51 Accessory uses customarily incidental to the principal conditional uses specified in Section 16.3 are permitted when authorized by the Council in accordance with Article ((~~28~~)) 27.

Section 16.52 The following uses permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Accessory uses customarily incidental to the principal conditional uses specified in Section 16.32 except as modified in this Article.

(b) Any principal use permitted in Sections 19.22 and 19.23 but only when necessary as an accessory use to a principal use permitted in this Article, and only when located in other than street level floor space; or permitted when occupying street level floor space providing that such use shall be separated from the street by a space occupied or intended to be occupied by uses permitted in Section 16.1, and also separated by a view-obscuring wall located across the rear

of such permitted uses as specified in Section 16.21.

(c) Accessory off-street parking spaces within a principal building when such use is over ten ((~~10~~)) percent of the building gross floor area, and when located in other than street level floor space and following review and report and recommendation by the Engineering Department concerning impact on adjacent streets and Central Business District Comprehensive Plan.

Section 37. That Section 17.3 of the Zoning Ordinance (86300), Code sections 24.48.050 and 24.48.060, as last amended by Ordinance 107537 is further amended and divided into sections designated 17.30 through 17.32 as follows:

Section 17.30 Principal ((~~C~~)) conditional ((~~B~~)) uses shall be as set forth in Sections 17.31 and 17.32 of this Article. Reference in other sections of the Zoning Ordinance to "Section 17.3" shall mean and include Sections 17.30 through 17.32, inclusive.

Section 17.31 The following uses permitted when authorized by the Council in accordance with Article 27:

(a) Work-release centers subject to the following conditions:

(1) When nearby or associated uses and other conditions in the immediate environs would not adversely affect persons residing in the facility.

(2) When the facility will not usurp land which is needed for or better suited to commercial usage by virtue of special attributes such as railroad access and proximity of established commercial development.

Section 17.32 The following uses permitted when authorized by the ((~~Hearing Examiner or Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Homes for the retired.

(b) Helistop, subject to provisions of Sections 15.32 (e) and 19.24.

(c) Steam manufacture.

(d) Drive-in bank, drive-in dry cleaning establishment.

(e) Automobile service station under the conditions provided in Section 14.32 (b).

(f) Parking garage and automobile rental garage, commercial parking lot for private passenger vehicles only, open structures for parking of private passenger vehicles only, except in Area "A" of the "Downtown Area" as shown on Plate IV, Section 23.31.

(g) Fast Food Restaurant, subject to the following conditions:

(1) A view obscuring fence or wall not less than five or more than six feet in height shall be established and maintained between a fast food restaurant and any abutting R-Zoned lot and any R-Zoned lot facing across an alley except for alley access openings;

(2) Access to an abutting alley shall be limited to a maximum of two driveways, each not to exceed twenty-four feet in width;

(3) At a minimum, exterior litter containers shall be provided at a ratio of one for every five offstreet parking stalls;

(4) Such uses shall be compatible with the character of existing structures in areas where a

distinct and definite pattern or style has been established.

(h) Drive-in Restaurants, subject to the following conditions:

(1) The site shall be located in an auto-oriented portion or on the fringe of a business zone;

(2) Vehicular access to the premises shall not conflict with high volume pedestrian walkways nor interrupt established retail or service frontages designed to serve pedestrians;

(3) Adequate refuse receptacles shall be provided on site;

(4) Design of the use, including architectural treatment, signing, landscaping, illumination and site integration shall be compatible with other uses and structures in the vicinity.

Section 38. That Section 17.5 of the Zoning Ordinance (86300), Code section 24.48.080, as last amended by Ordinance 99368 is further amended as follows:

Section 17.5 Accessory Conditional Uses.

17.51

17.52 The following uses permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Accessory uses customarily incidental to principal conditional uses specified in Section 17.32 except as modified in this Article.

(b) Any principal use permitted outright in Sections 18.32 (a), 19.22 and 19.23, but only when necessary as an accessory use to a principal use permitted in this Article.

Section 39. That Sections 17A.3 and 17A.5 of the Zoning Ordinance (86300), Code sections 24.50.070 and 24.50.090, as added by Ordinance 94036 are amended as follows:

Section 17.3 Principal Conditional Uses.

17A.31

17A.32 The following uses permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28.

(a) Principal conditional uses which the ((~~Board~~)) Director may authorize in a less intensive zone unless modified in this Article.

Section 17.5 Accessory Conditional Uses

17A.51

17A.52 The following uses permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Accessory uses customarily incidental to principal conditional uses specified in Section 17A.32 except as modified in this Article.

Section 40. That Section 18.3 of the Zoning Ordinance (86300), Code sections 24.52.100 and 24.52.110, as last amended by Ordinance 107537 is further amended and divided into sections designated 18.30 through 18.32 as follows:

Section 18.30 Principal ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 18.31 and 18.32 of this Article. Reference in other sections of the Zoning Ordinance to "Section 18.3" shall mean and include Sections 18.30 through 18.32, inclusive.

Section 18.31 The following uses permitted when authorized by the Council in accordance with Article 27:

(a) Dwelling units, except when located on lots within eighteen hundred ((~~(1800)~~)) feet of a CM or CMT Zone, and houseboats, not including the replacement of individual houseboat units, subject to the following additional conditions:

(1) When nearby or associated uses and other conditions in the immediate environs are not of the type to create a nuisance or adversely affect the desirability of the area for living purposes.

(2) When residential development will not usurp land which is needed for and better suited to commercial usage by virtue of special attributes such as railroad access and proximity of established commercial development.

(3) When structural bulk incident to residential use will not adversely affect surrounding development; provided that in no event may RM 800 Zone bulk regulations be exceeded.

(b) Trailer Park, provided that any portion thereof not permanently maintained in landscaped condition shall be graded, drained and surfaced as provided in Section 23.41 (c).

(c) Work-release Centers subject to the following conditions:

(1) When nearby or associated uses and other conditions in the immediate environs would not adversely affect persons residing in the facility.

(2) When the facility will not usurp land which is needed for or better suited to commercial usage by virtue of special attributes such as railroad access and proximity of established commercial development.

Section 18.32 The following uses permitted when authorized by the ((~~Hearing Examiner or Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Principal conditional uses which the ((~~Hearing Examiner or Board~~)) Director may authorize in a less intensive zone unless modified in this Article.

(b) Circus, rodeo, or similar amusement enterprise when two hundred ((~~(200)~~)) feet or more from any lot in an R Zone ((~~, except that such enterprise~~)) as a temporary use ((~~of less than one (1) week duration may be authorized by the Superintendent and as a temporary use of not more than six (6) months duration~~)) as provided in Section ((~~26.23(b)~~)) 28.2(b) subject, however, to location as herein provided.

(c) Animal control shelter.

Section 41. That Section 18.5 of the Zoning Ordinance (86300), Code section 24.52.130, is hereby amended as follows:

Section 18.5 Accessory Conditional Uses

18.51

18.52 The following uses permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28.

(a) Accessory uses customarily incidental to principal conditional uses specified in Section 18.3 except as modified in this Article.

(b) Any principal use permitted outright in Article 19, but only when necessary as an appurtenant accessory use to a principal use permitted in this Article.

Section 42. That Sections 19.32 and 19.5 of the Zoning Ordinance (86300), Code sections 24.54.110 and 24.54.130, as added by Ordinance 104012 are amended as follows:

Section 19.32 The following uses permitted when authorized by the ((~~Hearing Examiner~~)) Director in accordance with Article 28.

(a) Principal conditional uses which the ((~~Hearing Examiner~~)) Director may authorize in a less intensive zone unless modified in this Article.

Section 19.5 Accessory Conditional Uses:

19.51

19.52 The following uses permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28.

(a) Accessory uses customarily incidental to the principal conditional uses specified in Section 19.32 except as modified in this Article.

(b) Any principal use permitted outright in Article 20, but only when necessary as an appurtenant accessory use to a principal use permitted in this Article.

Section 43. That Section 20.3 of the Zoning Ordinance (86300), Code sections 24.56.030 and 24.56.040, as last amended by Ordinance 107537 is further amended and divided into sections designated 20.30 through 20.32 as follows:

Section 20.30 Principal ((~~C~~)) conditional ((~~U~~)) uses shall be as set forth in Sections 20.31 and 20.32 of

this Article. Reference in other sections of the Zoning Ordinance to "Section 20.3" shall mean and include Sections 20.30 through 20.32, inclusive.

Section 20.31 The following uses permitted when authorized by the Council in accordance with Article 27:

(a) Jails and Work-release Centers subject to the following conditions:

(1) When nearby or associated uses and other conditions in the immediate environs would not adversely affect persons residing in the facility.

(2) When the facility will not usurp land which is needed for or better suited to commercial usage by virtue of special attributes such as railroad access and proximity of established commercial development.

Section 20.32 The following uses permitted when authorized by the ((~~Hearing Examiner or Board~~)) Director in accordance with Article ((~~26~~)) 28.

(a) Principal conditional uses which the ((~~Hearing Examiner or Board~~)) Director may authorize in a less intensive zone unless modified in this Article.

Section 44. That Section 20.5 of the Zoning Ordinance (86300), Code section 24.56.060, is hereby amended as follows:

Section 20.5 The following Accessory Conditional Uses permitted when authorized by the ((~~Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Accessory uses customarily incidental to principal conditional uses specified in Section 20.3 except as modified in this Article.

(b) Any principal use permitted outright in Article 21 but only when necessary as an appurtenant accessory use to a permitted principal use in this Article.

Section 45. That Section 21.3 of the Zoning Ordinance (86300), Code section 24.58.030, as last amended by Ordinance 91700 is further amended as follows:

Section 21.3 Principal Conditional Uses permitted when authorized by the ((~~Board after public hearing~~)) Director in accordance with the provisions of Article ((~~26~~)) 28.

21.31 The following uses:

(a) Acid manufacture; hydrochloric, nitric, picric, sulphurous, or sulphuric acid.

(b) Explosives, storage as permitted by the Fire and Explosion Ordinance.

(c) Extraction of animal or fish fats and oils.

(d) Incineration or reduction of garbage, offal, dead animals, or refuse.

(e) Hog farm.

(f) Pulp manufacture.

(g) Rendering of fat, tallow or lard.

(h) Slaughter house.

(i) Smelting ore.

(j) Stock yards.

(k) Yeast drying.

Section 46. Sections 21A.50, 21A.51 and 21A.62 of the Zoning Ordinance (86300), Code sections 24.60.425, 24.60.430 and 24.60.485, as last amended by Ordinance 109126 are further amended as follows:

Section 21A.50 Procedures for Obtaining Substantial Development Permits.

PERMIT PROCEDURES

No substantial development shall be undertaken on shorelines of the City without first obtaining a substantial development permit from the Director((~~.~~)) in accordance with the permit procedure provisions of the Master Use Permit Ordinance (109438). ((~~Applications for permits shall be made on forms prescribed by the Director, shall be made by or on behalf of the property owner, lessee, contract purchaser, or other person entitled to possession of the property, and shall be accompanied by a receipt of the City Treasurer showing payment of the applicable filing fees. Upon receipt of the application, the Director shall investigate and determine its conformance with the requirements of this Article, and shall instruct the applicant to publish notices thereof once a week for two consecutive weeks in a newspaper of general circulation in the area where said development is proposed and once in the City official newspaper. In addition, the Director shall post at least four copies of the notice prominently on the subject property and in conspicuous public places within 300 feet thereof and shall mail copies of the notice to any business or community group in the area which asks to be notified of permit applications. Said notices shall include a statement that any person desiring to present views to the Director with regard to said application or wishing to be notified of the decision may do so in writing within 30 days of the last date of publication of notice.~~)) The Director shall refer a copy of said application to any Shoreline Advisory Council established for the area pursuant to Section 21A.18. ((~~said~~

~~council and other persons submitting views or requesting notice shall be entitled to receive by mail a copy of the action taken on the application.~~))

Section 21A.51 Criteria for Substantial Development Permit.

Unless otherwise provided in this Article, a substantial development permit shall be issued only when the development proposed is consistent with the Shoreline Master Program of The City of Seattle, as defined in Section 21A.154 which consists of the general statement of shoreline goals and policies in Resolution 25173 and specific regulations of this Article, and with the provisions of the Shoreline Management Act of 1971 as expressed in RCW 90.58. The burden of proving that the proposed substantial development is consistent with the foregoing criteria shall be on the applicant. The Director shall make a decision on the application within ((~~60~~)) sixty days following publication of the second notice required in Section 21A.50, or within ((~~15~~)) fifteen days after issuance of a final environmental impact statement by the Director, if required. Such time limitation shall not apply where:

(a) The Director has requested additional information from the applicant as provided in Section 21A.52, or

(b) The applicant modifies the application as provided in Section 21A.52, or

(c) A public hearing on the application is held pursuant to Section 21A.53.

(d) Other land use approvals are included in the application.

The Director may require and attach to the permit such conditions regarding the location, character and other features of the proposed structure or use, including provision of a performance bond for a term not to exceed five years, as are deemed necessary to carry out the spirit and purpose of and assure compliance with this Article.

Section 21A.62 Public Hearing - Shoreline Conditional Use and Shoreline Variances

Prior to authorizing a shoreline conditional use or shoreline variance, the Director or ((~~his~~)) the Director's designee ((~~shall~~)) may conduct a public hearing on the application after notice and in the manner provided in Section 21A.53. After taking action on a substantial development application which includes a shoreline conditional use or variance, the permit shall be submitted by the Director to the Department of Ecology for its approval, approval with conditions (with concurrence of the Director) or denial.

Section 47. That Section 23.28 of the Zoning Ordinance (86300), Code section 24.64.100, as last amended by Ordinance 109440 is further amended by deleting subsection (g) as follows:

Section 23.28 Joint Use

The Director may authorize the joint use of parking facilities by the following uses or activities under the following conditions:

(a) Up to fifty percent of the offstreet parking facilities required by this Article for a theater, bowling alley, dance hall, bar, restaurant, roller or ice skating rink, or other similar primarily night-time use may be supplied by certain other types of buildings or uses specified in Section 23.28(d).

(b) Up to fifty percent of the offstreet parking facilities required by this Article for any building or use specified under (d) below may be supplied by the parking facilities provided for uses specified in Section 23.28(e).

(c) Up to one hundred percent of the parking facilities required by this Article for a church or for an auditorium incidental to a public or private graded school may be supplied by the off-street parking facilities provided by uses specified in Section 23.28(d).

(d) For the purposes of this Article, the following uses are considered as day-time uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings, and other similar primarily day-time uses when authorized by the Director.

(e) For the purposes of this Article, the following uses are considered as night-time or Sunday uses: auditoriums incidental to a public or private graded school, churches, bowling alleys, dance halls, theaters, bars, restaurants, or roller or ice skating rinks, and other similarly primarily night-time uses when authorized by the Director.

(f) Conditions required for joint use:

(1) The building or use for which application is being made to utilize the offstreet parking facilities provided by another building or use shall be located within eight hundred feet of such parking facilities.

(2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of offstreet parking facilities is proposed.

(3) An agreement providing for joint use of such parking facilities and executed by the parties concerned shall, together with the use permit pertaining thereto, be filed with the Director. Joint use parking privilege shall continue in effect only so long as such agreement, binding on all parties, remains in force. If such agreement becomes legally ineffective, then parking shall be provided as otherwise required by Article 23.

((~~(g)~~)) ~~Within seven days after issuing a permit involving joint-use of offstreet parking facilities the Director shall serve notice of such ruling to be published in a community newspaper serving the area and to be mailed to the persons owning property or residing within three hundred feet of the proposed joint-use offstreet parking facility (addressed to "owner or occupant"), using for this purpose the property ownership records of the County Treasurer and the addresses listed in the latest addition of Polk's Directory or its successor publication, provided, however, failure to send notice by mail to any property owner, where the address of such owner is not included in the County records, shall not invalidate any proceedings. Such notice shall be in addition to the notice required by Section 25.41.~~))

Section 48. That Section 24.2 of the Zoning Ordinance (86300), Code section 24.66.020, as last amended by Ordinance 105359 is further amended as follows:

Section 24.2 Transitional Uses in R Zones

(a) In any R Zone, a lot, the side lot line of which adjoins directly a more intensive R zone or a B, C, M, or I zone, may be devoted to any of the uses permitted in the next more intensive R zone provided that:

(1) No such use shall extend further than sixty ((~~(60)~~)) feet from such R, B, C, M, or I zone.

(2) Any structure so used shall be limited to the bulk regulations of the zone in which it is located.

(3) The lot to which this provision may apply shall be in a zone, the classification of which is at least two classifications less intensive than the zone which it adjoins.

(4) The use is authorized as a conditional use by the ((~~Hearing Examiner or Board~~)) Director in accordance with Article 28.

For the purpose of applying this provision, any RS zone shall be considered as a RW zone, and the RD 7200 zone shall be considered as a RD 5000 zone.

(b) Offices, or clinics of physicians, surgeons, dentists, architects, engineers, lawyers, or certified public accountants may be established on any RS or RD zoned lot which adjoins directly a BN, BI, BC, C, M or I Zone and has frontage on the same street upon which such BN, BI, BC,

C, M, or I zone has its principal frontage, provided that:

(1) said use shall not extend further than sixty ((~~(60)~~)) feet from such BN, BI, BC, C, M or I Zone.

(2) Such clinic or office building shall be limited to the bulk regulations of the zone in which it is located.

(3) Such clinic or office use shall not occupy more than the first two stories of a building or a cellar of a building and the story next above.

(4) In the case of a lot adjoining a BN Zone, such clinic or office may be established only when the BN Zone, or BN Zone in combination with a more intensive zone, consists of five hundred ((~~(500)~~)) feet or more of continuous frontage along the street frontage where such clinic or office use shall be located.

Section 49. That Section 25.1 of the Zoning Ordinance (86300), Code section 24.10.010, as last amended by Ordinance 91138 is further amended as follows:

Section 25.1 General

(a) It shall be the duty of the ((~~Superintendent~~)) Director of Construction and Land Use (Director) to enforce this Ordinance. The ((~~Superintendent~~)) Director may call upon the Police and Fire and Health and other appropriate City Departments to assist in the enforcement of this Ordinance.

(b) It is unlawful to construct or locate any building in such manner as will result in a violation of this Ordinance, and if the ((~~Superintendent~~)) Director shall find any building being so constructed or so located, ((~~he~~)) the Director may order the work stopped by notice in writing to persons engaged in the doing or causing such work to be done, posted on the premises and all shall forthwith stop such work until authorized by the ((~~Superintendent~~)) Director to proceed.

Section 50. That Section 25.2 of the Zoning Ordinance (86300), Code section 24.10.020 as last amended by Ordinance 106438 is further amended as follows:

Section 25.2 ((~~Use Permits.~~)) Establishment or Change of Use.

(a) It shall be unlawful for an owner to permit the establishment or change of use of any structure, buildings or premises, or any part thereof, until a master use permit shall have been issued by the ((~~Superintendent.~~)) Director in accordance with the provisions of the Master Use Permit Ordinance (109438).

(b) The ((~~Superintendent~~)) Director shall ((~~issue~~)) authorize a use ((~~permit~~)) only if he or she is satisfied that the plans filed in accordance with 25.2(c) conform to the requirements of this Ordinance, and other pertinent laws and ordinances.

(c) Every application for ((~~a use permit~~)) authorization to use a structure or building or premises shall be made to the ((~~Superintendent~~)) Director and shall be accompanied by plans in duplicate

showing the actual shape and dimensions of the lot to be used, based on a recorded plat or survey by a licensed surveyor, and the exact location, size, and height of the buildings or structures to be used, the existing and intended use of each structure or building or part, the number of dwelling units and other information necessary to enforce this Ordinance. All lot corners shall be established on the ground by survey stakes prior to submission of plans. One copy of such plans shall be returned to the owner when such plans have been approved, and one copy of such application and plan shall be kept in the office of the ((~~Superintendent~~)) Director.

Section 51. Repeal. That Section 25.3 of the Zoning Ordinance (86300) (Building Permit Issuance on Basis of Repealed Ordinance), is hereby repealed.

Section 52. That Section 25.40 of the Zoning Ordinance (86300), Code section 24.10.030, as last amended by Ordinance 106438 is further amended as follows:

Section 25.40 Right of Appeal

((~~The following~~)) Written rulings or interpretations of the ((~~Superintendent~~)) Director as to the meaning, application or intent of any provision of the Zoning Ordinance shall be subject to review by the Hearing Examiner. ((~~:~~))

((~~(a) That a use permit shall issue or be denied;~~

~~(b) That a permit to demolish an existing structure shall issue or be denied;~~

~~(c) That a building permit shall or shall not be renewed pursuant to the Seattle Building Code, provided such action shall be subject to review only when there has been a change in this~~

~~Ordinance or other applicable law which would prohibit the issuance of the renewed permit as a new permit; and~~

~~(d) Written rulings and interpretations of the Superintendent as to the meaning, application or intent of any provision of this Ordinance.~~

~~Decisions of the Superintendent made pursuant to the State Environmental Policy Act (RCW Ch. 43.21(C) shall be subject to review in accordance with the provisions of Section 20 of Section 20 of Ordinance 105735.~~))

Section 53. That Section 25.41 of the Zoning Ordinance (86300), Code section 24.10.040, as added by Ordinance 104795, is amended as follows:

Section 25.41 Notice of Appealable Rulings and Interpretations.

The ((~~Superintendent~~)) Director shall compile a list of the appealable rulings or interpretations made by him and publish such list in the City official newspaper, stating the nature of the proposed work, the street address where such work is proposed, its estimated cost, and the action taken by the ((~~Superintendent~~)) Director within ((~~7~~)) seven days after such action has been taken. Said list shall also be posted in a conspicuous place on the fifth floor of the municipal building convenient to the public, and shall be mailed to the main and all branch public libraries of the City.

Section 54. Repeal. That Section 25.42 (Advance ruling procedure) of the Zoning Ordinance (86300), Code section 24.10.050, is hereby repealed.

Section 55. Sections 25.43 through 25.46 of the Zoning Ordinance (86300), Code sections 24.10.060 through 24.10.090, as added by Ordinance 104795 are amended as follows:

Section 56. That Section 26.1 of the Zoning Ordinance (86300), Code section 24.70.010, as last amended by Ordinance 103333 is further amended as follows:

Section 26.1 Duties and Powers of Hearing Examiner. The Hearing Examiner shall hold hearings and make recommendations to the Council on petitions for map amendments to this Ordinance as provided in Section 27.5 of this Ordinance and on applications for conditional uses as provided in Section 27.83. The Hearing Examiner shall hear and decide ((~~applications for~~)) appeals from decisions of the Director on applications for conditional uses, special exceptions and variances as provided in ((~~Article 28~~)) the Master Use Permit Ordinance (109438), and shall hear and decide ((~~applications for~~)) appeals from decisions of the Director on applications for sign variances, petitions to revoke sign variances and applications for extensions for nonconforming signs under Ordinance 90138. ((~~The Hearing Examiner shall prepare all notices, findings, conclusions and decisions, and decisions of the Hearing Examiner on applications for conditional uses, special exceptions, variances, and decisions relating to signs under Ordinance 90138 shall be final, provided that if written notice of appeal from the Hearing Examiner's decision is filed with the Secretary of the Board of Adjustment within a period extending to 5:00 P.M. of the seventeenth day following the date of the decision, the Board shall, within 60 days of such filing conduct a public hearing and render a decision on such appeal.~~))

Section 57. Repeal. That Section 26.2 of the Zoning Ordinance (86300), Code sections 24.70.020 through 24.70.050, creating the Board of Adjustment and estab-

lishing its duties, powers and procedures, is repealed, Provided, the Board of Adjustment shall continue in existence and shall hear and decide all appeals from decisions of the Hearing Examiner which may be appealed to the Board of Adjustment under the Zoning Ordinance prior to this amendatory ordinance.

Section 58. That Section 26.3 of the Zoning Ordinance (86300), Code section 24.70.060, as last amended by Ordinance 109126 is further amended as follows:

Section 26.3 Land Use and Zoning Rules.

((~~Within six (6) months after the effective date of this amendatory ordinance,~~)) ((~~t~~))The Hearing Examiner, with the advice of the Director, ((~~Commission and Board~~)) shall from time to time present to the City Council written rules and procedures (herein called the "Rules") governing land use and zoning proceedings which shall govern all such proceedings by the Council((~~, Commission, Board~~)) and Hearing Examiner. Rules shall be adopted and thereafter amended, revised or abolished by the Hearing Examiner pursuant to Ordinance 102228 after first obtaining the written approval of the ((~~Board of Adjustment,~~)) Department of Construction and Land Use, Department of Community Development ((~~, City Planning Commission~~)) and City Council as to those Rules applicable to each such agency. After adoption said Rules shall be printed and bound and, along with the Comprehensive Plan of Seattle and this Ordinance, shall be made available for public distribution in the offices of the Department of Construction and Land Use, the Hearing Examiner, the City Council, all public libraries in the City and at other convenient places. Said Rules shall include but need not be limited to, provision for the following matters:

(a) The form and content of applications for text amendments, map amendments, planned unit developments, conditional uses, special exceptions, variances, and applications relating to sign control, and the requirements for maps and exhibits to be filed by the applicant.

(b) The form and content of the Director's reports, which reports shall include a study indicating the impact of the application or petition on the surrounding community and whether or not the proposal is consistent with this ordinance and the Comprehensive Plan of Seattle. Reports of the Director shall be mailed to the applicant and filed with the appropriate body.

(c) Provisions for determining the circumstances under which community and other groups shall receive notice of proceedings, and for developing and maintaining current lists of such groups.

(d) Provisions for posting copies of applications, staff reports, and other relevant materials in the Seattle Municipal Building and other places, as defined by the rules.

(e) The form and content of findings, conclusions, recommendations and decisions of the ((~~Commission,~~ ~~Board,~~)) Director, Hearing Examiner and Council.

(f) The content of the record prepared in each matter, including in each case the application, the Director's report, all exhibits and other materials filed at any hearing on the application, findings and conclusions, and recordings made on electronic recording equipment of all hearings on the application.

(g) The format for hearings, the frequency of hearings, and the rules of evidence and procedure applicable to hearings; provisions for interested persons to testify, and for parties, when appropriate, to conduct reasonable cross-examination at public hearings.

(h) Provisions governing ex parte contacts or discussions by or with any member of the Council((~~, Board or Commission~~)) or the Hearing Examiner and persons interested in pending matters.

(i) Requirements for recording all hearings on land use and zoning.

(j) Provisions for an attorney employed by the City to be available upon request for hearings before the Council, Hearing Examiner((~~, Board or Commission~~)) or Director to advise on matters of law and procedure.

Section 59. That Section 26.4 of the Zoning Ordinance (86300), Code section 24.70.070, as added by Ordinance 102290, is amended as follows:

Section 26.4 Non-interference.

No person shall interfere with or attempt to influence the Hearing Examiner ((~~or any member of the Board or Commission~~)) in the performance of ((~~their~~)) his or her designated duties except at a public hearing, nor shall the Hearing Examiner discuss the merits of pending cases with any other person except at a public hearing.

Section 60. That Section 28.1 of the Zoning Ordinance (86300), Code section 24.74.010, as last amended by Ordinance 102290, is further amended as follows:

Section 28.1 Conditional Uses.

In specific cases the ((~~Hearing Examiner or Board upon appeal~~)) Director may authorize a conditional use if it is found that the authorizing of such conditional use will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located, and that the authorization of such conditional use will be consistent with the spirit and purpose of this Ordinance. In considering application for conditional uses, the ((~~Hearing Examiner or Board~~)) Director shall consider the nature and condition of all adjacent uses and structures. In authorizing a conditional use, the ((~~Hearing Examiner or Board~~)) Director may impose requirements and conditions, in addition to those expressly set forth in this Ordinance with respect to location, installation, construction, maintenance and operation and extent of open spaces as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

Section 61. That Section 28.2 of the Zoning Ordinance (86300), Code section 24.74.020, as last amended by Ordinance 109155 is further amended and divided into sections designated 28.20 through 28.27 as follows:

Section 28.20 Special Exceptions.

In specific cases and subject to the considerations stipulated in Section 28.1, the ((~~Hearing Examiner, or the Board upon appeal,~~)) Director may authorize ((~~the following~~)) special exceptions((:)) as set forth in Sections 28.21 through 28.27 of this Article. Reference in other sections of the Zoning Ordinance to "Section 28.2" shall mean and include Sections 28.20 through 28.27, inclusive.

Section 28.21((~~(a)~~)) Exceptions to height limits:

(1) Industrial Structures. An industrial structure which by reason of its intended use requires exceptional height; provided, however, that all such structures or portions of structures above the otherwise applicable height limit shall not occupy more than twenty-five percent ((~~(25%)~~)) of the lot area and shall be distant forty ((~~(40)~~)) feet or more from every lot line not a street lot line, and, when within airport areas, shall not be inconsistent with the intent and purpose of Section 22.21.

(2) Vertical Extension and Existing Buildings. Vertical extension of a building to the height shown by the original plans, provided such building was actually designed and constructed to carry the additional stories and provided further that the building existed upon the effective date of this ordinance.

(3) Base Structures: Base structures in the RMV 200 Zone in excess of four ((~~(4)~~)) feet but not to exceed twenty ((~~(20)~~)) feet above lot grade where topography and/or the nature of surrounding improvements justify a greater height.

Section 28.22 ((~~(b)~~)) Temporary uses:

(1) A temporary use of premises in any zone not involving the erection of any permanent structure may be authorized by the ((~~Hearing Examiner or Board~~)) Director by a revocable permit for a period of not more than six

((~~(6)~~)) months. ((~~, except that temporary uses to be of less than three (3) weeks duration may be authorized by the Director.~~))

(2) A temporary use of premises in any zone not involving the erection of any permanent structure for the express purpose of sheltering the construction of boat-building projects by noncommercial home hobbyists may be authorized by the ((~~Hearing Examiner or Board~~)) Director by a revocable permit ((~~of~~)) for not more than one ((~~(1)~~)) year except that, ((~~annual reviews by the Director can~~)) upon annual review, the Director may extend the permit annually for ((~~a period~~)) not to exceed four ((~~(4)~~)) additional years. Such structures, though temporary, shall be sturdy enough to withstand inclement weather conditions and shall not detract from the general appearance of the neighborhood. Conditions for allowing such a permit, and the annual review of same, ((~~will~~)) may be ((~~set at~~)) imposed in the discretion of the ((~~Hearing Examiner~~)) Director.

Section 28.23 ((~~(e)~~)) Stone quarry, sand, gravel or clay pits:

The use of premises in any zone for the excavation of stone, sand, gravel, clay or other natural deposits may be authorized by the ((~~Hearing Examiner.~~)) Director for a period of one ((~~(1)~~)) year, subject to the following provisions: Plans for such excavations shall consist of two

copies of a topographic map, with cross-sections as are necessary to show adequately the topography of the property in question and its relation to streets, alleys, and surrounding property, together with two ((~~(2)~~)) copies of a similar map showing the extent of the proposed excavation and the contours of the ground after the removal of the material. A copy of each map shall be submitted to the Director of Engineering who shall report his findings to the ((~~Hearing Examiner.~~)) Director. Before authorizing such use, the ((~~Hearing Examiner shall request a report from the Director in order to~~)) Director shall determine whether the proposed excavation will interfere with logical future development of the tract for building or other purposes, and whether it will depreciate the value of nearby property. Authorization of such shall be subject to the posting by the applicant with the city of a performance bond of not less than ((~~$~~)) Five ((~~t~~)) Thousand ((~~(5000)~~)) (((d))) Dollars guaranteeing conformance with finished grades indicated by the approved plan.

Section 28.24 ((~~(d)~~)) Platted lots separated by alley: Platted lots within the same block and same zone, but separated by a public alley, may be authorized by the ((~~Hearing Examiner or Board~~)) Director as a single building site for purposes of calculating the number of dwelling units permitted in a structure to be erected on one

side of the alley, subject to the following requirements:

(1) Each portion of the property shall abut a minimum one hundred ((~~(100)~~)) feet upon the alley.

(2) The two portions of the property shall be directly opposite for a distance representing at least fifty ((~~(50)~~)) percent of the width of the portion of the property not to be occupied by the proposed building.

(3) The portion of the property not occupied by the building shall not be sold, segregated or used for building purposes so long as the building remains on the portion of property on the opposite side of the alley.

Section 28.25 ((~~(e)~~)) Off street parking requirements for designated "Landmarks" or "Landmark Districts":

((~~Upon receipt of a written report from the Director pertaining thereto, the Hearing Examiner~~)) The Director may reduce or waive the minimum accessory offstreet parking requirements of Article 23 with respect to a "Landmark" or "Landmark District" designated as such pursuant to the Landmarks Preservation Ordinance (106348); provided, that in making any such reduction or waiver, the ((~~Hearing Examiner~~)) Director shall be guided by parking needs and policies in the surrounding area.

((~~as set forth in such written report.~~))

Section 28.26 ((~~(f)~~)) Uses permitted within buildings designed as "Landmarks":

The ((~~Hearing Examiner~~)) Director may authorize a use not otherwise permitted in the zone within a building designated as a "Landmark", pursuant to the Landmark Preservation Ordinance (106348), ((~~after the Director's written report and recommendation on the proposal, and~~)) subject to the following requirements:

(1) Such use shall be compatible with the existing design and/or construction of the building without significant alteration; and

(2) Such use shall be allowed only when it is demonstrated that uses permitted by the zone are impractical because of the building design and/or that no such permitted use can provide adequate financial support necessary to sustain the "Landmark" in a reasonably good physical condition; and

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

Section 28.27 ((~~(g)~~)) Artist's Studio/dwelling:

In any M or I Zone, notwithstanding the prohibition of new dwelling units other than for a watchman or caretaker, a combination working studio and living quarters for an artist may be authorized by revocable permit for a period of not more than two years, renewable by the Director upon the showing to his satisfaction that the occupant continues to be a bona fide working artist, and subject to the following conditions:

(1) The nature of the artist's work shall be such that there is a genuine need for the space involved.

(2) The nature of the artist's work shall be similar to the types of uses permitted in the zone.

Section 62. That Sections 28.21 of the Zoning Ordinance, as added by Ordinance 109084, is renumbered as Section 28.28 and amended to read as follows:

Section ((~~28.21~~)) 28.28 Special Exceptions for Non-School Uses of School Buildings:

In specific cases and subject to the considerations in Section 28.1 and the School Use Advisory Committee's recommendations the ((~~Department of~~)) Community Development Director, or the Hearing Examiner on appeal, may authorize a use not otherwise permitted in a zone within an existing or former public school building by promulgating school use criteria. Such criteria shall be developed pursuant to rules promulgated by the Department of Community Development, and shall be used by the ((~~Building Department~~)) Director of Construction and Land Use to grant or deny use permits as provided in Article 25 or other permits that may be necessary. School use criteria may differentiate between shared uses (in an operating public school) and re-uses (in a closed public school building). However, if the school building has been demolished, use of the site shall be as otherwise provided in that zone. School use criteria shall be developed to enhance and facilitate the following purposes:

(a) To increase the economic feasibility of continued operation of the public school;

(b) In a specific school building, to establish conditions for non-school use which are designed to minimize and mitigate any adverse impacts, including changes in parking demand, of such use on the health and safety of the neighborhood;

(c) To maintain buildings and school properties in such condition that they may revert to school use; and

(d) To increase the range of community and social services, and educational, cultural, social and housing opportunies.

Section 63. That Section 28.3 of the Zoning Ordinance (86300), Code section 24.74.030, as added by Ordinance 102290 is hereby amended as follows:

Section 28.3 Variances.

(a) In specific cases the ((~~Hearing Examiner, or the Board upon appeal,~~)) Director may authorize variances from the provisions or requirements of this Ordinance which will not be contrary to the public interest; but only where, owing to special conditions pertaining to a specific piece of property, the literal interpretation and strict application of the provisions or requirements of this Ordinance would cause undue and unnecessary hardship. No variance shall be granted to permit the establishment of a use otherwise prohibited in the zone in which the property concerned is located, and applications for such variance shall not be accepted for filing. No variance from the provisions or requirements of this Ordinance shall be authorized by the ((~~Hearing Examiner or the Board on appeal~~))

Director unless all of the following facts and conditions are found to exist:

(1) because of unique conditions applicable to subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Ordinance will deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and

(2) the contemplated grant of variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated; and

(3) the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and

(4) the authorization of such variance will not adversely affect the Comprehensive Plan of Seattle.

(b) In authorizing a variance, the ((~~Hearing Examiner or Board~~)) Director may attach thereto such conditions regarding the location, character and other features of a proposed structure or use as may be deemed necessary to carry out the spirit and purposes of this ordinance and in the public interest. A

variance so authorized shall become void after the expiration of one year, or longer period if specified at the time of action by the ((~~Hearing Examiner or Board~~)) Director, if no building permit has been issued in accordance with the plans for which such variance was authorized, except that the ((~~Hearing-Examiner~~)) Director may extend the period of variance authorization ((~~without public hearing upon a finding~~)) upon a determination that there has been no basic change in pertinent conditions surrounding the property at the time of original approval.

Section 64. Section 28.4 of the Zoning Ordinance (86300), Code section 24.74.040, as last amended by Ordinance 109511 is further amended as follows:

Section 28.4 Applications:

(a) Applications for conditional uses, variances, and special exceptions under this Ordinance and sign variances, petitions to revoke sign variances, and time extensions for nonconforming signs under Ordinance 90138 shall be filed with the Director in accordance with the procedures established by the Master Use Permit Ordinance (109438) and may be made by any property owner, tenant, authorized agent or any government office, department, board or bureau affected and shall be accompanied by a receipt of the City Treasurer showing payment by the applicant of a fee, as described in the Permit Fee Ordinance, to defray the cost of processing such application. The ((~~Hearing Examiner~~)) Director may authorize a refund of such fee or

portion thereof when the application is occasioned by an error or omission on the part of the City or when the application is withdrawn.

(b) On receipt of an application for special exception for non-school use of an existing or former public school building, the Community Development Director shall convene a School Use Advisory Committee to secure the comments of the public and make recommendations for school use criteria. The Committee shall operate pursuant to rules promulgated by the Department of Community Development. The committee shall consist of the following:

(1) A representative of The City of Seattle, selected by the Community Development Director, to act as chairperson;

(2) A representative of the Seattle School District, or if the building is no longer owned by the Seattle School District, a representative of the building owner;

(3) Two persons residing or owning property within ((~~300~~)) three hundred feet of the school site, selected by community organization(s) as designated by the Community Development Director;

(4) A representative of the PTSA or parents' group, selected by the organization, if "joint use" (both public school classrooms and non-school uses) is contemplated by the application; or a representative of the neighborhood, selected by community organization(s) as designated by the Community Development Director, if joint use is not

contemplated by the application;

(5) A representative of the neighborhood, selected by the Community Development Director; and

(6) A representative at large selected by the Joint Advisory Commission on Education (JACE).

Section 65. Repeal. That Sections 28.41 (Report of the Director), 28.42 (Notice of Hearing Examiner's Hearing), 28.43 (Hearing Before Hearing Examiner), 28.5 (Appeal to the Board of Adjustment), 28.51 (Notice of Board Hearing), 28.52 (Board Appeal Limited), 28.53 (Board Consideration), and 28.54 (Board Decisions) of the Zoning Ordinance (86300), Code Sections 24.74.050 through 24.74.120, are hereby repealed.

Section 66. Section 28.55 of the Zoning Ordinance (86300), Code Section 24.74.130, is amended as follows:

Section 28.55 ((~~Applications~~)) Appeal of Decisions and Limitation on Applications. The Director's decision to grant, grant with conditions or deny an application for a conditional use, variance or special exception shall be subject to an appeal to the Hearing Examiner pursuant to the provisions of the Master Use Permit Ordinance (109438). The decision of the ((~~Board~~)) Director, if not appealed, or of the Hearing Examiner upon appeal, shall be final. No application for a conditional use, variance, special exception or decision relating to signs under Ordinance 90138 shall again be considered by the Director ((~~Hearing Examiner or Board~~)) where substantially the same application has been denied by the Director, or Hearing Examiner ((~~after a public hearing~~)) upon appeal, within the twelve-month period immediately preceding the filing of the new application.

Section 67. Effective date. This ordinance shall take effect and be in force on April 30, 1981, provided that

Section 46 amending Sections 21A.50, 21A.52 and 21A.62 of the Zoning Ordinance (Shoreline Master Program Regulations) shall take effect on the effective date of approval and adoption by the Department of Ecology pursuant to RCW 34.04.040, or April 30, 1981, whichever is later. Section 27.2 of the Zoning Ordinance (86300), which provides for a written report on any petition for an amendment to the official text of the Zoning Ordinance, is hereby superseded.

PASSED by the City Council the 2nd day of March, 1981, and signed by me in open session in authentication of its passage this 2nd day of March, 1981.

President of the City Council

Approved by me this 11th day of March, 1981.

Mayor

Filed by me this 11th day of March, 1981.

ATTEST: City Comptroller and City Clerk

By: Deputy Clerk

(SEAL)

Published



CS 19.2

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801764

Seattle
Department of Construction and Land Use

William J. Justen, P.E., Director
Charles Royer, Mayor

January 15, 1981

The Honorable Paul Kraabel
President, Seattle City Council

VIA: Office of Management & Budget

Dear Councilman Kraabel:

Transmitted herewith are proposed amendments to the Zoning Ordinance for Council review and action. The amendments are necessary to implement those procedural reforms legislated by the City Council with the adoption of the Master Use Permit, Ordinance 109438. A hearing on these amendments before the Council's Urban Development and Housing Committee has been set for February 24 after 10:30 a.m.

The amendments address the consolidation of application, notice and appeal procedures for certain land use decisions, transfer all appellate functions of the Board of Adjustment to the Hearing Examiner, and transfer decisions on zoning exceptions, including variances, administrative conditional uses, and special exceptions from the Hearing Examiner to the Director of the Department of Construction and Land Use.

Additional changes are proposed strictly to bring the Zoning Ordinance into conformance with legislation enacted by the Council and to clarify existing provisions as below:

The section references are changed to refer to each specific subsection rather than to sections generally (for example, page 4 of the amendments).

The title "Superintendent of Buildings" is changed to "Director" wherever it appears (for example, page 5 of the amendments).

The public hearing requirement for review of a half-way house authorization is eliminated consistent with the administrative character of the review provided the administrative conditional use approval by the Master Use Permit procedure (page 13).

The requirement for a covered moorage permit is eliminated as this permit has been superseded by the substantial development permit requirement under the Shoreline Master Program and, thus, no longer exists as a separate permit (page 23).

The ambiguity in the Zoning Ordinance as to whether the Department of Community Development or the Department of Construction and Land Use issues a permit for townhouses is clarified (page 31).

Application and notice procedures for shoreline permits are eliminated from the Ordinance, and a cross-reference to the procedures of the Master Use Permit Ordinances is made (page 68).

A new clause is added to Section 21A.51 to exempt the City from the 60-day decision deadline on shoreline approvals when additional land use approvals are sought (page 69).

The notice of an appeal hearing for a Zoning Code interpretation is extended from 7 days to 20 days, and the weight given the decision of the Director on the code interpretation is changed from prima facie correct to substantial weight to be consistent with the Master Use Permit (page 78).

This amendatory ordinance is to become effective on April 30, 1981, provided that the revisions to the Shoreline Master Program can become effective only after the State Department of Ecology holds its own hearing and approves any changes made by the City.

This amending ordinance is one of two ordinances which will be before the Council to accomplish the legislative changes to implement the Master Use Permit. A second ordinance amending the Street Use, Scenic Route Sign, Driveway Permit, Subdivision, SEPA, Grading and Drainage Control Ordinances and the Building Code will be submitted to the City Council for consideration. A hearing for these amendments has been set for March 3, 1981, by the Urban Development and Housing Committee.

Sincerely,

WILLIAM J. JUSTEN, P.E.
Director

KH:pms

Enclosures

**Your City, Seattle**

Executive Department-Office of Management and Budget

John Saven, Director
Charles Royer, Mayor

January 20, 1981

The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: Department of Construction and Land Use

SUBJECT: An Ordinance relating to land use and zoning

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation:

(X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.

( ) Do not file with City Council but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

By

S M Seger for
John Saven
Budget Director

JS/sml

Enclosure

CSS 20.14

# The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported and Adopted

MAR 2 1981

*Your Committee on* URBAN DEVELOPMENT AND HOUSING

*to which was referred* C.B. 102056
Amending the Zoning Ordinance to implement those procedural reforms legislated by the City Council with the adoption of the Master Use Permit.

CONSIDERED SAME AND RECOMMENDS THAT SAME DO PASS.

109737

Chairman

Committee

Chairman

Committee

C-703

# Affidavit of Publication

## STATE OF WASHINGTON
## KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter refered to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 109737

was published on March 16, 1981

B. Klein

Subscribed and sworn to before me on

March 16, 1981

J. Mihalyo

Notary Public for the State of Washington, residing in Seattle.

not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the sign is located, and is not otherwise inconsistent with the spirit and purpose of the Zoning Ordinance and that such advertising sign has been and will be properly maintained. Decisions of ((~~said Superintendent~~)) the Director hereunder shall be final, subject to review by the City Council upon application.

(c) Advertising signs in all zones other than the M, IG, and IH Zones which are nonconforming because located upon and supported by a roof or parapet of a building or structure shall be discontinued and removed upon notification in writing within a period of from three to seven years from August 1, 1975 or from the date such sign became or becomes nonconforming in accordance with an amortization schedule established by the ((~~Superintendent~~)) Director and based upon the age, condition, cost, and remaining useful life of the sign.

(d) Adult Motion Picture Theaters which are nonconforming in the zone in which located shall be discontinued within ~~90~~ ninety days of the date the use became or becomes nonconforming.

Section 5.34 Limitations on Nonconforming Uses

(a) Subject to Section 5.33, any nonconforming building or part may be maintained with ordinary repair, but, no such building or part shall be extended, expanded or structurally altered, except as otherwise required by law, nor shall a nonconforming use be extended or

Section 5.35 Existing Automobile Service Stations

Existing automobile service stations may be extended, expanded or structurally altered in the BN and more intensive zones without obtaining conditional use authorization from the ((~~Hearing Examiner or Board~~)) Director where the estimated cost of such improvements within any ~~12~~ twelve month period does not exceed ~~25~~ Twenty-five percent of the true and fair market value of such automobile service station as computed from the assessed value of the existing use.

Section 4. Section 6.22 of the Zoning Ordinance (86300), Code Section 24.16.040, as last amended by Ordinance 106090 is further amended as follows:

Section 6.22. The following uses permitted when authorized by the ((~~Hearing Examiner or Board~~)) Director in accordance with Article ((~~26~~)) 28:

(a) Children's Resident Home, provided such is operated under standards established in accordance with State laws governing child welfare.

(b) Day Care Center subject to the following conditions:

(1) Such use shall be instituted and operated under standards established in accordance with State laws governing child welfare.

(2) No lot so used shall be less than five thousand ((~~(5,000)~~)) square feet in area plus two hundred fifty ((~~(250)~~)) square feet per child over ten ((~~(10)~~)) in number.

(3) A fenced outdoor play area shall be provided on the lot. When more than ten ((~~(10)~~)) children are accommodated, such play area shall be located no closer than fifteen

~~council and other persons submitting views or requesting notice shall be entitled to receive by mail a copy of the action taken on the application.~~))

Section 21A.51 Criteria for Substantial Development Permit.

Unless otherwise provided in this Article, a substantial development permit shall be issued only when the development proposed is consistent with the Shoreline Master Program of The City of Seattle, as defined in Section 21A.154 which consists of the general statement of shoreline goals and policies in Resolution 25173 and specific regulations of this Article, and with the provisions of the Shoreline Management Act of 1971 as expressed in RCW 90.58. The burden of proving that the proposed substantial development is consistent with the foregoing criteria shall be on the applicant. The Director shall make a decision on the application within ~~60~~ sixty days following publication of the second notice required in Section 21A.50, or within ~~15~~ fifteen days after issuance of a final environmental impact statement by the Director, if required. Such time limitation shall not apply where:

(a) The Director has requested additional information from the applicant as provided in Section 21A.52, or

(b) The applicant modifies the application as provided in Section 21A.52, or

(c) A public hearing on the application is held pursuant to Section 21A.53.

(d) Other land use approvals are included in the application.

The Director may require and attach to the permit such conditions regarding the location, character and other features of the proposed structures or use, including provision of a performance bond for a term not to exceed five years, as are deemed necessary to carry out the spirit and purpose of and assure compliance with this Article.

Section 21A.62 Public Hearing - Shoreline Conditional Use and Shoreline Variances

Prior to authorizing a shoreline conditional use or shoreline variance, the Director or ~~his~~ The Director's designee ((~~shall~~)) may, ~~at his discretion,~~ conduct a public hearing on the application after notice and in the manner provided in Section 21A.53. After taking action on a substantial development application which includes a shoreline conditional use or variance, the permit shall be submitted by the Director to the Department of Ecology for its approval, approval with conditions (with concurrence of the Director) or denial.

Section 47. That Section 23.28 of the Zoning Ordinance (86300), Code section 24.64.100, as last amended by Ordinance 109440 is further amended by deleting subsection (g) as follows:

Section 23.28 Joint Use

The Director may authorize the joint use of parking facilities by the following uses or activities under the following conditions:

(a) Up to fifty percent of the offstreet parking facilities required by this Article for a theater, bowling alley, dance hall, bar, restaurant, roller or ice skating rink, or other similar primarily night-time use may be supplied by certain other types of buildings or uses specified in Section 23.28(d).

(b) It is unlawful to construct or locate any building in such manner as will result in a violation of this Ordinance, and if the ((~~Superintendent~~)) Director shall find any building being so constructed or so located, ~~he~~ the Director may order the work stopped by notice in writing to persons engaged in the doing or causing such work to be done, posted on the premises and all shall forthwith stop such work until authorized by the ((~~Superintendent~~)) Director to proceed.

Section 50. That Section 25.2 of the Zoning Ordinance (86300), Code section 24.10.020 as last amended by Ordinance 106438 is further amended as follows:

Section 25.2 ((~~Use Permits.~~)) Establishment or Change of Use.

(a) It shall be unlawful for an owner to permit the establishment or change of use of any structure, buildings or premises, or any part thereof, until a master use permit shall have been issued by the ((~~Superintendent.~~)) Director in accordance with the provisions of the Master Use Permit Ordinance (109438).

(b) The ((~~Superintendent~~)) Director shall ((~~issue~~)) authorize a use ((~~permit~~)) only if he or she is satisfied that the plans filed in accordance with 25.2(c) conform to the requirements of this Ordinance, and other pertinent laws and ordinances.

(c) Every application for ((~~a use permit~~)) authorization to use a structure or building or premises shall be made to the ((~~Superintendent~~)) Director and shall be accompanied by plans in duplicate

~~Ordinance or other applicable law which would prohibit the issuance of the renewed permit as a new permit; and~~

~~(d) Written rulings and interpretations of the Superintendent as to the meaning, application or intent of any provision of this Ordinance.~~

~~Decisions of the Superintendent made pursuant to the State Environmental Policy Act (RCW Ch. 43.21C) shall be subject to review in accordance with the provisions of Section 20 of Section 20 of Ordinance 105735.~~))

Section 53. That Section 25.41 of the Zoning Ordinance (86300), Code section 24.10.040, as added by Ordinance 104795, is amended as follows:

Section 25.41 Notice of Appealable Rulings and Interpretations.

The ((~~Superintendent~~)) Director shall compile a list of the appealable rulings or interpretations made by him and publish such list in the City official newspaper, stating the nature of the proposed work, the street address where such work is proposed, its estimated cost, and the action taken by the ((~~Superintendent~~)) Director within ~~7~~ seven days after such action has been taken. Said list shall also be posted in a conspicuous place on the fifth floor of the municipal building convenient to the public, and shall be mailed to the main and all branch public libraries of the City.

Section 54. Repeal. That Section 25.42 (Advance ruling procedure) of the Zoning Ordinance (86300), Code section 24.10.050, is hereby repealed.

Section 55. Sections 25.43 through 25.46 of the Zoning Ordinance (86300), Code sections 24.10.060 through 24.10.090, as added by Ordinance 104795 are amended as follows:

Section 25.43 Appeal Procedure.

Any individual partnership, corporation, association, or public or private organization of any character, significantly affected by or interested in any appealable ruling or interpretation of the ((~~Superintendent~~)) Director may demand that the same be reduced to writing and may file an appeal in writing with the Hearing Examiner within a period extending to 5:00 P.M. of the ~~14th~~ fourteenth day following the date of publication of such ruling or interpretation, stating explicit exceptions and objections thereto. The appeal shall be accompanied by a receipt from the City Treasurer showing payment by the appellant of a filing fee of Twenty-five Dollars ((~~($25)~~)).

Section 25.44 Hearing Examiner's Consideration.

The Hearing Examiner shall consider the appeal in accordance with the procedures established for hearing contested cases in the Administrative Code of The City of Seattle (Ordinance 102228), provided that notice shall be given not less than ((~~(7)~~)) twenty days prior to hearing. Appeals shall be considered de novo and the decision thereon shall be made upon the same basis as was required of the ((~~Superintendent~~)) Director, provided that the ruling or interpretation of ((~~said Superintendent~~)) the Director shall be ((~~regarded as prima facie correct~~)) given substantial weight, and the burden of establishing the contrary shall be upon the appellant((~~, and provided further that appeals from findings, conclusions and decisions made pursuant to the State Environmental Policy Act shall be based upon the records of the Superintendent, plus such additional testimony or evidence as may be offered~~)). The Hearing Examiner shall summarily dismiss an appeal without hearing which is

variance so authorized shall become void after the expiration of one year, or longer period if specified at the time of action by the ((~~Hearing Examiner or Board~~)) Director, if no building permit has been issued in accordance with the plans for which such variance was authorized, except that the ((~~Hearing Examiner~~)) Director may extend the period of variance authorization ((~~without public hearing upon a finding~~)) upon ~~his~~ a determination that there has been no basic change in pertinent conditions surrounding the property at the time of original approval.

Section 64. Section 28.4 of the Zoning Ordinance (86300), Code section 24.74.040, as last amended by Ordinance 109511 is further amended as follows:

Section 28.4 Applications:

(a) Applications for conditional uses, variances, and special exceptions under this Ordinance and sign variances, petitions to revoke sign variances, and time extensions for nonconforming signs under Ordinance 90138 shall be filed with the Director in accordance with the procedures established by the Master Use Permit Ordinance (109438) and may be made by any property owner, tenant, authorized agent or any government office, department, board or bureau affected and shall be accompanied by a receipt of the City Treasurer showing payment by the applicant of a fee, as described in the Permit Fee Ordinance, to defray the cost of processing such application. The ((~~Hearing Examiner~~)) Director may authorize a refund of such fee or

portion thereof when the application is occasioned by an error or omission on the part of the City or when the application is withdrawn.

(b) On receipt of an application for special exception for non-school use of an existing or former public school building, the Community Development Director shall convene a School Use Advisory Committee to secure the comments of the public and make recommendations for school use criteria. The Committee shall operate pursuant to rules promulgated by the Department of Community Development. The committee shall consist of the following:

(1) A representative of The City of Seattle, selected by the Community Development Director, to act as chairperson;

(2) A representative of the Seattle School District, or if the building is no longer owned by the Seattle School District, a representative of the building owner;

(3) Two persons residing or owning property within ~~300~~ three hundred feet of the school site, selected by community organization(s) as designated by the Community Development Director;

(4) A representative of the PTSA or parents' group, selected by the organization, if "joint use" (both public school classrooms and non-school uses) is contemplated by the application; or a representative of the neighborhood, selected by community organization(s) as designated by the Community Development Director, if joint use is not