Ordinance No. 120117

Council Bill No. 113398

The City of Seattl

Council Bill/Ordina

AN ORDINANCE relating to land use and zoning; amending Sections 23.04.010, 23.24.020, 23.32.016, 23.34.010, 23.44.022, 23.45.006, 23.45.009, 23.45.012, 23.45.014, 23.45.015, 23.45.016, 23.45.018, 23.45.050, 23.45.058, 23.45.066, 23.45.096, 23.45.166, 23.47.004, 23.47.008, 23.47.009, 23.47.012, 23.47.029, 23.47.042, 23.48.010, 23.48.014, 23.48.031, 23.49.008, 23.49.015, 23.49.016, 23.49.054, 23.49.074, 23.49.098, 23.49.104, 23.49.132, 23.49.160, 23.50.012, 23.50.014, 23.50.020, 23.53.020, 23.60.454, 23.60.572, 23.60.632, 23.60.692, 23.60.812, 23.66.140, 23.66.332, 23.71.004, 23.84.002, 23.84.004, 23.84.016, 23.84.024, 23.84.025, 23.84.032, 23.86.002, 23.86.018; amending the Official Land Use Map by adding Ballard Interbay Northend Manufacturing and Industrial Center, Ballard Urban Village, Chinatown/International District Urban Village, Crown Hill Urban Village, Madison Miller Urban Village, Martin Luther King Jr. Way at Holly Street Urban Village, 23rd Avenue S. at S. Jackson-Union Urban Village, South Park Urban Village, Wallingford Urban Village; and repealing Chapter 23.68 and Sections, 23.34.075, 23.34.098, and 23.55.032 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments.

10-3-00 Pa

10-9-00 Passe

CF No.

Date Introduced: OCT 2 - 2000	
Date 1st Referred: OCT 2 - 2000	To: (committee) Landlord/Tenant & Land Use Committee
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: 10-9-00	Full Council Vote: 8-0
Date Presented to Mayor: 10-10-00	Date Approved: OCT 16 2000
Date Returned to City Clerk: OCT 16 2000	Date Published: 75 PR T.O. ✓ F.T. ✓
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____ NICASTRO

Councilmember

Committee Action:

10-3-00 Pass 3-0 (N, M, P, S)

10-9-00 Passed 9-0 (Excused: Compton)

This file is complete and ready for presentation to Full Council. Committee: _____

(Initial/Date)

Law Department

Law Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed

ORDINANCE 120117

AN ORDINANCE relating to land use and zoning; amending Sections 23.04.010, 23.24.020, 23.32.016, 23.34.010, 23.44.022, 23.45.006, 23.45.009, 23.45.012, 23.45.014, 23.45.015, 23.45.016, 23.45.018, 23.45.050, 23.45.058, 23.45.066, 23.45.096, 23.45.166, 23.47.004, 23.47.008, 23.47.009, 23.47.012, 23.47.029, 23.47.042, 23.48.010, 23.48.014, 23.48.031, 23.49.008, 23.49.015, 23.49.016, 23.49.054, 23.49.074, 23.49.098, 23.49.104, 23.49.132, 23.49.160, 23.50.012, 23.50.014, 23.50.020, 23.53.020, 23.60.454, 23.60.572, 23.60.632, 23.60.692, 23.60.812, 23.66.140, 23.66.332, 23.71.004, 23.84.002, 23.84.004, 23.84.016, 23.84.024, 23.84.025, 23.84.032, 23.86.002, 23.86.018; amending the Official Land Use Map by adding Ballard Interbay Northend Manufacturing and Industrial Center, Ballard Urban Village, Chinatown/International District Urban Village, Crown Hill Urban Village, Madison Miller Urban Village, Martin Luther King Jr. Way at Holly Street Urban Village, 23rd Avenue S. at S. Jackson-Union Urban Village, South Park Urban Village, Wallingford Urban Village; and repealing Chapter 23.68 and Sections, 23.34.075, 23.34.098, and 23.55.032 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection C of Section 23.04.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, is amended as follows:

23.04.010 Transition to the Land Use Code

C. Existing Planned Unit Developments. Planned unit developments (PUDs) in an SF or multi-family zone regulated under Title 23 which were authorized pursuant to ((~~Section 24.66.040 et seq.~~)) Title 24 shall be permitted to develop according to the specific terms of such authorizations. This shall include the opportunity to apply to the Council for an extension of time for completion of PUDs. Upon completion of the PUDs, the provisions of Title 23, including all use and development standards, shall apply.

Section 2. Subsection G of Section 23.24.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 119791, is amended as follows:

23.24.020 Content of application.

G. Specific location and description of all trees ((~~and shrubs~~)) at least six (6) inches in diameter measured four and one-half (4 1/2) feet above the ground, with species indicated.

Section 3. Attached to this ordinance is Appendix A containing nine (9) pages of maps which are incorporated herein by reference. The areas depicted on these maps show manufacturing and industrial center or urban village boundaries. The Official Land Use Map, SMC 23.32.016, is hereby amended to reflect the boundaries shown on the maps in Appendix A.

Section 4. Subsection B of Section 23.34.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 119796, is amended as follows:

23.34.010 Designation of single-family zones.

B. Areas zoned single family, or RSL which meet the criteria for single- family zoning contained in subsection B of Section 23.34.011 and are located within the adopted boundaries of an urban village may be rezoned to zones more intense than single-family 5000 only when all of the following conditions are met:

1. A neighborhood plan adopted or amended by the City Council after January 1, 1995 has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix when applicable;

2. All parts of the rezone area are within a five (5) minute walk for a person of typical abilities, within five (5) blocks, or within one-quarter (1/4) mile, whichever is the shortest distance, of a designated principal commercial street;

3. The acreage of land proposed for such rezoning on a cumulative basis does not exceed the quantity of land specified for the area in Appendix C of the Land Use Element of the Comprehensive Plan;

4. The rezone is:

a. To a Residential Small Lot (RSL), Residential Small Lot-Tandem (RSL/T), Residential Small Lot - Cottage (RSL/C), Residential Small Lot-Tandem/Cottage (RSL/TC), Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), ((~~Neighborhood Commercial 1 30'/Lowrise 1 (NC1 30'/L1), Neighborhood Commercial 2 30'/Lowrise 1 (NC2 30'/L1), Neighborhood Commercial 3 30'/Lowrise 1 (NC3 30'/L1),~~)) or Lowrise 1/Residential-Commercial (L1/RC), or

b. Within the areas identified on Map P-1 of the adopted North Beacon Hill Neighborhood Plan, and the rezone is to any zone up to and including Neighborhood Commercial 2/R-40' (NC2/R-40'); and

5. If a property located within the North Beacon Residential Urban Village is being rezoned ((~~the rezone is to an NC1 30/L1, NC2 30/L1, NC3 30/L1 or L1/RC zone designation, or in the North Beacon Residential Urban village,~~)) to the more intensive zones permitted in this subsection B4, the subject property is contiguous to an urban village commercial zone.

* * *

Section 5. Section 23.34.075 of the Seattle Municipal Code, which Section was adopted by Ordinance 117430, is hereby repealed.

Section 6. Section 23.34.098 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is hereby repealed.

Section 7. Subsection K of Section 23.44.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 119239, is amended as follows:

23.44.022 Institutions.

K. Bulk and Siting.

1. Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:

a. For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum((.));

b. For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.

2. Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten (10) feet to the side lot line. The Director may permit yards less than ten (10) feet but not less than five (5) feet after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.

3. Institutions Located on Lots in More Than One (1) Zone Classification. For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.

4. Height Limit.

a. ((~~A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or a spire,~~)) Religious symbols for religious institutions may extend an additional twenty-five (25) feet above the height limit.

b. For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be thirty-five (35) feet if portions of the structure above thirty-five (35) feet are set back at least twenty (20) feet from all property lines. Pitched roofs on a gymnasium or auditorium which have a slope of not less than three to twelve (3:12) may extend ten (10) feet above the thirty-five (35) foot height limit. No

portion of a shed roof on a gymnasium or an auditorium shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

5. Facade Scale. If any facade of a new or expanding institution exceeds thirty (30) feet in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.

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Section 8. Subsection K of Section 23.45.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 119836, is amended as follows:

23.45.006 General development standards for structures in multifamily zones.

K. Solid Waste and Recyclable Materials Storage Space.

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

Multifamily ((~~development~~)) Structure ~~Size~~	**Minimum Area for Storage Space**	**Container Type**
((~~1~~))7 – 15 units	75 sq. ft.	Rear – Loading Containers
16 – 25 units	100 sq. ft.	Rear – Loading Containers
26 – 50 units	150 sq. ft.	Front – Loading Containers
51 – 100 units	200 sq. ft.	Front – Loading Containers
More than 100 units	200 sq. ft plus 2 sq. ft. for each additional unit	Front – Loading Containers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Any proposed gates or access routes shall be a minimum of ten (10) feet wide; and

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

5. The solid waste and recyclable materials storage space specifications required in subsections 1, 2, 3, and 4 above, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

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

a. When the applicant can demonstrate difficulty in meeting any of the requirements of subsections 1, 2, 3, and 4; or

b. When the applicant proposes to expand a multifamily building, and the requirements of subsections 1, 2, 3, and 4 conflict with opportunities to increase residential densities; and

c. When the applicant proposes alternative, workable measures that meet the intent of this Section.

Section 9. Subsection D of Section 23.45.009 of the Seattle Municipal Code, which Section was last amended by Ordinance 119242, is amended as follows:

23.45.009 Structure height – Lowrise zones.

D. Rooftop Features.

1. Radio and television receive-only antennas, except for dish antennas, flagpoles, and ((~~spires~~)) religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty (50) percent of their height above existing grade or, if attached only to the roof, no closer than fifty (50) percent of their height above the roof portion where attached, to any ad-joining lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend four (4) feet above the maximum height limit set in subsections A and C of this section. For cottage housing developments, these rooftop features may extend four (4) feet above the eighteen (18) foot height limit.

3. For cottage housing developments, chimneys may exceed the height limit by four (4) feet or may extend four (4) feet above the ridge of a pitched roof.

4. Except in cottage housing developments, the following rooftop features may extend ten (10) feet above the maximum height limit established in subsection A so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

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

d. Chimneys.

5. For height exceptions for solar collectors, see Section 23.45.146,Solar collectors.

6. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection D6 at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Dish antennas, permitted on rooftops by special exception according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. Play equipment.

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Section 10. Subsection D of Section 23.45.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 114888, is amended as follows:

23.45.012 Modulation requirement – Lowrise zones.

D. Modulation Standards.

1. Lowrise Duplex/Triplex and Lowrise 1 Zones.

a. Minimum Depth of Modulation.

(1) The minimum depth of modulation shall be four (4) feet. (See Exhibit 23.45.012 B.)

(2) When balconies are part of the modulation and have a Minimum dimension of at least six (6) feet and a minimum area of at least (6) sixty square feet, the minimum depth of modulation shall be two (2) feet. (See Exhibit 23.45.012 C.)

b. The minimum width of modulation shall be five (5) feet. (See Exhibit 23.45.012 B.)

c. Maximum Width of Modulation. The modulation width shall emphasize the identity of individual units, but shall not be greater than thirty (30) feet. For units located one (1) above the other, the individuality of the units shall be emphasized through the location of driveways, entrances, walkways and open spaces.

2. Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Minimum Depth of Modulation.

(1) The minimum depth of modulation shall be four (4) feet (see Exhibit 23.45.012 B) in Lowrise 2 and Lowrise 3 zones and for townhouses in Lowrise 4 zones, and eight (8) feet for apartments in Lowrise 4 zones.

(2) When balconies are part of the modulation and have a minimum dimension of at least six (6) feet and a minimum area of at least (6<u>0</u>) sixty square feet, the minimum depth of modulation shall be two (2) feet. (See Exhibit 23.45.012 C.)

b. The minimum width of modulation shall be five (5) feet. (See Exhibit 23.45.012 B.)

c. Maximum Width of Modulation.

(1) The maximum width of modulation shall be thirty (30) feet.

(2) Exceptions to Maximum Width of Modulation in Lowrise 2 ((~~and~~)), Lowrise 3, <u>and</u> <u>Lowrise</u> <u>4</u> Zones.

i. When facades provide greater depth of modulation than required by subsection D1 of this section, then for every additional full foot of modulation depth, the width of modulation may be increased by two and one-half (2 1/2) feet, to a maximum width of forty (40) feet in Lowrise 2 zones and forty-five (45) feet in Lowrise 3 <u>and</u> <u>Lowrise</u> <u>4</u> zones. Subsection B of Section 23.86.002, measurements, shall not apply.

ii. The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guideline: The width of modulation of such a facade shall be permitted to exceed thirty (30) feet by one (1) foot for every foot of facade setback beyond the required setback. This provision shall not be combined with the provisions of subsection B2c(2)i, nor shall it permit facades to exceed forty-five (45) feet in width without modulation.

3. In Lowrise 1, Lowrise 2 ((~~and~~)), Lowrise 3, <u>and</u> <u>Lowrise</u> <u>4</u> zones required modulation may start a maximum of ten (10) feet above existing grade, and shall be continued up to the roof. In Lowrise Duplex/Triplex zones modulation shall extend from the ground to the roof except for weather protection coverings such as awnings.

Section 11. Subsections F and I of Section 23.45.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 119791, are amended as follows:

23.45.014 Setback requirement – Lowrise zones.

F. Projections into Required Setbacks.

1. Special Features of a Structure.

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

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

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

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

2. Unenclosed Decks and Balconies.

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

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

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

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

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

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I. Protection of Trees. Front setbacks may be reduced to protect existing trees in rear setbacks and rear setbacks may be reduced to protect existing trees in front setbacks. To qualify for this exception, the tree(s) shall be at least six (6) inches in diameter, measured four and one-half (4 1/2) feet above the ground. The tree must also be in a condition and location such that it will not present a hazard to life or property following site development,

and can be expected to remain healthy for at least twenty (20) years as determined by a qualified tree care professional.

1. Upon the request of the applicant, the Director shall permit the applicant to move the proposed development activity and other land disturbance activity and obtain up to a five (5) foot reduction in front or rear setback requirements when this would be sufficient to protect an existing tree as determined by a qualified tree care professional.

2. Any ((~~yard~~)) setback reduction greater than five (5) feet to protect a tree shall require approval through a tree protection special exception. Notice of application and review process and procedures for this special exception and of the Director's decision on the application shall be provided in the manner prescribed for Type II land use decisions as set forth in SMC Chapter 23.76. A tree protection special exception shall be authorized only when all the following facts and conditions are found to exist:

a. The applicant setback requirements would make it impossible to protect existing tree(s) without causing undue hardship; and

b. The requested setback reduction does not go beyond the minimum necessary to protect the tree(s) as determined by a qualified tree care professional; and

c. The setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, setbacks, pedestrian environment, and amount of vegetation remaining.

Section 12. Subsection C of Section 23.45.015 of the Seattle Municipal Code, which section was last amended by Ordinance 119792, is amended as follows:

23.45.015 Screening and landscaping requirements–Lowrise zones.

C. Tree Requirements in Landscaped Areas in Lowrise Duplex/Triplex, Lowrise 1, and Lowrise 2 zones.

1. Trees shall be required when new ((~~low-rise~~)) lowrise multifamily dwelling units are constructed. This requirement may be met using options in subsection C1a or C1b below. The minimum number of caliper inches of tree required per lot may be met through using either the tree preservation option or tree planting option set forth below, or through a combination of preservation and planting. Trees within public and private rights-of-way may not be used to meet this standard.

a. Tree Preservation Option. For lots over three thousand (3,000) square feet, at least two (2) caliper inches of existing tree per one thousand (1,000) square feet of lot area must be preserved. On lots that are three thousand (3,000) square feet or smaller, at least three (3) caliper inches of existing tree must be preserved per lot. ((~~Trees within public and private rights-of-way may not be used to meet this standard.~~)) When this option is used, a tree preservation plan is required.

b. Tree Planting Option. For lots over three thousand (3,000) square feet, at least two (2) caliper inches of tree per one thousand (1,000) square feet of lot area must be planted. On lots that are three thousand (3,000) square feet or smaller, at least three (3) caliper inches of tree must be planted per lot.

2. Tree Measurements. Trees planted to meet the requirements in subsection C1 above shall be at least one and one-half (1.5) inches in diameter. The diameter of new trees shall be measured (in caliper inches) six (((~~(6) inches~~)) (6) inches above the ground. Existing trees shall be measured four and one-half (4.5) feet above the ground. When an existing tree is three (3) to ten (10) inches in diameter, each one (1) inch counts as one (1) inch toward meeting the tree requirements in subsection C1 above. When an existing tree is more than ten (10) inches in diameter, each one (((~~(1) inch~~)) (1) inch of the tree that is over ten (10) inches shall count as three (3) inches toward meeting the tree requirement.

3. Tree Preservation Plans. If the tree preservation option is chosen, a tree preservation plan must be submitted and approved. The plan may be submitted as part of the overall landscaping plan for the project. Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the Department of Design, Construction and Land Use.

Section 13. Subsection C of Section 23.45.016 of the Seattle Municipal Code, which section was last amended by Ordinance 119242, is amended as follows:

23.45.016 Open space.

C. Open Space Relationship to Grade.

1. The elevation of open space for ground-related housing must be within ten (10) feet of the elevation of the dwelling unit it serves. The ten (10) feet shall be measured between the finished floor level of the principal living areas of a dwelling unit and the grade of at least fifty (50) percent of the required open space. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination.

2. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The portion of the open space which is within ten (10) feet of the unit shall include the point where the access to the open space from the unit occurs.

3. The elevation of private usable open space for Lowrise Duplex/Triplex structures must be within four (4) feet of the elevation of the dwelling unit it serves. The four (4) feet shall be measured between the finished floor level of the dwelling unit and the grade of at least fifty (50) percent of the required open space. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The maximum difference in elevation at the point of access shall be four (4) feet.

Section 14. Subsection B of Section 23.45.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.018 Parking and access – Lowrise zones.

B. Access to Parking.

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

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

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

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

c. In Lowrise 3 zones, apartments are proposed across an alley from a Single Family or Lowrise Duplex/Triplex zone((~~s~~)); or

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

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

a. Topography makes alley access infeasible;

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

((~~c. The alley is not improved to the standards of subsection C of Section 23.53.030. If such an alley is used for access to parking, it shall be improved according to the standards of subsection C of Section 23.53.030;~~))

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

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

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Section 15. Subsection D of Section 23.45.050 of the Seattle Municipal Code, which Section was last amended by Ordinance 116295, is amended as follows:

23.45.050 Midrise – Structure height.

D. Rooftop Features.

1. Radio and television receive-only antennas, except dish antennas, flagpoles and ((~~spires~~)) religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty (50) percent of their height above existing grade or, if attached only to the roof, no closer than fifty (50) percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, parapets and

firewalls may extend four (4) feet above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend ten (10) feet above the maximum height limit set in subsections A and B of this section, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

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

d. Chimneys;

e. Sun and wind screens;

f. Penthouse pavilions for the common use of residents;

g. Greenhouses which meet minimum energy standards administered by the Director.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this ((~~subdivision~~)) subsection at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Dish antennas, according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

Section 16. Subsection B of Section 23.45.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 118794, is amended as follows:

23.45.058 Midrise -- Open space requirements.

***

B. Development Standards.

1. Required open space shall be landscaped according to standards promulgated by the Director.

2. Ground-related Housing.

a. The required open space for each unit is not required to be in one

(1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet, and no horizontal dimension shall be less than ten (10) feet.

b. Required open space may be located in the front, sides or rear of the structure.

c. Required open space may be located a maximum of ten (10) feet above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit, except as permitted in subsection B2e.

d. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The portion of the open space which is within ten (10) feet of the unit shall include the point where the access to the open space from the unit occurs.

e. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination.

((~~d.~~)) f. At least fifty (50) percent of the required open space for a unit shall be level, provided that:

(1) The open space may be terraced; and

(2) Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two (2) feet.

((~~e.~~)) g. For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten (10) feet where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten (10) feet, the open space may be located a maximum of ten (10) feet plus the height between floors in excess of ten (10) feet, above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two (2) feet above grade, the open space may be located a maximum of ten (10) feet plus the additional height of the first floor in excess of two (2) feet above grade, above or below the unit it serves.

((~~f.~~)) h. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited unless such openings are screened by view-obscuring fences, freestanding walls, or wingwalls. Fences, freestanding walls, or wingwalls located in setbacks shall be no more than six (6) feet in height in accordance with Section 23.45.014 G.

((~~g.~~)) i. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11 -- Accessibility, shall not be counted as open space.

3. Apartments.

a. No horizontal dimension for required ground level open space shall be less than ten (10) feet.

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11 -- Accessibility, shall not be counted as open space.

d. In order to qualify as above-ground open space, balconies and decks shall have a minimum horizontal dimension of at least six (6) feet, and minimum area shall be sixty (60) square feet.

e. For cluster development, at least twenty (20) percent of the required open space shall be provided in one (1) contiguous area.

4. Terraced Housing on a Slope of Twenty-five (25) Percent or More.

a. No horizontal dimension for required ground-level open space shall be less than ten (10) feet.

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11 -- Accessibility, shall not be counted as open space.

d. In order to qualify as above-ground open space, rooftop areas, balconies or decks shall have a minimum horizontal dimension of at least ten (10) feet, and a total area of at least one hundred twenty (120) square feet.

***

Section 17. Subsection C of Section 23.45.066 of the Seattle Municipal Code, which Section was last amended by Ordinance 116295, is amended as follows:

23.45.066 Highrise – Structure height.

C. Height Exceptions.

1. Radio and television receive-only antennas, except dish antennas, flagpoles and ((~~spires~~)) <u>religious</u> <u>symbols</u> for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty percent (50%) of their height above existing grade or, if attached only to the roof, no closer than fifty percent (50%) of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, parapets, and firewalls may extend four feet (4') above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend up to ten feet (10') above the maximum height limit, so long as the combined total coverage of all features does not exceed fifteen percent (15%) of the roof area, or twenty percent (20%) of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

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

d. Chimneys;
e. Sun and wind screens;
f. Penthouse pavilions for the common use of residents.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten feet (10') from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;
b. Planters;
c. Clerestories;
d. Greenhouses;
e. Dish antennas, according to the provisions of Chapter 23.57;
f. Nonfirewall parapets;
g. Play equipment;
h. Sun and wind screens;
i. Penthouse pavilions for the common use of residents.

Section 18. Subsection D of Section 23.45.096 of the Seattle Municipal Code, which Section was last amended by Ordinance 116368, is amended as follows:

23.45.096 Institutions – Setback requirements.

D. Setbacks for Specific Items.

((~~1.~~)) In Lowrise 1, Lowrise 2 and Lowrise 3 Zones, the following items shall be located at least twenty (20) feet from any abutting residentially zoned lot:

((a.))1. Emergency entrances;
((b.))2. Main entrance door of the institutional structure;
((c.))3. Outdoor play equipment and game courts;
((d.))4. Openable window of gymnasium, assembly hall or sanctuary;
((e.))5. Garbage and trash disposal mechanism;
((f.))6. Kitchen ventilation;
((g.))7. Air-conditioning or heating mechanism;
((h.))8. Similar items causing noise and/or odors as determined by the Director.

((~~2. Freestanding signs six (6) feet in height or less may be permitted in required setbacks according to the provisions of Section 23.45.158, Signs.~~))

***

Section 19. Subsection H of Section 23.45.166 of the Seattle Municipal Code, which Section was last amended by Ordinance 110793, is amended as follows:

23.45.166 Off-site parking facilities in Highrise Zones.

***

((~~H. Signs shall be permitted according to the standards of Section 23.45.158, Signs.~~))

Section 20. Subsection F and Chart A of Section 23.47.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 119698, is amended as follows:

23.47.004 Permitted and prohibited uses.

F. Public Facilities.

1. Except as provided in subsection ((~~E~~)) F2 below, uses in public facilities that are most similar to uses permitted outright or permitted as a conditional use under this chapter shall also be permitted outright or as a conditional use, subject to the same use regulations, development standards and conditional use criteria that govern the similar uses. The City Council may waive or modify applicable development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Permitted Uses in Public Facilities Requiring City Council Approval. Unless specifically prohibited in Chart A, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter may be permitted by the City Council. Uses in public facilities shall meet the development standards of the zone in which they are located. The City Council may waive or modify applicable development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

3. In all commercial zones, uses in public facilities not meeting development standards may be permitted by the Council if the following criteria are satisfied:

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

b. The proposed location is required to meet specific public service delivery needs; and

c. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and

d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major Expansions may be permitted to uses in public facilities allowed in subsections F1 and F2 above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development

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

b. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections F1 and F2 above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

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

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USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	NC2	NC3	C1	C2
I. COMMERCIAL USE					
A. Retail Sales and Services.					
1. Personal and Household Retail Sales and Services					
Multi-purpose convenience stores	P	P	P	P	P
General retail sales and service	P	P	P	P	P
Major durables sales, service and rental	P	P	P	P	P
Specialty food stores	P	P	P	P	P
2. Medical Services	P/CU[1]	P/CU[1]	P/CU[1]	P/CU[1]	P/CU[1]
3. Animal Services[2]					
Animal health services	P	P	P	P	P
Kennels	X	X	X	X	P
Animal shelters	X	X	X	X	X
Pet grooming services	P	P	P	P	P
4. Automotive Retail Sales and Services					
Gas Stations	P	P	P	P	P
Sales and rental of motorized vehicles	X	P	P	P	P
Vehicle repair, minor	P	P	P	P	P
Vehicle repair, major	X	P	P	P	P
Car wash	X	P	P	P	P
Towing services	X	X	X	P	P
Automotive parts or accessory sales	P	P	P	P	P
5. Marine Retail Sales and Services					
Sales and rental of large boats	X	P	P	P	P
Vessel repair, minor	P	P	P	P	P
Vessel repair, major	X	X	X	S	S
Marine service station	P	P	P	P	P
Dry storage of boats	X	P	P	P	P
Recreational marinas	S	S	S	S	S
Commercial moorage	S	S	S	S	S
Sale of boat parts or accessories	P	P	P	P	P

6. Eating and Drinking Establishments					
Restaurants without cocktail lounges	P	P	P	P	P
Restaurants with cocktail lounges					
Fast-food restaurant (750 sq. ft. and under)	X	P	P	P	P
Fast-food restaurant(over 750 sq. ft.)	P	P	P	P	P
Tavern	CU	CU	CU	CU	CU
Brewpub	CU	CU	P	P	P
7. Lodging					
Hotel	X	X	P	P	P
Motel	X	X	P	P	P
Bed and breakfast	P3	P3	P	P	P
8. Mortuary Services	X	P	P	P	P
9. Existing Cemeteries[14]	P	P	P	P	P
B. Principal Use Parking	X	P	P	P	P
C. Non-Household Sales and Service					
1. Business support services	P	P	P	P	P
2. Business incubator	P	P	P	P	P
3. Sales, service and rental of office equipment	X	P	P	P	P
4. Sales, service and rental of commercial equipment and construction materials	X	X	P	P	P
5. Sale of heating fuel	X	X	P	P	P
6. Heavy commercial services	X	X	X	P	P
Construction services	X	X	X	P	P
Commercial laundries	X	X	X	P	P
D. Offices					
1. Customer service office	P	P	P	P	P
2. Administrative office	P	P	P	P	P
E. Entertainment					
1. Places of Public Assembly					
Performing arts theater	X	P	P	P	P
Spectator sports facility	X	P	P	P	P
Lecture and meeting halls	X	P	P	P	P
Motion picture theater	X	P	P	P	P
Adult motion picture theater	X	P	P	P	P
Adult panorams	X	X	X	X	X
2. Participant Sports and Recreation					
Indoor	P	P	P	P	P
Outdoor	X	X	X[4]	P	P

F. Wholesale Showroom	X	X	P	P	P
G. Mini-Warehouse	X	X	P	P	P
H. Warehouse	X	X	P	P	P
I. Outdoor Storage	X	X	X[5]	P	P
J. Transportation Facilities					
1. Personal transportation services	X	X	P	P	P
2. Passenger terminals	X	X	P	P	P
3. Cargo terminals	X	X	X	S	P
4. Transit vehicle base	X	X	X	CCU[6]	CU[6]
5. Helistops	X	X	CCU[7]	CCU[7]	CU[7]
6. Heliports	X	X	X	X	X
7. Airport, land-based	X	X	X	X	X
8. Airport, water-based	X	X	X	X	S
9. Railroad switchyard	X	X	X	X	X
10. Railroad switchyard with mechanized hump	X	X	X	X	X
K. Food Processing and Craft Work					
1. Food processing for human consumption	P	P	P	P	P
2. Custom and craft work	P	P	P	P	P
L. Research and Development Laboratories	P	P	P	P	P
II. SALVAGE AND RECYCLING					
A. Recycling Collection Station	P	P	P	P	P
B. Recycling Center	X	X	X	P	P
C. Salvage Yard	X	X	X	X	X
III. UTILITIES					
A. Utility Service Uses	P	P	P	P	P
B. Major Communication Utility[8]	X	X	X	CCU	CCU
C. Minor Communication Utility[8]	P	P	P	P	P
D. Solid Waste Transfer Station	X	X	X	X	X
E. Power Plants	X	X	X	X	X
F. Sewage Treatment Plants	X	X	X	X	X

G. Solid Waste Incineration Facility	X	X	X	X	X
H. Solid Waste Landfill	X	X	X	X	X
IV. MANUFACTURING					
A. Light Manufacturing	X	P	P	P	P
B. General Manufacturing	X	X	X	P	P
C. Heavy Manufacturing	X	X	X	X	X
V. HIGH-IMPACT USES	X	X	X	X	X
VI. INSTITUTIONS					
A. Institute for Advanced Study	P	P	P	P	P
B. Private Club	P	P	P	P	P
C. Child Care Center	P	P	P	P	P
D. Museum	P	P	P	P	P
E. School, Elementary or Secondary	P	P	P	P	P
F. College	P	P	P	P	P
G. Community Center	P	P	P	P	P
H. Community Club	P	P	P	P	P
I. Vocational or Fine Arts School	P	P	P	P	P
J. Hospital	P	P	P	P	P
K. Religious Facility	P	P	P	P	P
L. University	P	P	P	P	P
M. Major Institutions within a Major Institution Overlay District subject to Chapter 23.69	P	P	P	P	P
VII.PUBLIC FACILITIES					
A. Jails	X	X	X	X	X
B. Work-Release Center[9]	CCU	CCU	CCU	CCU	CCU
A. Park and Pool Lots	P[10]	P	P	P	P
B. Park and Ride Lots	X	X	CU	CU	CU
XI. RESIDENTIAL[11]					
A. Single-Family Dwelling Units	P/CU[12]	P/CU[12]	P/CU[12]	P/CU[12]	CU[12]
B. Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
C. Congregate Residences	P/CU	P/CU	P/CU	P/CU	CU
D. Floating Homes	S	S	S	S	S
E. Mobile Home Park	X	X	X	P	CU
F. Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
G. Caretaker's Quarters	P	P	P	P	P
H. Adult Family Homes	P/CU	P/CU	P/CU	P/CU	P
I. Home Occupations	P[13]	P[13]	P[13]	P[13]	P[13]
J. Nursing Homes	P	P	P	P	P

X. OPEN SPACE					
A. Parks	P	P	P	P	P
B. Playgrounds	P	P	P	P	P
XI. AGRICULTURAL USES					
A. Animal Husbandry	X[13]	X[13]	X[13]	X[13]	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

P Permitted
X Prohibited
CU Administrative Conditional Use
CCU Council Conditional Use
S Permitted only in the Shoreline District, when permitted by the Seattle Shoreline Master Program

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[1] Medical service uses over 10,000 square feet, within 2,500 feet of a Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted Major Institution Master Plan or located in a downtown zone. See Section 23.47.006.

[2] The keeping of animals for the other than business purposes shall be regulated by Section 23.47.026

[3] In existing structures only.

[4] Outdoor participant sports and recreation uses are permitted at Seattle Center.

[5] Outdoor storage is permitted at the Seattle Center, subject to the provisions of Section 23.47.011

[6] New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.

[7] Permitted only as an accessory use according to Section 23.47.006.

[8] See Chapter 23.57 for regulation of communication utilities.

[9] Subject to disposition criteria in Section 23.47.006.

[10] Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot.

[11] Residential uses in mixed-use development are permitted outright in NC1, NC2, NC3 and C1 zones. Single purpose residential structures, other than nursing homes, are permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use according to the provisions of Section 23.47.023, except where the height limit is 85 feet or higher. All residential uses, other that nursing homes, in the C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed use structure or a single-purpose residential use, except in Pedestrian-Designated Zones (See Section 23.47.040).

[12] An accessory dwelling unit added to a single-family residence shall be allowed outright and shall not be require a separate conditional uses permit. The unit shall be considered accessory to the single-family residence, shall meet the standards listed for accessory dwelling units in Section 23.44.025 and shall not be considered a separate dwelling unit for all developments standard purposes in commercial zones.

[13] Permitted only as an accessory use.

[14] Subject to criteria in Section 23.47.004.

***

Section 21. Subsection C of Section 23.47.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 119239, is amended as follows:

23.47.008 Mixed use development.

C. Height for Mixed Use Development.

1. Mixed use development shall be subject to the height provisions of Section 23.47.012 A.

2. Except in zones designated NC2/R and NC3/R, mixed use development at street level shall have a minimum floor to floor height of thirteen (13) feet.

3. In zones with a thirty (30) foot or forty (40) foot height limit, the Director shall permit the height of the structure to exceed the height limit of the zone by up to four (4) feet, only if the residential and nonresidential uses are located in the same structure and subject to the following:

a. The additional height ((~~is necessary to meet code minimums for ceiling height (thirteen (13) feet floor to floor for nonresidential use at street level and seven (7) feet six (6) inches floor to ceiling for residential space)~~)) will result in floor to floor heights of thirteen (13) feet or more for the nonresidential use at street level and eight and one half (8 ½) feet or less for each of the other levels of the structure; and

b. The additional height will not permit an additional story to be built beyond what could be built under the applicable height limit if a thirteen (13) foot ceiling height were not required at street level.

4. In zones with a thirty (30) foot or forty (40) foot height limit, the Director may permit the height of the structure to exceed the height limit of the zone by up to four (4) feet, only if the residential and non residential uses are located in the same structure and subject to the following:

a. The additional height will result in floor to floor heights of thirteen (13) feet or more for the nonresidential use at street level and ((~~at least nine (9)~~)) greater than eight and one half (8 ½) feet for ((~~each~~)) any or all of the other levels of the structure; and

b. The additional height of the structure will not permit an additional story to be built beyond what could be built under the applicable height limit if a thirteen (13) foot ceiling height were not required at street level; and

c. If the additional height of the structure (up to four (4) feet) significantly blocks views from neighboring residential structures of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Greenlake, Puget Sound, Lake Washington, Lake Union and the Ship Canal, the Director shall not permit the additional height except as ((~~necessary to meet Code minimums for ceiling height~~)) provided in C3 above.

***

Section 22. Subsection A and C of Section 23.47.009 of the Seattle Municipal Code, which section was last amended by Ordinance 118414, are amended as follows:

23.47.009 Density limits for residential uses.

A. Density limits shall not apply to residential uses in mixed use development, except ((~~under the following circumstances:~~

~~1. As~~)) as established in the Northgate Overlay District as provided in Chapter 23.71.

((~~2. For lots rezoned from SF to NC1-30'/L1, NC2-30'/L1 or NC3-30'/L1 per Section 23.34.010 B, the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.~~))

***

C. Density limits shall apply for single-purpose residential structures subject to the following, except as provided in subsection D below:

1. In the Northgate Overlay District, as provided in Chapter 23.71.

2. In NC1 zones the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

3. In NC2, NC3, C1 and C2 zones with either thirty (30) ((~~feet~~)) foot or forty (40) ((~~feet~~)) foot height limits, the density limit shall be one (1) unit per one thousand two hundred (1,200) square feet of lot area.

4. In NC2, NC3, C1 and C2 zones with sixty-five (65) foot height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

((~~5. For lots rezoned from SF to NC1-30'/L1, NC2-30'/L1 or NC3-30'/L1 per Section 23.34.010 B, the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.~~))

((~~6.~~)) 5. There shall be no residential density limit for single-purpose residential structures in the NC2/R or NC3/R zone.

***

Section 23. Subsection G of Section 23.47.012 of the Seattle Municipal Code, which section was last amended by Ordinance 119837, is amended as follows:

23.47.012 Structure height and floor area ratio.

G. Rooftop Features.

1. Radio and television receiving antennas excluding dish antennas; ham radio towers; smokestacks((,)); chimneys; flagpoles; and ((~~spires~~)) religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets

and firewalls may extend up to four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. Solar Collectors.

a. In zones with height limits of (30) thirty or forty (40) feet, solar collectors may extend up to four (4) feet above the maximum height limit, with unlimited rooftop coverage.

b. In zones with height limits of sixty-five (65) feet or more, solar collectors may extend up to seven (7) feet above the maximum height limit, with unlimited rooftop coverage.

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

a. Solar collectors;
b. Stair and elevator penthouses;
c. Mechanical equipment;
d. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen (15) feet from the roof edge; and
e. Dish antennas, according to the provisions of Chapter 23.57.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this ((~~subdivision~~)) subsection at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;
b. Planters;
c. Clerestories;
d. Greenhouses;
e. Dish antennas, according to the provisions of Chapter 23.57;
f. Non-firewall parapets;
g. Play equipment.

6. Structures existing prior to May 10, 1986 may add new or replace existing mechanical equipment up to fifteen (15) feet above the roof elevation of the structure and shall comply with the noise standards of Section 23.47.018.

***

Section 24. Subsections A, B and C of Section 23.47.029 of the Seattle Municipal Code, which section was adopted by Ordinance 119836, is amended as follows:

23.47.029 Solid Waste and Recyclable Materials Storage Space.

A. Storage space for solid waste and recyclable materials containers shall be provided for all new ((~~developments~~)) structures permitted in commercial zones and expanded multifamily ((~~developments~~)) structures as indicated in the table below. For the

purposes of this subsection, "expanded multifamily ((~~development~~)) structure" means expansion of multifamily ((~~developments~~)) structures with ten (10) or more existing units by two (2) or more units.

Structure Type	Structure Size	Minimum Area for Storage Space	Container Type
Multifamily*	((~~1~~))7 – 15 units 16 – 25 units 26 – 50 units 51 – 100 units More than 100 units	75 sq. ft. 100 sq. ft. 150 sq. ft. 200 sq. ft. 200 sq. ft. plus 2 sq. ft. for each additional unit	Rear – Loading Rear – Loading Front – Loading Front – Loading Front – Loading
Commercial*	0 – 5,000 sq. ft. 5,001 – 15,000 sq. ft. 15,501 – 50,000 sq. ft. 50,001 – 100,000 sq.ft. 100,001 – 200,000 sq. ft. 200,001 plus sq. ft.	82 sq. ft. 125 sq. ft. 175 sq. ft. 225 sq. ft. 275 sq. ft. 500 sq. ft.	Rear – Loading Rear – Loading Front – Loading Front – Loading Front – Loading Front – Loading

* Mixed Use Buildings: Mixed use buildings with 80 percent (80%) or more of floor space designated for residential use will be considered residential buildings. All other mixed use buildings will be considered commercial buildings.

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

1. The storage space shall have no dimension (width and ((~~length~~)) depth) less than six (6) feet;

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

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

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

1. The storage space shall be located ((~~on~~)) within the private property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street facing façade of the structure and the street;

2. The storage space shall not be located in any required driveways, parking ((~~area~~)) aisles, or parking spaces for the structure;

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

4. The storage space shall be located to minimize noise and odor to building

occupants and neighboring developments.

* * *

Section 25. Subsection D of Section 23.47.042 of the Seattle Municipal Code, which section was last amended by Ordinance 114382, is amended as follows:

23.47.042 Uses in pedestrian-designated zones.

D. Street-level Uses Required.

1. Street-level uses shall be required along the principal pedestrian street front, except as provided in subsection D4, and shall be limited to the following retail sales and service and office uses if permitted in the underlying commercial zone:

a. Personal and household retail sales and service uses;
b. Eating and drinking establishments;
c. Customer service offices;
d. Entertainment uses((.));
e. Pet grooming services.

2. A minimum of eighty (80) percent of each street frontage to which street-level use requirements apply shall be occupied by uses listed in subsection D1. The remaining twenty (20) percent of the street frontage may contain other permitted uses and/or pedestrian entrances (Exhibit 23.47.042 A).

3. Required street-level uses shall be set back no more than ten (10) feet from the street property line and shall occupy at least the first ten (10) feet above sidewalk grade.

4. Street level use requirements shall not apply to public school development along principal pedestrian streets.

Section 26. Subsection C of Section 23.48.010 of the Seattle Municipal Code, which Section was adopted by Ordinance 118302, is amended as follows:

23.48.010 General structure height.

C. Rooftop Features.

1. Radio and television receiving antennas excluding dish antennas; ham radio towers; smokestacks((,)); chimneys; flagpoles; and ((~~spires~~)) religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64((.)), Airport Height Overlay District, provided they are a minimum of ten feet (10') from any side or rear lot line.

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

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

4. The following rooftop features may extend up to fifteen feet (15') above the maximum height limit, so long as the combined total coverage of all features listed in this subsection D4 does not exceed twenty percent (20%) of the roof area, or twenty-five percent (25%) of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;
b. Stair and elevator penthouses;
c. Mechanical equipment;
d. Atriums, greenhouses, and solariums;
e. Play equipment and open mesh fencing which encloses it, as long as the fencing is at least fifteen feet (15') from the roof edge; and
f. Dish antennas, according to the provisions of Chapter 23.57.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection D5 at least ten feet (10') from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;
b. Planters;
c. Clerestories;
d. Atriums, greenhouses and solariums;
e. Dish antennas, according to the provisions of Chapter 23.57;
f. Nonfirewall parapets;
g. ((~~play~~)) Play equipment.

6. Screening. Rooftop mechanical equipment and elevator penthouses shall be screened with fencing, wall enclosures, or other structures.

Section 27. Subsection D of Section 23.48.014 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.48.014 General façade requirements.

***

D. Street-level Setback. On Class II Pedestrian Streets and designated Green Streets, structures may be set back up to twelve (12) feet from the property line subject to the following (Exhibit 23.48.014 B).

1. The setback area shall be landscaped according to the provisions of Section ((~~23.48.026~~)) 23.48.024.

2. Additional setbacks shall be permitted for up to thirty (30) percent of the length of the set-back street wall, provided that the additional setback is located a distance of twenty (20) feet or greater from any street corner.

Section 28. Subsections A, B and C of Section 23.48.031 of the Seattle Municipal Code, which section was adopted by Ordinance 119836, is amended as follows:

23.48.031 Solid Waste and Recyclable Materials Storage Space.

A. Storage space for solid waste and recyclable materials containers shall be provided for all new ((~~developments~~)) structures permitted in the Seattle Cascade Mixed zone and expanded multifamily ((~~developments~~)) structures as indicated in the table below. For the purposes of this subsection, "expanded multifamily ((~~development~~)) structure" means expansion of multifamily ((~~developments~~)) structures with ten (10) or more existing units by two (2) or more units.

Structure Type	Structure Size	Minimum Area for Storage Space	Container Type
Multifamily*	((~~1~~))7 – 15 units 16 – 25 units 26 – 50 units 51 – 100 units More than 100 units	75 sq. ft. 100 sq. ft. 150 sq. ft. 200 sq. ft. 200 sq. ft. plus 2 sq. ft. for each additional unit	Rear – Loading Rear – Loading Front – Loading Front – Loading Front – Loading
Commercial*	0 – 5,000 sq. ft. 5,001 – 15,000 sq. ft. 15,501 – 50,000 sq. ft. 50,001 – 100,000 sq.ft. 100,001 – 200,000 sq. ft. 200,001 plus sq. ft.	82 sq. ft. 125 sq. ft. 175 sq. ft. 225 sq. ft. 275 sq. ft. 500 sq. ft.	Rear – Loading Rear – Loading Front – Loading Front – Loading Front – Loading Front – Loading

* Mixed Use Buildings: Mixed use buildings with 80 percent (80%) or more of floor space designated for residential use will be considered residential buildings. All other mixed use buildings will be considered commercial buildings.

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

1. The storage space shall have no dimension (width and ((~~length~~)) depth) less than six (6) feet;

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

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

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

1. The storage space shall be located ((~~on~~)) within the private

property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street facing façade of the structure and the street;

2. The storage space shall not be located in any required driveways, parking ((~~area~~)) aisles, or parking spaces for the structure;

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

4. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

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Section 29. Subsection C of Section 23.49.008 of the Seattle Municipal Code, which section was last amended by Ordinance 119837, is amended as follows:

23.49.008 Structure height.

C. Rooftop Features.

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

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

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

c. The rooftop features listed below may extend up to fifty (50) feet above the roof of the structure on which they are located or fifty (50) feet above the maximum height limit, whichever is less, except as regulated by Chapter 23.64, Airport Height Overlay District:

(1) Major or minor communication utilities,

(2) Religious symbols ((~~and that portion of the roof which supports them, such as belfries and spires~~)) for religious institutions,

(3) Smokestacks, and

(4) Flagpoles.

They shall be located a minimum of ten (10) feet from all lot lines.

2. The following rooftop features are permitted as long as the combined coverage of all features does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent if the total includes stair or elevator penthouses or screened mechanical equipment. Except in the PMM zone, additional combined coverage of all rooftop features, not to exceed thirty-five (35) percent of the roof area, may be permitted through the design review process for development standard departures in Section 23.41.012.

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

(1) Solar collectors;

(2) Stair penthouses;

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

(4) Mechanical equipment; and

(5) Mechanical equipment, whether new or replacement, may be allowed up to fifteen (15) feet above the roof elevation of a structure existing prior to June 1, 1989.

b. Elevator penthouses are permitted to extend beyond the maximum height limit as follows:

(1) In the PMM zone, up to fifteen (15) feet above the maximum height limit for the zone;

(2) Except in the PMM zone, up to twenty (20) feet above the maximum height limit for a penthouse designed for an elevator cab up to eight (8) feet high; or

(3) Except in the PMM zone, up to twenty-two (22) feet above the maximum height limit for a penthouse designed for an elevator cab more than eight (8) feet high.

3. Screening of Rooftop Features.

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

b. Except in the PMM zone, the amount of roof area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of all rooftop features as provided in subsection C2 above.

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

4. Administrative Conditional Use for Rooftop Features. The rooftop features listed in subsection C1c of this section may exceed a height of fifty (50) feet above the roof of the structure on which they are located if authorized by the Director through an administrative conditional use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:

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

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

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

d. The feature shall not adversely affect the function of existing transmission or receiving equipment within a five (5) mile radius.

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

5. Residential Penthouses Above Height Limit in DRC Zone.

a. A residential penthouse exceeding the maximum allowable height

shall be permitted in the DRC zone only on a mixed-use, City-designated Landmark structure for which a certificate of approval by the Landmarks Preservation Board is required. A residential penthouse allowed under this section may cover a maximum of fifty (50) percent of the total roof surface. Except as the Director may allow under subsection C5b of this section:

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

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

b. If the Director determines, after a sight line review based upon adequate information submitted by the applicant, that a penthouse will be invisible or minimally visible from public streets and parks within three hundred (300) feet from the structure, the Director may allow one or both of the following:

(1) An increase of the penthouse height limit under subsection C5a of this section by an amount up to the average height of the structure's street-facing parapet; or

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

c. The Director's decision to modify development standards pursuant to subsection C5b must be consistent with the certificate of approval from the Landmarks Preservation Board.

d. A residential penthouse allowed under this section shall not exceed the maximum permitted height that could be permitted in the DRC zone by the City Council as provided in Section 23.49.008 A1.

e. No rooftop features shall be permitted on a residential penthouse allowed under this subsection C5.

Section 30. Subsection A of section 23.49.015 of the Seattle Municipal Code, which section was adopted by Ordinance 119836, is amended as follows:

23.49.015 Solid Waste and Recyclable Materials Storage Space.

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

Structure Type	Structure Size	Minimum Area for Storage Space	Container Type
Multifamily*	((~~1~~))7 – 15 units	75 sq. ft.	Rear – Loading

	16 – 25 units 26 – 50 units 51 – 100 units More than 100 units	100 sq. ft. 150 sq. ft. 200 sq. ft. 200 sq. ft. plus 2 sq. ft. for each additional unit	Rear – Loading Front – Loading Front – Loading Front – Loading
Commercial*	0 – 5,000 sq. ft. 5,001 – 15,000 sq. ft. 15,501 – 50,000 sq. ft. 50,001 – 100,000 sq.ft. 100,001 – 200,000 sq. ft. 200,001 plus sq. ft.	82 sq. ft. 125 sq. ft. 175 sq. ft. 225 sq. ft. 275 sq. ft. 500 sq. ft.	Rear – Loading Rear – Loading Front – Loading Front – Loading Front – Loading Front – Loading

* Mixed Use Buildings: Mixed use buildings with 80 percent (80%) or more of floor space designated for residential use will be considered residential buildings. All other mixed use buildings will be considered commercial buildings.

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

1. The storage space shall have no dimension (width and ((~~length~~)) depth) less than six (6) feet;

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

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

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

1. The storage space shall be located ((~~on~~)) within the private property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street facing façade of the structure and the street;

2. The storage space shall not be located in any required driveways, parking ((~~area~~)) aisles, or parking spaces for the structure;

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

4. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

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Section 31. Subsection B of Section 23.49.016 of the Seattle Municipal Code, which section was last amended by Ordinance 113279, is amended as follows:

23.49.016 Parking quantity requirements.

B. Parking Requirements.

1. The long-term and short-term parking requirement for offices, retail sales and service uses, and other nonresidential uses shall be as established on Chart 23.49.016 A. The unrestricted long-term parking requirement for all uses except lodging uses may be reduced by providing additional carpool spaces, vanpools, or subsidized transit passes, according to subsection B3.

2. Carpool spaces provided to meet the requirements of subsection B1 shall either be:

a. Physically set aside and designated for exclusive carpool use between six a.m. (6:00 a.m.) and nine-thirty a.m. (9:30 a.m.), and shall not be leased to tenants for long-term parking, except as parking for carpools and vanpools. Required carpool spaces not used by carpool vehicles by nine- thirty a.m. (9:30 a.m.) shall be used as public short-term parking with appropriate signage provided; or

b. Subsidized, provided that the subsidy shall be equal to at least thirty percent (30%) of the monthly market rate charged the general public for a parking space. Subsidized spaces shall be provided at the rate that carpools are formed.

3. The following substitution rates shall be used to reduce the long-term parking requirement for all nonresidential uses, except lodging uses:

a. One (1) vanpool may be substituted for six (6) parking spaces. The unrestricted long-term parking requirement may be reduced not more than ten percent (10%) for vanpool substitutions. If the proponent elects to use the vanpool option, the necessary number of vans meeting the standards of the Commuter Pool Division of Metro shall be acquired, or a surety instrument acceptable to the Director shall be posted; and, vanpools shall be organized for employees in the structure. Before a certificate of occupancy may be issued, details of the vanpool program shall be spelled out in a Memorandum of Agreement executed between the proponent, his or her transportation coordinator, the Director, and the Seattle Rideshare office.

b. Each carpool space in excess of those required by subsection B1, which is physically reserved or subsidized according to the provisions of subsection B2, may be substituted for one and nine-tenths (1.9) parking spaces. No more than fifty percent (50%) of the total number of long-term parking spaces provided shall be set aside or discounted for carpools.

c. A fifteen percent (15%) reduction in the unrestricted long-term parking requirement may be achieved by providing free transit passes to all employees in the structure for at least five (5) years.

4. In lieu of providing long-term parking spaces on the lot or within eight hundred feet (800') of the lot, long-term spaces may be provided by a payment to the Downtown Parking Fund, if the Director determines that the parking impacts of the development can be met by other means. The Director's determination shall be based on any relevant factors including but not limited to the following:

a. Proximity of the site to public parking;

b. The level of transit service to the lot;

c. Proposals by the applicant to encourage building tenants to use alternatives to single occupancy vehicles.

5. The following requirements shall apply to all structures containing more than ten thousand (10,000) square feet of nonresidential use:

a. A transportation coordinator position shall be established and maintained within the proposed structure to devise and implement alternative means for employee commuting. The coordinator shall be trained by the Seattle Rideshare office or by an alternative organization with ridesharing experience, and shall work with the Seattle Rideshare office, Metro Commuter Pool staff, building tenants, and other building lessors. The coordinator shall disseminate ridesharing information to building occupants to encourage use of public transit, carpools, vanpools and flextime; administer the in-house ridesharing program; and aid in evaluation and monitoring of the ridesharing program. The transportation coordinator in addition shall survey all employees once a year to determine commute mode percentages.

b. The Seattle Rideshare office, in conjunction with the transportation coordinator, shall monitor the effectiveness of the ridesharing/transit incentive program on a quarterly basis. The owner or operator of the structure shall grant a designated Seattle Rideshare office representative right of entry to the parking facility to periodically review operation of the carpool set aside program.

c. A transportation information center shall be provided and maintained, which has transit information displays including transit route maps and schedules and Seattle ridesharing program information. The transportation display shall be located in the lobby or other location highly visible to employees within the structure prior to issuance of a certificate of occupancy.

***

Section 32. Subsection A of Section 23.49.054, of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.49.054 Downtown Office Core 1, street-level use requirements.

Street-level uses listed in subsection A shall be required on streets designated on Map IIA. (Note 1) Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses shall qualify as required street-level uses:

1. Retail sales and services, except lodging uses;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters;
5. Museums and libraries; and
6. Public atriums.

***

Section 33. Subsection A of Section 23.49.074 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.49.074 Downtown Office Core 2, street-level use requirements.

Street-level uses listed in subsection A shall be required on streets designated on Map IIIA. (Note 1) Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses shall qualify as required street-level uses:

1. Retail sales and services, except lodging uses;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters;
5. Museums and libraries; and
6. Public atriums.

***

Section 34. Subsection C of Section 23.49.098 of the Seattle Municipal Code, which section was last amended by Ordinance 119484, is amended as follows:

23.49.098 Downtown Retail Core, floor area ratio (FAR).

C. Exemptions From FAR Calculations.

1. The following areas shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential uses, except that on sending lots from which development rights are transferred according to Section 23.49.102 the only residential space exempted shall be low income housing or low-moderate income housing on landmark theater/housing TDR sites satisfying all requirements for a bonus under the Public Benefit Features Rule;

b. All gross floor area below grade;

c. All gross floor area located above grade which is used for principal or accessory short-term parking, or for parking accessory to residential uses, up to one (1) space per dwelling unit;

d. The gross floor area of public benefit features (including a performing arts theater but excluding a major retail store) which satisfy the requirements of Section 23.49.100, ratios for public benefit features, and satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of maximum bonusable area limitations;

e. The sum of the gross floor area of the following uses, up to a maximum FAR of one and one-half (11/2):

(1) Retail sales and services uses, including major retail stores, except lodging uses,

(2) Human service uses and child care centers,

(3) Customer service offices,

(4) Entertainment uses, such as theaters, and

(5) Museums.

The exemption for the uses listed in this subsection C1e shall be increased to a maximum FAR of two (2) when a performing arts theater or three (3) when a major retail store is given a bonus as part of a project pursuant to Section 23.49.096.

2. As an allowance for mechanical equipment, three and one-half (31/2) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 of this section has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

Section 35. Subsection A of Section 23.49.104 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.49.104 Downtown Retail Core, street-level use requirements.

Street-level uses listed in subsection A shall be required on all streets. Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following types of uses shall qualify as required street-level uses:

1. Retail sales and service uses, except lodging uses;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters; and
5. Museums and libraries.

***

Section 36. Subsection A of Section 23.49.132 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.49.132 Downtown Mixed Commercial, street-level use requirements.

Street-level uses listed in subsection A shall be required on the streets designated on Map VA. (Note 1) Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses shall qualify as required street-level uses:

1. Retail sales and services, except lodging uses;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters; and
5. Museums and libraries.

***

Section 37. Subsection A of Section 23.49.160 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.49.160 Downtown Mixed Residential, street-level requirements.

Street-level uses listed in subsection A shall be required on the streets designated on Map VIB. (Note 1) Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses shall qualify as required street-level uses:

1. Retail sales and services, except lodging uses;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters; and
5. Museums and libraries.

***

Section 38. Chart A of Section 23.50.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 119972, is amended as follows:

Industrial Uses
Chart A
For Section 23.50.012

Uses	Zones				
I. Manufacturing.	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
A. Light manufacturing	P	P	P	P	P
B. General manufacturing	P	P	P	P	P
C. Heavy manufacturing	CU	X or CU[1]	P or CU[2]	P	P
II. High-impact Uses.	X	X or CU[3]	X or CU[4]	X or CU[4]	X or CU[4]
III. Commercial.					
A. Retail sales and service					
1. Personal and household sales and services	P	P	P	P	P
2. Medical services	P/CU[5]	P/CU[5]	P/CU[5]	P/CU[5]	P/CU[5]
3. Animal services					
a. Animal health	P	P	P	P	P

services					
b. Kennel	X	P	P	P	P
c. Animal control shelter	P	P	P	P	P
d. Pet grooming services	P	P	P	P	P
4. Automotive retail sales and service	P	P	P	P	P
5. Marine retail sales and service	P	P	P	P	P
6. Eating and drinking establishment					
a. Fast-food restaurants over 750 square feet	CU	CU	CU	P	P
b. Fast-food restaurants under 750 square feet	P	P	P	P	P
c. Restaurants with or without cocktail lounges	P	P	P	P	P
Uses			**Zones**		
d. Tavern	P	P	P	P	P
e. Brewpub	P	P	P	P	P
7. Lodging	CU	CU	CU	X	X
8. Mortuary service	P	P	P	X	X
Uses			**Zones**		
III. Commercial (continued).	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
9. Existing cemeteries	P	P	P	P	P
10. New cemeteries	X	X	X	X	X
B. Principal use parking, surface area or garage	P	P	P	X	X
C. Nonhousehold sales and services	P	P	P	P	P
D. Office	P	P	P	P	P
E. Entertainment					
1. Places of public assembly					
a. Performing arts theater	P	P	P	X	X
b. Spectator sports facility	P	P	P	X[6]	X[6]
c. Lecture and meeting halls	P	P	P	P	P
d. Motion picture theater	P	P	P	X	X
e. Motion picture					

theater, adult	X	X	X	X	X
f. Adult panorams	X	X	X	X	X
2. Participant sports and recreation					
a. Indoor	P	P	P	X	P
b. Outdoor	P	P	P	X	P
F. Wholesale Showroom	P	P	P	P	P
G. Mini-warehouse	P	P	P	X	P
H. Warehouse	P	P	P	P	P
I. Outdoor Storage	P	P	P	P	P

Uses	Zones				
III. Commercial (continued).	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
J. Transportation Facilities					
1. Personal transportation services	P	P	P	P	P
2. Passenger terminal	P	P	P	P	P
3. Cargo terminal	P	P	P	P	P
4. Transit vehicle base	CU	CU	CU	CU	CU
5. Helistop	CCU	CCU	CCU	CCU	CCU
6. Heliport	X	CCU	CCU	CCU	CCU
7. Airport, land-based	X	CCU	CCU	CCU	CCU
8. Airport, water-based	X	CCU	CCU	CCU	CCU
9. Railroad switchyard	P	P	P	P	P
10. Railroad switch yard with mechanized hump mechanized hump	X	X	CU	CU	CU
K. Food processing and craft work	P	P	P	P	P
L. Research and development laboratory	P	P	P	P	P
IV. Salvage and Recycling.					
A. Recycling collection station	P	P	P	P	P

B. Recycling center	P	P	P	P	P
C. Salvage yard	X	X	P	P	P
V. Utilities.					
A. Utility services use	P	P	P	P	P
B. Major communication utility[7]	CU	CU	CU	CU	CU
C. Minor communication utility[7]	P	P	P	P	P
D. Solid waste transfer station	X	CU	CU	CU	CU

Uses	Zones				
V. Utilities (continued)	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
E. Power plant	X	CCU	P	P	P
F. Sewage treatment plant	X	CCU	CCU	CCU	CCU
G. Solid waste incineration facility	X	CCU	CCU	CCU	CCU
H. Solid waste landfills	X	X	X	X	X
VI. Institutions.					
A. Institute for advanced study	P	P	P	X	X
B. Private clubs	EB	EB	EB	X	X
C. Child care center	P	P	P	P	P
D. Museum	EB	EB	EB	X[8]	X[8]
E. School, elementary or secondary	EB	EB	EB	X	X
F. College	EB	EB	EB	X[9]	X[9]
G. Community center	EB	EB	EB	P	P
H. Community club	EB	EB	EB	X	P

I. Vocational or fine arts school	P	P	P	P	P
J. Hospital	EB	EB	CU[10]	P	P
K. Religious facility	EB	EB	EB	EB	EB
L. University	EB	EB	EB	X[9]	X[9]

Uses	Zones				
VI. Institutions (continued)	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
M. Major institutions, subject to the provisions of Chapter 23.69	EB	EB	EB	EB	EB
VII. Public Facilities.					
A. Jails	X	X	X	X	X
B. Work-release centers	X	X	X	X	X
C. Other public facilities	CCU	CCU	CCU	CCU	CCU
VIII. Park and Pool/Ride Lots.					
A. Park and pool lots	P[11]	P[11]	P[11]	CU	CU
B. Park and ride lots	CU	CU	CU	CU	CU
IX. Residential.					
A. Single-family dwelling units	X	X	X	X	X
B. Multi-family structures	X	X	X	X	X
C. Congregate residences	X	X	X	X	X
D. Adult family homes	X	X	X	X	X
E. Floating homes	X	X	X	X	X

F. Mobile home park	X	X	X	X	X
G. Nursing homes	X	X	X	X	X
H. Artist's studio/dwelling	EB/CU	EB/CU	EB/CU	EB/CU	EB/CU
I. Caretaker's quarters	P	P	P	P	P

Uses	Zones				
IX. Residential (continued).	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
J. Assisted living facility	X	X	X	X	X
((~~J.~~))K. Residential use except artist's studio/dwelling and caretaker's quarters in a landmark structure or landmark district	CU	CU	CU	CU	CU
X. Open Space					
A. Parks	P	P	P	P	P
B. Playgrounds	P	P	P	P	P
XI. Agricultural Uses					
A. Animal husbandry	X	X	X	X	X
B. Horticultural use	X	X	X	X	X
C. Aquaculture	P	P	P	P	P

P = Permitted
X = Prohibited
CU = Administrative conditional use
CCU = Council conditional use
EB = Permitted only in a building existing on October 5, 1987.

1. The Heavy Manufacturing uses listed in subsection B9 of Section 23.50.014 may be permitted as a conditional use. All other Heavy Manufacturing uses are prohibited.

2. Heavy Manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at subsection C of Section 23.50.014.

3. The High-Impact uses listed at subsection B10 of Section 23.50.014 may be permitted as conditional uses.

4. High-Impact 1 uses may be permitted as a conditional use as provided at subsection B5 of Section 23.50.014.

5. Medical service uses over ten thousand (10,000) square feet, within two thousand five hundred feet (2,500') of a medical Major Institution overlay district boundary, shall require administrative conditional use approval, unless included in an adopted major institution master Plan or located in a Downtown zone. See Section 23.50.014.

6. Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Overlay Area District may reserve parking. Such reserved, non-required, parking is allowed and shall be permitted to be used for general parking purposes and is exempt from the 1 space per 650 square feet ratio under the following circumstances: if
   (a) the parking is owned and operated by the spectator sports facility or exhibition hall, and
   (b) (b) is reserved for events in the spectator sports facility or exhibition hall, and
   (c) the reserved parking is outside of the Stadium Transition Overlay Area District, and south of South Royal Brougham Way, west of 6th Avenue South and north of Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.

7. See Chapter 23.57 for regulation of major and minor communication utilities and accessory communication devices.
8. Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.

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

10. Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to Section 23.50.014, B15, Conditional Uses.

11. Park and pool lots are not permitted within three thousand (3,000) feet of the Downtown Urban Center.

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Section 39. Subsection B of Section 23.50.014 of the Seattle Municipal Code, which section was last amended by Ordinance 119972, is amended as follows:

23.50.014 Conditional uses.

B. Administrative Conditional Uses. The following uses, identified as administrative conditional uses in Chart A, may be permitted by the Director when the provisions of this subsection and subsection A of this section are met.

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

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

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

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

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

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

2. Park-and-pool lots in IG1 and IG2 zones in the Duwamish Manufacturing/Industrial Center, and park-and-ride lots in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones may be permitted as a conditional use according to the following criteria:

a. The lot shall not create conflict with industrial activity by causing significant additional traffic to circulate through the area;

b. The lot has direct vehicular access to a designated arterial improved to City standards;

c. The lot shall be located on an existing parking area unless no reasonable alternative exists;

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

e. The lot is not located within three thousand (3,000) feet of downtown.

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

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

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

4. A residential use not otherwise permitted in the zone may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones within a structure designated as a Landmark, pursuant to the Seattle Municipal Code, Chapter 25.12, Landmarks Preservation, or within a structure in a Landmark District, pursuant to the Seattle Municipal Code, Chapters 25.16, Ballard Avenue Landmark District, or Chapter 25.28, Pioneer Square Historical District, subject to the following criteria:

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

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

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

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

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

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

6. A new railroad switchyard with a mechanized hump, or the expansion of such a use beyond the lot occupied at the date of adoption of the ordinance codified in this section[1] may be permitted as a conditional use in General Industrial 1 (IG1) and General Industrial 2 (IG2) zones, according to the following criteria:

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

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

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

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

b. Measures to maximize control of rodents, birds and other vectors shall be determined in consultation with the Seattle/King County Department of Public Health. These measures shall be incorporated into the design and operation of the facility;

c. A transportation plan may be required. The Director shall determine the level of detail to be disclosed in the plan such as estimated trip generation, access routes

and surrounding area traffic counts, based on the probable impacts and/or scale of the proposed facility; and

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

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

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

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

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

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

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

9. The Heavy Manufacturing uses listed in subsection 9a below may be permitted in the Industrial Commercial (IC) zone as a conditional use according to criteria contained in subsection 9b.

a. Uses.

(1) Mass production of commercial or recreational vessels of any size and the production of vessels up to one hundred and twenty (120) feet in length, constructed to individual specifications; and

(2) Manufacturing of electrical components, such as semiconductors and circuit boards, using chemical processes such as etching or metal coating; and

(3) Production of industrial organic and inorganic chemicals, and soaps and detergents.

b. Criteria.

(1) Except for shipbuilding, the use shall be located within an enclosed building;

(2) The hours of operation for all processes creating any impacts on residentially or commercially zoned land may be limited;

(3) Truck and service traffic associated with the heavy manufacturing use shall be directed away from streets serving lots in nonindustrial zones;

(4) The infrastructure of the area shall be capable of accommodating the traffic generated by the proposed use;

(5) The use shall not produce sustained or recurrent vibrations exceeding 0.002g acceleration as measured on lots in nonindustrial zones;

(6) The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and

(7) The nature of the materials produced and/or the scale of manufacturing operations may be limited in order to minimize the degree and severity of risks to public health and safety.

10. The High Impact uses listed in subsection 10a below may be permitted as conditional uses in the Industrial Commercial (IC) zone according to the criteria contained in subsection 10b below.

a. Uses.

(1) The manufacture of Group A hazardous materials, except Class A or B explosives; and

(2) The manufacture of Group B hazardous materials, when the hazardous materials are present in quantities greater than two thousand five hundred (2,500) pounds of solids, two hundred seventy-five (275) gallons of liquids, or one thousand (1,000) cubic feet of gas at any time.

b. Criteria.

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

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

(3) The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and

(4) The nature of the materials produced and/or the scale of manufacturing operations may be limited in order to minimize the degree and severity of risks to public health and safety.

11. Fast-food restaurants that have a gross floor area greater than seven hundred fifty (750) square feet are identified as heavy traffic generators and, where not permitted outright, may be permitted as a conditional use in the General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones according to the following criteria:

a. The Director may require that the applicant prepare an analysis of traffic, circulation, and parking impacts and demonstrate that the use will not:

(1) Cause significant additional traffic to circulate through nearby residential neighborhoods,

(2) Disrupt the pedestrian flow of an area by significantly increasing the potential for pedestrian-vehicle conflicts,

(3) Create traffic or access problems which may require the expenditure of City funds to mitigate,

(4) Interfere with peak-hour transit operations by causing auto traffic to cross a designated high-occupancy vehicle lane adjacent to the lot, or

(5) Cause cars waiting to use the facility to queue across the sidewalk or onto the street;

b. Appropriate litter-control measures are provided.

12. Transit vehicle bases may be permitted as a conditional use in the General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones according to the following criteria:

a. The amount of industrial land occupied by the facility shall be minimized. To avoid disruption of the industrial function of the area, the presence of the facility shall not obstruct the operation or likely expansion of existing industrial uses;

b. The location of the facility shall not result in significant displacement of viable industrial uses or support activities;

c. The amount of land occupied by the facility that has access to industrial shorelines or major rail facilities shall be minimized; and

d. A transportation plan may be required to prevent conflicts with nearby industrial uses. The Director shall determine the level of detail to be disclosed in the plan based on the probable impacts and/or scale of the proposed facility.

13. Development of a medical service use over ten thousand (10,000) square feet, outside but within two thousand five hundred feet (2,500') of a medical Major Institution overlay district boundary, shall be subject to administrative conditional use approval, unless included in an adopted master plan. In making a determination whether to approve or deny medical service use, the Director shall determine whether an adequate supply of industrially zoned land will continue to exist. The following factors shall be used in making this determination:

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

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

14. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:

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

b. The Director shall evaluate the relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated;

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

15. An accessory hospital facility may be permitted as a conditional use according to the following criteria:

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

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

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Section 40. Subsection A of Section 23.50.020 of the Seattle Municipal Code, which section was last amended by Ordinance 119370, is amended as follows:

23.50.020 All Industrial zones -- Structure height exceptions and additional restrictions.

A. Rooftop Features. Where height limits are otherwise applicable to a structure, and except as provided in subsections C4, D4, E4 and F3 of Section 23.50.024, the following conditions shall apply to rooftop features:

1. Radio and television receiving antennas, excluding dish antennas; amateur radio towers; smokestacks; chimneys and flagpoles and ((~~spires~~)) religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot line.

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

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

4. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, as long as the combined total coverage of all features listed in this subsection does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent of the roof area if the total includes screened mechanical equipment:

a. Solar collectors;
b. Stair and elevator penthouses;
c. Mechanical equipment; and
d. Dish antennas, according to the provisions of Chapter 23.57.

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Section 41. Subsection E of Section 23.53.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 119096, is amended as follows:

23.53.020 Improvement requirements for existing streets in industrial zones.

E. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-way Greater Than or Equal to the Minimum Right-of-way Width. When a street with existing curbs abuts a lot, and improvements would be required by subsections B or D of this section, and the existing right-of-way is greater than or equal to the minimum width established in subsection A of this section, but the roadway width is less than the minimum established in the Street Improvement Manual, the following requirements shall be met:

(1) All structures on the lot shall be designed to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements

shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Department of Records and Elections.

(3) If there is no sidewalk, a sidewalk shall be constructed, except when the following projects are proposed:

i. Remodeling and use changes within existing structures;

ii. Additions to existing structures which are exempt from environmental review.

b. Streets With Less Than the Minimum Right-of-way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A6 of this section, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standard, except that required parking may not be located in the setback. Underground structures which would not prevent the future widening and improvements of the right-of-way may be permitted in the required setback by the Director ((~~of Construction and Land Use~~)) after consulting with the Director of Transportation.

(2) Grading Requirement. When a setback is required, all structures on the lot shall be designed to accommodate the grade of the future street, according to the Street Improvement Manual.

(3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to ((~~tile~~)) the property with the King County Department of Records and Elections.

2. Projects With Reduced Improvement Requirements. The following types of projects are exempt from all dedication and improvement requirements of subsections B, C and D of this section, but shall meet the setback, grading and no-protest requirements of subsection E1b if the street right-of-way abutting the lot has less than the minimum right-of-way width established in subsection A of this section or does not meet the grade of future street improvements.

a. Structures with fewer than ten (10) artist's studio dwellings;

b. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: fast-food restaurants; major and minor vehicle repair uses; and multipurpose convenience stores;

c. Nonresidential structures which have less than four thousand (4,000) square feet of gross floor area and which do not contain uses listed in subsection((~~s~~)) E2b ((~~and E2c~~)) of this section which are larger than seven hundred fifty (750) square feet;

d. Structures containing a mix of artist's studio dwellings and nonresidential uses, if there are fewer than ten (10) artist's studio dwellings, and the square footage of nonresidential use is less than specified in subsections E2b and E2c of this section;

e. Remodeling and use changes within existing structures;

f. Additions to existing structures which are exempt from

environmental review; and

g. Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

3. Exceptions From Required Street Improvement Requirements. The Director may waive or modify the requirements for paving, dedication, setbacks, grading, no-protest agreements, landscaping and sidewalk and pedestrian walkway installation when it is determined that one (1) or more of the following conditions are met:

a. Location in an environmentally critical area, disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for street parks, boulevards, or other special right-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.

e. Widening and/or improving the right-of-way would eliminate street access to an existing lot.

f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required twenty (20) percent maximum driveway slope.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 42. Section 23.55.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 113263, is hereby repealed.

Section 43. Subsection D of Section 23.60.454 of the Seattle Municipal Code, which section was last amended by Ordinance 113466, is amended as follows:

23.60.454 Height in the CM Environment.

D. Rooftop Features.

1. Radio and television receiving aerials, flagpoles, chimneys and

((~~spires~~)) religious symbols for religious institutions, are exempt from height limits, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, skylights, clerestories, monitors, solar collectors, parapets and firewalls may extend four (4) feet above the maximum height limit.

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Section 44. Subsection D of Section 23.60.572 of the Seattle Municipal Code, which section was last amended by Ordinance 113466, is amended as follows:

23.60.572 Height in the UR Environment.

D. Rooftop Features.

1. Radio and television receiving aerials, flagpoles, and ((~~spires~~)) religious symbols for religious institutions are exempt from the height limit, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, planters, skylights, clerestories, monitors, solar greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

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

d. Chimneys.

***

Section 45. Subsection D of Section 23.60.632 of the Seattle Municipal Code, which section was adopted by Ordinance 113466, is amended as follows:

23.60.632 Height in the US Environment.

D. Rooftop Features.

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

2. Open rails, planters, skylights, clerestories, monitors, greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection does not exceed twenty (20) percent of the roof area or twenty-five (25) percent of the roof area if the total includes screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment; and

d. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen (15) feet from the roof edge.

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Section 46. Subsection C of Section 23.60.692 of the Seattle Municipal Code, which section was last amended by Ordinance 113466, is amended as follows:

23.60.692 Height in the UH Environment.

C. Height Exceptions.

1. Cranes, gantries, mobile conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing of vessels are exempt, provided such structures shall be designed to minimize view obstruction.

2. Flagpoles, masts, and light poles are exempt.

3. Rooftop Features.

a. Open railings, planters, clerestories, skylights, parapets and firewalls may extend up to four (4) feet above the maximum height with unlimited rooftop coverage.

b. Solar collectors may extend up to seven (7) feet above the maximum height with unlimited rooftop coverage.

c. The following rooftop features may extend up to fifteen (15) feet above the maximum height, as long as the combined coverage of all features listed in this subsection 3C does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent if the total includes stair or elevator penthouses or screened mechanical equipment:

(1) Solar collectors;

(2) Stair and elevator penthouses;

(3) Mechanical equipment; and

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

d. Radio and television receiving aerials, excluding dishes; religious symbols ((~~such as belfries or spires and that portion of the roof which supports them~~)) for religious institutions; transmission towers; smokestacks and flagpoles may extend up to fifty (50) feet above the roof of the structure on which they are located except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from all lot lines.

4. Bridges. Bridges may exceed the maximum height limits.

Section 47. Subsection D of Section 23.60.812 of the Seattle Municipal Code, which section was adopted by Ordinance 113466, is amended as follows:

23.60.812 Height in the UG Environment.

D. Rooftop Features.

1. Radio and television receiving aerials, flagpoles, and ((~~spires~~)) religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses; and

b. Mechanical equipment.

***

Section 48. Subsection C of Section 23.66.140 of the Seattle Municipal Code, which section was adopted by Ordinance 119484, is amended as follows:

23.66.140 Height.

C. Rooftop Features. The height limits established for the rooftop features described in this subsection may be increased by the average height of the existing street parapet or a historically substantiated reconstructed parapet on the building on which the rooftop feature is proposed. The setbacks required for rooftop features may be modified by the Department of Neighborhoods Director, after a sight line review by the Preservation Board to ensure that the features are minimally visible from public streets and parks within three hundred (300) feet of the structure.

1. Radio and television receiving antennas excluding dishes, religious symbols ((~~such as belfries or spires and that portion of the roof which supports them~~)) for religious institutions, smokestacks and flagpoles may extend up to fifty (50) feet above the roof of the structure or the maximum height limit, whichever is less, except as regulated in Chapter 23.64 of this Land Use Code, provided that they are a minimum of ten (10) feet from all lot lines.

2. Open railings, planters, clerestories, skylights, play equipment, parapets and firewalls may extend up to four (4) feet above the roof of the structure or the maximum height limit, whichever is less, with unlimited rooftop coverage.

3. Solar collectors, excluding greenhouses, may extend up to seven (7) feet above the roof of the structure or the maximum height limit, whichever is less, with unlimited rooftop coverage, provided they are a minimum of ten (10) feet from all lot lines.

4. The following rooftop features may extend up to eight (8) feet above the roof or maximum height limit, whichever is less, when they are set back a minimum of fifteen (15) feet from the street and three (3) feet from an alley. They may extend up to twelve (12) feet above the roof when set back a minimum of thirty (30) feet from the street. A setback may not be required at common wall lines subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The combined coverage of the following listed rooftop features shall not exceed fifteen (15) percent of the roof area:

a. Solar collectors, excluding greenhouses;
b. Stair and elevator penthouses;
c. Mechanical equipment;
d. Dish antennas.

Additional combined coverage of these rooftop features, not to exceed twenty-five (25) percent of the roof area, may be permitted subject to review by the Preservation Board and approval by the Department of Neighborhoods Director.

5. Structures existing prior to June 1, 1989 may add new or replace existing mechanical equipment up to eight (8) feet above the existing roof elevation when they are set back a minimum of fifteen (15) feet from the street and three (3) feet from an alley; or may extend up to twelve (12) feet above the existing roof elevation when they are set back a minimum of thirty (30) feet from the street, subject to review by the Preservation Board and approval by the Department of Neighborhoods Director.

6. Residential and Office Penthouses.

a. Residential penthouses may cover a maximum of fifty (50) percent of the total roof surface and may extend up to eight (8) feet above the roof when set back a minimum of fifteen (15) feet from the street property line, or twelve (12) feet above the roof when set back a minimum of thirty (30) feet from the street property line.

b. Office penthouses shall be permitted only when the footprint of the existing structure is greater than ten thousand (10,000) square feet and the structure is at least sixty (60) feet in height. When permitted, office penthouses shall be set back a minimum of fifteen (15) feet from all property lines and may cover a maximum of fifty (50) percent of the total roof surface. Office penthouses may extend up to twelve (12) feet above the roof of the structure and shall be functionally integrated into the existing structure.

c. The combined height of the structure and a residential penthouse or office penthouse, where permitted, shall not exceed the maximum height limit for that area of the District in which the structure is located.

7. Screening of Rooftop Features. Measures may be taken to screen rooftop features from public view subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The amount of roof top area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of rooftop features listed in subsection C4 above. In no circumstances shall the height of rooftop screening exceed fifteen (15) feet above the maximum height limit.

***

Section 49. Subsection C of Section 23.66.332 of the Seattle Municipal Code, which section was last amended by Ordinance 119370, is amended as follows:

23.66.332 Height.

C. Rooftop Features.

1. The Special Review Board and the Director shall review rooftop features top preserve views from Kobe Terrace Park.

2. Radio and television receiving aerials excluding dishes, religious symbols ((~~such as belfries or spires and that portion of the roof which supports them~~)) <u>for religious institutions</u>, smokestacks and flagpoles are exempt from height controls, except as regulated in Chapter 23.64 of this Land Use Code, provided they are at least ten (10) feet from all lot lines.

3. Open railings, planters, clerestories, skylights, dish antennae, play equipment, parapets and firewalls may extend up to four (4) feet above the maximum height limit and may have unlimited rooftop coverage.

4. Solar collectors excluding greenhouses may extend up to seven (7) feet above the maximum height limit and may have unlimited rooftop coverage.

5. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit provided that the combined coverage of all features listed below does not exceed fifteen (15) percent of the roof area:

<u>a.</u> Solar collectors, excluding greenhouses;

<u>b.</u> Stair and elevator penthouses;

<u>c.</u> Mechanical equipment that is set back at least fifteen (15) feet from the roof edge.

Additional combined coverage of these rooftop features, not to exceed twenty-five (25) percent of the roof area, may be permitted subject to review by the Special Review Board and approved by the Department of Neighborhoods Director.

6. Structures existing prior to June 1, 1989 may add new or replace existing mechanical equipment up to fifteen (15) feet above the existing roof elevation of the structure as long as it is set back at least fifteen (15) feet from the roof edge subject to review by the Special Review Board and approval by the Department of Neighborhoods Director.

7. Screening of Rooftop Features. Measures may be taken to screen rooftop features from public view subject to review by the Special Review Board and approval by the Department of Neighborhoods Director. The amount of roof area enclosed

by rooftop screening may exceed the maximum percentage of the combined coverage of rooftop features listed in subsection C5 above. In no circumstances shall the height of rooftop screening exceed fifteen (15) feet above the maximum height limit.

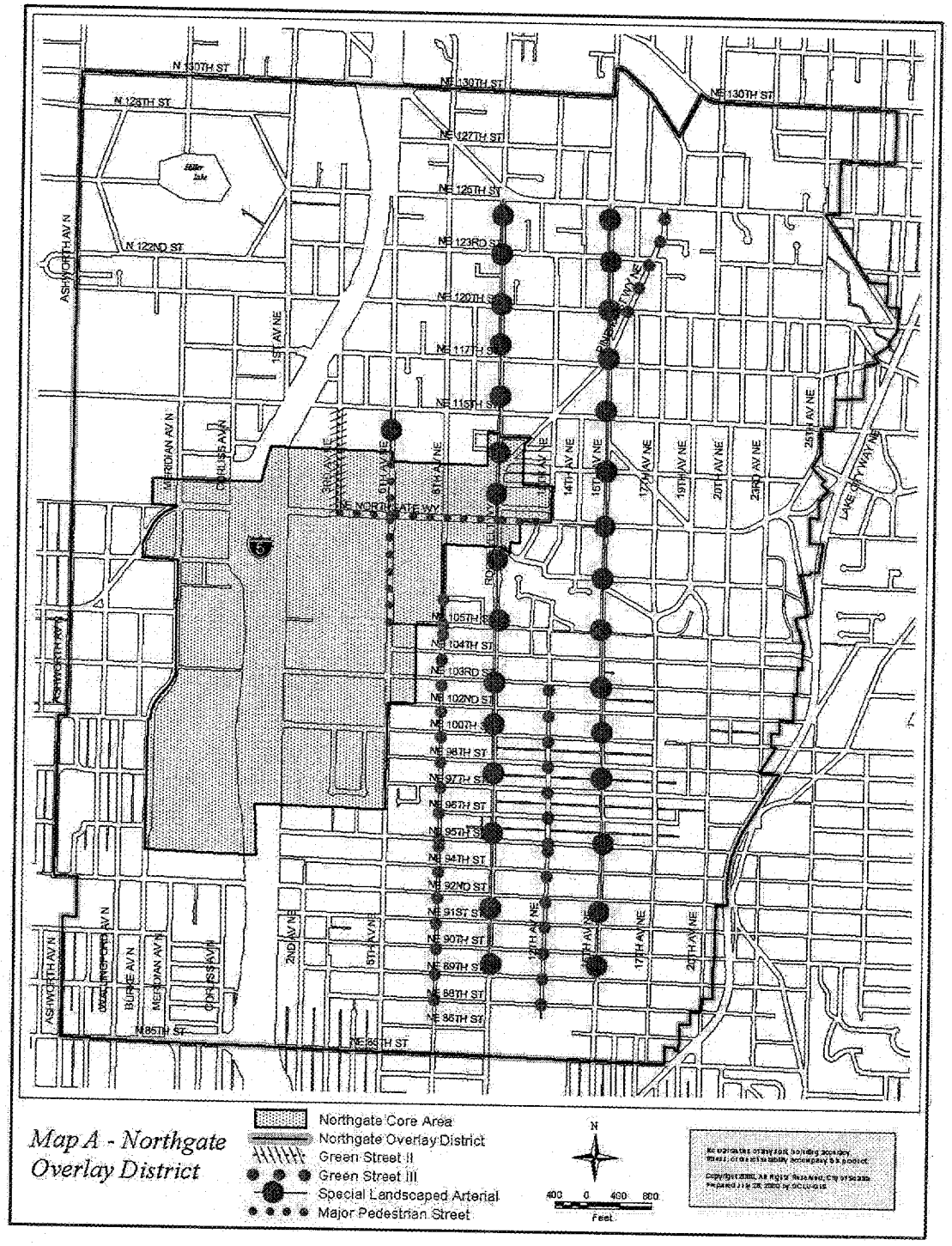
***

Section 50. Chapter 23.68 of the Seattle Municipal Code, Industrial Overlay District, of the SMC is hereby repealed.

Section 51. Map A of Section 23.71.004 of the Seattle Municipal Code, which section was last amended by Ordinance 118414, is amended as follows:

23.71.004 Northgate overlay district established.

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Northgate Overlay District, as shown on the City's Official Land Use Map, Chapter 23.32 and Map A.



Map A - Northgate Overlay District

Section 52. Section 23.84.002 of the Seattle Municipal Code, which section was last amended by Ordinance 118012, is amended as follows:

23.84.002 Definitions -- A.

***

"Animal service" means a retail sales and service use in which health care, pet grooming, or boarding services for animals are provided, or animals are raised for sale to others as pets.

1. "Animal health services" means an animal service use in which health care ((~~or pet grooming~~)) for animals on an inpatient or outpatient basis is provided indoors.

2. "Kennel" means an animal service use in which four (4) or more small animals are boarded, or are bred for sale as pets.

3. "Animal control shelter" means an animal service use maintained and operated primarily for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals.

4. "Pet grooming services" means an animal service use in which pet grooming for animals is provided indoors.

***

Section 53. Section 23.84.004 of the Seattle Municipal Code, which section was last amended by Ordinance 118794, is amended as follows:

23.84.004 Definitions -- B.

***

"Bed and breakfast." See "Lodging use."

***

Section 54. Section 23.84.016 of the Seattle Municipal Code, which section was last amended by Ordinance 118012, is amended as follows:

23.84.016 Definitions -- H.

***

"Hotel." See "Lodging use."

***

Section 55. Section 23.84.024 of the Seattle Municipal Code, which section was last amended by Ordinance 119618, is amended as follows:

23.84.024 "L."

***

"Lodging use" means a retail sales and service use in which the primary activity is the provision of rooms to transients.

((~~"Lodging uses" means and~~)) Lodging uses include((s)) bed and breakfasts, hotels and motels.

1. "Bed and breakfast" means a lodging use, where rooms within a single dwelling unit are provided to transients by a resident operator for a fee by pre arrangement on a daily or short-term basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast.

2. "Hotel" means a lodging use, located in a structure in which access to individual units is predominantly by means of common interior hallways, and in which a majority of the rooms are provided to transients for a fee on a daily or short-term basis.

3. "Motel" means a lodging use, located in a structure in which access to individual units is predominantly by means of common exterior corridors, and in which a majority of the rooms are provided to transients on a daily or short-term basis, and in which off-street parking is provided on the lot.

***

Section 56. Section 23.84.025 of the Seattle Municipal Code, which section was last amended by Ordinance 119151, is amended as follows:

23.84.025 Definitions -- M.

***

"Motel." See "Lodging use."

***

Section 57. Section 23.84.032 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.84.032 Definitions -- R.

***

"Retail sales and service" means a commercial use in which goods are rented or sold at retail to the general public for direct consumption and not for resale, or in which services are provided to individuals and/or households. Merchandise may be bought as well as sold and may be processed as long as the items processed are sold only on the premises, and production is incidental or subordinate to the selling, rental or repair of goods. See the following:

Personal and household retail sales and services
Medical services
Animal services
Automotive retail sales and service
Marine retail sales and services
Eating and drinking establishments
Lodging uses
Mortuary services.

***

Section 58. Subsection B of Section 23.86.002 of the Seattle Municipal Code, which section was last amended by Ordinance 119242, are amended as follows:

23.86.002 General provisions.

B. Fractions.

1. When any measurement technique for determining the number of items required or allowed, including but not limited to parking or bicycle spaces, or required trees or shrubs, results in fractional requirements, any fraction up to and including one-half (1/2) of the applicable unit of measurement shall be disregarded and fractions over one-half (1/2) shall require the next higher full unit of measurement.

2. When any measurement technique for determining required minimum or allowed maximum dimensions, including but not limited to height, yards, setbacks, lot coverage, open space, building depth, parking space size or curb cut width, results in fractional requirements, the dimension shall be measured to the nearest inch. Any fraction up to and including one-half of an inch (1/2") shall be disregarded and fractions over one-half of an inch (1/2") shall require the next higher unit.

3. When density calculations result in a fraction, any fraction up to and including one-half (1/2) shall be disregarded and any fraction over one-half (1/2) shall allow the next higher number. This provision may not be applied to density calculations that result in a quotient less then one (1).

Section 59. Subsections H and I of Section 23.86.018 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, are amended as follows:

23.86.018 Open space.

~~((H. Open Space Relationship to Grade.~~

~~1. The elevation of open space for ground-related housing must be within ten (10) feet of the elevation of the dwelling unit it serves. The ten (10) feet shall be measured between the finished floor level of the principal living areas of a dwelling unit and the grade of at least fifty (50) percent of the required open space. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination.~~

~~The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The portion of the open space which is within ten (10) feet of the unit shall include the point where the access to the open space from the unit occurs.~~

~~2. The elevation of private usable open space for Lowrise Duplex/Triplex structures must be within four (4) feet of the elevation of the dwelling unit it serves. The four (4) feet shall be measured between the finished floor level of the dwelling unit and the grade of at least fifty (50) per- cent of the required open space. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The maximum difference in elevation at the point of access shall be four (4) feet.~~))

((~~I.~~)) H. In the case of a lot where a portion is reserved as a vehicular access easement to another lot, when determining the amount of open space required or provided, no land within the limits of the easement shall be included in the calculation except where a portion of the structure is constructed over the easement.

Section 60. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 61. Except for Sections 43, 44, 45, 46, and 47, this ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020. Sections 43, 44, 45, 46, and 47 shall take effect and be in force on the later of: 1) the effective date of approval by the Washington state Department of Ecology or Growth Management Hearings Board; or 2) the effective date of the remainder of this Ordinance.

Passed by the City Council the 9th day of October, 2000, and signed by me in open session in authentication of its passage this 9th day of October, 2000.

Margaret Chapin
President of the City Council

Approved by me this 16th day of OCTOBER, 2000.

Paul Schell, Mayor

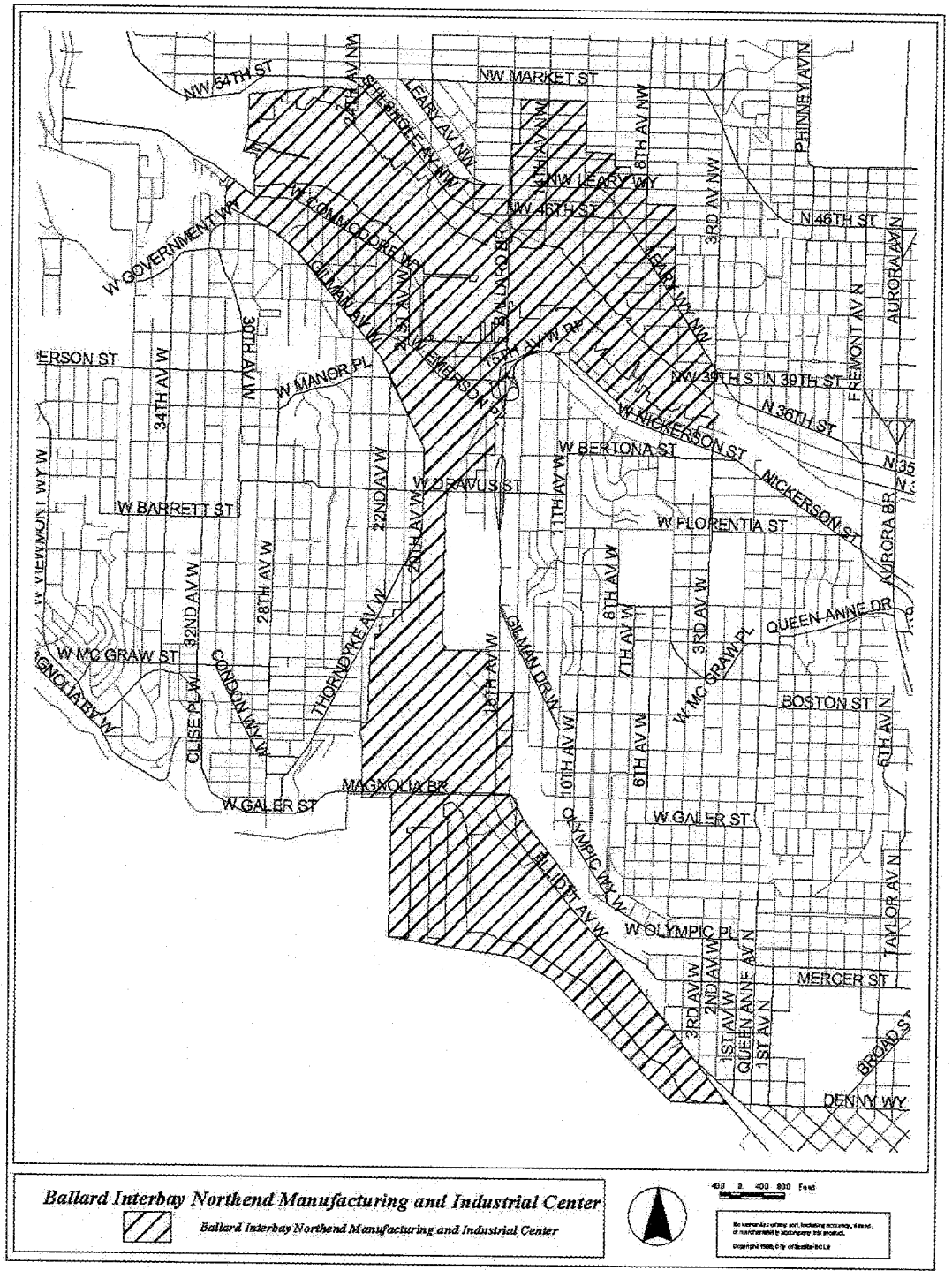
Filed by me this 16th day of October, 2000.

Judith E. Pippin
City Clerk

(SEAL)

APPENDIX A
Table of Contents

1. Ballard Interbay Northend Manufacturing and Industrial Center
2. Ballard Urban Village
3. Chinatown/International District Urban Village
4. Crown Hill Urban Village
5. Madison Miller Urban Village
6. Martin Luther King Jr. Way @ Holly Street Urban Village
7. 23rd Avenue S. @ S. Jackson-Union Urban Village
8. South Park Urban Village
9. Wallingford Urban Village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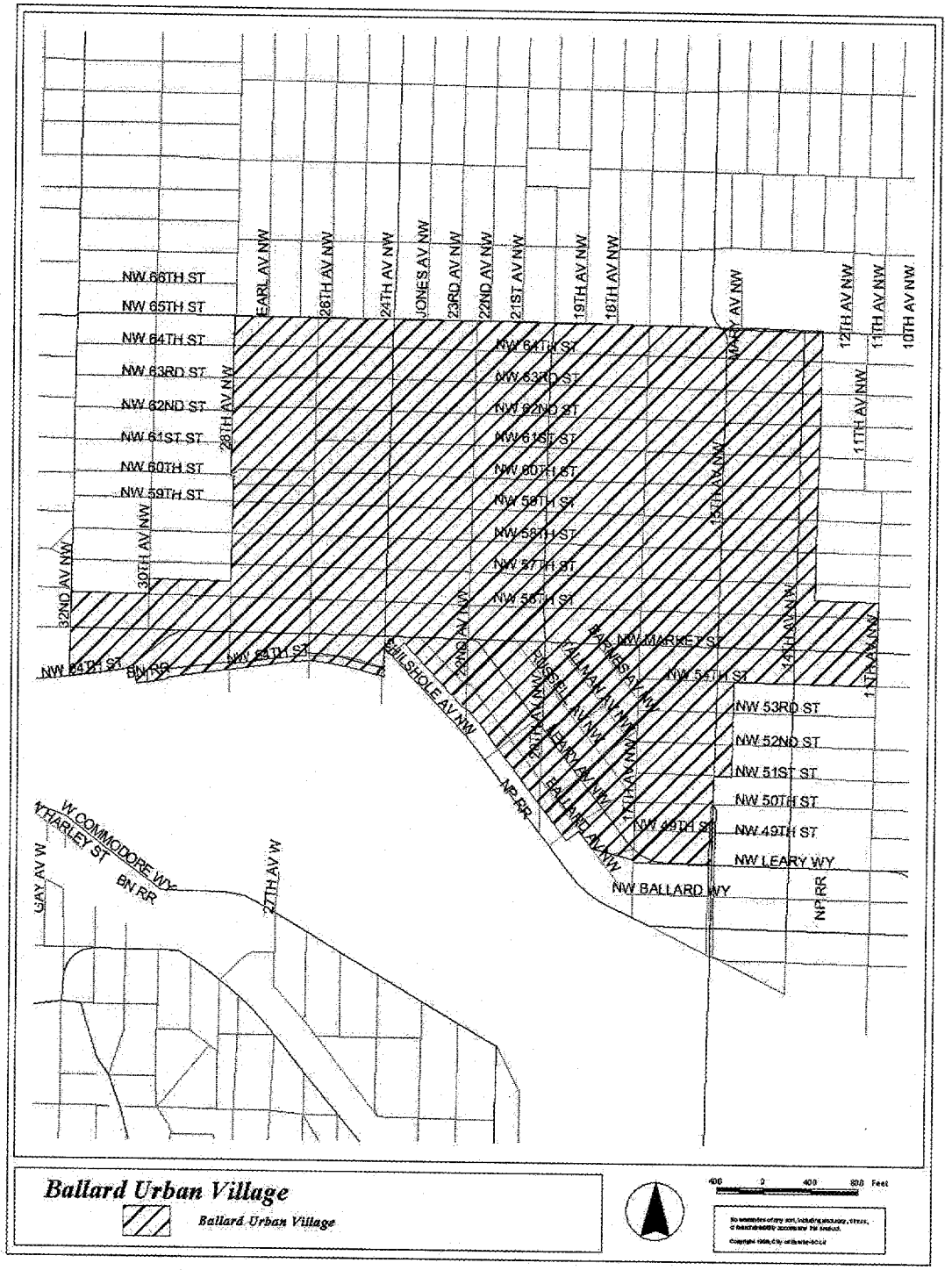

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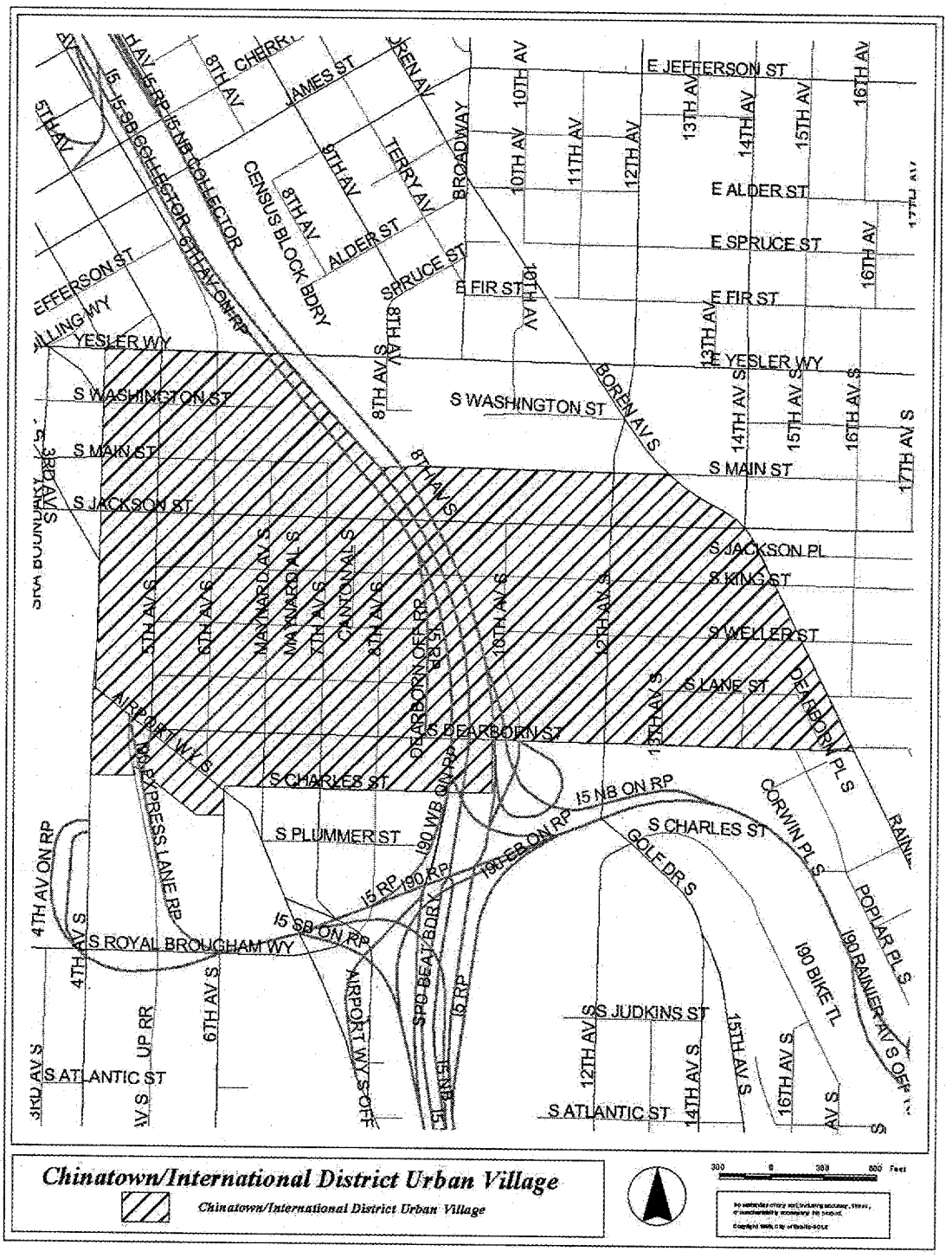
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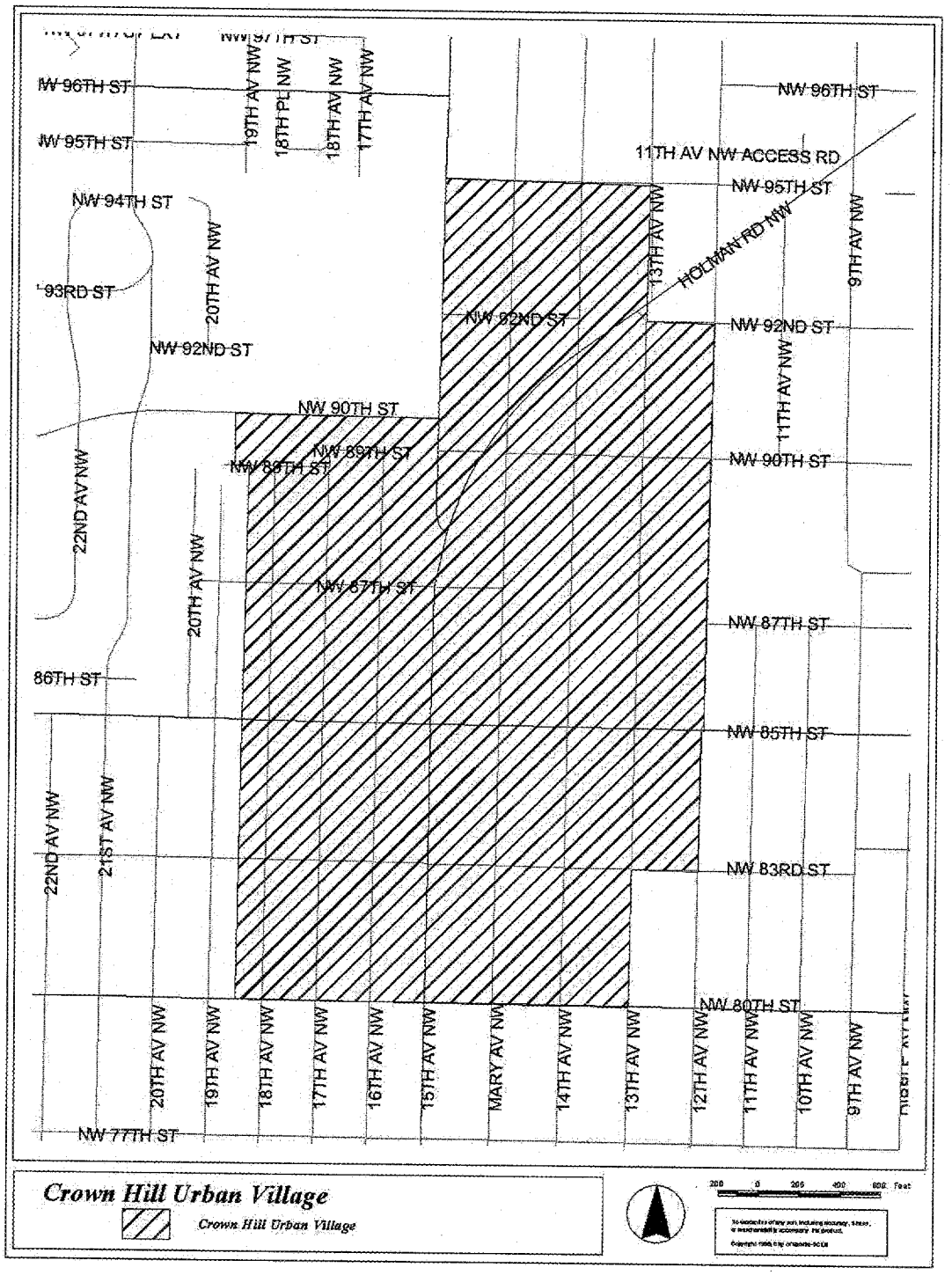
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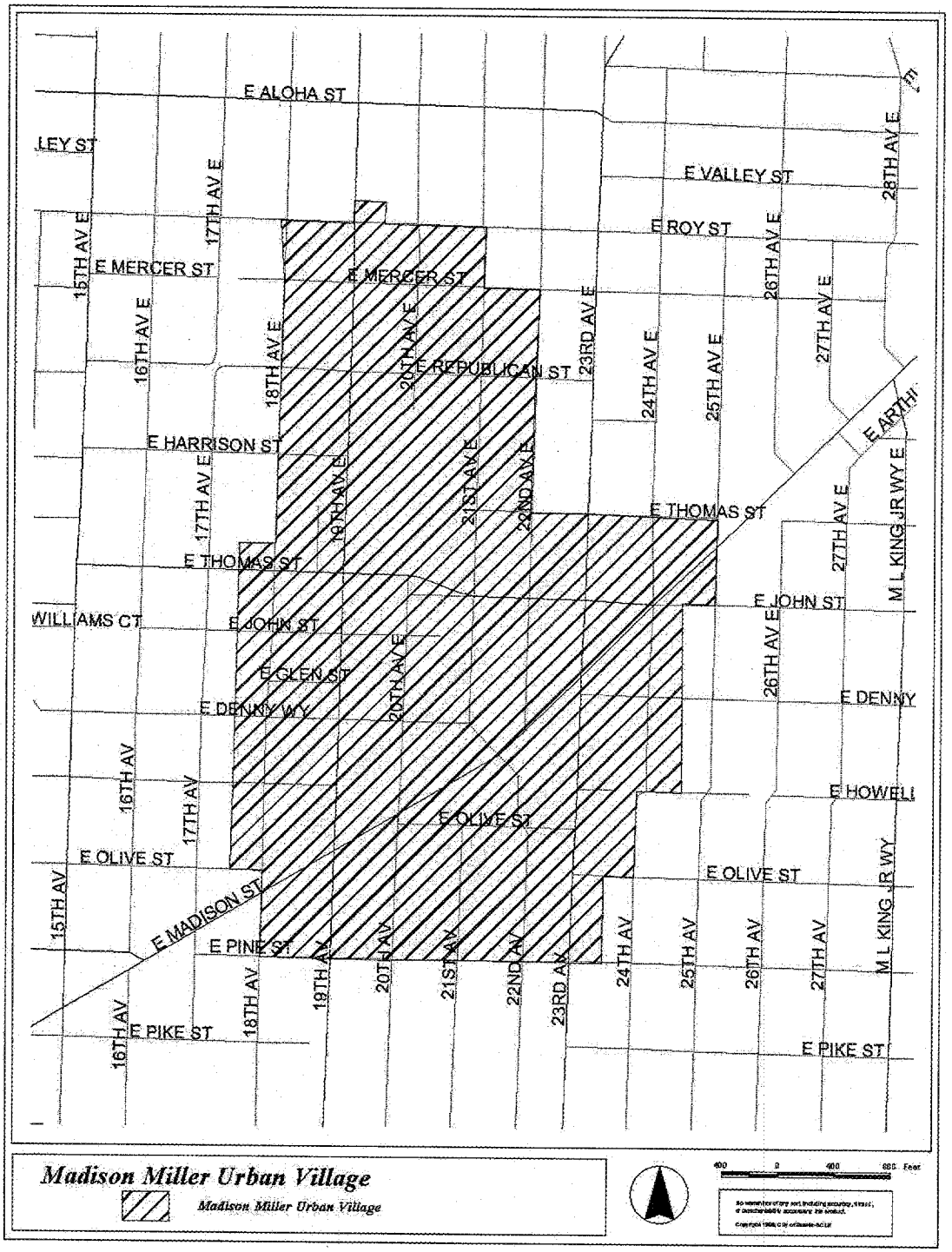
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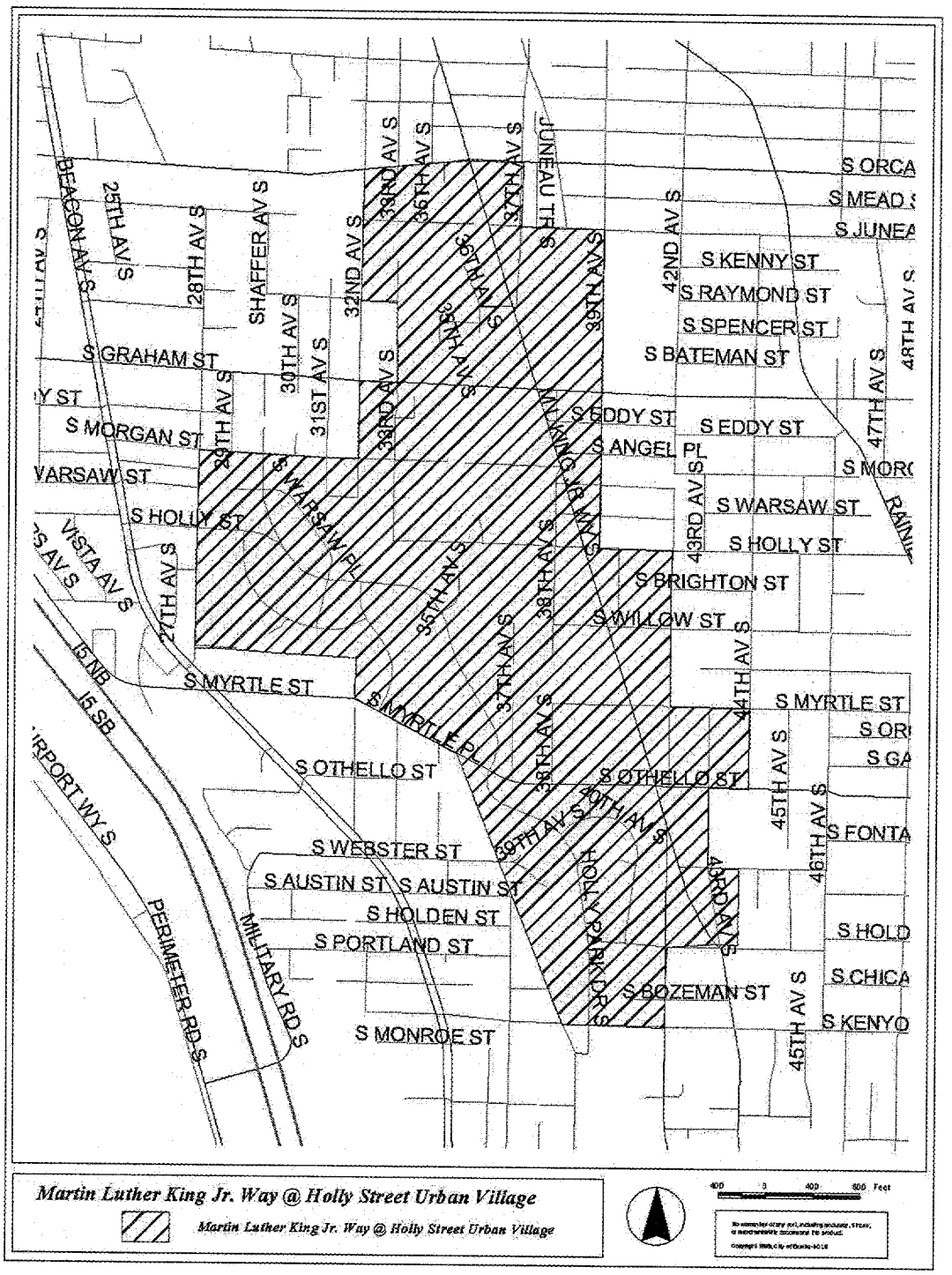
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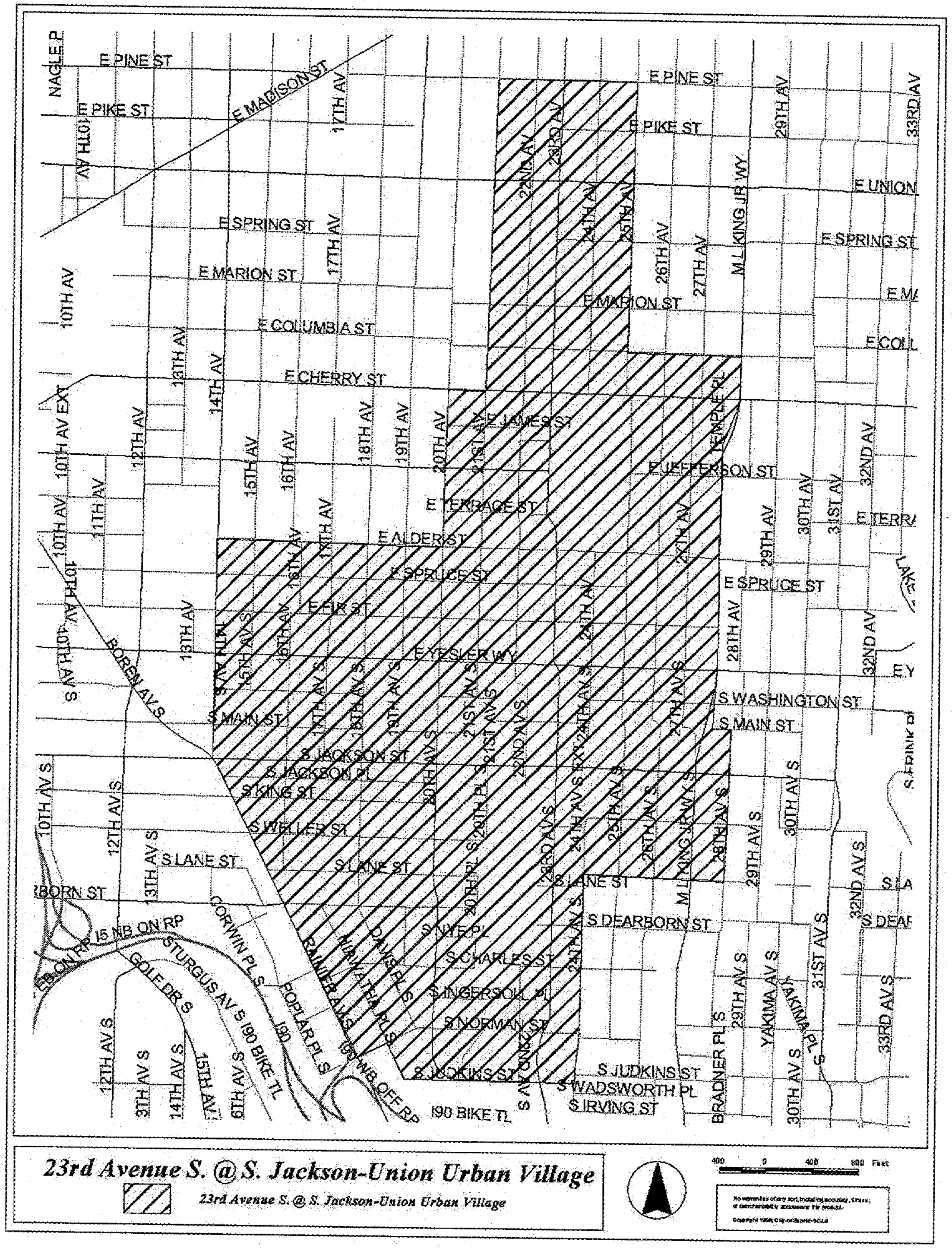

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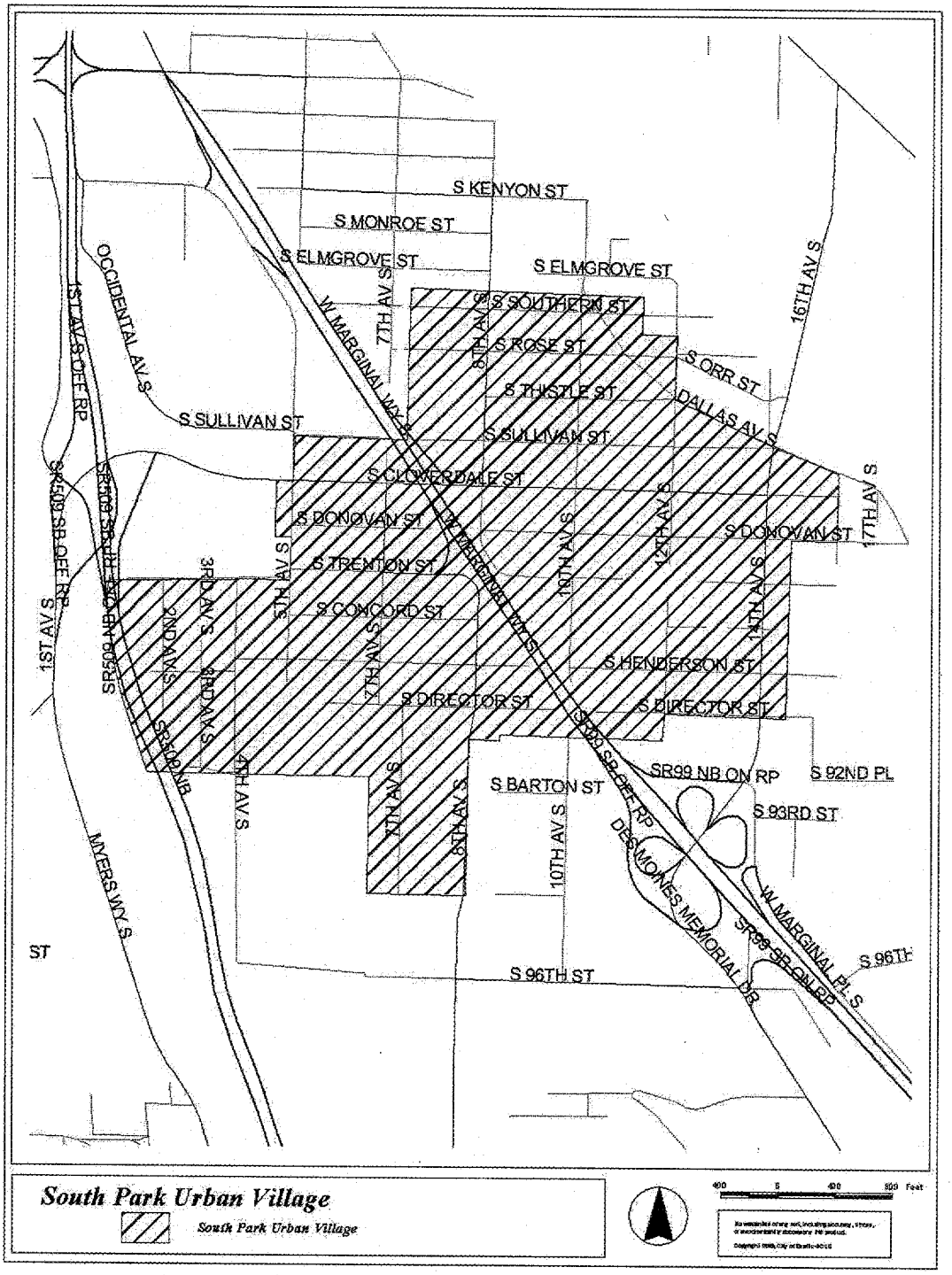
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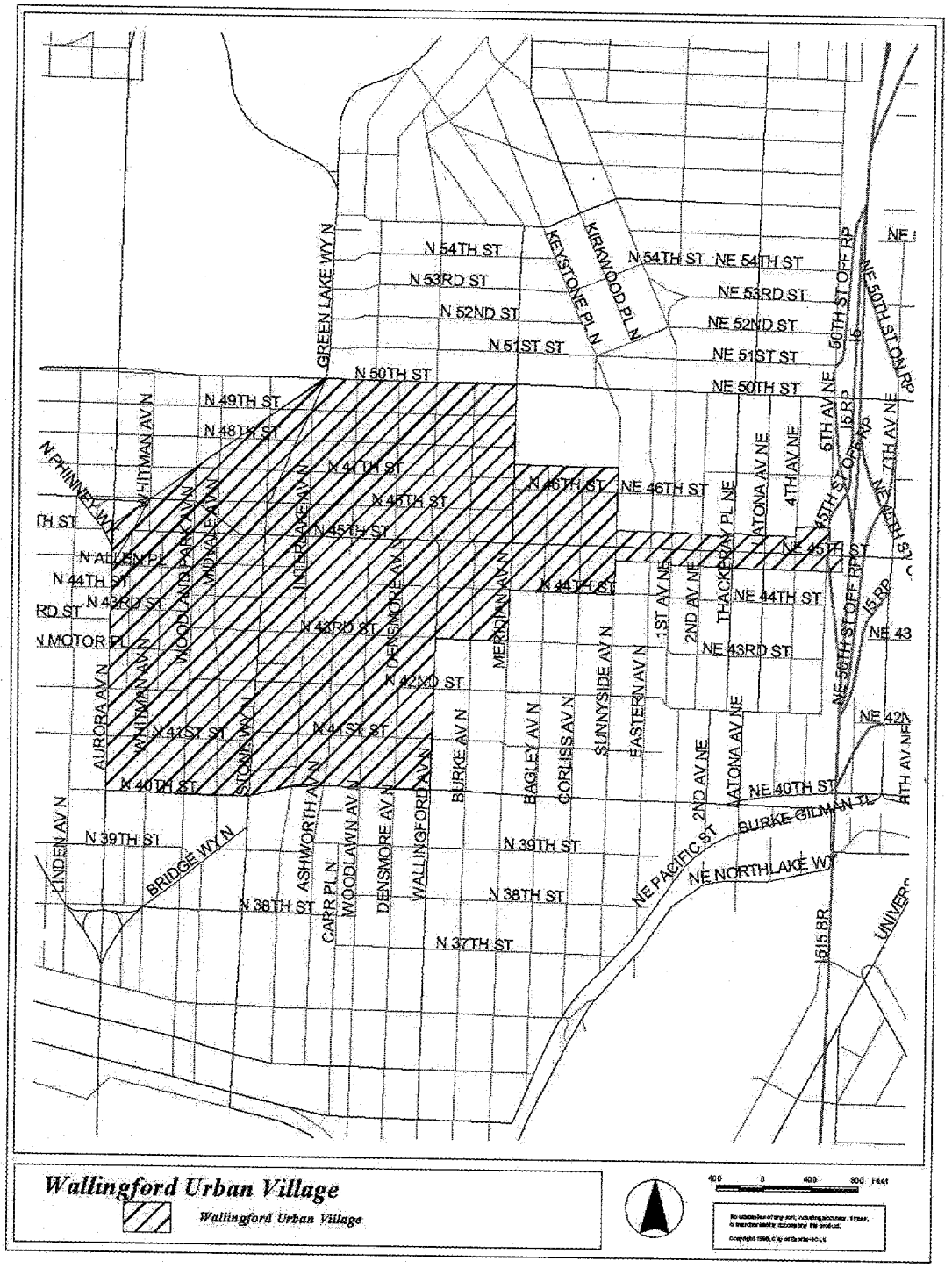
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KING COUNTY, WA

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transaction contained therein): (all areas applicable to your document must be filled

1. ORDINANCE # 120117

Re - of document. AN ORDINANCE relating to land use and zoning; amending Sections 23.04.010, 23.24.020, 23.32.016, 23.34.010, 23.44.022, 23.45.006, 23.45.009, 23.45.012, 23.45.014, 23.45.015, 23.45.016, 23.45.018, 23.45.050, 23.45.058, 23.45.066, 23.45.096, 23.45.166, 23.47.004, 23.47.008, 23.47.009, 23.47.012, 23.47.029, 23.47.042, 23.48.010, 23.48.014, 23.48.031, 23.49.008, 23.49.015, 23.49.016, 23.49.054, 23.49.074, 23.49.098, 23.49.104, 23.49.132, 23.49.160, 23.50.012, 23.50.014, 23.50.020, 23.53.020, 23.60.454, 23.60.572, 23.60.632, 23.60.692, 23.60.812, 23.66.140, 23.66.332, 23.71.004, 23.84.002, 23.84.004, 23.84.016, 23.84.024, 23.84.025, 23.84.032, 23.86.002, 23.86.018; amending the Official Land Use Map by adding Ballard Interbay Northend Manufacturing and Industrial Center, Ballard Urban Village, Chinatown/International District Urban Village, Crown Hill Urban Village, Madison Miller Urban Village, Martin Luther King Jr. Way at Holly Street Urban Village, 23rd Avenue S. at S. Jackson-Union Urban Village, South Park Urban Village, Wallingford Urban Village; and repealing Chapter 23.68 and Sections, 23.34.075, 23.34.098, and 23.55.032 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments.

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Grantor(s) (Last name first, then first name and initials) 1.City of Seattle ☐ Additional names on page----- of document.

Grantee(s) (Last name first, then first name and initials) 1.N/A 2.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range) ☐ Additional reference #'s on page --------of document N/A

Assessor's Property Tax Parcel/Account Number/ N/A

☐ Assessor Tax # not yet assigned.

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ORDINANCE 120117

AN ORDINANCE relating to land use and zoning; amending Sections 23.04.010, 23.24.020, 23.32.016, 23.34.010, 23.44.022, 23.45.006, 23.45.009, 23.45.012, 23.45.014, 23.45.015, 23.45.016, 23.45.018, 23.45.050, 23.45.058, 23.45.066, 23.45.096, 23.45.166, 23.47.004, 23.47.008, 23.47.009, 23.47.012, 23.47.029, 23.47.042, 23.48.010, 23.48.014, 23.48.031, 23.49.008, 23.49.015, 23.49.016, 23.49.054, 23.49.074, 23.49.098, 23.49.104, 23.49.132, 23.49.160, 23.50.012, 23.50.014, 23.50.020, 23.53.020, 23.60.454, 23.60.572, 23.60.632, 23.60.692, 23.60.812, 23.66.140, 23.66.332, 23.71.004, 23.84.002, 23.84.004, 23.84.016, 23.84.024, 23.84.025, 23.84.032, 23.86.002, 23.86.018; amending the Official Land Use Map by adding Ballard Interbay Northend Manufacturing and Industrial Center, Ballard Urban Village, Chinatown/International District Urban Village, Crown Hill Urban Village, Madison Miller Urban Village, Martin Luther King Jr. Way at Holly Street Urban Village, 23rd Avenue S. at S. Jackson-Union Urban Village, South Park Urban Village, Wallingford Urban Village; and repealing Chapter 23.68 and Sections, 23.34.075, 23.34.098, and 23.55.032 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection C of Section 23.04.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, is amended as follows:

23.04.010 Transition to the Land Use Code

C. Existing Planned Unit Developments. Planned unit developments (PUDs) in an SF or multi-family zone regulated under Title 23 which were authorized pursuant to ((~~Section 24.66.040 et seq.~~)) Title 24 shall be permitted to develop according to the specific terms of such authorizations. This shall include the opportunity to apply to the Council for an extension of time for completion of PUDs. Upon completion of the PUDs, the provisions of Title 23, including all use and development standards, shall apply.

Section 2. Subsection G of Section 23.24.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 119791, is amended as follows:

23.24.020 Content of application.

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G. Specific location and description of all trees ((~~and shrubs~~)) at least six (6) inches in diameter measured four and one-half (4 1/2) feet above the ground, with species indicated.

Section 3. Attached to this ordinance is Appendix A containing nine (9) pages of maps which are incorporated herein by reference. The areas depicted on these maps show manufacturing and industrial center or urban village boundaries. The Official Land Use Map, SMC 23.32.016, is hereby amended to reflect the boundaries shown on the maps in Appendix A.

Section 4. Subsection B of Section 23.34.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 119796, is amended as follows:

23.34.010 Designation of single-family zones.

B. Areas zoned single family, or RSL which meet the criteria for single- family zoning contained in subsection B of Section 23.34.011 and are located within the adopted boundaries of an urban village may be rezoned to zones more intense than single-family 5000 only when all of the following conditions are met:

1. A neighborhood plan adopted or amended by the City Council after January 1, 1995 has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix when applicable;

2. All parts of the rezone area are within a five (5) minute walk for a person of typical abilities, within five (5) blocks, or within one-quarter (1/4) mile, whichever is the shortest distance, of a designated principal commercial street;

3. The acreage of land proposed for such rezoning on a cumulative basis does not exceed the quantity of land specified for the area in Appendix C of the Land Use Element of the Comprehensive Plan;

4. The rezone is:

a. To a Residential Small Lot (RSL), Residential Small Lot-Tandem (RSL/T), Residential Small Lot - Cottage (RSL/C), Residential Small Lot-Tandem/Cottage (RSL/TC), Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), ((~~Neighborhood Commercial 1 30'/Lowrise 1 (NC1 30'/L1), Neighborhood Commercial 2 30'/Lowrise 1 (NC2 30'/L1), Neighborhood Commercial 3 30'/Lowrise 1 (NC3 30'/L1),~~)) or Lowrise 1/Residential-Commercial (L1/RC), or

b. Within the areas identified on Map P-1 of the adopted North Beacon Hill Neighborhood Plan, and the rezone is to any zone up to and including Neighborhood Commercial 2/R-40' (NC2/R-40'); and

5. If a property located within the North Beacon Residential Urban Village is being rezoned ((~~the rezone is to an NC1 30/L1, NC2 30/L1, NC3 30/L1 or L1/RC zone designation, or in the North Beacon Residential Urban village,~~)) to the more intensive zones permitted in this subsection B4, the subject property is contiguous to an urban village commercial zone.

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CITY CLERK

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Section 5. Section 23.34.075 of the Seattle Municipal Code, which Section was adopted by Ordinance 117430, is hereby repealed.

Section 6. Section 23.34.098 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is hereby repealed.

Section 7. Subsection K of Section 23.44.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 119239, is amended as follows:

23.44.022 Institutions.

K. Bulk and Siting.

1. Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:

a. For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum((.));

b. For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.

2. Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten (10) feet to the side lot line. The Director may permit yards less than ten (10) feet but not less than five (5) feet after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.

3. Institutions Located on Lots in More Than One (1) Zone Classification. For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.

4. Height Limit.

a. ((~~A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or a spire,~~)) Religious symbols for religious institutions may extend an additional twenty-five (25) feet above the height limit.

b. For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be thirty-five (35) feet if portions of the structure above thirty-five (35) feet are set back at least twenty (20) feet from all property lines. Pitched roofs on a gymnasium or auditorium which have a slope of not less than three to twelve (3:12) may extend ten (10) feet above the thirty-five (35) foot height limit. No

CITY CLERK

portion of a shed roof on a gymnasium or an auditorium shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

5. Facade Scale. If any facade of a new or expanding institution exceeds thirty (30) feet in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.

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Section 8. Subsection K of Section 23.45.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 119836, is amended as follows:

23.45.006 General development standards for structures in multifamily zones.

K. Solid Waste and Recyclable Materials Storage Space.

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

Multifamily ((~~development~~)) Structure~~-~~Size	Minimum Area for Storage Space	Container Type
((~~1~~))7 – 15 units	75 sq. ft.	Rear – Loading Containers
16 – 25 units	100 sq. ft.	Rear – Loading Containers
26 – 50 units	150 sq. ft.	Front – Loading Containers
51 – 100 units	200 sq. ft.	Front – Loading Containers
More than 100 units	200 sq. ft plus 2 sq. ft. for each additional unit	Front – Loading Containers

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

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

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

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

2000 102 7000263

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

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

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

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

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

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

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

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

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

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

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

(2) Any proposed gates or access routes shall be a minimum of ten (10) feet wide; and

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

5. The solid waste and recyclable materials storage space specifications required in subsections 1, 2, 3, and 4 above, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

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

a. When the applicant can demonstrate difficulty in meeting any of the requirements of subsections 1, 2, 3, and 4; or

b. When the applicant proposes to expand a multifamily building, and the requirements of subsections 1, 2, 3, and 4 conflict with opportunities to increase residential densities; and

c. When the applicant proposes alternative, workable measures that meet the intent of this Section.

Section 9. Subsection D of Section 23.45.009 of the Seattle Municipal Code, which Section was last amended by Ordinance 119242, is amended as follows:

23.45.009 Structure height – Lowrise zones.

D. Rooftop Features.

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1. Radio and television receive-only antennas, except for dish antennas, flagpoles, and ((~~spires~~)) religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty (50) percent of their height above existing grade or, if attached only to the roof, no closer than fifty (50) percent of their height above the roof portion where attached, to any ad-joining lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend four (4) feet above the maximum height limit set in subsections A and C of this section. For cottage housing developments, these rooftop features may extend four (4) feet above the eighteen (18) foot height limit.

3. For cottage housing developments, chimneys may exceed the height limit by four (4) feet or may extend four (4) feet above the ridge of a pitched roof.

4. Except in cottage housing developments, the following rooftop features may extend ten (10) feet above the maximum height limit established in subsection A so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

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

d. Chimneys.

5. For height exceptions for solar collectors, see Section 23.45.146,Solar collectors.

6. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection D6 at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Dish antennas, permitted on rooftops by special exception according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. Play equipment.

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Section 10. Subsection D of Section 23.45.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 114888, is amended as follows:

23.45.012 Modulation requirement – Lowrise zones.

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D. Modulation Standards.

1. Lowrise Duplex/Triplex and Lowrise 1 Zones.

a. Minimum Depth of Modulation.

(1) The minimum depth of modulation shall be four (4) feet. (See Exhibit 23.45.012 B.)

(2) When balconies are part of the modulation and have a Minimum dimension of at least six (6) feet and a minimum area of at least (6) sixty square feet, the minimum depth of modulation shall be two (2) feet. (See Exhibit 23.45.012 C.)

b. The minimum width of modulation shall be five (5) feet. (See Exhibit 23.45.012 B.)

c. Maximum Width of Modulation. The modulation width shall emphasize the identity of individual units, but shall not be greater than thirty (30) feet. For units located one (1) above the other, the individuality of the units shall be emphasized through the location of driveways, entrances, walkways and open spaces.

2. Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Minimum Depth of Modulation.

(1) The minimum depth of modulation shall be four (4) feet (see Exhibit 23.45.012 B) in Lowrise 2 and Lowrise 3 zones and for townhouses in Lowrise 4 zones, and eight (8) feet for apartments in Lowrise 4 zones.

(2) When balconies are part of the modulation and have a minimum dimension of at least six (6) feet and a minimum area of at least (60) sixty square feet, the minimum depth of modulation shall be two (2) feet. (See Exhibit 23.45.012 C.)

b. The minimum width of modulation shall be five (5) feet. (See Exhibit 23.45.012 B.)

c. Maximum Width of Modulation.

(1) The maximum width of modulation shall be thirty (30) feet.

(2) Exceptions to Maximum Width of Modulation in Lowrise 2 ((~~and~~)), Lowrise 3, and Lowrise 4 Zones.

i. When facades provide greater depth of modulation than required by subsection D1 of this section, then for every additional full foot of modulation depth, the width of modulation may be increased by two and one-half (2 1/2) feet, to a maximum width of forty (40) feet in Lowrise 2 zones and forty-five (45) feet in Lowrise 3 and Lowrise 4 zones. Subsection B of Section 23.86.002, measurements, shall not apply.

ii. The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guideline: The width of modulation of such a facade shall be permitted to exceed thirty (30) feet by one (1) foot for every foot of facade setback beyond the required setback. This provision shall not be combined with the provisions of subsection B2c(2)i, nor shall it permit facades to exceed forty-five (45) feet in width without modulation.

3. In Lowrise 1, Lowrise 2 ((~~and~~)), Lowrise 3, and Lowrise 4 zones required modulation may start a maximum of ten (10) feet above existing grade, and shall be continued up to the roof. In Lowrise Duplex/Triplex zones modulation shall extend from the ground to the roof except for weather protection coverings such as awnings.

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CITY CLERK

Section 11. Subsections F and I of Section 23.45.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 119791, are amended as follows:

23.45.014 Setback requirement – Lowrise zones.

F. Projections into Required Setbacks.

1. Special Features of a Structure.

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

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

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

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

2. Unenclosed Decks and Balconies.

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

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

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

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

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

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I. Protection of Trees. Front setbacks may be reduced to protect existing trees in rear setbacks and rear setbacks may be reduced to protect existing trees in front setbacks. To qualify for this exception, the tree(s) shall be at least six (6) inches in diameter, measured four and one-half (4 1/2) feet above the ground. The tree must also be in a condition and location such that it will not present a hazard to life or property following site development,

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CITY CLERK

and can be expected to remain healthy for at least twenty (20) years as determined by a qualified tree care professional.

1. Upon the request of the applicant, the Director shall permit the applicant to move the proposed development activity and other land disturbance activity and obtain up to a five (5) foot reduction in front or rear setback requirements when this would be sufficient to protect an existing tree as determined by a qualified tree care professional.

2. Any ((~~yard~~)) setback reduction greater than five (5) feet to protect a tree shall require approval through a tree protection special exception. Notice of application and review process and procedures for this special exception and of the Director's decision on the application shall be provided in the manner prescribed for Type II land use decisions as set forth in SMC Chapter 23.76. A tree protection special exception shall be authorized only when all the following facts and conditions are found to exist:

a. The applicant setback requirements would make it impossible to protect existing tree(s) without causing undue hardship; and

b. The requested setback reduction does not go beyond the minimum necessary to protect the tree(s) as determined by a qualified tree care professional; and

c. The setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, setbacks, pedestrian environment, and amount of vegetation remaining.

Section 12. Subsection C of Section 23.45.015 of the Seattle Municipal Code, which section was last amended by Ordinance 119792, is amended as follows:

23.45.015 Screening and landscaping requirements--Lowrise zones.

C. Tree Requirements in Landscaped Areas in Lowrise Duplex/Triplex, Lowrise 1, and Lowrise 2 zones.

1. Trees shall be required when new ((~~low-rise~~)) lowrise multifamily dwelling units are constructed. This requirement may be met using options in subsection C1a or C1b below. The minimum number of caliper inches of tree required per lot may be met through using either the tree preservation option or tree planting option set forth below, or through a combination of preservation and planting. Trees within public and private rights-of-way may not be used to meet this standard.

a. Tree Preservation Option. For lots over three thousand (3,000) square feet, at least two (2) caliper inches of existing tree per one thousand (1,000) square feet of lot area must be preserved. On lots that are three thousand (3,000) square feet or smaller, at least three (3) caliper inches of existing tree must be preserved per lot. ((~~Trees within public and private rights-of-way may not be used to meet this standard.~~)) When this option is used, a tree preservation plan is required.

b. Tree Planting Option. For lots over three thousand (3,000) square feet, at least two (2) caliper inches of tree per one thousand (1,000) square feet of lot area must be planted. On lots that are three thousand (3,000) square feet or smaller, at least three (3) caliper inches of tree must be planted per lot.

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CITY CLERK

2. Tree Measurements. Trees planted to meet the requirements in subsection C1 above shall be at least one and one-half (1.5) inches in diameter. The diameter of new trees shall be measured (in caliper inches) six (((~~(6) inches~~)) (6) inches above the ground. Existing trees shall be measured four and one-half (4.5) feet above the ground. When an existing tree is three (3) to ten (10) inches in diameter, each one (1) inch counts as one (1) inch toward meeting the tree requirements in subsection C1 above. When an existing tree is more than ten (10) inches in diameter, each one (((~~(1) inch~~)) (1) inch of the tree that is over ten (10) inches shall count as three (3) inches toward meeting the tree requirement.

3. Tree Preservation Plans. If the tree preservation option is chosen, a tree preservation plan must be submitted and approved. The plan may be submitted as part of the overall landscaping plan for the project. Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the Department of Design, Construction and Land Use.

Section 13. Subsection C of Section 23.45.016 of the Seattle Municipal Code, which section was last amended by Ordinance 119242, is amended as follows:

23.45.016 Open space.

C. Open Space Relationship to Grade.

1. The elevation of open space for ground-related housing must be within ten (10) feet of the elevation of the dwelling unit it serves. The ten (10) feet shall be measured between the finished floor level of the principal living areas of a dwelling unit and the grade of at least fifty (50) percent of the required open space. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination.

2. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The portion of the open space which is within ten (10) feet of the unit shall include the point where the access to the open space from the unit occurs.

3. The elevation of private usable open space for Lowrise Duplex/Triplex structures must be within four (4) feet of the elevation of the dwelling unit it serves. The four (4) feet shall be measured between the finished floor level of the dwelling unit and the grade of at least fifty (50) percent of the required open space. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The maximum difference in elevation at the point of access shall be four (4) feet.

Section 14. Subsection B of Section 23.45.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.018 Parking and access – Lowrise zones.

B. Access to Parking.

2000 102 7000263

CITY CLERK

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

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

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

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

c. In Lowrise 3 zones, apartments are proposed across an alley from a Single Family or Lowrise Duplex/Triplex zone((s)); or

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

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

a. Topography makes alley access infeasible;

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

((~~c. The alley is not improved to the standards of subsection C of Section 23.53.030. If such an alley is used for access to parking, it shall be improved according to the standards of subsection C of Section 23.53.030;~~))

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

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

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Section 15. Subsection D of Section 23.45.050 of the Seattle Municipal Code, which Section was last amended by Ordinance 116295, is amended as follows:

23.45.050 Midrise – Structure height.

D. Rooftop Features.

1. Radio and television receive-only antennas, except dish antennas, flagpoles and ((~~spires~~)) religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty (50) percent of their height above existing grade or, if attached only to the roof, no closer than fifty (50) percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, parapets and

2000 102 7000263

CITY CLERK

firewalls may extend four (4) feet above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend ten (10) feet above the maximum height limit set in subsections A and B of this section, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

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

d. Chimneys;

e. Sun and wind screens;

f. Penthouse pavilions for the common use of residents;

g. Greenhouses which meet minimum energy standards administered by the Director.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this ((~~subdivision~~)) subsection at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Dish antennas, according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

Section 16. Subsection B of Section 23.45.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 118794, is amended as follows:

23.45.058 Midrise -- Open space requirements.

***

B. Development Standards.

1. Required open space shall be landscaped according to standards promulgated by the Director.

2. Ground-related Housing.

a. The required open space for each unit is not required to be in one

2000 102 7000263

CITY CLERK

(1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet, and no horizontal dimension shall be less than ten (10) feet.

b. Required open space may be located in the front, sides or rear of the structure.

c. Required open space may be located a maximum of ten (10) feet above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit, except as permitted in subsection B2e.

d. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The portion of the open space which is within ten (10) feet of the unit shall include the point where the access to the open space from the unit occurs.

e. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination.

((~~d.~~)) f. At least fifty (50) percent of the required open space for a unit shall be level, provided that:

(1) The open space may be terraced; and

(2) Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two (2) feet.

((~~e.~~)) g. For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten (10) feet where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten (10) feet, the open space may be located a maximum of ten (10) feet plus the height between floors in excess of ten (10) feet, above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two (2) feet above grade, the open space may be located a maximum of ten (10) feet plus the additional height of the first floor in excess of two (2) feet above grade, above or below the unit it serves.

((~~f.~~)) h. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited unless such openings are screened by view-obscuring fences, freestanding walls, or wingwalls. Fences, freestanding walls, or wingwalls located in setbacks shall be no more than six (6) feet in height in accordance with Section 23.45.014 G.

((~~g.~~)) i. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11 -- Accessibility, shall not be counted as open space.

3. Apartments.

a. No horizontal dimension for required ground level open space shall be less than ten (10) feet.

b. Required open space is permitted in the front, sides or rear of the structure.

2000 102 7000263

CITY CLERK

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11 -- Accessibility, shall not be counted as open space.

d. In order to qualify as above-ground open space, balconies and decks shall have a minimum horizontal dimension of at least six (6) feet, and minimum area shall be sixty (60) square feet.

e. For cluster development, at least twenty (20) percent of the required open space shall be provided in one (1) contiguous area.

4. Terraced Housing on a Slope of Twenty-five (25) Percent or More.

a. No horizontal dimension for required ground-level open space shall be less than ten (10) feet.

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11 -- Accessibility, shall not be counted as open space.

d. In order to qualify as above-ground open space, rooftop areas, balconies or decks shall have a minimum horizontal dimension of at least ten (10) feet, and a total area of at least one hundred twenty (120) square feet.

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Section 17. Subsection C of Section 23.45.066 of the Seattle Municipal Code, which Section was last amended by Ordinance 116295, is amended as follows:

23.45.066 Highrise – Structure height.

C. Height Exceptions.

1. Radio and television receive-only antennas, except dish antennas, flagpoles and ((~~spires~~)) religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty percent (50%) of their height above existing grade or, if attached only to the roof, no closer than fifty percent (50%) of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, parapets, and firewalls may extend four feet (4') above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend up to ten feet (10') above the maximum height limit, so long as the combined total coverage of all features does not exceed fifteen percent (15%) of the roof area, or twenty percent (20%) of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

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

2000 102 7000263

CITY CLERK

d. Chimneys;
e. Sun and wind screens;
f. Penthouse pavilions for the common use of residents.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten feet (10') from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;
b. Planters;
c. Clerestories;
d. Greenhouses;
e. Dish antennas, according to the provisions of Chapter 23.57;
f. Nonfirewall parapets;
g. Play equipment;
h. Sun and wind screens;
i. Penthouse pavilions for the common use of residents.

Section 18. Subsection D of Section 23.45.096 of the Seattle Municipal Code, which Section was last amended by Ordinance 116368, is amended as follows:

23.45.096 Institutions – Setback requirements.

D. Setbacks for Specific Items.

((~~1.~~)) In Lowrise 1, Lowrise 2 and Lowrise 3 Zones, the following items shall be located at least twenty (20) feet from any abutting residentially zoned lot:

((a.))1. Emergency entrances;
((b.))2. Main entrance door of the institutional structure;
((c.))3. Outdoor play equipment and game courts;
((d.))4. Openable window of gymnasium, assembly hall or sanctuary;
((e.))5. Garbage and trash disposal mechanism;
((f.))6. Kitchen ventilation;
((g.))7. Air-conditioning or heating mechanism;
((h.))8. Similar items causing noise and/or odors as determined by the Director.

((~~2. Freestanding signs six (6) feet in height or less may be permitted in required setbacks according to the provisions of Section 23.45.158, Signs.~~))

***

Section 19. Subsection H of Section 23.45.166 of the Seattle Municipal Code, which Section was last amended by Ordinance 110793, is amended as follows:

2000 102 7000263

CITY CLERK

23.45.166 Off-site parking facilities in Highrise Zones.

***

((~~H. Signs shall be permitted according to the standards of Section 23.45.158, Signs.~~))

Section 20. Subsection F and Chart A of Section 23.47.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 119698, is amended as follows:

23.47.004 Permitted and prohibited uses.

F. Public Facilities.

1. Except as provided in subsection ((~~E~~)) F2 below, uses in public facilities that are most similar to uses permitted outright or permitted as a conditional use under this chapter shall also be permitted outright or as a conditional use, subject to the same use regulations, development standards and conditional use criteria that govern the similar uses. The City Council may waive or modify applicable development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Permitted Uses in Public Facilities Requiring City Council Approval. Unless specifically prohibited in Chart A, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter may be permitted by the City Council. Uses in public facilities shall meet the development standards of the zone in which they are located. The City Council may waive or modify applicable development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

3. In all commercial zones, uses in public facilities not meeting development standards may be permitted by the Council if the following criteria are satisfied:

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

b. The proposed location is required to meet specific public service delivery needs; and

c. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and

d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major Expansions may be permitted to uses in public facilities allowed in subsections F1 and F2 above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development

2000 102 7000263

CITY CLERK

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

b. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections F1 and F2 above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

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

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2000 102 7000263

CITY CLERK

USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	NC2	NC3	C1	C2
I. COMMERCIAL USE					
A. Retail Sales and Services.					
1. Personal and Household Retail Sales and Services					
Multi-purpose convenience stores	P	P	P	P	P
General retail sales and service	P	P	P	P	P
Major durables sales, service and rental	P	P	P	P	P
Specialty food stores	P	P	P	P	P
2. Medical Services	P/CU[1]	P/CU[1]	P/CU[1]	P/CU[1]	P/CU[1]
3. Animal Services[2]					
Animal health services	P	P	P	P	P
Kennels	X	X	X	X	P
Animal shelters	X	X	X	X	X
Pet grooming services	P	P	P	P	P
4. Automotive Retail Sales and Services					
Gas Stations	P	P	P	P	P
Sales and rental of motorized vehicles	X	P	P	P	P
Vehicle repair, minor	P	P	P	P	P
Vehicle repair, major	X	P	P	P	P
Car wash	X	P	P	P	P
Towing services	X	X	X	P	P
Automotive parts or accessory sales	P	P	P	P	P
5. Marine Retail Sales and Services					
Sales and rental of large boats	X	P	P	P	P
Vessel repair, minor	P	P	P	P	P
Vessel repair, major	X	X	X	S	S
Marine service station	P	P	P	P	P
Dry storage of boats	X	P	P	P	P
Recreational marinas	S	S	S	S	S
Commercial moorage	S	S	S	S	S
Sale of boat parts or accessories	P	P	P	P	P

2000 102 7000263

CITY CLERK

6. Eating and Drinking Establishments					
Restaurants without cocktail lounges	P	P	P	P	P
Restaurants with cocktail lounges					
Fast-food restaurant (750 sq. ft. and under)	X	P	P	P	P
Fast-food restaurant(over 750 sq. ft.)	P	P	P	P	P
Tavern	CU	CU	CU	CU	CU
Brewpub	CU	CU	P	P	P
7. Lodging					
Hotel	X	X	P	P	P
Motel	X	X	P	P	P
Bed and breakfast	P3	P3	P	P	P
8. Mortuary Services	X	P	P	P	P
9. Existing Cemeteries[14]	P	P	P	P	P
B. Principal Use Parking	X	P	P	P	P
C. Non-Household Sales and Service					
1. Business support services	P	P	P	P	P
2. Business incubator	P	P	P	P	P
3. Sales, service and rental of office equipment	X	P	P	P	P
4. Sales, service and rental of commercial equipment and construction materials	X	X	P	P	P
5. Sale of heating fuel	X	X	P	P	P
6. Heavy commercial services	X	X	X	P	P
Construction services	X	X	X	P	P
Commercial laundries	X	X	X	P	P
D. Offices					
1. Customer service office	P	P	P	P	P
2. Administrative office	P	P	P	P	P
E. Entertainment					
1. Places of Public Assembly					
Performing arts theater	X	P	P	P	P
Spectator sports facility	X	P	P	P	P
Lecture and meeting halls	X	P	P	P	P
Motion picture theater	X	P	P	P	P
Adult motion picture theater	X	P	P	P	P
Adult panorams	X	X	X	X	X
2. Participant Sports and Recreation					
Indoor	P	P	P	P	P
Outdoor	X	X	X[4]	P	P

2000 102 7000263

CITY CLERK

F. Wholesale Showroom	X	X	P	P	P
G. Mini-Warehouse	X	X	P	P	P
H. Warehouse	X	X	P	P	P
I. Outdoor Storage	X	X	X[5]	P	P
J. Transportation Facilities					
1. Personal transportation services	X	X	P	P	P
2. Passenger terminals	X	X	P	P	P
3. Cargo terminals	X	X	X	S	P
4. Transit vehicle base	X	X	X	CCU[6]	CU[6]
5. Helistops	X	X	CCU[7]	CCU[7]	CU[7]
6. Heliports	X	X	X	X	X
7. Airport, land-based	X	X	X	X	X
8. Airport, water-based	X	X	X	X	S
9. Railroad switchyard	X	X	X	X	X
10. Railroad switchyard with mechanized hump	X	X	X	X	X
K. Food Processing and Craft Work					
1. Food processing for human consumption	P	P	P	P	P
2. Custom and craft work	P	P	P	P	P
L. Research and Development Laboratories	P	P	P	P	P
II. SALVAGE AND RECYCLING					
A. Recycling Collection Station	P	P	P	P	P
B. Recycling Center	X	X	X	P	P
C. Salvage Yard	X	X	X	X	X
III. UTILITIES					
A. Utility Service Uses	P	P	P	P	P
B. Major Communication Utility[8]	X	X	X	CCU	CCU
C. Minor Communication Utility[8]	P	P	P	P	P
D. Solid Waste Transfer Station	X	X	X	X	X
E. Power Plants	X	X	X	X	X
F. Sewage Treatment Plants	X	X	X	X	X

2000 102 7000263

CITY CLERK

G. Solid Waste Incineration Facility	X	X	X	X	X
H. Solid Waste Landfill	X	X	X	X	X
IV. MANUFACTURING					
A. Light Manufacturing	X	P	P	P	P
B. General Manufacturing	X	X	X	P	P
C. Heavy Manufacturing	X	X	X	X	X
V. HIGH-IMPACT USES	X	X	X	X	X
VI. INSTITUTIONS					
A. Institute for Advanced Study	P	P	P	P	P
B. Private Club	P	P	P	P	P
C. Child Care Center	P	P	P	P	P
D. Museum	P	P	P	P	P
E. School, Elementary or Secondary	P	P	P	P	P
F. College	P	P	P	P	P
G. Community Center	P	P	P	P	P
H. Community Club	P	P	P	P	P
I. Vocational or Fine Arts School	P	P	P	P	P
J. Hospital	P	P	P	P	P
K. Religious Facility	P	P	P	P	P
L. University	P	P	P	P	P
M. Major Institutions within a Major Institution Overlay District subject to Chapter 23.69	P	P	P	P	P
VII.PUBLIC FACILITIES					
A. Jails	X	X	X	X	X
B. Work-Release Center[9]	CCU	CCU	CCU	CCU	CCU
A. Park and Pool Lots	P[10]	P	P	P	P
B. Park and Ride Lots	X	X	CU	CU	CU
XI. RESIDENTIAL[11]					
A. Single-Family Dwelling Units	P/CU[12]	P/CU[12]	P/CU[12]	P/CU[12]	CU[12]
B. Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
C. Congregate Residences	P/CU	P/CU	P/CU	P/CU	CU
D. Floating Homes	S	S	S	S	S
E. Mobile Home Park	X	X	X	P	CU
F. Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
G. Caretaker's Quarters	P	P	P	P	P
H. Adult Family Homes	P/CU	P/CU	P/CU	P/CU	P
I. Home Occupations	P[13]	P[13]	P[13]	P[13]	P[13]
J. Nursing Homes	P	P	P	P	P

CITY CLERK

X. OPEN SPACE					
A. Parks	P	P	P	P	P
B. Playgrounds	P	P	P	P	P
XI. AGRICULTURAL USES					
A. Animal Husbandry	X[13]	X[13]	X[13]	X[13]	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

P Permitted
X Prohibited
CU Administrative Conditional Use
CCU Council Conditional Use
S Permitted only in the Shoreline District, when permitted by the Seattle Shoreline Master Program

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[1] Medical service uses over 10,000 square feet, within 2,500 feet of a Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted Major Institution Master Plan or located in a downtown zone. See Section 23.47.006.

[2] The keeping of animals for the other than business purposes shall be regulated by Section 23.47.026

[3] In existing structures only.

[4] Outdoor participant sports and recreation uses are permitted at Seattle Center.

[5] Outdoor storage is permitted at the Seattle Center, subject to the provisions of Section 23.47.011

[6] New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.

[7] Permitted only as an accessory use according to Section 23.47.006.

[8] See Chapter 23.57 for regulation of communication utilities.

[9] Subject to disposition criteria in Section 23.47.006.

[10] Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot.

[11] Residential uses in mixed-use development are permitted outright in NC1, NC2, NC3 and C1 zones. Single purpose residential structures, other than nursing homes, are permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use according to the provisions of Section 23.47.023, except where the height limit is 85 feet or higher. All residential uses, other that nursing homes, in the C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed use structure or a single-purpose residential use, except in Pedestrian-Designated Zones (See Section 23.47.040).

2000 102 7000263

[12] An accessory dwelling unit added to a single-family residence shall be allowed outright and shall not be require a separate conditional uses permit. The unit shall be considered accessory to the single-family residence, shall meet the standards listed for accessory dwelling units in Section 23.44.025 and shall not be considered a separate dwelling unit for all developments standard purposes in commercial zones.

[13] Permitted only as an accessory use.

[14] Subject to criteria in Section 23.47.004.

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2000 102 7000263

CITY CLERK

2000 102 700263

Section 21. Subsection C of Section 23.47.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 119239, is amended as follows:

23.47.008 Mixed use development.

C. Height for Mixed Use Development.

1. Mixed use development shall be subject to the height provisions of Section 23.47.012 A.

2. Except in zones designated NC2/R and NC3/R, mixed use development at street level shall have a minimum floor to floor height of thirteen (13) feet.

3. In zones with a thirty (30) foot or forty (40) foot height limit, the Director shall permit the height of the structure to exceed the height limit of the zone by up to four (4) feet, only if the residential and nonresidential uses are located in the same structure and subject to the following:

a. The additional height ((~~is necessary to meet code minimums for ceiling height (thirteen (13) feet floor to floor for nonresidential use at street level and seven (7) feet six (6) inches floor to ceiling for residential space)~~)) will result in floor to floor heights of thirteen (13) feet or more for the nonresidential use at street level and eight and one half (8 ½) feet or less for each of the other levels of the structure; and

b. The additional height will not permit an additional story to be built beyond what could be built under the applicable height limit if a thirteen (13) foot ceiling height were not required at street level.

4. In zones with a thirty (30) foot or forty (40) foot height limit, the Director may permit the height of the structure to exceed the height limit of the zone by up to four (4) feet, only if the residential and non residential uses are located in the same structure and subject to the following:

a. The additional height will result in floor to floor heights of thirteen (13) feet or more for the nonresidential use at street level and ((~~at least nine (9)~~)) greater than eight and one half (8 ½) feet for ((~~each~~)) any or all of the other levels of the structure; and

b. The additional height of the structure will not permit an additional story to be built beyond what could be built under the applicable height limit if a thirteen (13) foot ceiling height were not required at street level; and

c. If the additional height of the structure (up to four (4) feet) significantly blocks views from neighboring residential structures of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Greenlake, Puget Sound, Lake Washington, Lake Union and the Ship Canal, the Director shall not permit the additional height except as ((~~necessary to meet Code minimums for ceiling height~~)) provided in C3 above.

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CITY CLERK

Section 22. Subsection A and C of Section 23.47.009 of the Seattle Municipal Code, which section was last amended by Ordinance 118414, are amended as follows:

23.47.009 Density limits for residential uses.

A. Density limits shall not apply to residential uses in mixed use development, except ((~~under the following circumstances:~~

~~1. As~~)) as established in the Northgate Overlay District as provided in Chapter 23.71.

((~~2. For lots rezoned from SF to NC1-30'/L1, NC2-30'/L1 or NC3-30'/L1 per Section 23.34.010 B, the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.~~))

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C. Density limits shall apply for single-purpose residential structures subject to the following, except as provided in subsection D below:

1. In the Northgate Overlay District, as provided in Chapter 23.71.

2. In NC1 zones the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

3. In NC2, NC3, C1 and C2 zones with either thirty (30) ((~~feet~~)) foot or forty (40) ((~~feet~~)) foot height limits, the density limit shall be one (1) unit per one thousand two hundred (1,200) square feet of lot area.

4. In NC2, NC3, C1 and C2 zones with sixty-five (65) foot height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

((~~5. For lots rezoned from SF to NC1-30'/L1, NC2-30'/L1 or NC3-30'/L1 per Section 23.34.010 B, the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.~~))

((~~6.~~)) 5. There shall be no residential density limit for single-purpose residential structures in the NC2/R or NC3/R zone.

***

Section 23. Subsection G of Section 23.47.012 of the Seattle Municipal Code, which section was last amended by Ordinance 119837, is amended as follows:

23.47.012 Structure height and floor area ratio.

G. Rooftop Features.

1. Radio and television receiving antennas excluding dish antennas; ham radio towers; smokestacks((~~,~~)); chimneys; flagpoles; and ((~~spires~~)) religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets

2000 102 7000263

and firewalls may extend up to four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. Solar Collectors.

a. In zones with height limits of (30) thirty or forty (40) feet, solar collectors may extend up to four (4) feet above the maximum height limit, with unlimited rooftop coverage.

b. In zones with height limits of sixty-five (65) feet or more, solar collectors may extend up to seven (7) feet above the maximum height limit, with unlimited rooftop coverage.

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

a. Solar collectors;
b. Stair and elevator penthouses;
c. Mechanical equipment;
d. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen (15) feet from the roof edge; and
e. Dish antennas, according to the provisions of Chapter 23.57.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this ((~~subdivision~~)) subsection at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;
b. Planters;
c. Clerestories;
d. Greenhouses;
e. Dish antennas, according to the provisions of Chapter 23.57;
f. Non-firewall parapets;
g. Play equipment.

6. Structures existing prior to May 10, 1986 may add new or replace existing mechanical equipment up to fifteen (15) feet above the roof elevation of the structure and shall comply with the noise standards of Section 23.47.018.

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Section 24. Subsections A, B and C of Section 23.47.029 of the Seattle Municipal Code, which section was adopted by Ordinance 119836, is amended as follows:

23.47.029 Solid Waste and Recyclable Materials Storage Space.

A. Storage space for solid waste and recyclable materials containers shall be provided for all new ((~~developments~~)) structures permitted in commercial zones and expanded multifamily ((~~developments~~)) structures as indicated in the table below. For the

2000 102 7000253

CITY CLERK

purposes of this subsection, "expanded multifamily ((~~development~~)) structure" means expansion of multifamily ((~~developments~~)) structures with ten (10) or more existing units by two (2) or more units.

Structure Type	Structure Size	Minimum Area for Storage Space	Container Type
Multifamily*	((~~1~~))7 – 15 units 16 – 25 units 26 – 50 units 51 – 100 units More than 100 units	75 sq. ft. 100 sq. ft. 150 sq. ft. 200 sq. ft. 200 sq. ft. plus 2 sq. ft. for each additional unit	Rear – Loading Rear – Loading Front – Loading Front – Loading Front – Loading
Commercial*	0 – 5,000 sq. ft. 5,001 – 15,000 sq. ft. 15,501 – 50,000 sq. ft. 50,001 – 100,000 sq.ft. 100,001 – 200,000 sq. ft. 200,001 plus sq. ft.	82 sq. ft. 125 sq. ft. 175 sq. ft. 225 sq. ft. 275 sq. ft. 500 sq. ft.	Rear – Loading Rear – Loading Front – Loading Front – Loading Front – Loading Front – Loading

* Mixed Use Buildings: Mixed use buildings with 80 percent (80%) or more of floor space designated for residential use will be considered residential buildings. All other mixed use buildings will be considered commercial buildings.

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

1. The storage space shall have no dimension (width and ((~~length~~)) depth) less than six (6) feet;

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

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

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

1. The storage space shall be located ((~~on~~)) within the private property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street facing façade of the structure and the street;

2. The storage space shall not be located in any required driveways, parking ((~~area~~)) aisles, or parking spaces for the structure;

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

4. The storage space shall be located to minimize noise and odor to building

2000 102 7000263

occupants and neighboring developments.

* * *

Section 25. Subsection D of Section 23.47.042 of the Seattle Municipal Code, which section was last amended by Ordinance 114382, is amended as follows:

23.47.042 Uses in pedestrian-designated zones.

D. Street-level Uses Required.

1. Street-level uses shall be required along the principal pedestrian street front, except as provided in subsection D4, and shall be limited to the following retail sales and service and office uses if permitted in the underlying commercial zone:

a. Personal and household retail sales and service uses;
b. Eating and drinking establishments;
c. Customer service offices;
d. Entertainment uses((.));
e. Pet grooming services.

2. A minimum of eighty (80) percent of each street frontage to which street-level use requirements apply shall be occupied by uses listed in subsection D1. The remaining twenty (20) percent of the street frontage may contain other permitted uses and/or pedestrian entrances (Exhibit 23.47.042 A).

3. Required street-level uses shall be set back no more than ten (10) feet from the street property line and shall occupy at least the first ten (10) feet above sidewalk grade.

4. Street level use requirements shall not apply to public school development along principal pedestrian streets.

Section 26. Subsection C of Section 23.48.010 of the Seattle Municipal Code, which Section was adopted by Ordinance 118302, is amended as follows:

23.48.010 General structure height.

C. Rooftop Features.

1. Radio and television receiving antennas excluding dish antennas; ham radio towers; smokestacks((,)); chimneys; flagpoles; and ((~~spires~~)) religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64((,)), Airport Height Overlay District, provided they are a minimum of ten feet (10') from any side or rear lot line.

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

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

2000 102 700263

4. The following rooftop features may extend up to fifteen feet (15') above the maximum height limit, so long as the combined total coverage of all features listed in this subsection D4 does not exceed twenty percent (20%) of the roof area, or twenty-five percent (25%) of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;
b. Stair and elevator penthouses;
c. Mechanical equipment;
d. Atriums, greenhouses, and solariums;
e. Play equipment and open mesh fencing which encloses it, as long as the fencing is at least fifteen feet (15') from the roof edge; and
f. Dish antennas, according to the provisions of Chapter 23.57.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection D5 at least ten feet (10') from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;
b. Planters;
c. Clerestories;
d. Atriums, greenhouses and solariums;
e. Dish antennas, according to the provisions of Chapter 23.57;
f. Nonfirewall parapets;
g. ((~~play~~)) Play equipment.

6. Screening. Rooftop mechanical equipment and elevator penthouses shall be screened with fencing, wall enclosures, or other structures.

Section 27. Subsection D of Section 23.48.014 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.48.014 General façade requirements.

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D. Street-level Setback. On Class II Pedestrian Streets and designated Green Streets, structures may be set back up to twelve (12) feet from the property line subject to the following (Exhibit 23.48.014 B).

1. The setback area shall be landscaped according to the provisions of Section ((~~23.48.026~~)) 23.48.024.

2. Additional setbacks shall be permitted for up to thirty (30) percent of the length of the set-back street wall, provided that the additional setback is located a distance of twenty (20) feet or greater from any street corner.

2000 102 7000263

Section 28. Subsections A, B and C of Section 23.48.031 of the Seattle Municipal Code, which section was adopted by Ordinance 119836, is amended as follows:

23.48.031 Solid Waste and Recyclable Materials Storage Space.

A. Storage space for solid waste and recyclable materials containers shall be provided for all new ((~~developments~~)) structures permitted in the Seattle Cascade Mixed zone and expanded multifamily ((~~developments~~)) structures as indicated in the table below. For the purposes of this subsection, "expanded multifamily ((~~development~~)) structure" means expansion of multifamily ((~~developments~~)) structures with ten (10) or more existing units by two (2) or more units.

Structure Type	Structure Size	Minimum Area for Storage Space	Container Type
Multifamily*	((~~1~~))7 – 15 units 16 – 25 units 26 – 50 units 51 – 100 units More than 100 units	75 sq. ft. 100 sq. ft. 150 sq. ft. 200 sq. ft. 200 sq. ft. plus 2 sq. ft. for each additional unit	Rear – Loading Rear – Loading Front – Loading Front – Loading Front – Loading
Commercial*	0 – 5,000 sq. ft. 5,001 – 15,000 sq. ft. 15,501 – 50,000 sq. ft. 50,001 – 100,000 sq.ft. 100,001 – 200,000 sq. ft. 200,001 plus sq. ft.	82 sq. ft. 125 sq. ft. 175 sq. ft. 225 sq. ft. 275 sq. ft. 500 sq. ft.	Rear – Loading Rear – Loading Front – Loading Front – Loading Front – Loading Front – Loading

* Mixed Use Buildings: Mixed use buildings with 80 percent (80%) or more of floor space designated for residential use will be considered residential buildings. All other mixed use buildings will be considered commercial buildings.

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

1. The storage space shall have no dimension (width and ((~~length~~)) depth) less than six (6) feet;

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

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

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

1. The storage space shall be located ((~~on~~)) within the private

2000 102 7000263

CITY CLERK

property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street facing façade of the structure and the street;

2. The storage space shall not be located in any required driveways, parking ((~~area~~)) aisles, or parking spaces for the structure;

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

4. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

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Section 29. Subsection C of Section 23.49.008 of the Seattle Municipal Code, which section was last amended by Ordinance 119837, is amended as follows:

23.49.008 Structure height.

C. Rooftop Features.

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

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

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

c. The rooftop features listed below may extend up to fifty (50) feet above the roof of the structure on which they are located or fifty (50) feet above the maximum height limit, whichever is less, except as regulated by Chapter 23.64, Airport Height Overlay District:

(1) Major or minor communication utilities,

(2) Religious symbols ((~~and that portion of the roof which supports them, such as belfries and spires~~)) for religious institutions,

(3) Smokestacks, and

(4) Flagpoles.

They shall be located a minimum of ten (10) feet from all lot lines.

2. The following rooftop features are permitted as long as the combined coverage of all features does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent if the total includes stair or elevator penthouses or screened mechanical equipment. Except in the PMM zone, additional combined coverage of all rooftop features, not to exceed thirty-five (35) percent of the roof area, may be permitted through the design review process for development standard departures in Section 23.41.012.

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

(1) Solar collectors;

(2) Stair penthouses;

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

2000 102 7000263

CITY CLERK

(4) Mechanical equipment; and

(5) Mechanical equipment, whether new or replacement, may be allowed up to fifteen (15) feet above the roof elevation of a structure existing prior to June 1, 1989.

b. Elevator penthouses are permitted to extend beyond the maximum height limit as follows:

(1) In the PMM zone, up to fifteen (15) feet above the maximum height limit for the zone;

(2) Except in the PMM zone, up to twenty (20) feet above the maximum height limit for a penthouse designed for an elevator cab up to eight (8) feet high; or

(3) Except in the PMM zone, up to twenty-two (22) feet above the maximum height limit for a penthouse designed for an elevator cab more than eight (8) feet high.

3. Screening of Rooftop Features.

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

b. Except in the PMM zone, the amount of roof area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of all rooftop features as provided in subsection C2 above.

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

4. Administrative Conditional Use for Rooftop Features. The rooftop features listed in subsection C1c of this section may exceed a height of fifty (50) feet above the roof of the structure on which they are located if authorized by the Director through an administrative conditional use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:

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

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

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

d. The feature shall not adversely affect the function of existing transmission or receiving equipment within a five (5) mile radius.

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

5. Residential Penthouses Above Height Limit in DRC Zone.

a. A residential penthouse exceeding the maximum allowable height

2000 102 700263

shall be permitted in the DRC zone only on a mixed-use, City-designated Landmark structure for which a certificate of approval by the Landmarks Preservation Board is required. A residential penthouse allowed under this section may cover a maximum of fifty (50) percent of the total roof surface. Except as the Director may allow under subsection C5b of this section:

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

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

b. If the Director determines, after a sight line review based upon adequate information submitted by the applicant, that a penthouse will be invisible or minimally visible from public streets and parks within three hundred (300) feet from the structure, the Director may allow one or both of the following:

(1) An increase of the penthouse height limit under subsection C5a of this section by an amount up to the average height of the structure's street-facing parapet; or

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

c. The Director's decision to modify development standards pursuant to subsection C5b must be consistent with the certificate of approval from the Landmarks Preservation Board.

d. A residential penthouse allowed under this section shall not exceed the maximum permitted height that could be permitted in the DRC zone by the City Council as provided in Section 23.49.008 A1.

e. No rooftop features shall be permitted on a residential penthouse allowed under this subsection C5.

Section 30. Subsection A of section 23.49.015 of the Seattle Municipal Code, which section was adopted by Ordinance 119836, is amended as follows:

23.49.015 Solid Waste and Recyclable Materials Storage Space.

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

Structure Type	Structure Size	Minimum Area for Storage Space	Container Type
Multifamily*	((~~1~~))7 – 15 units	75 sq. ft.	Rear – Loading

2000 102 7000263

	16 – 25 units 26 – 50 units 51 – 100 units More than 100 units	100 sq. ft. 150 sq. ft. 200 sq. ft. 200 sq. ft. plus 2 sq. ft. for each additional unit	Rear – Loading Front – Loading Front – Loading Front – Loading
Commercial*	0 – 5,000 sq. ft. 5,001 – 15,000 sq. ft. 15,501 – 50,000 sq. ft. 50,001 – 100,000 sq.ft. 100,001 – 200,000 sq. ft. 200,001 plus sq. ft.	82 sq. ft. 125 sq. ft. 175 sq. ft. 225 sq. ft. 275 sq. ft. 500 sq. ft.	Rear – Loading Rear – Loading Front – Loading Front – Loading Front – Loading Front – Loading

* Mixed Use Buildings: Mixed use buildings with 80 percent (80%) or more of floor space designated for residential use will be considered residential buildings. All other mixed use buildings will be considered commercial buildings.

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

1. The storage space shall have no dimension (width and ((~~length~~)) depth) less than six (6) feet;

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

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

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

1. The storage space shall be located ((~~on~~)) within the private property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street facing façade of the structure and the street;

2. The storage space shall not be located in any required driveways, parking ((~~area~~)) aisles, or parking spaces for the structure;

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

4. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

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Section 31. Subsection B of Section 23.49.016 of the Seattle Municipal Code, which section was last amended by Ordinance 113279, is amended as follows:

23.49.016 Parking quantity requirements.

2000 102 7000263

B. Parking Requirements.

1. The long-term and short-term parking requirement for offices, retail sales and service uses, and other nonresidential uses shall be as established on Chart 23.49.016 A. The unrestricted long-term parking requirement for all uses except lodging uses may be reduced by providing additional carpool spaces, vanpools, or subsidized transit passes, according to subsection B3.

2. Carpool spaces provided to meet the requirements of subsection B1 shall either be:

a. Physically set aside and designated for exclusive carpool use between six a.m. (6:00 a.m.) and nine-thirty a.m. (9:30 a.m.), and shall not be leased to tenants for long-term parking, except as parking for carpools and vanpools. Required carpool spaces not used by carpool vehicles by nine- thirty a.m. (9:30 a.m.) shall be used as public short-term parking with appropriate signage provided; or

b. Subsidized, provided that the subsidy shall be equal to at least thirty percent (30%) of the monthly market rate charged the general public for a parking space. Subsidized spaces shall be provided at the rate that carpools are formed.

3. The following substitution rates shall be used to reduce the long-term parking requirement for all nonresidential uses, except lodging uses:

a. One (1) vanpool may be substituted for six (6) parking spaces. The unrestricted long-term parking requirement may be reduced not more than ten percent (10%) for vanpool substitutions. If the proponent elects to use the vanpool option, the necessary number of vans meeting the standards of the Commuter Pool Division of Metro shall be acquired, or a surety instrument acceptable to the Director shall be posted; and, vanpools shall be organized for employees in the structure. Before a certificate of occupancy may be issued, details of the vanpool program shall be spelled out in a Memorandum of Agreement executed between the proponent, his or her transportation coordinator, the Director, and the Seattle Rideshare office.

b. Each carpool space in excess of those required by subsection B1, which is physically reserved or subsidized according to the provisions of subsection B2, may be substituted for one and nine-tenths (1.9) parking spaces. No more than fifty percent (50%) of the total number of long-term parking spaces provided shall be set aside or discounted for carpools.

c. A fifteen percent (15%) reduction in the unrestricted long-term parking requirement may be achieved by providing free transit passes to all employees in the structure for at least five (5) years.

4. In lieu of providing long-term parking spaces on the lot or within eight hundred feet (800') of the lot, long-term spaces may be provided by a payment to the Downtown Parking Fund, if the Director determines that the parking impacts of the development can be met by other means. The Director's determination shall be based on any relevant factors including but not limited to the following:

a. Proximity of the site to public parking;

b. The level of transit service to the lot;

c. Proposals by the applicant to encourage building tenants to use alternatives to single occupancy vehicles.

5. The following requirements shall apply to all structures containing more than ten thousand (10,000) square feet of nonresidential use:

2000 102 700263

CITY CLERK

a. A transportation coordinator position shall be established and maintained within the proposed structure to devise and implement alternative means for employee commuting. The coordinator shall be trained by the Seattle Rideshare office or by an alternative organization with ridesharing experience, and shall work with the Seattle Rideshare office, Metro Commuter Pool staff, building tenants, and other building lessors. The coordinator shall disseminate ridesharing information to building occupants to encourage use of public transit, carpools, vanpools and flextime; administer the in-house ridesharing program; and aid in evaluation and monitoring of the ridesharing program. The transportation coordinator in addition shall survey all employees once a year to determine commute mode percentages.

b. The Seattle Rideshare office, in conjunction with the transportation coordinator, shall monitor the effectiveness of the ridesharing/transit incentive program on a quarterly basis. The owner or operator of the structure shall grant a designated Seattle Rideshare office representative right of entry to the parking facility to periodically review operation of the carpool set aside program.

c. A transportation information center shall be provided and maintained, which has transit information displays including transit route maps and schedules and Seattle ridesharing program information. The transportation display shall be located in the lobby or other location highly visible to employees within the structure prior to issuance of a certificate of occupancy.

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Section 32. Subsection A of Section 23.49.054, of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.49.054 Downtown Office Core 1, street-level use requirements.

Street-level uses listed in subsection A shall be required on streets designated on Map IIA. (Note 1) Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses shall qualify as required street-level uses:

1. Retail sales and services, except lodging uses;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters;
5. Museums and libraries; and
6. Public atriums.

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Section 33. Subsection A of Section 23.49.074 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.49.074 Downtown Office Core 2, street-level use requirements.

2000 102 7000263

CITY CLERK

Street-level uses listed in subsection A shall be required on streets designated on Map IIIA. (Note 1) Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses shall qualify as required street-level uses:

1. Retail sales and services, except lodging uses;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters;
5. Museums and libraries; and
6. Public atriums.

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Section 34. Subsection C of Section 23.49.098 of the Seattle Municipal Code, which section was last amended by Ordinance 119484, is amended as follows:

23.49.098 Downtown Retail Core, floor area ratio (FAR).

C. Exemptions From FAR Calculations.

1. The following areas shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential uses, except that on sending lots from which development rights are transferred according to Section 23.49.102 the only residential space exempted shall be low income housing or low-moderate income housing on landmark theater/housing TDR sites satisfying all requirements for a bonus under the Public Benefit Features Rule;

b. All gross floor area below grade;

c. All gross floor area located above grade which is used for principal or accessory short-term parking, or for parking accessory to residential uses, up to one (1) space per dwelling unit;

d. The gross floor area of public benefit features (including a performing arts theater but excluding a major retail store) which satisfy the requirements of Section 23.49.100, ratios for public benefit features, and satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of maximum bonusable area limitations;

e. The sum of the gross floor area of the following uses, up to a maximum FAR of one and one-half (11/2):

(1) Retail sales and services uses, including major retail stores, except lodging uses,

(2) Human service uses and child care centers,

(3) Customer service offices,

(4) Entertainment uses, such as theaters, and

(5) Museums.

2000 102 7000263

CITY CLERK

The exemption for the uses listed in this subsection C1e shall be increased to a maximum FAR of two (2) when a performing arts theater or three (3) when a major retail store is given a bonus as part of a project pursuant to Section 23.49.096.

2. As an allowance for mechanical equipment, three and one-half (31/2) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 of this section has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

Section 35. Subsection A of Section 23.49.104 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.49.104 Downtown Retail Core, street-level use requirements.

Street-level uses listed in subsection A shall be required on all streets. Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following types of uses shall qualify as required street-level uses:

1. Retail sales and service uses, except lodging uses;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters; and
5. Museums and libraries.

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Section 36. Subsection A of Section 23.49.132 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.49.132 Downtown Mixed Commercial, street-level use requirements.

Street-level uses listed in subsection A shall be required on the streets designated on Map VA. (Note 1) Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses shall qualify as required street-level uses:

1. Retail sales and services, except lodging uses;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters; and
5. Museums and libraries.

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2000 102 7000263

2000 102 7000263

Section 37. Subsection A of Section 23.49.160 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.49.160 Downtown Mixed Residential, street-level requirements.

Street-level uses listed in subsection A shall be required on the streets designated on Map VIB. (Note 1) Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses shall qualify as required street-level uses:

1. Retail sales and services, except lodging uses;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters; and
5. Museums and libraries.

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Section 38. Chart A of Section 23.50.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 119972, is amended as follows:

Industrial Uses
Chart A
For Section 23.50.012

Uses	Zones				
I. Manufacturing.	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
A. Light manufacturing	P	P	P	P	P
B. General manufacturing	P	P	P	P	P
C. Heavy manufacturing	CU	X or CU[1]	P or CU[2]	P	P
II. High-impact Uses.	X	X or CU[3]	X or CU[4]	X or CU[4]	X or CU[4]
III. Commercial.					
A. Retail sales and service					
1. Personal and household sales and services	P	P	P	P	P
2. Medical services	P/CU[5]	P/CU[5]	P/CU[5]	P/CU[5]	P/CU[5]
3. Animal services					
a. Animal health	P	P	P	P	P

CITY CLERK

services					
b. Kennel	X	P	P	P	P
c. Animal control shelter	P	P	P	P	P
d. Pet grooming services	P	P	P	P	P
4. Automotive retail sales and service	P	P	P	P	P
5. Marine retail sales and service	P	P	P	P	P
6. Eating and drinking establishment					
a. Fast-food restaurants over 750 square feet	CU	CU	CU	P	P
b. Fast-food restaurants under 750 square feet	P	P	P	P	P
c. Restaurants with or without cocktail lounges	P	P	P	P	P
Uses			Zones		
d. Tavern	P	P	P	P	P
e. Brewpub	P	P	P	P	P
7. Lodging	CU	CU	CU	X	X
8. Mortuary service	P	P	P	X	X
Uses			Zones		
III. Commercial (continued).	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
9. Existing cemeteries	P	P	P	P	P
10. New cemeteries	X	X	X	X	X
B. Principal use parking, surface area or garage	P	P	P	X	X
C. Nonhousehold sales and services	P	P	P	P	P
D. Office	P	P	P	P	P
E. Entertainment					
1. Places of public assembly					
a. Performing arts theater	P	P	P	X	X
b. Spectator sports facility	P	P	P	X[6]	X[6]
c. Lecture and meeting halls	P	P	P	P	P
d. Motion picture theater	P	P	P	X	X
e. Motion picture					

2000 102 7000263

theater, adult	X	X	X	X	X
f. Adult panorams	X	X	X	X	X
2. Participant sports and recreation					
a. Indoor	P	P	P	X	P
b. Outdoor	P	P	P	X	P
F. Wholesale Showroom	P	P	P	P	P
G. Mini-warehouse	P	P	P	X	P
H. Warehouse	P	P	P	P	P
I. Outdoor Storage	P	P	P	P	P

2000 102 7000263

Uses	Zones				
III. Commercial (continued).	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
J. Transportation Facilities					
1. Personal transportation services	P	P	P	P	P
2. Passenger terminal	P	P	P	P	P
3. Cargo terminal	P	P	P	P	P
4. Transit vehicle base	CU	CU	CU	CU	CU
5. Helistop	CCU	CCU	CCU	CCU	CCU
6. Heliport	X	CCU	CCU	CCU	CCU
7. Airport, land-based	X	CCU	CCU	CCU	CCU
8. Airport, water-based	X	CCU	CCU	CCU	CCU
9. Railroad switchyard	P	P	P	P	P
10. Railroad switch yard with mechanized hump mechanized hump	X	X	CU	CU	CU
K. Food processing and craft work	P	P	P	P	P
L. Research and development laboratory	P	P	P	P	P
IV. Salvage and Recycling.					
A. Recycling collection station	P	P	P	P	P

CITY CLERK

B. Recycling center	P	P	P	P	P
C. Salvage yard	X	X	P	P	P
V. Utilities.					
A. Utility services use	P	P	P	P	P
B. Major communication utility[7]	CU	CU	CU	CU	CU
C. Minor communication utility[7]	P	P	P	P	P
D. Solid waste transfer station	X	CU	CU	CU	CU

Uses	Zones				
V. Utilities (continued)	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
E. Power plant	X	CCU	P	P	P
F. Sewage treatment plant	X	CCU	CCU	CCU	CCU
G. Solid waste incineration facility	X	CCU	CCU	CCU	CCU
H. Solid waste landfills	X	X	X	X	X
VI. Institutions.					
A. Institute for advanced study	P	P	P	X	X
B. Private clubs	EB	EB	EB	X	X
C. Child care center	P	P	P	P	P
D. Museum	EB	EB	EB	X[8]	X[8]
E. School, elementary or secondary	EB	EB	EB	X	X
F. College	EB	EB	EB	X[9]	X[9]
G. Community center	EB	EB	EB	P	P
H. Community club	EB	EB	EB	X	P

2000 102 7000263

I. Vocational or fine arts school	P	P	P	P	P
J. Hospital	EB	EB	CU[10]	P	P
K. Religious facility	EB	EB	EB	EB	EB
L. University	EB	EB	EB	X[9]	X[9]

Uses	Zones				
VI. Institutions (continued)	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
M. Major institutions, subject to the provisions of Chapter 23.69	EB	EB	EB	EB	EB
VII. Public Facilities.					
A. Jails	X	X	X	X	X
B. Work-release centers	X	X	X	X	X
C. Other public facilities	CCU	CCU	CCU	CCU	CCU
VIII. Park and Pool/Ride Lots.					
A. Park and pool lots	P[11]	P[11]	P[11]	CU	CU
B. Park and ride lots	CU	CU	CU	CU	CU
IX. Residential.					
A. Single-family dwelling units	X	X	X	X	X
B. Multi-family structures	X	X	X	X	X
C. Congregate residences	X	X	X	X	X
D. Adult family homes	X	X	X	X	X
E. Floating homes	X	X	X	X	X

2000 102 7000263

F. Mobile home park	X	X	X	X	X
G. Nursing homes	X	X	X	X	X
H. Artist's studio/dwelling	EB/CU	EB/CU	EB/CU	EB/CU	EB/CU
I. Caretaker's quarters	P	P	P	P	P

Uses	Zones				
IX. Residential (continued).	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
J. Assisted living facility	X	X	X	X	X
((~~J.~~))K. Residential use except artist's studio/dwelling and caretaker's quarters in a landmark structure or landmark district	CU	CU	CU	CU	CU
X. Open Space					
A. Parks	P	P	P	P	P
B. Playgrounds	P	P	P	P	P
XI. Agricultural Uses					
A. Animal husbandry	X	X	X	X	X
B. Horticultural use	X	X	X	X	X
C. Aquaculture	P	P	P	P	P

P = Permitted
X = Prohibited
CU = Administrative conditional use
CCU = Council conditional use
EB = Permitted only in a building existing on October 5, 1987.

1. The Heavy Manufacturing uses listed in subsection B9 of Section 23.50.014 may be permitted as a conditional use. All other Heavy Manufacturing uses are prohibited.

2. Heavy Manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at subsection C of Section 23.50.014.

2000 102 7000263

3. The High-Impact uses listed at subsection B10 of Section 23.50.014 may be permitted as conditional uses.

4. High-Impact 1 uses may be permitted as a conditional use as provided at subsection B5 of Section 23.50.014.

5. Medical service uses over ten thousand (10,000) square feet, within two thousand five hundred feet (2,500') of a medical Major Institution overlay district boundary, shall require administrative conditional use approval, unless included in an adopted major institution master Plan or located in a Downtown zone. See Section 23.50.014.

6. Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Overlay Area District may reserve parking. Such reserved, non-required, parking is allowed and shall be permitted to be used for general parking purposes and is exempt from the 1 space per 650 square feet ratio under the following circumstances: if
   (a) the parking is owned and operated by the spectator sports facility or exhibition hall, and
   (b) (b) is reserved for events in the spectator sports facility or exhibition hall, and
   (c) the reserved parking is outside of the Stadium Transition Overlay Area District, and south of South Royal Brougham Way, west of 6th Avenue South and north of Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.

7. See Chapter 23.57 for regulation of major and minor communication utilities and accessory communication devices.
8. Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.

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

10. Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to Section 23.50.014, B15, Conditional Uses.

11. Park and pool lots are not permitted within three thousand (3,000) feet of the Downtown Urban Center.

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Section 39. Subsection B of Section 23.50.014 of the Seattle Municipal Code, which section was last amended by Ordinance 119972, is amended as follows:

23.50.014 Conditional uses.

2000 102 7000263

B. Administrative Conditional Uses. The following uses, identified as administrative conditional uses in Chart A, may be permitted by the Director when the provisions of this subsection and subsection A of this section are met.

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

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

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

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

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

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

2. Park-and-pool lots in IG1 and IG2 zones in the Duwamish Manufacturing/Industrial Center, and park-and-ride lots in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones may be permitted as a conditional use according to the following criteria:

a. The lot shall not create conflict with industrial activity by causing significant additional traffic to circulate through the area;

b. The lot has direct vehicular access to a designated arterial improved to City standards;

c. The lot shall be located on an existing parking area unless no reasonable alternative exists;

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

e. The lot is not located within three thousand (3,000) feet of downtown.

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

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

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

2000 102 700263

4. A residential use not otherwise permitted in the zone may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones within a structure designated as a Landmark, pursuant to the Seattle Municipal Code, Chapter 25.12, Landmarks Preservation, or within a structure in a Landmark District, pursuant to the Seattle Municipal Code, Chapters 25.16, Ballard Avenue Landmark District, or Chapter 25.28, Pioneer Square Historical District, subject to the following criteria:

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

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

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

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

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

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

6. A new railroad switchyard with a mechanized hump, or the expansion of such a use beyond the lot occupied at the date of adoption of the ordinance codified in this section[1] may be permitted as a conditional use in General Industrial 1 (IG1) and General Industrial 2 (IG2) zones, according to the following criteria:

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

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

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

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

b. Measures to maximize control of rodents, birds and other vectors shall be determined in consultation with the Seattle/King County Department of Public Health. These measures shall be incorporated into the design and operation of the facility;

c. A transportation plan may be required. The Director shall determine the level of detail to be disclosed in the plan such as estimated trip generation, access routes

2000 102 7000263

CITY CLERK

and surrounding area traffic counts, based on the probable impacts and/or scale of the proposed facility; and

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

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

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

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

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

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

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

9. The Heavy Manufacturing uses listed in subsection 9a below may be permitted in the Industrial Commercial (IC) zone as a conditional use according to criteria contained in subsection 9b.

a. Uses.

(1) Mass production of commercial or recreational vessels of any size and the production of vessels up to one hundred and twenty (120) feet in length, constructed to individual specifications; and

(2) Manufacturing of electrical components, such as semiconductors and circuit boards, using chemical processes such as etching or metal coating; and

(3) Production of industrial organic and inorganic chemicals, and soaps and detergents.

b. Criteria.

(1) Except for shipbuilding, the use shall be located within an enclosed building;

(2) The hours of operation for all processes creating any impacts on residentially or commercially zoned land may be limited;

(3) Truck and service traffic associated with the heavy manufacturing use shall be directed away from streets serving lots in nonindustrial zones;

(4) The infrastructure of the area shall be capable of accommodating the traffic generated by the proposed use;

(5) The use shall not produce sustained or recurrent vibrations exceeding 0.002g acceleration as measured on lots in nonindustrial zones;

(6) The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and

(7) The nature of the materials produced and/or the scale of manufacturing operations may be limited in order to minimize the degree and severity of risks to public health and safety.

2000 102 7000263

10. The High Impact uses listed in subsection 10a below may be permitted as conditional uses in the Industrial Commercial (IC) zone according to the criteria contained in subsection 10b below.

a. Uses.

(1) The manufacture of Group A hazardous materials, except Class A or B explosives; and

(2) The manufacture of Group B hazardous materials, when the hazardous materials are present in quantities greater than two thousand five hundred (2,500) pounds of solids, two hundred seventy-five (275) gallons of liquids, or one thousand (1,000) cubic feet of gas at any time.

b. Criteria.

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

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

(3) The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and

(4) The nature of the materials produced and/or the scale of manufacturing operations may be limited in order to minimize the degree and severity of risks to public health and safety.

11. Fast-food restaurants that have a gross floor area greater than seven hundred fifty (750) square feet are identified as heavy traffic generators and, where not permitted outright, may be permitted as a conditional use in the General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones according to the following criteria:

a. The Director may require that the applicant prepare an analysis of traffic, circulation, and parking impacts and demonstrate that the use will not:

(1) Cause significant additional traffic to circulate through nearby residential neighborhoods,

(2) Disrupt the pedestrian flow of an area by significantly increasing the potential for pedestrian-vehicle conflicts,

(3) Create traffic or access problems which may require the expenditure of City funds to mitigate,

(4) Interfere with peak-hour transit operations by causing auto traffic to cross a designated high-occupancy vehicle lane adjacent to the lot, or

(5) Cause cars waiting to use the facility to queue across the sidewalk or onto the street;

b. Appropriate litter-control measures are provided.

12. Transit vehicle bases may be permitted as a conditional use in the General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones according to the following criteria:

2000 102 7000263

a. The amount of industrial land occupied by the facility shall be minimized. To avoid disruption of the industrial function of the area, the presence of the facility shall not obstruct the operation or likely expansion of existing industrial uses;

b. The location of the facility shall not result in significant displacement of viable industrial uses or support activities;

c. The amount of land occupied by the facility that has access to industrial shorelines or major rail facilities shall be minimized; and

d. A transportation plan may be required to prevent conflicts with nearby industrial uses. The Director shall determine the level of detail to be disclosed in the plan based on the probable impacts and/or scale of the proposed facility.

13. Development of a medical service use over ten thousand (10,000) square feet, outside but within two thousand five hundred feet (2,500') of a medical Major Institution overlay district boundary, shall be subject to administrative conditional use approval, unless included in an adopted master plan. In making a determination whether to approve or deny medical service use, the Director shall determine whether an adequate supply of industrially zoned land will continue to exist. The following factors shall be used in making this determination:

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

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

14. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:

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

b. The Director shall evaluate the relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated;

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

15. An accessory hospital facility may be permitted as a conditional use according to the following criteria:

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

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

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Section 40. Subsection A of Section 23.50.020 of the Seattle Municipal Code, which section was last amended by Ordinance 119370, is amended as follows:

2000 102 7000263

23.50.020 All Industrial zones -- Structure height exceptions and additional restrictions.

A. Rooftop Features. Where height limits are otherwise applicable to a structure, and except as provided in subsections C4, D4, E4 and F3 of Section 23.50.024, the following conditions shall apply to rooftop features:

1. Radio and television receiving antennas, excluding dish antennas; amateur radio towers; smokestacks; chimneys and flagpoles and ((~~spires~~)) religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot line.

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

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

4. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, as long as the combined total coverage of all features listed in this subsection does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent of the roof area if the total includes screened mechanical equipment:

a. Solar collectors;
b. Stair and elevator penthouses;
c. Mechanical equipment; and
d. Dish antennas, according to the provisions of Chapter 23.57.

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Section 41. Subsection E of Section 23.53.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 119096, is amended as follows:

23.53.020 Improvement requirements for existing streets in industrial zones.

E. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-way Greater Than or Equal to the Minimum Right-of-way Width. When a street with existing curbs abuts a lot, and improvements would be required by subsections B or D of this section, and the existing right-of-way is greater than or equal to the minimum width established in subsection A of this section, but the roadway width is less than the minimum established in the Street Improvement Manual, the following requirements shall be met:

(1) All structures on the lot shall be designed to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements

2000 102 7000263

shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Department of Records and Elections.

(3) If there is no sidewalk, a sidewalk shall be constructed, except when the following projects are proposed:

i. Remodeling and use changes within existing structures;

ii. Additions to existing structures which are exempt from environmental review.

b. Streets With Less Than the Minimum Right-of-way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A6 of this section, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standard, except that required parking may not be located in the setback. Underground structures which would not prevent the future widening and improvements of the right-of-way may be permitted in the required setback by the Director ((~~of Construction and Land Use~~)) after consulting with the Director of Transportation.

(2) Grading Requirement. When a setback is required, all structures on the lot shall be designed to accommodate the grade of the future street, according to the Street Improvement Manual.

(3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to ((~~tile~~)) the property with the King County Department of Records and Elections.

2. Projects With Reduced Improvement Requirements. The following types of projects are exempt from all dedication and improvement requirements of subsections B, C and D of this section, but shall meet the setback, grading and no-protest requirements of subsection E1b if the street right-of-way abutting the lot has less than the minimum right-of-way width established in subsection A of this section or does not meet the grade of future street improvements.

a. Structures with fewer than ten (10) artist's studio dwellings;

b. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: fast-food restaurants; major and minor vehicle repair uses; and multipurpose convenience stores;

c. Nonresidential structures which have less than four thousand (4,000) square feet of gross floor area and which do not contain uses listed in subsection((s)) E2b ((~~and E2c~~)) of this section which are larger than seven hundred fifty (750) square feet;

d. Structures containing a mix of artist's studio dwellings and nonresidential uses, if there are fewer than ten (10) artist's studio dwellings, and the square footage of nonresidential use is less than specified in subsections E2b and E2c of this section;

e. Remodeling and use changes within existing structures;

f. Additions to existing structures which are exempt from

2000 102 7000263

environmental review; and

g. Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

3. Exceptions From Required Street Improvement Requirements. The Director may waive or modify the requirements for paving, dedication, setbacks, grading, no-protest agreements, landscaping and sidewalk and pedestrian walkway installation when it is determined that one (1) or more of the following conditions are met:

a. Location in an environmentally critical area, disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for street parks, boulevards, or other special right-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.

e. Widening and/or improving the right-of-way would eliminate street access to an existing lot.

f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required twenty (20) percent maximum driveway slope.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 42. Section 23.55.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 113263, is hereby repealed.

Section 43. Subsection D of Section 23.60.454 of the Seattle Municipal Code, which section was last amended by Ordinance 113466, is amended as follows:

23.60.454 Height in the CM Environment.

D. Rooftop Features.

1. Radio and television receiving aerials, flagpoles, chimneys and

2000 102 700263

((~~spires~~)) religious symbols for religious institutions, are exempt from height limits, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, skylights, clerestories, monitors, solar collectors, parapets and firewalls may extend four (4) feet above the maximum height limit.

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Section 44. Subsection D of Section 23.60.572 of the Seattle Municipal Code, which section was last amended by Ordinance 113466, is amended as follows:

23.60.572 Height in the UR Environment.

D. Rooftop Features.

1. Radio and television receiving aerials, flagpoles, and ((~~spires~~)) religious symbols for religious institutions are exempt from the height limit, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, planters, skylights, clerestories, monitors, solar greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

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

d. Chimneys.

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Section 45. Subsection D of Section 23.60.632 of the Seattle Municipal Code, which section was adopted by Ordinance 113466, is amended as follows:

23.60.632 Height in the US Environment.

D. Rooftop Features.

2000 102 700026 3

2000 102 700263

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

2. Open rails, planters, skylights, clerestories, monitors, greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection does not exceed twenty (20) percent of the roof area or twenty-five (25) percent of the roof area if the total includes screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment; and

d. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen (15) feet from the roof edge.

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Section 46. Subsection C of Section 23.60.692 of the Seattle Municipal Code, which section was last amended by Ordinance 113466, is amended as follows:

23.60.692 Height in the UH Environment.

C. Height Exceptions.

1. Cranes, gantries, mobile conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing of vessels are exempt, provided such structures shall be designed to minimize view obstruction.

2. Flagpoles, masts, and light poles are exempt.

3. Rooftop Features.

a. Open railings, planters, clerestories, skylights, parapets and firewalls may extend up to four (4) feet above the maximum height with unlimited rooftop coverage.

b. Solar collectors may extend up to seven (7) feet above the maximum height with unlimited rooftop coverage.

c. The following rooftop features may extend up to fifteen (15) feet above the maximum height, as long as the combined coverage of all features listed in this subsection 3C does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent if the total includes stair or elevator penthouses or screened mechanical equipment:

(1) Solar collectors;

(2) Stair and elevator penthouses;

(3) Mechanical equipment; and

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

d. Radio and television receiving aerials, excluding dishes; religious symbols ((~~such as belfries or spires and that portion of the roof which supports them~~)) for religious institutions; transmission towers; smokestacks and flagpoles may extend up to fifty (50) feet above the roof of the structure on which they are located except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from all lot lines.

4. Bridges. Bridges may exceed the maximum height limits.

Section 47. Subsection D of Section 23.60.812 of the Seattle Municipal Code, which section was adopted by Ordinance 113466, is amended as follows:

23.60.812 Height in the UG Environment.

D. Rooftop Features.

1. Radio and television receiving aerials, flagpoles, and ((~~spires~~)) religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses; and

b. Mechanical equipment.

***

Section 48. Subsection C of Section 23.66.140 of the Seattle Municipal Code, which section was adopted by Ordinance 119484, is amended as follows:

23.66.140 Height.

C. Rooftop Features. The height limits established for the rooftop features described in this subsection may be increased by the average height of the existing street parapet or a historically substantiated reconstructed parapet on the building on which the rooftop feature is proposed. The setbacks required for rooftop features may be modified by the Department of Neighborhoods Director, after a sight line review by the Preservation Board to ensure that the features are minimally visible from public streets and parks within three hundred (300) feet of the structure.

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1. Radio and television receiving antennas excluding dishes, religious symbols ((~~such as belfries or spires and that portion of the roof which supports them~~)) for religious institutions, smokestacks and flagpoles may extend up to fifty (50) feet above the roof of the structure or the maximum height limit, whichever is less, except as regulated in Chapter 23.64 of this Land Use Code, provided that they are a minimum of ten (10) feet from all lot lines.

2. Open railings, planters, clerestories, skylights, play equipment, parapets and firewalls may extend up to four (4) feet above the roof of the structure or the maximum height limit, whichever is less, with unlimited rooftop coverage.

3. Solar collectors, excluding greenhouses, may extend up to seven (7) feet above the roof of the structure or the maximum height limit, whichever is less, with unlimited rooftop coverage, provided they are a minimum of ten (10) feet from all lot lines.

4. The following rooftop features may extend up to eight (8) feet above the roof or maximum height limit, whichever is less, when they are set back a minimum of fifteen (15) feet from the street and three (3) feet from an alley. They may extend up to twelve (12) feet above the roof when set back a minimum of thirty (30) feet from the street. A setback may not be required at common wall lines subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The combined coverage of the following listed rooftop features shall not exceed fifteen (15) percent of the roof area:

a. Solar collectors, excluding greenhouses;
b. Stair and elevator penthouses;
c. Mechanical equipment;
d. Dish antennas.

Additional combined coverage of these rooftop features, not to exceed twenty-five (25) percent of the roof area, may be permitted subject to review by the Preservation Board and approval by the Department of Neighborhoods Director.

5. Structures existing prior to June 1, 1989 may add new or replace existing mechanical equipment up to eight (8) feet above the existing roof elevation when they are set back a minimum of fifteen (15) feet from the street and three (3) feet from an alley; or may extend up to twelve (12) feet above the existing roof elevation when they are set back a minimum of thirty (30) feet from the street, subject to review by the Preservation Board and approval by the Department of Neighborhoods Director.

6. Residential and Office Penthouses.

a. Residential penthouses may cover a maximum of fifty (50) percent of the total roof surface and may extend up to eight (8) feet above the roof when set back a minimum of fifteen (15) feet from the street property line, or twelve (12) feet above the roof when set back a minimum of thirty (30) feet from the street property line.

b. Office penthouses shall be permitted only when the footprint of the existing structure is greater than ten thousand (10,000) square feet and the structure is at least sixty (60) feet in height. When permitted, office penthouses shall be set back a minimum of fifteen (15) feet from all property lines and may cover a maximum of fifty (50) percent of the total roof surface. Office penthouses may extend up to twelve (12) feet above the roof of the structure and shall be functionally integrated into the existing structure.

c. The combined height of the structure and a residential penthouse or office penthouse, where permitted, shall not exceed the maximum height limit for that area of the District in which the structure is located.

2000 102 7000263

CITY CLERK

7. Screening of Rooftop Features. Measures may be taken to screen rooftop features from public view subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The amount of roof top area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of rooftop features listed in subsection C4 above. In no circumstances shall the height of rooftop screening exceed fifteen (15) feet above the maximum height limit.

***

Section 49. Subsection C of Section 23.66.332 of the Seattle Municipal Code, which section was last amended by Ordinance 119370, is amended as follows:

23.66.332 Height.

C. Rooftop Features.

1. The Special Review Board and the Director shall review rooftop features top preserve views from Kobe Terrace Park.

2. Radio and television receiving aerials excluding dishes, religious symbols ((~~such as belfries or spires and that portion of the roof which supports them~~)) for religious institutions, smokestacks and flagpoles are exempt from height controls, except as regulated in Chapter 23.64 of this Land Use Code, provided they are at least ten (10) feet from all lot lines.

3. Open railings, planters, clerestories, skylights, dish antennae, play equipment, parapets and firewalls may extend up to four (4) feet above the maximum height limit and may have unlimited rooftop coverage.

4. Solar collectors excluding greenhouses may extend up to seven (7) feet above the maximum height limit and may have unlimited rooftop coverage.

5. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit provided that the combined coverage of all features listed below does not exceed fifteen (15) percent of the roof area:

a. Solar collectors, excluding greenhouses;

b. Stair and elevator penthouses;

c. Mechanical equipment that is set back at least fifteen (15) feet from the roof edge.

Additional combined coverage of these rooftop features, not to exceed twenty-five (25) percent of the roof area, may be permitted subject to review by the Special Review Board and approved by the Department of Neighborhoods Director.

6. Structures existing prior to June 1, 1989 may add new or replace existing mechanical equipment up to fifteen (15) feet above the existing roof elevation of the structure as long as it is set back at least fifteen (15) feet from the roof edge subject to review by the Special Review Board and approval by the Department of Neighborhoods Director.

7. Screening of Rooftop Features. Measures may be taken to screen rooftop features from public view subject to review by the Special Review Board and approval by the Department of Neighborhoods Director. The amount of roof area enclosed

2000 102 7000263

CITY CLERK

by rooftop screening may exceed the maximum percentage of the combined coverage of rooftop features listed in subsection C5 above. In no circumstances shall the height of rooftop screening exceed fifteen (15) feet above the maximum height limit.

***

Section 50. Chapter 23.68 of the Seattle Municipal Code, Industrial Overlay District, of the SMC is hereby repealed.

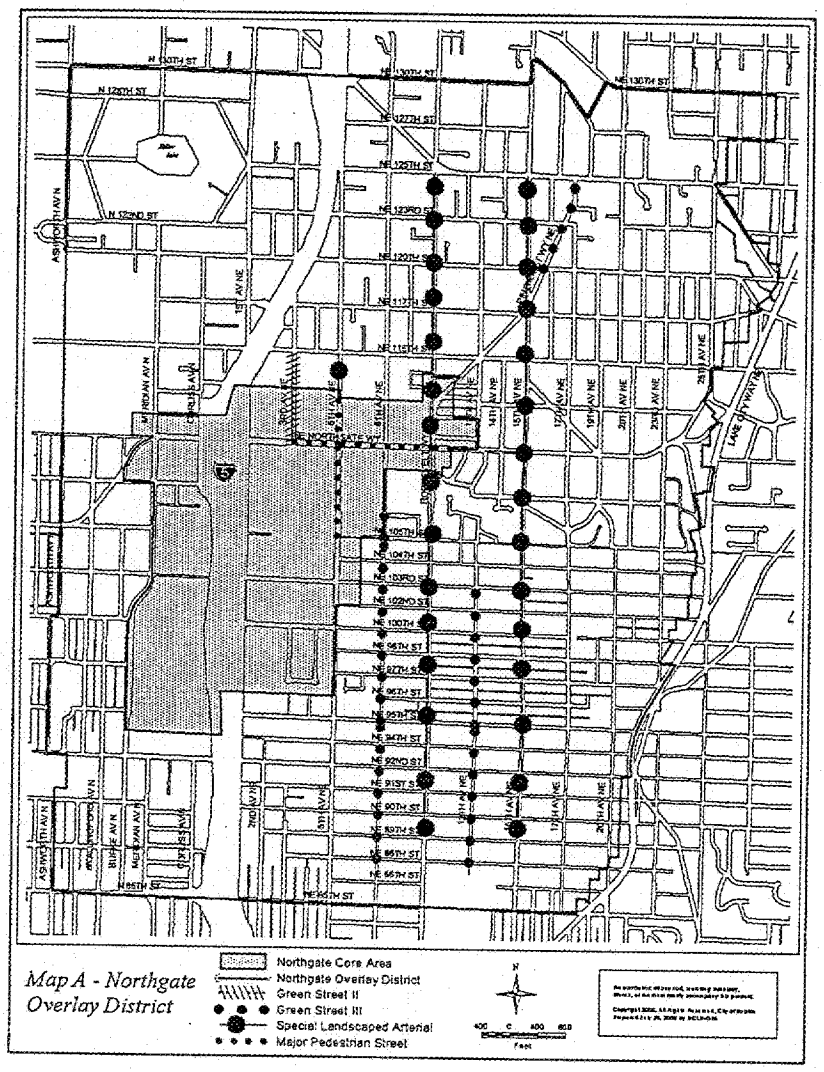
Section 51. Map A of Section 23.71.004 of the Seattle Municipal Code, which section was last amended by Ordinance 118414, is amended as follows:

23.71.004 Northgate overlay district established.

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Northgate Overlay District, as shown on the City's Official Land Use Map, Chapter 23.32 and Map A.

2000 102 7000263

CITY CLERK



Map A - Northgate Overlay District

Section 52. Section 23.84.002 of the Seattle Municipal Code, which section was last amended by Ordinance 118012, is amended as follows:

23.84.002 Definitions -- A.

***

"Animal service" means a retail sales and service use in which health care, pet grooming, or boarding services for animals are provided, or animals are raised for sale to others as pets.

1. "Animal health services" means an animal service use in which health care ((~~or pet grooming~~)) for animals on an inpatient or outpatient basis is provided indoors.

2. "Kennel" means an animal service use in which four (4) or more small animals are boarded, or are bred for sale as pets.

3. "Animal control shelter" means an animal service use maintained and operated primarily for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals.

4. "Pet grooming services" means an animal service use in which pet grooming for animals is provided indoors.

***

Section 53. Section 23.84.004 of the Seattle Municipal Code, which section was last amended by Ordinance 118794, is amended as follows:

23.84.004 Definitions -- B.

***

"Bed and breakfast." See "Lodging use."

***

Section 54. Section 23.84.016 of the Seattle Municipal Code, which section was last amended by Ordinance 118012, is amended as follows:

23.84.016 Definitions -- H.

***

"Hotel." See "Lodging use."

***

2000 102 7000263

Section 55. Section 23.84.024 of the Seattle Municipal Code, which section was last amended by Ordinance 119618, is amended as follows:

23.84.024 "L."

***

"Lodging use" means a retail sales and service use in which the primary activity is the provision of rooms to transients.

((~~"Lodging uses" means and~~)) Lodging uses include((s)) bed and breakfasts, hotels and motels.

1. "Bed and breakfast" means a lodging use, where rooms within a single dwelling unit are provided to transients by a resident operator for a fee by pre arrangement on a daily or short-term basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast.

2. "Hotel" means a lodging use, located in a structure in which access to individual units is predominantly by means of common interior hallways, and in which a majority of the rooms are provided to transients for a fee on a daily or short-term basis.

3. "Motel" means a lodging use, located in a structure in which access to individual units is predominantly by means of common exterior corridors, and in which a majority of the rooms are provided to transients on a daily or short-term basis, and in which off-street parking is provided on the lot.

***

Section 56. Section 23.84.025 of the Seattle Municipal Code, which section was last amended by Ordinance 119151, is amended as follows:

23.84.025 Definitions -- M.

***

"Motel." See "Lodging use."

***

Section 57. Section 23.84.032 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.84.032 Definitions -- R.

***

2000 102 7000263

"Retail sales and service" means a commercial use in which goods are rented or sold at retail to the general public for direct consumption and not for resale, or in which services are provided to individuals and/or households. Merchandise may be bought as well as sold and may be processed as long as the items processed are sold only on the premises, and production is incidental or subordinate to the selling, rental or repair of goods. See the following:

Personal and household retail sales and services
Medical services
Animal services
Automotive retail sales and service
Marine retail sales and services
Eating and drinking establishments
Lodging uses
Mortuary services.

***

Section 58. Subsection B of Section 23.86.002 of the Seattle Municipal Code, which section was last amended by Ordinance 119242, are amended as follows:

23.86.002 General provisions.

B. Fractions.

1. When any measurement technique for determining the number of items required or allowed, including but not limited to parking or bicycle spaces, or required trees or shrubs, results in fractional requirements, any fraction up to and including one-half (1/2) of the applicable unit of measurement shall be disregarded and fractions over one-half (1/2) shall require the next higher full unit of measurement.

2. When any measurement technique for determining required minimum or allowed maximum dimensions, including but not limited to height, yards, setbacks, lot coverage, open space, building depth, parking space size or curb cut width, results in fractional requirements, the dimension shall be measured to the nearest inch. Any fraction up to and including one-half of an inch (1/2") shall be disregarded and fractions over one-half of an inch (1/2") shall require the next higher unit.

3. When density calculations result in a fraction, any fraction up to and including one-half (1/2) shall be disregarded and any fraction over one-half (1/2) shall allow the next higher number. This provision may not be applied to density calculations that result in a quotient less then one (1).

Section 59. Subsections H and I of Section 23.86.018 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, are amended as follows:

23.86.018 Open space.

2000 102 7000263

((~~H. Open Space Relationship to Grade.~~

~~1. The elevation of open space for ground-related housing must be within ten (10) feet of the elevation of the dwelling unit it serves. The ten (10) feet shall be measured between the finished floor level of the principal living areas of a dwelling unit and the grade of at least fifty (50) percent of the required open space. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination.~~

~~The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The portion of the open space which is within ten (10) feet of the unit shall include the point where the access to the open space from the unit occurs.~~

~~2. The elevation of private usable open space for Lowrise Duplex/Triplex structures must be within four (4) feet of the elevation of the dwelling unit it serves. The four (4) feet shall be measured between the finished floor level of the dwelling unit and the grade of at least fifty (50) per - cent of the required open space. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The maximum difference in elevation at the point of access shall be four (4) feet.~~))

((~~I.~~)) H. In the case of a lot where a portion is reserved as a vehicular access easement to another lot, when determining the amount of open space required or provided, no land within the limits of the easement shall be included in the calculation except where a portion of the structure is constructed over the easement.

Section 60. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 61. Except for Sections 43, 44, 45, 46, and 47, this ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020. Sections 43, 44, 45, 46, and 47 shall take effect and be in force on the later of: 1) the effective date of approval by the Washington state Department of Ecology or Growth Management Hearings Board; or 2) the effective date of the remainder of this Ordinance.

Passed by the City Council the 9th day of October, 2000, and signed by me in open session in authentication of its passage this 9th day of October, 2000.

Margaret Pageler
President of the City Council

2000 102 7000263

Approved by me this 16th day of OCTOBER, 2000.

Paul Schell, Mayor

Filed by me this 16th day of October, 2000.

City Clerk

(SEAL)

2000 102 7000263

STATE OF WASHINGTON
COUNTY OF KING
CITY OF SEATTLE } ss

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT COPY OF ordinance 120117

AS THE SAME APPEARS ON FILE AND OF RECORD IN THIS DEPARTMENT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL TO THE CITY OF SEATTLE, THIS 24th day of October, 2000

JUDITH E. PIPPIN
CITY CLERK

BY Margaret Carter
DEPUTY CLERK

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City of Seattle

Paul Schell, Mayor

Department of Design, Construction and Land Use
R. F. Krochalis, Director

MEMORANDUM

TO: Councilmember Margaret Pageler, President
Via Margaret Klockars, Law Department

FROM: Rick Krochalis, Director

DATE: September 19, 2000

SUBJECT: 2000 Omnibus Ordinance

I am pleased to submit to you the attached omnibus ordinance, which represents part of DCLU's ongoing commitment to maintenance of Title 23. Omnibus legislation addresses multiple issues that range from incorrect section references and other maintenance of the Land Use Code, to areas of more substance but of limited impact. This legislation contains amendments on subjects ranging from religious symbols for religious institutions to pet grooming facilities in pedestrian designated zones. All of the proposed amendments are described briefly in the attached Director's Report. Requests for these proposed amendments came from citizens, other departments and DCLU staff.

The Department issued a Declaration of Non-Significance (DNS – no Environmental Impact Statement required) on Thursday, September 7, 2000; the appeal will end on Thursday, September 28, 2000. The public hearing is scheduled for Thursday, September 28, 2000. Implementation costs will be accommodated within existing resources. If you have questions, please call J. Roque Deherrera at (206) 615-0743 or John Skelton at (206) 233-3883.

DIRECTOR'S REPORT AND RECOMMENDATION

In addition to processing complex, substantive amendments to Seattle's Land Use Code, the Department of Design, Construction and Land Use is responsible for maintenance of its 800 plus page regulatory document. The proposed amendments are called maintenance or omnibus amendments due to their relatively small scale and scope of impact. Such amendments range from correcting typos and incorrect section references, to clarifying existing code language. Following is a section-by-section description of the proposed amendments:

23.04.010
Corrects an error in referencing Planned Unit Developments that were authorized pursuant to Title 24.

23.24.020
Removes an unintended requirement for short subdivision applications. Currently, the applicant must provide the location and description of all trees and shrubs at least six (6) inches in diameter measured four and one-half (4 1/2) feet above the ground, with species indicated. The requirement should apply only to trees, and not the location and description of shrubs.

23.32.016
Amends the Official Land Use Map to show the approved boundaries of the Ballard Interbay Manufacturing and Industrial Center (BINMIC) and the following urban villages: Ballard; Chinatown/International District; Crown Hill; Madison-Miller; MLK Jr. Way@Holly; 23rd Avenue S. and S. Jackson-Union; South Park; and Wallingford.

23.34.010, 23.34.075 and 23.47.009
Amends several sections to remove the Lowrise 1 suffix attached to Neighborhood Commercial 30 zones, which was created during the Comprehensive Plan process to address issues in specific neighborhoods but was not applied during the recent neighborhood planning process.

23.34.098 and 23.68
Deletes the Manufacturing Center Overlay (MCO), which was created in 1987 and has been supplanted by changes that have occurred in industrial zones.

23.44.022, 23.45.009, 23.45.050, 23.45.066, 23.47.012, 23.48.010, 23.49.008, 23.50.020, 23.60.454, 23.60.572, 23.60.632, 23.60.692, 23.60.812, 23.66.140, and 23.66.332
Consolidates the terms "religious spire" and "religious symbol." Height exceptions are permitted in many zones for both "religious spires" and "religious symbols." While fundamentally there are differences between the two terms, they are used interchangeably in the Title 23. The proposal would eliminate the more restrictive term, "religious spire," and replace it with the broader term, "religious symbol."

23.45.006, 23.47.029, 23.48.031 and 23.49.015
Clarifies provisions of the recycling ordinance. Specifically, the proposal requires multifamily structures, not developments, to provide solid waste and recyclable materials storage space. This will require developments with more than one structure to provide waste facilities for each structure.

23.45.012
Adds the Lowrise 4 zone designation to multifamily standards for building modulation. The proposal would include the Lowrise 4 zone designation in standards that allow greater width of modulation and require modulation to start within ten feet of existing grade.

23.45.014
Removes the word "yard," which is used twice in setback requirements for Lowrise zones, and replaces it with the word "setback."

23.45.015
Corrects an error made in a previous ordinance (#119792) with regard to tree and landscaping standards in lowrise zones. The legislative intent was clearly to implement tree requirements in single family, Lowrise Duplex/Triplex, Lowrise 1, and Lowrise 2 zones and not in Lowrise 3 and Lowrise 4 zones.

23.45.016, 23.45.058, 23.86.018
Moves a multifamily open space requirement from the Measurements Chapter to multifamily development standards.

23.45.018
Clarifies when vehicular alley access is required in Lowrise zones. Specifically, existing language will be reformatted to more clearly identify the Director's authority to require alley access when it is feasible and desirable to mitigate parking access impacts.

23.45.096, 23.45.166
Corrects two referencing errors relating to development standards for signs in multifamily zones. These references should have been deleted in 1986 with the adoption of the Sign Ordinance.

23.47.004
Corrects an error in referencing public facilities in commercial zones.

23.47.004, 23.47.042, 23.50.012, 23.84.002
Adds "pet grooming services" to the list of permitted uses in pedestrian designated zones.

23.47.008
Clarifies how and when an additional height of four feet is permitted for mixed-use structures. Specifically, the amendment changes the qualifying measurement from seven

feet six inches (7'6") measured floor to ceiling, to eight feet six inches (8'6") measured floor to floor. This clearly defines when the Director shall grant additional height, and when the Director may grant additional height.

23.48.014
Corrects an error in referencing development standards for landscaping in the Seattle Cascade Mixed zone.

23.49.016, 23.49.054, 23.49.074, 23.49.098, 23.49.104, 23.49.132, 23.49.160, 23.50.014, 23.84.004, 23.84.016, 23.84.024, 23.84.025, 23.84.032
Corrects a publishing error that occurred in defining "lodging" and "lodging uses." These terms were never intended to be defined separately. The proposal would combine the current definitions to form one definition, which will fall under the term "lodging uses." The purpose of the proposal is to make it very clear that the current definitions for "lodging" and "lodging uses" are of a single idea and should be defined as such.

The proposal would also change current text to reflect a single definition for "lodging" and "lodging uses." Sections of the code which currently read "lodging" will now read "lodging uses."

23.53.020
Corrects an error in referencing requirements for street improvements in industrial zones.

23.55.032
Deletes the Sign Overlay District, which was created in 1986 but has never been applied.

23.71.004
Replaces an existing map of the Northgate Overlay District for the purpose of graphic improvement. No substantive changes to the map are proposed.

23.86.002
The Measurements Section of the code allows density calculations that result in fractions above one half to be rounded up. This provision currently allows applicants to create single lots in Lowrise zones (via short plat) that do not meet minimum density requirements. This was not intended. The proposed change will not allow density calculations that result in a number less than one to be rounded up.

For more information regarding the proposed amendments, please contact:

J. Roque Deherrera
Land Use Planner
Department of Design, Construction and Land Use
roque.deherrera@ci.seattle.wa.us
(206) 615-0743

STATE OF WASHINGTON - KING COUNTY

123928
City of Seattle,Clerk's Office

—ss.

No. FULL ORDINAN

Affidavit of Publication

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 referred 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

CT:120117 ORD W/MAPS

was published on

10/27/00

The amount of the fee charged for the foregoing publication is the sum of $, which amount has been paid in full.

Subscribed and sworn to before me on

Notary Public for the State of Washington, residing in Seattle

W. C. OLIVAREZ
COMMISSION EXPIRES
10/27/00
NOTARY
PUBLIC
OCT 1 2004
STATE OF WASHINGTON

and can be expected to remain healthy for at [illegible] qualified tree care professional.

1. Upon the request of the applicant, the Director shall permit the applicant to move the proposed development activity and other land disturbance activity and obtain up to a five (5) foot reduction in front or rear setback requirements when this would be sufficient to protect an existing tree as determined by a qualified tree care professional.

2. Any ((yard)) setback reduction greater than five (5) feet to protect a tree shall require approval through a tree protection special exception. Notice of application and review process and procedures for this special exception and of the Director's decision on the application shall be provided in the manner prescribed for Type II land use decisions as set forth in SMC Chapter 23.76. A tree protection special exception shall be authorized only when all the following facts and conditions are found to exist:

a. The applicant setback requirements would make it impossible to protect existing tree(s) without causing undue hardship; and

b. The requested setback reduction does not go beyond the minimum necessary to protect the tree(s) as determined by a qualified tree care professional; and

c. The setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, setbacks, pedestrian environment, and amount of vegetation remaining.

Section 12. Subsection C of Section 23.45.015 of the Seattle Municipal Code, which section was last amended by Ordinance 119792, is amended as follows:

23.45.015 Screening and landscaping requirements–Lowrise zones.

C. Tree Requirements in Landscaped Areas in Lowrise Duplex/Triplex, Lowrise 1, and Lowrise 2 zones.

1. Trees shall be required when new ((low-rise)) lowrise multifamily dwelling units are constructed. This requirement may be met using options in subsection C1a or C1b below. The minimum number of caliper inches of tree required per lot may be met through using either the tree preservation option or tree planting option set forth below, or through a combination of preservation and planting. Trees within public and private rights-of-way may not be used to meet this standard.

a. Tree Preservation Option. For lots over three thousand (3,000) square feet, at least two (2) caliper inches of existing tree per one thousand (1,000) square feet of lot area must be preserved. On lots that are three thousand (3,000) square feet or smaller, at least three (3) caliper inches of existing tree must be preserved per lot. ((~~Trees within public and private rights-of-way may not be used to meet this standard.~~)) When this option is used, a tree preservation plan is required.

b. Tree Planting Option. For lots over three thousand (3,000) square feet, at least two (2) caliper inches of tree per one thousand (1,000) square feet of lot area must be planted. On lots that are three thousand (3,000) square feet or smaller, at least three (3) caliper inches of tree must be planted per lot.

2. Tree Measurements. Trees planted to meet the requirements in subsection C1 above shall be at least one and one-half (1.5) inches in diameter. The diameter of new trees shall be measured (in caliper inches) six ((~~(6) inches~~)) (6) inches above the ground. Existing trees shall be measured four and one-half (4.5) feet above the ground. When an existing tree is three (3) to ten (10) inches in diameter, each one (1) inch counts as one (1) inch toward meeting the tree requirements in subsection C1 above. When an existing tree is more than ten (10) inches in diameter, each one ((~~(1) inch~~)) (1) inch of the tree that is over ten (10) inches shall count as three (3) inches toward meeting the tree requirement.

3. Tree Preservation Plans. If the tree preservation option is chosen, a tree preservation plan must be submitted and approved. The plan may be submitted as part of the overall landscaping plan for the project. Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the Department of Design, Construction and Land Use.

Section 13. Subsection C of Section 23.45.016 of the Seattle Municipal Code, which section was last amended by Ordinance 119242, is amended as follows:

23.45.016 Open space.

C. Open Space Relationship to Grade.

1. The elevation of open space for ground-related housing must be within ten (10) feet of the elevation of the dwelling unit it serves. The ten (10) feet shall be measured between the finished floor level of the principal living areas of a dwelling unit and the grade of at least fifty (50) percent of the required open space. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination.

2. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The portion of the open space which is within ten (10) feet of the unit shall include the point where the access to the open space from the unit occurs.

3. The elevation of private usable open space for Lowrise Duplex/Triplex structures must be within four (4) feet of the elevation of the dwelling unit it serves. The four (4) feet shall be measured between the finished floor level of the dwelling unit and the grade of at least fifty (50) percent of the required open space. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The maximum difference in elevation at the point of access shall be four (4) feet.

Section 14. Subsection B of Section 23.45.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.45.018 Parking and access – Lowrise zones.

the structure.

c. Required open space may be located a maximum of ten (10) feet above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit, except as permitted in subsection B2e.

d. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The portion of the open space which is within ten (10) feet of the unit shall include the point where the access to the open space from the unit occurs.

e. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination.

((d.)) f. At least fifty (50) percent of the required open space for a unit shall be level, provided that:

(1) The open space may be terraced; and

(2) Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two (2) feet.

((e.)) g. For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten (10) feet where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten (10) feet, the open space may be located a maximum of ten (10) feet plus the height between floors in excess of ten (10) feet, above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two (2) feet above grade, the open space may be located a maximum of ten (10) feet plus the additional height of the first floor in excess of two (2) feet above grade, above or below the unit it serves.

((f.)) h. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited unless such openings are screened by view-obscuring fences, freestanding walls, or wingwalls. Fences, freestanding walls, or wingwalls located in setbacks shall be no more than six (6) feet in height in accordance with Section 23.45.014 G.

((g.)) i. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11 -- Accessibility, shall not be counted as open space.

3. Apartments.

a. No horizontal dimension for required ground level open space shall be less than ten (10) feet.

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11 -- Accessibility, shall not be counted as open space.

d. In order to qualify as above-ground open space, balconies and decks shall have a minimum horizontal dimension of at least six (6) feet, and minimum area shall be sixty (60) square feet.

e. For cluster development, at least twenty (20) percent of the required open space shall be provided in one (1) contiguous area.

4. Terraced Housing on a Slope of Twenty-five (25) Percent or More.

a. No horizontal dimension for required ground-level open space shall be less than ten (10) feet.

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11 -- Accessibility, shall not be counted as open space.

d. In order to qualify as above-ground open space, rooftop areas, balconies or decks shall have a minimum horizontal dimension of at least ten (10) feet, and a total area of at least one hundred twenty (120) square feet.

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Section 17. Subsection C of Section 23.45.066 of the Seattle Municipal Code, which Section was last amended by Ordinance 116295, is amended as follows:

23.45.066 Highrise – Structure height.

C. Height Exceptions.

1. Radio and television receive-only antennas, except dish antennas, flagpoles and ((spires)) religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty percent (50%) of their height above existing grade or, if attached only to the roof, no closer than fifty percent (50%) of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, parapets, and firewalls may extend four feet (4') above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend up to ten feet (10') above the maximum height limit, so long as the combined total coverage of all features does not exceed fifteen percent (15%) of the roof area, or twenty percent (20%) of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

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

d. Chimneys;

e. Sun and wind screens;