

Ordinance No. 120452

EW

The City of Seattle  
Council Bill/Ordinance

Council Bill No. 113740

AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code (SMC) Sections 23.47.004, 23.47.008 and 23.47.009; adding a new Section 23.34.089, Locational Criteria - Station Area Overlay District, to the SMC; and adding a new Chapter 23.61, Station Area Overlay District, to the SMC; amending Ordinance 120248 (Interim Overlay District) to expire on the effective date of this ordinance; all to establish a new permanent station area overlay district to prohibit uses incompatible with transit-oriented development and establish development standards supportive of transit-oriented development.

7/17/01 Division

7-30-01

CF No. \_\_\_\_\_

Date Introduced: <u>JUL - 9 2001</u>		
Date 1st Referred:	To: (committee) <u>City Council/Committee on Land Use Estimates</u>	
Date 2nd Referred:	To: (committee)	
Date 3rd Referred:	To: (committee)	
Date of Final Passage: <u>7-30-01</u>	Full Council Vote: <u>6-3</u>	
Date Presented to Mayor: <u>7-30-01</u>	Date Approved: <u>7-31-01</u>	
Date Returned to City Clerk: <u>7-31-01</u>	Date Published: <u>7 PAS.</u>	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoes 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: \_\_\_\_\_

Councilmember

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**Committee Action:**

7/17/01 Divided Report

7-30-01 Passed 6-3 (Noticada, Nicastro  
AS Sternbroeck)  
Amend

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

Committee: \_\_\_\_\_

(initial/date)

*Law Department*

Law Dept. Review

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Review

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City Clerk  
Review

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ORDINANCE 120452

1  
2 AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code (SMC) Sections  
3 23.47.004, 23.47.008 and 23.47.009; adding a new Section 23.34.089, Locational Criteria –  
4 Station Area Overlay District, to the SMC; and adding a new Chapter 23.61, Station Area  
5 Overlay District, to the SMC; amending Ordinance 120248 (Interim Overlay District) to expire  
6 on the effective date of this ordinance; all to establish a new permanent station area overlay  
7 district to prohibit uses incompatible with transit-oriented development and establish  
8 development standards supportive of transit-oriented development.

9 WHEREAS, RCW 81.104 directs municipalities to regulate land uses in a manner that supports high  
10 capacity transportation systems; and

11 WHEREAS, in November 1996, the voters of the three-county Sound Transit District approved *Sound*  
12 *Move*, the ten-year regional transit system plan, which includes a 23-mile new electric light rail  
13 line connecting SeaTac, Tukwila, and Seattle; and

14 WHEREAS, Sound Transit is proceeding to implement the Sound Move plan, including the light rail  
15 component; and

16 WHEREAS, in April 1998, the City of Seattle and Sound Transit executed a Memorandum of  
17 Agreement for Intergovernmental Cooperation for the Central Light Rail Transit Project  
18 (hereinafter, the MOA), as authorized by Ordinance 118927; and

19 WHEREAS, under the terms of the MOA, the City is conducting station area planning for light rail  
20 station areas in Seattle; and

21 WHEREAS, the City Council adopted Resolution 29867 in December 1998, establishing goals and  
22 strategies to promote transit-oriented development in light rail station areas; and

23 WHEREAS, the City has given guidance to Sound Transit as to preferred light rail routes and station  
24 locations, and desired patterns for development around light rail stations, in previous legislation,  
including Resolution 30073 adopted on November 15, 1999; and

WHEREAS, on November 18, 1999, the Sound Transit Board of Directors identified the Locally  
Preferred Alternative (LPA) light rail alignment and station locations; and

WHEREAS, the Station Area Interim Overlay District was established in March 1999 by Ordinance  
119394 around proposed Sound Transit Link light rail stations for the purpose of preserving  
opportunities for transit and pedestrian-oriented development in accordance with Council  
approved goals and objectives; and

WHEREAS, the boundaries of the Station Area Interim Overlay District were modified in November  
1999 by Ordinance 119672; and



1 WHEREAS, the Station Area Interim Overlay District expiration date was extended until September 1,  
2000 in February 2000 by Ordinance 119838; and

2 WHEREAS, the Station Area Interim Overlay District expiration date was extended until March 1,  
3 2001 in August 2000 by Ordinance 120039; and

4 WHEREAS, the Station Area Interim Overlay District expiration date was extended until September 1,  
2001 in February 2001 by Ordinance 120248; and

5 WHEREAS, the City Council adopted Resolution 30165 in September 2000, approving concept-level  
6 station area planning recommendations for the areas around the light rail stations; and

7 WHEREAS, the City Council adopted Resolutions 29942, 29830, 29979, 29976, 29995, 29869, 29903  
8 and 29808 in 1998 through 1999, approving neighborhood plans applicable to each of the station  
areas affected by this ordinance; and

9 WHEREAS, the City Council finds that this ordinance should be adopted for the reasons contained in  
10 the Executive Report on the Proposed Station Area Overlay District, April 19, 2001; and

11 WHEREAS, the City Council finds that these proposed amendments will implement the policies  
12 contained in RCW 81.104 and be consistent with the resolutions identified above, and will  
promote the health, safety and welfare of the general public; Now, Therefore,

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

13 **Section 1.** A new Section 23.34.089 is added to the Seattle Municipal Code as follows:

14 **23.34.089 Locational Criteria - Station Area Overlay District.**

15 A. Establishing A Station Area Overlay District.

16 In reviewing a proposal to establish a Station Area Overlay District, the following criteria shall  
17 be considered:

18 1. Function. To preserve or encourage a diverse, mixed-use community with a  
19 pedestrian orientation around proposed light rail stations or access to other high capacity transit, where  
incompatible automobile-oriented uses are discouraged and transit-oriented use and development is  
encouraged.

20 2. Desired Characteristics. The Station Area Overlay District designation is most  
21 appropriate in areas generally characterized by one or more of the following:  
22 a. high levels of pedestrian activity at street level in commercial and mixed  
23 use zones; or  
b. presence of a wide variety of retail/service activities in commercial and  
24 mixed use zones; or  
c. minimal pedestrian-auto conflicts; or



1 d. medium to high residential density in close proximity to light rail stations  
or access to other high capacity transit.

2 3. Physical Conditions Favoring Designation as Station Area Overlay District. The  
3 station area overlay district shall be located around a proposed light rail station or access to other high  
4 capacity transit and include land within approximately one thousand three hundred and twenty feet  
(1,320') of the station or stop. Other factors to consider in including properties within the overlay  
5 district include, but are not limited to the following:

- 6 a. presence of medium to high density residential zoning in proximity to the  
proposed light rail station or access to other high capacity transit;
- 7 b. presence of a commercial or mixed use area where goods and services are  
available to the public and where opportunities for enhancement of the pedestrian environment exist;
- 8 c. opportunities for new development to access transit, bicycle and  
pedestrian modes of transportation;
- 9 d. opportunities for construction of new development that will support  
transit;
- 10 e. properties zoned Single Family may only be included within the overlay  
district when it can be demonstrated that the criteria for Single Family designation cannot be satisfied.

11 B. Revising the boundaries of a Station Area Overlay District.

12 1. When a proposal is made to include land within an existing Station Area Overlay  
District, the land proposed to be added must be contiguous to the Station Area Overlay District, be  
13 consistent with the criteria prescribed in subsection A, above, and satisfy the function and locational  
criteria for a commercial or multifamily zone designation.

14 2. When a proposal is made to remove land from an existing Station Overlay  
District, the land proposed to be removed must be contiguous to land lying outside the boundary and not  
15 meet the criteria in subsection A of this section.

16 **Section 2.** Subsection E of Section 23.47.004 of the Seattle Municipal Code, which Section was  
17 last amended by Ordinance 119698, is amended as follows:

18 **23.47.004 Permitted and prohibited uses.**

19 \* \* \*

20 E. Residential Uses.

- 21 1. Residential Use in Single-purpose Residential Structures. Residential use in  
single-purpose residential structures is permitted as an administrative conditional use, unless:
  - 22 a. The structure is located within an area in which the use is either permitted  
outright or prohibited, as shown on the Maps 23.47.004 A, B, C, D, E, F, G, H and I;







- 1 J. Sale of heating fuel;
- 2 K. Sales, service and rental of commercial equipment and construction materials;
- 3 L. Salvage and recycling;
- 4 M. Towing services;
- 5 N. Vehicle repair (major or minor);
- 6 O. Wholesale showroom;
- 7 P. Mini-warehouse; and
- 8 Q. Warehouse.

9 **23.61.010 Location and access to parking.**

10 A. Parking must be located to the rear of a structure or built into or under a structure; or  
11 parking may be located between a rear or side lot line and a structure. The provisions of subsection  
12 23.47.032 B2c do not apply.

13 B. In pedestrian-designated zones, location and access to parking is governed by the  
14 provisions of 23.47.046, Parking location in pedestrian-designated zones.

15 **23.61.012 Single purpose residential development.**

16 A. Single-purpose residential structures located in a commercial zone are permitted outright,  
17 unless the structure is located on a lot in a pedestrian-designated zone, in which case they are prohibited  
18 or in the Pike Pine Overlay District where the provisions of that Chapter apply.

19 B. The density limits of 23.47.009 do not apply to single-purpose residential structures in  
20 the Station Area Overlay District.

21 **23.61.014 Nonconforming uses.**

22 A. The provisions of this Section apply to the following station areas:

- 23 1. Henderson;
- 24 2. Othello;
- 3. Edmunds; and
- 4. McClellan.

B. The provisions of this Section apply to the following nonconforming uses:

- 1. Gas stations;
- 2. General manufacturing;
- 3. Heavy commercial services;
- 4. Mini-warehouse and warehouse; and
- 5. Vehicle repair (minor).



1 C. The standards for nonconforming uses of the underlying zone and any overlay districts  
2 apply, except that uses listed in subsection B may be expanded or extended by an amount of gross floor  
3 area not to exceed twenty (20) percent of the existing gross floor area of the use, provided that this  
4 exception may be applied only once to any individual business establishment.

5 **Section 6.** Section 2 of Ordinance 120248 is hereby amended to read as follows:

6 This ordinance expires ~~September 1, 2001~~ on the effective date of legislation establishing a permanent  
7 Station Area Overlay District.

8 **Section 7.** Severability. The several provisions of this ordinance are declared to be separate and  
9 severable and the invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or  
10 portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall  
11 not affect the validity of the remainder of this ordinance or the validity of its application to other persons  
12 or circumstances.

13 **Section 8.** This ordinance shall take effect and be in force thirty (30) days from and after its  
14 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
15 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

16 Passed by the City Council the 30<sup>th</sup> day of July, 2001, and signed by me in open  
17 session in authentication of its passage this 30<sup>th</sup> day of July, 2001.

18 Margaret Obregon  
19 President \_\_\_\_\_ of the City Council

20 Approved by me this 31<sup>st</sup> day of July, 2001.

21 Paul Sully  
22 Mayor

23 Filed by me this 31<sup>st</sup> day of July, 2001.

24 Janeth E. Rupp  
City Clerk

(Seal)





**Legislative Department  
Seattle City Council  
Memorandum**

**Date:** July 20, 2001  
**To:** All Councilmembers  
**From:** Geri Beardsley, Legislative Analyst  
**Subject:** Divided Report for Council Bills 113740-113748  
Station Area Planning Overlay, Pedestrian Designation and Rezones

This Divided Report summarizes the Council's Landlord/Tenant and Land Use Committee recommendations on eight Council Bills (C.B. 113740-113748) which implement some of the land use recommendations in the adopted Concept-level Station Area Planning Recommendations (Res. 30165). For more information about the legislation and the issues, please see my July 16, 2001 Decision Agenda or feel free to call me at 684-8148.

The legislation replaces interim regulations with permanent regulations, including rezones, a permanent Station Area Overlay District (SAOD) and amendments to the Land Use Code identifying Principal Pedestrian Streets (with a pedestrian designation). These regulations apply to eight areas including: Henderson, Othello, Edmunds/Columbia City, McClellan, Beacon Hill, First Hill, Capitol Hill (permanent station area overlay only) and University District.

The LTLU Committee reviewed and discussed prior versions of this legislation over the last two years. The LTLU Committee held a public hearing on the current versions of the proposed legislation on July 9, 2001. Committee discussion and vote took place on July 17, 2001. One note regarding timing, a full Council vote by July 30, 2001 is necessary if the Council wants the permanent overlay to take effect prior to the expiration of the interim overlay.

**A. Overall Approach -- Whether or Not to Proceed with Permanent Overlay, Pedestrian Designation and Rezones**

Committee Recommendation: Yes, move forward now with all legislation by adopting permanent station area overlay, pedestrian designation and rezones. (Note, this particular vote was not on any specific legislation, so while it signals the intent of the Committee, each Council Bill was then acted on separately and all were amended as shown in subsequent sections of this Divided Report).

Vote: 4-1-1. Yes 4 (Conlin, McIver, Pageler, Wills), No 1 (Nicastro), Abstain 1 (Licata)

Majority Position: This legislation implements station area planning recommendations and neighborhood planning recommendations and reflect a significant amount of work with neighborhoods. The types of zoning in the legislation are the types we want to see in these neighborhoods. The certainty of permanent regulations helps prevent speculation as well as



Majority Position: This legislation implements station area planning recommendations and neighborhood planning recommendations.

Minority Position: Given the uncertainty with Sound Transit, it is premature for the City to adopt this legislation.

### **3. McClellan -- C.B. 113743.**

Committee Recommendation: Do Pass with technical amendment to revise whereas clause to eliminate use of blank lines.

Vote: 3-1-2. Yes 3 (Conlin, Pageler, Steinbrueck), No 1 (Nicastro), Abstain 2 (Licata, McIver)

Majority Position: This legislation implements station area planning recommendations and neighborhood planning recommendations.

Minority Position: Given the uncertainty with Sound Transit, it is premature for the City to adopt this legislation.

### **4. Henderson -- C.B. 113744.**

Committee Recommendation: Do Pass with technical amendment to revise whereas clause to eliminate use of blank lines.

Vote: 3-1-2. Yes 3 (Conlin, McIver, Pageler), No 1 (Nicastro), Abstain 2 (Licata, Steinbrueck)

Majority Position: This legislation implements station area planning recommendations and neighborhood planning recommendations.

Minority Position: Given the uncertainty with Sound Transit, it is premature for the City to adopt this legislation.

### **5. Othello -- C.B. 113745.**

Committee Recommendation: Do Pass with technical amendment to revise whereas clause to eliminate use of blank lines and with substantive amendments to restrict density of some properties (Seattle Housing Authority properties being rezoned to Lowrise 4 and Lowrise 4/Residential Commercial are restricted to the density in the Lowrise 2 zone as prescribed by SMC 23.45.008(A). For affected parcels (about 59% of New Holly 3), this reduces the allowable density from one unit per 600 square feet to one unit per 1200 square feet.)

Vote: 4-1-2. Yes 4 (Conlin, McIver, Pageler, Wills), No 1 (Nicastro), Abstain 2 (Licata, Steinbrueck)



Majority Position: This legislation implements station area planning recommendations and neighborhood planning recommendations.

Minority Position: Given the uncertainty with Sound Transit, it is premature for the City to adopt this legislation.

SAP divided report version 2





# City of Seattle

Paul Schell, Mayor

## Department of Design, Construction and Land Use

R. F. Krochalis, Director

### MEMORANDUM

**TO:** Margaret Pageler, City Council President  
via Margaret Klockars, Law Department

**FROM:** Rick Krochalis, Director *AKB for RKK*

**DATE:** June 18, 2001

**SUBJECT:** Designation of Permanent Station Area Overlay Districts and Rezones to Implement Neighborhood and Station Area Planning Recommendations.

This memo accompanies nine ordinances proposed by the Department of Design, Construction and Land Use and the City's Strategic Planning Office. The proposed legislation would establish a Station Area Overlay District (SAOD) in Chapter 23.61 of the Land Use Code, apply the SAOD, designate principal pedestrian streets and rezone certain properties near proposed future light rail stations. The legislation is proposed to help achieve the intent of neighborhood plan and station area planning recommendations for the following areas: South Henderson Street; South Othello Street; South Edmunds Street; South McClellan Street; First Hill; Capitol Hill (only the proposed application of the SAOD is proposed for Capitol Hill); Beacon Hill; and Northeast 45<sup>th</sup> Street.

#### Background

City staff have been working with neighborhoods to implement recommendations from neighborhood plans that were completed in the latter half of the 1990's. For the areas mentioned above, many land use and zoning recommendations awaited implementation until additional planning work could be carried out to include careful consideration of the proximity of these areas to transit corridors.

The proposed Land Use Code and zoning changes will encourage new development that responds to the vision of the neighborhood plans to support light rail or bus ridership, and promote mixed-use development with more neighborhood serving commercial uses in areas that are safe and attractive for pedestrians.

#### Revised Proposals

City staff have been working with affected neighborhoods to revise proposals offered last year. We have made several changes in response to comments received and are pleased



to make the current proposals available. These proposals are recommended for adoption to complete planning work that has been under way for the past two years and to provide predictable land use regulations for property owners and neighbors.

This legislation will replace interim measures that were first adopted in 1999 to preserve opportunities for transit-oriented development in the affected areas while further planning efforts were underway. We ask that the Council disregard last year's proposals and consider the revised proposals instead.

#### Environmental Determination

The Department of Design, Construction and Land Use (DCLU) issued Determinations of Non-significance (no environmental impact statement required) on April 19, 2001. The appeal period expired on May 10, 2001 and no appeals were filed.

#### Public Hearing

A public hearing has been scheduled before the Council's Landlord Tenant/Land Use Committee on Monday, July 9, 2001 at 5:30 p.m.

#### Financial Legislation

The administration of the proposed rezones and overlay district are not projected to have significant financial impacts on DCLU or other City revenues and expenditures. Implementation of the proposed legislation is anticipated to generate new or increased development activity within station areas. New development and an invigorated economic environment would likely lead to an increase in property value and an increased number of permit applications.

#### Additional Information

Briefing Notebooks have been prepared and distributed to all Councilmembers. These notebooks contain copies of the proposed legislation and Executive reports. If you have questions about the proposed legislation, please contact Mike Podowski at 386-1988 or via email at [mike.podowski@ci.seattle.wa.us](mailto:mike.podowski@ci.seattle.wa.us).

cc: Denna Cline, Strategic Planning Office





Legislative Department  
Seattle City Council  
Memorandum

**Date:** July 16, 2001  
**To:** All Councilmembers  
**From:** Geri Beardsley, Legislative Analyst  
**Subject:** Decision Agenda for Council Bills 113740-113748 – Station Area Planning Overlay, Pedestrian Designation and Rezones

**A. Background**

The Council's Landlord/Tenant and Land Use Committee is currently considering legislation that implements some of the land use recommendations in the adopted Concept-level Station Area Planning Recommendations (Res. 30165).

The Council established the Interim Station Area Overlay District on March 3, 1999 (Ord. 119394). The interim regulations expire on September 1, 2001. The legislative package now being reviewed by the Council establishes permanent regulations, including rezones, a permanent Station Area Overlay District (SAOD) and amendments to the Land Use Code identifying Principal Pedestrian Streets (with a pedestrian designation). These regulations apply to eight areas including: Henderson, Othello, Edmunds/Columbia City, McClellan, Beacon Hill, First Hill, Capitol Hill (permanent station area overlay only) and University District.

The legislation will encourage the areas around proposed light rail stations to become mixed use (residential and commercial) neighborhoods where people can live and work and where walking, biking, and using transit are alternatives to driving. In addition, proposed changes for areas south of Downtown are intended to help achieve the "town centers" contemplated in neighborhood plans, while increasing transit-oriented development opportunities in limited areas that are currently automobile-oriented. Current zoning in areas north of Downtown already supports development appropriate to implement neighborhood plans and TOD goals, so the legislation is more limited for these areas. However, the proposed rezones in these areas will strengthen existing Pedestrian Districts.

The LTLU Committee has reviewed and discussed prior versions of this legislation over the last two years. The LTLU Committee held a public hearing on the current versions of the proposed legislation on July 9, 2001. Committee discussion and possible vote is scheduled for July 17, 2001. One note regarding timing, a full Council vote by July 30, 2001 is necessary if the Council wants the permanent overlay to take effect prior to the expiration of the interim overlay.

The issues identified below and possible amendments are intended to address a number of issues that were raised in public comments, by staff and/or that Councilmembers asked staff to explore. We can discuss the issues in more detail at the July 17 Committee meeting, but I wanted to give you some framework for your discussion with this decision agenda. Please feel free to contact me at 684-8148 if you have questions. You can also contact Mike Podowski in the Strategic Planning Office at 386-1988.



**B. Overall Approach -- Whether or Not to Proceed with Permanent Overlay, Pedestrian Designation and Rezones**

This issue has been raised in response to concerns that enacting regulations for station areas is premature given the uncertainties about light rail funding, timing and station locations. In discussions with Councilmembers and Executive staff, we have come up with four options for the Committee to consider: A) adopt all legislation now; B) do not adopt the permanent station area overlay, but adopt the pedestrian designation and rezones; C) do not adopt any legislation now, but continue to work with neighborhoods to ensure that the proposed legislation implements neighborhood plans; and D) do not adopt any legislation now, but consider reviewing the legislation again if and when Sound Transit's plans are more certain.

There are a number of factors the Council should be aware of in discussing this issue. First, Sound Transit's target date of 2006 to begin operating light rail has now been postponed until 2009. Sound Transit's Board has confirmed that the area south of downtown will be their highest priority and those station locations are not in question. However, for some, there is some uncertainty as to whether light rail will be constructed at all. Second, the City's contract with the Regional Transit Authority (now Sound Transit) provides for a final payment (of \$500,000) after Council action on this legislation, which Sound Transit might contest if this legislation is not adopted. Third, Executive staff and neighborhood groups substantially modified the legislation from last year's proposal to respond to community concerns and to ensure that it supports implementation of neighborhood plans in addition to implementation of the station area planning. These factors and others are shown in the table below.

**Options for Overall Approach:**

A. Adopt Permanent Station Area Overlay, Pedestrian Designation and Rezones	B. Do Not Adopt Permanent Station Area Overlay, Only Adopt Pedestrian Designation and Rezones	C. Do Not Adopt Any Legislation and Revisit Neighborhood Planning Issues	D. Do Not Adopt Any Legislation and Revisit If and When Sound Transit's Plans Are More Certain
<ul style="list-style-type: none"> <li>▪ Legislation supports station area planning, including City's adopted Concept-level Station Area Planning Recommendations</li> <li>▪ Legislation supports neighborhood plan recommendations, regardless of timing of light rail</li> <li>▪ Legislation has been revised to address many issues raised by neighborhoods</li> <li>▪ Sound Transit Board</li> </ul>	<ul style="list-style-type: none"> <li>▪ Pedestrian designation and rezones still support neighborhood plan implementation</li> <li>▪ Can act on permanent station area overlay at a later date when light rail is more certain</li> <li>▪ Interim Station Area Overlay expires September 1, 2001, but rezones will control some uses (less than with permanent station area overlay)</li> <li>▪ Doesn't include</li> </ul>	<ul style="list-style-type: none"> <li>▪ Doesn't acknowledge work of Executive staff and neighborhood groups to ensure legislation supports neighborhood plan implementation</li> <li>▪ Unclear how additional work would be funded and when it would happen</li> <li>▪ Contract with RTA contemplates Council action to implement station</li> </ul>	<ul style="list-style-type: none"> <li>▪ Timing and funding of light rail is uncertain</li> <li>▪ Can act on legislation at later date when light rail is more certain</li> <li>▪ Some do not support overlay and rezones because of potential impacts on their property and/or businesses</li> <li>▪ Contract with RTA contemplates Council action to implement</li> </ul>

<p>voted that highest priority is light rail south of downtown (which includes areas where most of the legislation is proposed)</p> <ul style="list-style-type: none"> <li>▪ Contract with RTA contemplates Council action to implement station area planning recommendations prior to final payment</li> <li>▪ Interim Station Area Overlay expires September 1, 2001, but permanent regulations will control uses</li> </ul>	<p>Overlay's provisions to encourage housing (proposal permits Single-Purpose Residential uses outright and eliminates 64% upper-level lot coverage limit for residential uses)</p> <ul style="list-style-type: none"> <li>▪ Contract with RTA contemplates Council action to implement station area planning recommendations prior to final payment</li> </ul>	<p>area planning recommendations prior to final payment</p> <ul style="list-style-type: none"> <li>▪ Interim Station Area Overlay expires September 1, 2001</li> </ul>	<p>station area planning recommendations prior to final payment</p> <ul style="list-style-type: none"> <li>▪ Interim Station Area Overlay expires September 1, 2001</li> <li>▪ Lack of clarity about when the process would be restarted adds to uncertainty for property owners</li> </ul>
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Committee Action:

Move forward now?

Options:

- A. Adopt permanent station area overlay, pedestrian designation and rezones (if yes, then proceed to Sections C and D below)
- B. Do not adopt permanent station area overlay, only adopt pedestrian designation and rezones (if yes, vote "Do Not Pass" on Overlay in Section C below and then proceed to Section D)
- C. Do not adopt any legislation and revisit neighborhood planning issues (if yes, then hold all legislation or vote "Do Not Pass" on all eight Council Bills)
- D. Do not adopt any legislation and revisit if and when Sound Transit's plans are more certain (if yes, then hold all legislation or vote "Do Not Pass" on all eight Council Bills)

Reminder, each of these options assumes that the Interim Station Area Overlay will expire on September 1, 2001 and that the Council does not intend to extend the expiration date again.

Vote: \_\_\_\_\_



### C. Permanent Station Area Overlay – C.B. 113740 -- Possible Amendments

This Section identifies possible amendments to the permanent station area overlay based on my review of the issues; public comments; and discussions with Councilmembers, the Law Department and staff from the Legislation Department, Strategic Planning Office and Department of Design, Construction and Land Use.

**1. Locational Criteria.** Issue: locational criteria refer to light rail stations even though none exist now.

Possible amendment: amend locational criteria to reflect proximity to "proposed" station areas and high capacity transit:

#### *23.34.089 Locational Criteria - Station Area Overlay District.*

A. *Establishing A Station Area Overlay District. In reviewing a proposal to establish a Station Area Overlay District, the following criteria shall be considered:*

1. *Function. To preserve or encourage a diverse, mixed-use community with a pedestrian orientation around proposed light rail stations or access to other high capacity transit, where incompatible automobile-oriented uses are discouraged and transit-oriented use and development is encouraged.*
2. *Desired Characteristics. The Station Area Overlay District designation is most appropriate in areas generally characterized by one or more of the following:*
  - a. *high levels of pedestrian activity at street level in commercial and mixed use zones; or*
  - b. *presence of a wide variety of retail/service activities in commercial and mixed use zones; or*
  - c. *minimal pedestrian-auto conflicts; or*
  - d. *medium to high residential density in close proximity to proposed light rail stations or access to other high capacity transit.*
3. *Physical Conditions Favoring Designation as Station Area Overlay District. The station area overlay district shall be located around a proposed light rail station or access to other high capacity transit and include land within approximately one thousand three hundred and twenty feet (1,320') of the station or stop. Other factors to consider in including properties within the overlay district include, but are not limited to the following:*
  - a. *presence of medium to high density residential zoning in proximity to the light rail station or access to other high capacity transit;*
  - b. *presence of a commercial or mixed use area where goods and services are available to the public and where opportunities for enhancement of the pedestrian environment exist;*
  - c. *opportunities for new development to access transit, bicycle and pedestrian modes of transportation;*
  - d. *opportunities for construction of new development that will support-light rail transit;*
  - e. *properties zoned Single Family may only be included within the overlay district when it can be demonstrated that the criteria for Single Family designation cannot be satisfied.*

*B. Revising the boundaries of a Station Area Overlay District.*

1. *When a proposal is made to include land within an existing Station Area Overlay District, the land proposed to be added must be contiguous to the Station Area Overlay District, be consistent with the criteria prescribed in subsection A, above, and satisfy the function and locational criteria for a commercial or multifamily zone designation.*

2. *When a proposal is made to remove land from an existing Station Overlay District, the land proposed to be removed must be contiguous to land lying outside the boundary and not meet the criteria in subsection A of this section.*

**2. 64% Upper-level Lot Coverage Limit for Residential Uses.** Issue: in Neighborhood Commercial zones, residential uses are subject to a limit that above 13 feet, the building can only occupy 64% of the building envelope. This limit doesn't change the allowable density, but does affect design flexibility. Currently, projects with residential uses must go through Design Review to waive the 64% upper-level lot coverage limit. Commercial projects are not subject to the limit. The proposed legislation treats residential uses like commercial uses by eliminating the 64% upper-level lot coverage limit for residential uses.

Possible amendment: Stick with status quo, which currently requires Design Review for a residential use to exceed the 64% upper-level lot coverage limit. This action requires an amendment to strike Section 3 of the Council Bill.

**3. Other Issues.** Several other issues were raised in public comments, but I have not prepared options to address them because they are covered in the proposed amendments, Councilmembers did not ask me to follow up on them, or for a variety of other reasons. These issues include a request for additional notification prior to approval of work release centers and not allowing commercial or mixed-use buildings to convert to Single-Purpose Residential buildings because such conversions might contribute to the loss of existing neighborhood commercial uses. We can discuss these in more detail or I can prepare options if Councilmembers request them.

Committee Action:

Amend Council Bill?

Pass Council Bill as amended?

Vote: \_\_\_\_\_

**D. Individual Station Areas – C.B. 113741-113748 -- Possible Amendments**

This Section identifies possible amendments to the legislation for individual station areas based on my review of the issues; public comments; and discussions with Councilmembers, the Law Department and staff from the Legislation Department, Strategic Planning Office and Department of Design, Construction and Land Use.



1. Beacon Hill -- C.B. 113741.

a. Amend Whereas clause per City Clerk request to avoid use of blanks:

*WHEREAS, on \_\_\_\_\_, the City Council enacted Ordinance \_\_\_\_\_ establishing a new Chapter 23.61, Station Area Overlay District, (C.B. 113740) to the Seattle Municipal Code, establishing permanent regulations to prohibit uses incompatible with transit-oriented development and revising development standards within approximately one-quarter mile of proposed Sound Transit light rail stations; and*

b. If Committee chooses Option B ("don't adopt permanent station area overlay") for the overall approach, amend to strike the entire Whereas clause in Section D.1.a, above, strike C.B. Section 2 (describing mapping the permanent station area overlay) and strike C.B. Exhibit B (map with permanent station area overlay).

c. Other Issues: Several other issues were raised in public comments, but I have not prepared options to address them because they are covered in the proposed amendments. Councilmembers did not ask me to follow up on them, or for a variety of other reasons. These issues included not rezoning any property in the Beacon Hill area and rezoning one parcel from Lowrise 1 to Lowrise 3. We can discuss these in more detail or I can prepare options if Councilmembers request them.

Committee Action:

Amend Council Bill?

Pass Council Bill as amended?

Vote: \_\_\_\_\_

2. NE 45th Street -- C.B. 113742.

a. Amend Whereas clause per City Clerk request: see language proposed for Beacon Hill in Section D.1.a., above.

b. If Committee chooses Option B ("don't adopt permanent station area overlay") for the overall approach, amend to strike the entire Whereas clause in Section D.1.a, above, strike C.B. Section 2 (describing mapping the permanent station area overlay), amend C.B. Section 4 to refer to "First Hill" rather than "Capitol Hill" and strike C.B. Exhibit B (map with permanent station area overlay).

c. Other Issues: Several other issues were raised in public comments, but I have not prepared options to address because they are covered in the proposed amendments, Councilmembers did not ask me to follow up on them, or for a variety of other reasons. These

issues included not extending the pedestrian designation south of NE 45th St. We can discuss these in more detail or I can prepare options if Councilmembers request them.

<p><u>Committee Action:</u></p> <p>Amend Council Bill?</p> <p>Pass Council Bill as amended?</p> <p>Vote: _____</p>
--

**3. McClellan -- C.B. 113743.**

a. Amend Whereas clause per City Clerk request: see language proposed for Beacon Hill in Section D.1.a., above.

b. If Committee chooses Option B ("don't adopt permanent station area overlay") for the overall approach, amend to strike the entire Whereas clause in Section D.1.a, above, strike C.B. Section 2 (describing mapping the permanent station area overlay), modify C.B. Exhibit A (slightly modifying pedestrian designation) and strike C.B. Exhibit B (map with permanent station area overlay).

c. Other Issues: Several other issues were raised in public comments, but I have not prepared options to address them because they are covered in the proposed amendments, Councilmembers did not ask me to follow up on them, or for a variety of other reasons. These issues included increasing the landscaped buffer east of Cheasty Blvd. from 20' to 50'. We can discuss these in more detail or I can prepare options if Councilmembers request them.

<p><u>Committee Action:</u></p> <p>Amend Council Bill?</p> <p>Pass Council Bill as amended?</p> <p>Vote: _____</p>
--

**4. Henderson -- C.B. 113744.**

a. Amend Whereas clause per City Clerk request: see language proposed for Beacon Hill in Section D.1.a., above.

b. If Committee chooses Option B ("don't adopt permanent station area overlay") for the overall approach, amend to strike the entire Whereas clause in Section D.1.a, above, strike C.B. Section 2 (describing mapping the permanent station area overlay), modify C.B. Exhibit A



(slightly modifying the pedestrian designation) and strike C.B. Exhibit B (map with permanent station area overlay).

c. Other Issues: Several other issues were raised in public comments, but I have not prepared options to address them because they are covered in the proposed amendments, Councilmembers did not ask me to follow up on them, or for a variety of other reasons. These issues included not applying the permanent station area overlay or the pedestrian overlay to several properties and rezoning one parcel from Lowrise 1 to Neighborhood Commercial 2 with a 40' height limit. We can discuss these in more detail or I can prepare options if Councilmembers request them.

Committee Action:

Amend Council Bill?

Pass Council Bill as amended?

Vote: \_\_\_\_\_

**5. Othello -- C.B. 113745.**

a. Amend Whereas clause per City Clerk request: see language proposed for Beacon Hill in Section D.1.a., above.

b. If Committee chooses Option B ("don't adopt permanent station area overlay") for the overall approach, amend to strike the entire Whereas clause in Section D.1.a, above, strike C.B. Section 2 (describing mapping the permanent station area overlay), and strike C.B. Exhibit C (map with permanent station area overlay).

c. SHA/New Holly 3. The legislation includes SHA properties within the permanent station area overlay and pedestrian designation, and also rezones the SHA properties. Most of the SHA property is located within the third phase of the SHA's redevelopment at New Holly. SHA also has a quasi-judicial rezone application pending for rezones for these properties.

1) Approve legislative rezones and overlays as proposed. This action requires no further changes to the legislation.

2) Amend to remove SHA property from overlay boundary, pedestrian designation and from properties to be rezoned. Review SHA's proposal for New Holly 3 through quasi-judicial contract rezone.

Under Option A ("adopt all legislation") for the overall approach, this action requires amending C.B. Exhibit A (to remove SHA properties from the pedestrian designation and rezones), striking Exhibit B (legal descriptions for SHA properties) and amending Exhibit C (to remove SHA properties from the permanent station area overlay boundaries). Under Option B ("don't adopt permanent station area overlay") for the overall approach, this action requires

amending C.B. Exhibit A (to remove SHA properties from the pedestrian designation and rezones) and striking C.B. Exhibit B (legal descriptions of SHA properties).

3) Amend to restrict density of New Holly 3 by limiting the allowable density of Lowrise 4 zone to those of Lowrise 2 densities. For affected parcels, this reduces the allowable density from one unit per 600 square feet to one unit per 1200 square feet. (Note, this only affects those parcels to be zoned to Lowrise 4 within New Holly 3.)

Under Options A or B for the overall approach, this would require amending C.B. Section 1 (describing the rezones) as follows:

*Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code is amended to rezone certain properties located on Plat 73W, page 174, and Plat 73E, page 174, of the Official Land Use Map, as shown on Exhibit A and described in Exhibit B, as it pertains to property owned by the Seattle Housing Authority, attached to this ordinance. Those parcels rezoned to Lowrise 4 that are located within Areas A, D and F as shown on Exhibits A and B are restricted as follows: the allowable density shall be restricted to the density in the Lowrise 2 zone.*

This action would also require an amendment to Exhibit A (map showing rezones) to add the Ordinance for Council Bill 113745 to the parcels rezoned to Lowrise 4 (located with Areas A, D and F on Exhibit A).

d. Other Issues. Several other issues were raised in public comments, but I have not prepared options to address them because they are covered in the proposed amendments, Councilmembers did not ask me to follow up on them, or for a variety of other reasons. These issues include a request for no rezones of any property. We can discuss these in more detail or I can prepare options if Councilmembers request them.

Committee Action:

Amend Council Bill?

Pass Council Bill as amended?

Vote: \_\_\_\_\_

**6. Edmunds -- C.B. 113746.**

a. Amend Whereas clause per City Clerk request: see language proposed for Beacon Hill in Section D.1.a., above.

b. If Committee chooses Option B ("don't adopt permanent station area overlay") for the overall approach, amend to strike the entire Whereas clause in Section D.1.a, above, strike C.B. Section 2 (describing mapping the permanent station area overlay) and strike C.B. Exhibit C (map with permanent station area overlay).



c. SHA/Rainier Vista. The legislation includes SHA properties within the permanent station area overlay and pedestrian designation and also rezones the SHA properties. The SHA property is located within the Rainier Vista area, which SHA plans to redevelop under a HOPE VI Federal Grant. SHA also has a quasi-judicial rezone application pending for rezones for these properties.

1) Approve legislative rezones and overlays as proposed. This action requires no further changes to the legislation.

2) Amend to remove SHA property from overlay boundary, pedestrian designation and from properties to be rezoned. Review SHA's proposal for Rainier Vista through quasi-judicial contract rezone.

Under Option A ("adopt all legislation") for the overall approach, this action requires amending C.B. Exhibit A (to remove SHA properties from the pedestrian designation and rezones), striking Exhibit B (legal descriptions for SHA properties) and amending Exhibit C (to remove SHA properties from the permanent station area overlay boundaries). Under Option B ("don't adopt permanent station area overlay") for the overall approach, this action requires amending C.B. Exhibit A (to remove SHA properties from the pedestrian designation and rezones) and striking C.B. Exhibit B (legal descriptions of SHA properties).

3) Amend to restrict density of Lowrise 4 zones to Lowrise 2 densities. For affected parcels, this reduces the allowable density from one unit per 600 square feet to one unit per 1200 square feet. (Note, this only affects those parcels to be rezoned to Lowrise 4 in the Rainier Vista proposal.)

(Under Options A or B for the overall approach, this action requires amending C.B. Section 1 (describing the rezones) as follows:

*Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code is amended to rezone certain properties located on Plat 58E, page 145, and Plat 59W, page 146, Plat 65E, page 158, and Plat 66W, page 159 of the Official Land Use Map, as shown on Exhibit A and described in Exhibit B, as it pertains to property owned by the Seattle Housing Authority, attached to this ordinance. Those parcels rezoned to Lowrise 4 that are located within Areas B, C and F as shown on Exhibits A and B are restricted as follows: the allowable density shall be restricted to the density in the Lowrise 2 zone.*

This action would also require an amendment to Exhibit A (map showing rezones) to add the Ordinance for Council Bill 113746 to the parcels rezoned to Lowrise 4 (located with Areas B, C and F on Exhibit A).

Several Councilmembers have asked me about a slight variation on this density restriction: they have asked whether the Council could approve the rezones for SHA, but limit the total number of allowable dwelling units to 1010. I do not recommend this approach because I think it would be impractical for the Department of Design, Construction and Land Use to administer given the variety of zones, the possible phasing of the project and the likelihood that SHA will redevelop with a variety of partners.

d. Other Issues. Several other issues were raised in public comments, but I have not prepared options to address them because they are covered in the proposed amendments, Councilmembers did not ask me to follow up on them, or for a variety of other reasons. These issues include a request for less neighborhood commercial zoning. We can discuss these in more detail or I can prepare options if Councilmembers request them.

<p><u>Committee Action:</u></p> <p>Amend Council Bill?</p> <p>Pass Council Bill as amended?</p> <p>Vote: _____</p>
--

**7. Capitol Hill -- C.B. 113748.**

a. Amend Whereas clause per City Clerk request: see language proposed for Beacon Hill in Section D.1.a., above.

b. If Committee chooses Option B ("don't adopt permanent station area overlay") for the overall approach, vote "Do Not Pass" on this C.B. (it only applies the permanent station area overlay, it does not include rezones or extend the pedestrian designation).

c. Other Issues. Several other issues were raised in public comments, but I have not prepared options to address them because they are covered in the proposed amendments, Councilmembers did not ask me to follow up on them, or for a variety of other reasons. These issues include a request for overlay boundary adjustments to make the boundary more rectangular. We can discuss these in more detail or I can prepare options if Councilmembers request them.

<p><u>Committee Action:</u></p> <p>Amend Council Bill?</p> <p>Pass Council Bill as amended?</p> <p>Vote: _____</p>
--

**8. First Hill -- C.B. 113748.**

a. Amend Whereas clause per City Clerk request: see language proposed for Beacon Hill in Section D.1.a., above.

b. If Committee chooses Option B ("don't adopt permanent station area overlay") for the overall approach, amend to strike the entire Whereas clause in Section D.1.a, above, strike C.B.



Section 2 (describing mapping the permanent station area overlay) and strike C.B. Exhibit B (map with permanent station area overlay).

Committee Action:

Amend Council Bill?

Pass Council Bill as amended?

Vote: \_\_\_\_\_

**E. Next Steps**

- Amend Legislation as necessary
- Possible Full Council Vote: July 23 or July 30 (If Committee has a divided report, the report must be available for a week prior to the full council vote -- unless the Council President and Committee Chair agree to a shorter timeline.)

SAP decision agenda version 5.doc

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CITY OF SEATTLE

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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 # 120452

AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code (SMC) Sections 23.47.004, 23.47.008 and 23.47.009; adding a new Section 23.34.089, Locational Criteria - Station Area Overlay District, to the SMC; and adding a new Chapter 23.61, Station Area Overlay District, to the SMC; amending Ordinance 120248 (Interim Overlay District) to expire on the effective date of this ordinance; all to establish a new permanent station area overlay district to prohibit uses incompatible with transit-oriented development and establish development standards supportive of transit-oriented development.

**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 120452

1  
2 AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code (SMC) Sections  
3 23.47.004, 23.47.008 and 23.47.009; adding a new Section 23.34.089, Locational Criteria –  
4 Station Area Overlay District, to the SMC; and adding a new Chapter 23.61, Station Area  
5 Overlay District, to the SMC; amending Ordinance 120248 (Interim Overlay District) to expire  
6 on the effective date of this ordinance; all to establish a new permanent station area overlay  
7 district to prohibit uses incompatible with transit-oriented development and establish  
8 development standards supportive of transit-oriented development.

9 WHEREAS, RCW 81.104 directs municipalities to regulate land uses in a manner that supports high  
10 capacity transportation systems; and

11 WHEREAS, in November 1996, the voters of the three-county Sound Transit District approved *Sound*  
12 *Move*, the ten-year regional transit system plan, which includes a 23-mile new electric light rail  
13 line connecting SeaTac, Tukwila, and Seattle; and

14 WHEREAS, Sound Transit is proceeding to implement the Sound Move plan, including the light rail  
15 component; and

16 WHEREAS, in April 1998, the City of Seattle and Sound Transit executed a Memorandum of  
17 Agreement for Intergovernmental Cooperation for the Central Light Rail Transit Project  
18 (hereinafter, the MOA), as authorized by Ordinance 118927; and

19 WHEREAS, under the terms of the MOA, the City is conducting station area planning for light rail  
20 station areas in Seattle; and

21 WHEREAS, the City Council adopted Resolution 29867 in December 1998, establishing goals and  
22 strategies to promote transit-oriented development in light rail station areas; and

23 WHEREAS, the City has given guidance to Sound Transit as to preferred light rail routes and station  
24 locations, and desired patterns for development around light rail stations, in previous legislation,  
including Resolution 30073 adopted on November 15, 1999; and

WHEREAS, on November 18, 1999, the Sound Transit Board of Directors identified the Locally  
Preferred Alternative (LPA) light rail alignment and station locations; and

WHEREAS, the Station Area Interim Overlay District was established in March 1999 by Ordinance  
119394 around proposed Sound Transit Link light rail stations for the purpose of preserving  
opportunities for transit and pedestrian-oriented development in accordance with Council  
approved goals and objectives; and

WHEREAS, the boundaries of the Station Area Interim Overlay District were modified in November  
1999 by Ordinance 119672; and



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1 WHEREAS, the Station Area Interim Overlay District expiration date was extended until September 1,  
2000 in February 2000 by Ordinance 119838; and

2 WHEREAS, the Station Area Interim Overlay District expiration date was extended until March 1,  
3 2001 in August 2000 by Ordinance 120039; and

4 WHEREAS, the Station Area Interim Overlay District expiration date was extended until September 1,  
5 2001 in February 2001 by Ordinance 120248; and

6 WHEREAS, the City Council adopted Resolution 30165 in September 2000, approving concept-level  
station area planning recommendations for the areas around the light rail stations; and

7 WHEREAS, the City Council adopted Resolutions 29942, 29830, 29979, 29976, 29995, 29869, 29903  
8 and 29808 in 1998 through 1999, approving neighborhood plans applicable to each of the station  
areas affected by this ordinance; and

9 WHEREAS, the City Council finds that this ordinance should be adopted for the reasons contained in  
10 the Executive Report on the Proposed Station Area Overlay District, April 19, 2001; and

11 WHEREAS, the City Council finds that these proposed amendments will implement the policies  
12 contained in RCW 81.104 and be consistent with the resolutions identified above, and will  
promote the health, safety and welfare of the general public; Now, Therefore,

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

14 **Section 1.** A new Section 23.34.089 is added to the Seattle Municipal Code as follows:

15 **23.34.089 Locational Criteria - Station Area Overlay District.**

16 **A. Establishing A Station Area Overlay District.**

17 In reviewing a proposal to establish a Station Area Overlay District, the following criteria shall  
be considered:

18 1. **Function.** To preserve or encourage a diverse, mixed-use community with a  
19 pedestrian orientation around proposed light rail stations or access to other high capacity transit, where  
incompatible automobile-oriented uses are discouraged and transit-oriented use and development is  
encouraged.

20 2. **Desired Characteristics.** The Station Area Overlay District designation is most  
21 appropriate in areas generally characterized by one or more of the following:

- 22 a. high levels of pedestrian activity at street level in commercial and mixed  
use zones; or  
23 b. presence of a wide variety of retail/service activities in commercial and  
mixed use zones; or  
24 c. minimal pedestrian-auto conflicts; or



2001 082 1001576

1 d. medium to high residential density in close proximity to light rail stations  
2 or access to other high capacity transit.

3 3. Physical Conditions Favoring Designation as Station Area Overlay District. The  
4 station area overlay district shall be located around a proposed light rail station or access to other high  
5 capacity transit and include land within approximately one thousand three hundred and twenty feet  
6 (1,320') of the station or stop. Other factors to consider in including properties within the overlay  
7 district include, but are not limited to the following:

8 a. presence of medium to high density residential zoning in proximity to the  
9 proposed light rail station or access to other high capacity transit;

10 b. presence of a commercial or mixed use area where goods and services are  
11 available to the public and where opportunities for enhancement of the pedestrian environment exist;

12 c. opportunities for new development to access transit, bicycle and  
13 pedestrian modes of transportation;

14 d. opportunities for construction of new development that will support  
15 transit;

16 e. properties zoned Single Family may only be included within the overlay  
17 district when it can be demonstrated that the criteria for Single Family designation cannot be satisfied.

18 B. Revising the boundaries of a Station Area Overlay District.

19 1. When a proposal is made to include land within an existing Station Area Overlay  
20 District, the land proposed to be added must be contiguous to the Station Area Overlay District, be  
21 consistent with the criteria prescribed in subsection A, above, and satisfy the function and locational  
22 criteria for a commercial or multifamily zone designation.

23 2. When a proposal is made to remove land from an existing Station Overlay  
24 District, the land proposed to be removed must be contiguous to land lying outside the boundary and not  
meet the criteria in subsection A of this section.

**Section 2.** Subsection E 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.**

\*\*\*

E. Residential Uses.

1. Residential Use in Single-purpose Residential Structures. Residential use in  
single-purpose residential structures is permitted as an administrative conditional use, unless:

a. The structure is located within an area in which the use is either permitted  
outright or prohibited, as shown on the Maps 23.47.004 A, B, C, D, E, F, G, H and I;



2001 082 1001576

1                   b.     The structure is located in a pedestrian-designated zone, in which case  
2 residential use is prohibited at street level along the designated principal pedestrian street as provided in  
Section 23.47.042;

3                   c.     The structure is located within a zone which has a height limit of eighty-  
five (85) feet or higher, in which case single-purpose residential structures are prohibited;

4                   d.     The residential use is a nursing home, in which case it is permitted  
outright unless prohibited as provided in subsection E1b((-));or

5                   e.     The structure is located within the Station Area Overlay District, in which  
case the provisions of Chapter 23.61 apply.

6                   2.     Residential Use in Mixed-use Development. Residential use in mixed-use  
7 development is permitted outright in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones; provided that, for  
8 assisted living facilities, which are considered mixed-use development, private living units and parking  
9 accessory to those units are prohibited at street level.

\*\*\*

10                   **Section 3.** Subsection D of Section 23.47.008 of the Seattle Municipal Code, which Section was  
11 last amended by Ordinance 119239, is amended as follows:

12                   **23.47.008     Mixed use development.**

\*\*\*

13                   D.     Above thirteen (13) feet from finished grade, the residential portion of a structure  
14 containing residential and nonresidential uses shall be limited to a maximum lot coverage of sixty-four  
15 (64) percent. Portions of structures exempted from structure width as provided in Section 23.86.014 C  
16 shall also be exempt from lot coverage calculations. If the nonresidential and residential uses are located  
17 in separate structures, this provision shall apply only to the portion of the residential structure more than  
thirteen (13) feet above finished grade. This provision shall not apply when an area in an existing  
18 building, in nonresidential use as of April 3,1995, is converted to residential use, provided that the  
structure is not modified in any way that increases the coverage to greater than sixty-four (64) percent of  
the portion of the structure in residential use and over thirteen (13) feet above finished grade. This  
subsection D does not apply within the Station Area Overlay District, Chapter 23.61.

\*\*\*

19                   **Section 4.** Subsection B of Section 23.47.009 of the Seattle Municipal Code, which Section was  
20 last amended by Ordinance 118414, is amended as follows:

21                   **23.47.009     Density limits for residential uses.**

\*\*\*



2001 082 1001576

1 B. Density limits shall not apply to single-purpose residential structures within the Station  
2 Area Overlay District, pursuant to Chapter 23.61, or along selected streets in the Pike/Pine Overlay  
3 District, pursuant to Chapter 23.73. Where the Station Area Overlay District and the Pike/Pine Overlay  
4 District overlap, the provisions of the Pike/Pine Overlay District shall prevail.

5 \* \* \*

6 **Section 5.** A new Chapter 23.61, Station Area Overlay District, is hereby added to the Seattle  
7 Municipal Code to read as follows:

8 **Chapter 23.61 Station Area Overlay District**

9 **23.61.002 Purpose and Intent.**

10 The purpose and intent of this Chapter is to regulate land use and development in a manner that  
11 supports transit-oriented development near light rail stations.

12 **23.61.004 Station Area Overlay District Established.**

13 There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Station  
14 Area Overlay District, as shown on the Official Land Use Map, Chapter 23.32.

15 **23.61.006 Application of Regulations.**

16 All land located within the Station Area Overlay District is subject to the regulations of the  
17 underlying zone unless specifically modified by the provisions of this Chapter. In the event of a conflict  
18 between the provisions of the Station Area Overlay District and the underlying zone, the provisions of  
19 this Chapter prevail. Where a conflict exists between the provisions of this Chapter and the Pike Pine  
20 Overlay district or the Shoreline Master Program, the provisions of the Pike Pine Overlay District or the  
21 Shoreline Master Program prevail.

22 **23.61.008 Prohibited Uses.**

23 The following uses are prohibited within an underlying commercial zone as both principal and  
24 accessory uses, except as otherwise noted:

- A. Drive-in businesses;
- B. Dry storage of boats;
- C. General manufacturing;
- D. Heavy commercial services, except laundry facilities existing as of April 1, 2001;
- E. Sales and rental of large boats;
- F. Vessel repair (major or minor);
- G. Mini-warehouse;
- H. Principal use, nonresidential long-term parking;
- I. Outdoor storage;

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- 1 J. Sale of heating fuel;
- 2 K. Sales, service and rental of commercial equipment and construction materials;
- 3 L. Salvage and recycling;
- 4 M. Towing services;
- 5 N. Vehicle repair (major or minor);
- 6 O. Wholesale showroom;
- 7 P. Mini-warehouse; and
- 8 Q. Warehouse.

9 **23.61.010 Location and access to parking.**

- 10 A. Parking must be located to the rear of a structure or built into or under a structure; or  
11 parking may be located between a rear or side lot line and a structure. The provisions of subsection  
12 23.47.032 B2c do not apply.
- 13 B. In pedestrian-designated zones, location and access to parking is governed by the  
14 provisions of 23.47.046, Parking location in pedestrian-designated zones.

15 **23.61.012 Single purpose residential development.**

- 16 A. Single-purpose residential structures located in a commercial zone are permitted outright,  
17 unless the structure is located on a lot in a pedestrian-designated zone, in which case they are prohibited  
18 or in the Pike Pine Overlay District where the provisions of that Chapter apply.
- 19 B. The density limits of 23.47.009 do not apply to single-purpose residential structures in  
20 the Station Area Overlay District.

21 **23.61.014 Nonconforming uses.**

- 22 A. The provisions of this Section apply to the following station areas:
  - 23 1. Henderson;
  - 24 2. Othello;
  - 3. Edmunds; and
  - 4. McClellan.
- 5. B. The provisions of this Section apply to the following nonconforming uses:
  - 1. Gas stations;
  - 2. General manufacturing;
  - 3. Heavy commercial services;
  - 4. Mini-warehouse and warehouse; and
  - 5. Vehicle repair (minor).

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MLP/BT/GAB  
7/25/01  
C.B. 113740\_rc  
Station Area Overlay District  
(Ver. 8)

C. The standards for nonconforming uses of the underlying zone and any overlay districts apply, except that uses listed in subsection B may be expanded or extended by an amount of gross floor area not to exceed twenty (20) percent of the existing gross floor area of the use, provided that this exception may be applied only once to any individual business establishment.

**Section 6.** Section 2 of Ordinance 120248 is hereby amended to read as follows:

This ordinance expires September 1, 2001 on the effective date of legislation establishing a permanent Station Area Overlay District.

**Section 7.** Severability. The several provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

**Section 8.** 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 Municipal Code Section 1.04.020.

Passed by the City Council the 30<sup>th</sup> day of July, 2001, and signed by me in open session in authentication of its passage this 30<sup>th</sup> day of July, 2001.

Margaret Quinn  
President \_\_\_\_\_ of the City Council

Approved by me this 31<sup>st</sup> day of July, 2001.

Paul Sully  
Mayor

STATE OF WASHINGTON  
COUNTY OF KING  
Filed by me this 31<sup>st</sup> day of July, 2001

JACQUE E. PIPPIN, CITY CLERK  
COUNTY OF KING  
CITY CLERK  
ORDINANCE # 120452

(Seal)

AS THE SAME APPEARS ON FILE, AND OF RECORD IN THIS DEPARTMENT.



IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND ATTACHED THE SEAL TO THE CITY OF SEATTLE, THIS 21<sup>st</sup> DAY of August, 2001.

JACQUE E. PIPPIN  
CITY CLERK

BY: Edna C. Wheaton  
DEPUTY CITY CLERK

2001 082 1001576

ORDINANCE \_\_\_\_\_

1  
2 AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code (SMC) Sections  
3 23.47.004, 23.47.008 and 23.47.009; adding a new Section 23.34.089, Locational Criteria –  
4 Station Area Overlay District, to the SMC; and adding a new Chapter 23.61, Station Area  
5 Overlay District, to the SMC; amending Ordinance 120248 (Interim Overlay District) to expire  
6 on the effective date of this ordinance; all to establish a new permanent station area overlay  
7 district to prohibit uses incompatible with transit-oriented development and establish  
8 development standards supportive of transit-oriented development.

9 WHEREAS, RCW 81.104 directs municipalities to regulate land uses in a manner that supports high  
10 capacity transportation systems; and

11 WHEREAS, in November 1996, the voters of the three-county Sound Transit District approved *Sound*  
12 *Move*, the ten-year regional transit system plan, which includes a 23-mile new electric light rail  
13 line connecting SeaTac, Tukwila, and Seattle; and

14 WHEREAS, Sound Transit is proceeding to implement the Sound Move plan, including the light rail  
15 component; and

16 WHEREAS, in April 1998, the City of Seattle and Sound Transit executed a Memorandum of  
17 Agreement for Intergovernmental Cooperation for the Central Light Rail Transit Project  
18 (hereinafter, the MOA), as authorized by Ordinance 118927; and

19 WHEREAS, under the terms of the MOA, the City is conducting station area planning for light rail  
20 station areas in Seattle; and

21 WHEREAS, the City Council adopted Resolution 29867 in December 1998, establishing goals and  
22 strategies to promote transit-oriented development in light rail station areas; and

23 WHEREAS, the City has given guidance to Sound Transit as to preferred light rail routes and station  
24 locations, and desired patterns for development around light rail stations, in previous legislation,  
including Resolution 30073 adopted on November 15, 1999; and

WHEREAS, on November 18, 1999, the Sound Transit Board of Directors identified the Locally  
Preferred Alternative (LPA) light rail alignment and station locations; and

WHEREAS, the Station Area Interim Overlay District was established in March 1999 by Ordinance  
119394 around proposed Sound Transit Link light rail stations for the purpose of preserving  
opportunities for transit and pedestrian-oriented development in accordance with Council  
approved goals and objectives; and

WHEREAS, the boundaries of the Station Area Interim Overlay District were modified in November  
1999 by Ordinance 119672; and



1 WHEREAS, the Station Area Interim Overlay District expiration date was extended until September 1,  
2000 in February 2000 by Ordinance 119838; and

2 WHEREAS, the Station Area Interim Overlay District expiration date was extended until March 1,  
3 2001 in August 2000 by Ordinance 120039; and

4 WHEREAS, the Station Area Interim Overlay District expiration date was extended until September 1,  
2001 in February 2001 by Ordinance 120248; and

5 WHEREAS, the City Council adopted Resolution 30165 in September 2000, approving concept-level  
6 station area planning recommendations for the areas around the light rail stations; and

7 WHEREAS, the City Council adopted Resolutions 29942, 29830, 29979, 29976, 29995, 29869, 29903  
8 and 29808 in 1998 through 1999, approving neighborhood plans applicable to each of the station  
areas affected by this ordinance; and

9 WHEREAS, the City Council finds that this ordinance should be adopted for the reasons contained in  
10 the Executive Report on the Proposed Station Area Overlay District, April 19, 2001; and

11 WHEREAS, the City Council finds that these proposed amendments will implement the policies  
12 contained in RCW 81.104 and be consistent with the resolutions identified above, and will  
promote the health, safety and welfare of the general public; Now, Therefore,

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

14 **Section 1.** A new Section 23.34.089 is added to the Seattle Municipal Code as follows:

15 **23.34.089 Locational Criteria - Station Area Overlay District.**

16 **A. Establishing A Station Area Overlay District.**

17 In reviewing a proposal to establish a Station Area Overlay District, the following criteria shall  
be considered:

18 1. **Function.** To preserve or encourage a diverse, mixed-use community with a  
19 pedestrian orientation around light rail stations, where incompatible automobile-oriented uses are  
discouraged and transit-oriented use and development is encouraged.

20 2. **Desired Characteristics.** The Station Area Overlay District designation is most  
appropriate in areas generally characterized by one or more of the following:

21 a. high levels of pedestrian activity at street level in commercial and mixed  
22 use zones; or

23 b. presence of a wide variety of retail/service activities in commercial and  
mixed use zones; or

24 c. minimal pedestrian-auto conflicts; or

d. medium to high residential density in close proximity to light rail stations.



1  
2 3. Physical Conditions Favoring Designation as Station Area Overlay District. The  
3 station area overlay district shall be located around a light rail station and include land within  
4 approximately one thousand three hundred and twenty feet (1,320') of the station. Other factors to  
5 consider in including properties within the overlay district include, but are not limited to the following:

- 6 a. presence of medium to high density residential zoning in proximity to the  
7 light rail station;
- 8 b. presence of a commercial or mixed use area where goods and services are  
9 available to the public and where opportunities for enhancement of the pedestrian environment exist;
- 10 c. opportunities for new development to access transit, bicycle and  
11 pedestrian modes of transportation;
- 12 d. opportunities for construction of new development that will support light  
13 rail transit;
- 14 e. properties zoned Single Family may only be included within the overlay  
15 district when it can be demonstrated that the criteria for Single Family designation cannot be satisfied.

16 B. Revising the boundaries of a Station Area Overlay District.

17 1. When a proposal is made to include land within an existing Station Area Overlay  
18 District, the land proposed to be added must be contiguous to the Station Area Overlay District, be  
19 consistent with the criteria prescribed in subsection A, above, and satisfy the function and locational  
20 criteria for a commercial or multifamily zone designation.

21 2. When a proposal is made to remove land from an existing Station Overlay  
22 District, the land proposed to be removed must be contiguous to land lying outside the boundary and not  
23 meet the criteria in subsection A of this section.

24 **Section 2.** Subsection E 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.**

\* \* \*

E. Residential Uses.

1. Residential Use in Single-purpose Residential Structures. Residential use in  
single-purpose residential structures is permitted as an administrative conditional use, unless:

- a. The structure is located within an area in which the use is either permitted  
outright or prohibited, as shown on the Maps 23.47.004 A, B, C, D, E, F, G, H and I;
- b. The structure is located in a pedestrian-designated zone, in which case  
residential use is prohibited at street level along the designated principal pedestrian street as provided in  
Section 23.47.042;

- c. The structure is located within a zone which has a height limit of eighty-  
five (85) feet or higher, in which case single-purpose residential structures are prohibited;





\* \* \*

**Section 5.** A new Chapter 23.61, Station Area Overlay District, is hereby added to the Seattle Municipal Code to read as follows:

**Chapter 23.61 Station Area Overlay District**

**23.61.002 Purpose and Intent.**

The purpose and intent of this Chapter is to regulate land use and development in a manner that supports transit-oriented development near light rail stations.

**23.61.004 Station Area Overlay District Established.**

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Station Area Overlay District, as shown on the Official Land Use Map, Chapter 23.32.

**23.61.006 Application of Regulations.**

All land located within the Station Area Overlay District is subject to the regulations of the underlying zone unless specifically modified by the provisions of this Chapter. In the event of a conflict between the provisions of the Station Area Overlay District and the underlying zone, the provisions of this Chapter prevail. Where a conflict exists between the provisions of this Chapter and the Pike Pine Overlay district or the Shoreline Master Program, the provisions of the Pike Pine Overlay District or the Shoreline Master Program prevail.

**23.61.008 Prohibited Uses.**

The following uses are prohibited within an underlying commercial zone as both principal and accessory uses, except as otherwise noted:

- A. Drive-in businesses;
- B. Dry storage of boats;
- C. General manufacturing;
- D. Heavy commercial services, except laundry facilities existing as of April 1, 2001;
- E. Sales and rental of large boats;
- F. Vessel repair (major or minor);
- G. Mini-warehouse;
- H. Principal use, nonresidential long-term parking;
- I. Outdoor storage;
- J. Sale of heating fuel;
- K. Sales, service and rental of commercial equipment and construction materials;
- L. Salvage and recycling;
- M. Towing services;
- N. Vehicle repair (major or minor);



- O. Wholesale showroom;
- P. Mini-warehouse; and
- Q. Warehouse.

**23.61.010 Location and access to parking.**

A. Parking must be located to the rear of a structure or built into or under a structure; or parking may be located between a rear or side lot line and a structure. The provisions of subsection 23.47.032 B2c do not apply.

B. In pedestrian-designated zones, location and access to parking is governed by the provisions of 23.47.046, Parking location in pedestrian-designated zones.

**23.61.012 Single purpose residential development.**

A. Single-purpose residential structures located in a commercial zone are permitted outright, unless the structure is located on a lot in a pedestrian-designated zone, in which case they are prohibited or in the Pike Pine Overlay District where the provisions of that Chapter apply.

B. The density limits of 23.47.009 do not apply to single-purpose residential structures in the Station Area Overlay District.

**23.61.014 Nonconforming uses.**

A. The provisions of this Section apply to the following station areas:

- 1. Henderson;
- 2. Othello;
- 3. Edmunds; and
- 4. McClellan.

B. The provisions of this Section apply to the following nonconforming uses:

- 1. Gas stations;
- 2. General manufacturing;
- 3. Heavy commercial services;
- 4. Mini-warehouse; and
- 5. Vehicle repair (minor).

C. The standards for nonconforming uses of the underlying zone and any overlay districts apply, except that uses listed in subsection B may be expanded or extended by an amount of gross floor area not to exceed twenty (20) percent of the existing gross floor area of the use, provided that this exception may be applied only once to any individual business establishment.



1       **Section 6.** Section 2 of Ordinance 120248 is hereby amended to read as follows:  
2 This ordinance expires ~~September 1, 2001~~ on the effective date of legislation establishing a permanent  
3 Station Area Overlay District.

4       **Section 7.** Severability. The several provisions of this ordinance are declared to be separate and  
5 severable and the invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or  
6 portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall  
7 not affect the validity of the remainder of this ordinance or the validity of its application to other persons  
8 or circumstances.

9       **Section 8.** This ordinance shall take effect and be in force thirty (30) days from and after its  
10 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
11 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

12       Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2001, and signed by me in open  
13 session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2001.

14 \_\_\_\_\_  
15 President \_\_\_\_\_ of the City Council

16 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2001.

17 \_\_\_\_\_  
18 Mayor

19 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2001.

20 \_\_\_\_\_  
21 City Clerk

22 (Seal)



ORDINANCE \_\_\_\_\_

1  
2 AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code (SMC) Sections  
3 23.47.004, 23.47.008 and 23.47.009; adding a new Section 23.34.089, Locational Criteria –  
4 Station Area Overlay District, to the SMC; and adding a new Chapter 23.61, Station Area  
5 Overlay District, to the SMC; amending Ordinance 120248 (Interim Overlay District) to expire  
6 on the effective date of this ordinance; all to establish a new permanent station area overlay  
7 district to prohibit uses incompatible with transit-oriented development and establish  
8 development standards supportive of transit-oriented development.

9 WHEREAS, RCW 81.104 directs municipalities to regulate land uses in a manner that supports high  
10 capacity transportation systems; and

11 WHEREAS, in November 1996, the voters of the three-county Sound Transit District approved *Sound*  
12 *Move*, the ten-year regional transit system plan, which includes a 23-mile new electric light rail  
13 line connecting SeaTac, Tukwila, and Seattle; and

14 WHEREAS, Sound Transit is proceeding to implement the Sound Move plan, including the light rail  
15 component; and

16 WHEREAS, in April 1998, the City of Seattle and Sound Transit executed a Memorandum of  
17 Agreement for Intergovernmental Cooperation for the Central Light Rail Transit Project  
18 (hereinafter, the MOA), as authorized by Ordinance 118927; and

19 WHEREAS, under the terms of the MOA, the City is conducting station area planning for light rail  
20 station areas in Seattle; and

21 WHEREAS, the City Council adopted Resolution 29867 in December 1998, establishing goals and  
22 strategies to promote transit-oriented development in light rail station areas; and

23 WHEREAS, the City has given guidance to Sound Transit as to preferred light rail routes and station  
24 locations, and desired patterns for development around light rail stations, in previous legislation,  
including Resolution 30073 adopted on November 15, 1999; and

WHEREAS, on November 18, 1999, the Sound Transit Board of Directors identified the Locally  
Preferred Alternative (LPA) light rail alignment and station locations; and

WHEREAS, the Station Area Interim Overlay District was established in March 1999 by Ordinance  
119394 around proposed Sound Transit Link light rail stations for the purpose of preserving  
opportunities for transit and pedestrian-oriented development in accordance with Council  
approved goals and objectives; and

WHEREAS, the boundaries of the Station Area Interim Overlay District were modified in November  
1999 by Ordinance 119672; and

1 WHEREAS, the Station Area Interim Overlay District expiration date was extended until September 1,  
2000 in February 2000 by Ordinance 119838; and

2 WHEREAS, the Station Area Interim Overlay District expiration date was extended until March 1,  
3 2001 in August 2000 by Ordinance 120039; and

4 WHEREAS, the Station Area Interim Overlay District expiration date was extended until September 1,  
2001 in February 2001 by Ordinance 120248; and

5 WHEREAS, the City Council adopted Resolution 30165 in September 2000, approving concept-level  
6 station area planning recommendations for the areas around the light rail stations; and

7 WHEREAS, the City Council adopted Resolutions 29942, 29830, 29979, 29976, 29995, 29869, 29903  
8 and 29808 in 1998 through 1999, approving neighborhood plans applicable to each of the station  
areas affected by this ordinance; and

9 WHEREAS, the City Council finds that this ordinance should be adopted for the reasons contained in  
the Executive Report on the Proposed Station Area Overlay District, April 19, 2001; and

10 WHEREAS, the City Council finds that these proposed amendments will implement the policies  
11 contained in RCW 81.104 and be consistent with the resolutions identified above, and will  
promote the health, safety and welfare of the general public; Now, Therefore,

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

13 **Section 1.** A new Section 23.34.089 is added to the Seattle Municipal Code as follows:

14 **23.34.089 Locational Criteria - Station Area Overlay District.**

15 A. Establishing A Station Area Overlay District.

16 In reviewing a proposal to establish a Station Area Overlay District, the following criteria shall  
17 be considered:

18 1. Function. To preserve or encourage a diverse, mixed-use community with a  
pedestrian orientation around proposed light rail stations or access to other high capacity transit, where  
19 incompatible automobile-oriented uses are discouraged and transit-oriented use and development is  
encouraged.

20 2. Desired Characteristics. The Station Area Overlay District designation is most  
21 appropriate in areas generally characterized by one or more of the following:  
22 a. high levels of pedestrian activity at street level in commercial and mixed  
use zones; or  
23 b. presence of a wide variety of retail/service activities in commercial and  
mixed use zones; or  
24 c. minimal pedestrian-auto conflicts; or

1 d. medium to high residential density in close proximity to light rail stations  
2 or access to other high capacity transit.

3 3. Physical Conditions Favoring Designation as Station Area Overlay District. The  
4 station area overlay district shall be located around a proposed light rail station or access to other high  
5 capacity transit and include land within approximately one thousand three hundred and twenty feet  
6 (1,320') of the station or stop. Other factors to consider in including properties within the overlay  
7 district include, but are not limited to the following:

8 a. presence of medium to high density residential zoning in proximity to the  
9 proposed light rail station or access to other high capacity transit;

10 b. presence of a commercial or mixed use area where goods and services are  
11 available to the public and where opportunities for enhancement of the pedestrian environment exist;

12 c. opportunities for new development to access transit, bicycle and  
13 pedestrian modes of transportation;

14 d. opportunities for construction of new development that will support  
15 transit;

16 e. properties zoned Single Family may only be included within the overlay  
17 district when it can be demonstrated that the criteria for Single Family designation cannot be satisfied.

18 B. Revising the boundaries of a Station Area Overlay District.

19 1. When a proposal is made to include land within an existing Station Area Overlay  
20 District, the land proposed to be added must be contiguous to the Station Area Overlay District, be  
21 consistent with the criteria prescribed in subsection A, above, and satisfy the function and locational  
22 criteria for a commercial or multifamily zone designation.

23 2. When a proposal is made to remove land from an existing Station Overlay  
24 District, the land proposed to be removed must be contiguous to land lying outside the boundary and not  
meet the criteria in subsection A of this section.

**Section 2.** Subsection E 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.**

\*\*\*

E. Residential Uses.

1. Residential Use in Single-purpose Residential Structures. Residential use in  
single-purpose residential structures is permitted as an administrative conditional use, unless:

a. The structure is located within an area in which the use is either permitted  
outright or prohibited, as shown on the Maps 23.47.004 A, B, C, D, E, F, G, H and I;



1 B. Density limits shall not apply to single-purpose residential structures within the Station  
2 Area Overlay District, pursuant to Chapter 23.61, or along selected streets in the Pike/Pine Overlay  
3 District, pursuant to Chapter 23.73. Where the Station Area Overlay District and the Pike/Pine Overlay  
4 District overlap, the provisions of the Pike/Pine Overlay District shall prevail.

5 \* \* \*

6 **Section 5.** A new Chapter 23.61, Station Area Overlay District, is hereby added to the Seattle  
7 Municipal Code to read as follows:

8 **Chapter 23.61 Station Area Overlay District**

9 **23.61.002 Purpose and Intent.**

10 The purpose and intent of this Chapter is to regulate land use and development in a manner that  
11 supports transit-oriented development near light rail stations.

12 **23.61.004 Station Area Overlay District Established.**

13 There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Station  
14 Area Overlay District, as shown on the Official Land Use Map, Chapter 23.32.

15 **23.61.006 Application of Regulations.**

16 All land located within the Station Area Overlay District is subject to the regulations of the  
17 underlying zone unless specifically modified by the provisions of this Chapter. In the event of a conflict  
18 between the provisions of the Station Area Overlay District and the underlying zone, the provisions of  
19 this Chapter prevail. Where a conflict exists between the provisions of this Chapter and the Pike Pine  
20 Overlay district or the Shoreline Master Program, the provisions of the Pike Pine Overlay District or the  
21 Shoreline Master Program prevail.

22 **23.61.008 Prohibited Uses.**

23 The following uses are prohibited within an underlying commercial zone as both principal and  
24 accessory uses, except as otherwise noted:

- 25 A. Drive-in businesses;
- 26 B. Dry storage of boats;
- 27 C. General manufacturing;
- 28 D. Heavy commercial services, except laundry facilities existing as of April 1, 2001;
- 29 E. Sales and rental of large boats;
- 30 F. Vessel repair (major or minor);
- 31 G. Mini-warehouse;
- 32 H. Principal use, nonresidential long-term parking;
- 33 I. Outdoor storage;

- J. Sale of heating fuel;
- K. Sales, service and rental of commercial equipment and construction materials;
- L. Salvage and recycling;
- M. Towing services;
- N. Vehicle repair (major or minor);
- O. Wholesale showroom;
- P. Mini-warehouse; and
- Q. Warehouse.

**23.61.010 Location and access to parking.**

A. Parking must be located to the rear of a structure or built into or under a structure; or parking may be located between a rear or side lot line and a structure. The provisions of subsection 23.47.032 B2c do not apply.

B. In pedestrian-designated zones, location and access to parking is governed by the provisions of 23.47.046, Parking location in pedestrian-designated zones.

**23.61.012 Single purpose residential development.**

A. Single-purpose residential structures located in a commercial zone are permitted outright, unless the structure is located on a lot in a pedestrian-designated zone, in which case they are prohibited or in the Pike Pine Overlay District where the provisions of that Chapter apply.

B. The density limits of 23.47.009 do not apply to single-purpose residential structures in the Station Area Overlay District.

**23.61.014 Nonconforming uses.**

A. The provisions of this Section apply to the following station areas:

- 1. Henderson;
- 2. Othello;
- 3. Edmunds; and
- 4. McClellan.

B. The provisions of this Section apply to the following nonconforming uses:

- 1. Gas stations;
- 2. General manufacturing;
- 3. Heavy commercial services;
- 4. Mini-warehouse; and
- 5. Vehicle repair (minor).

C. The standards for nonconforming uses of the underlying zone and any overlay districts apply, except that uses listed in subsection B may be expanded or extended by an amount of gross floor

1 area not to exceed twenty (20) percent of the existing gross floor area of the use, provided that this  
2 exception may be applied only once to any individual business establishment.

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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134635  
City of Seattle, Clerk's Office

No. ORDINANCE

**Affidavit of Publication**

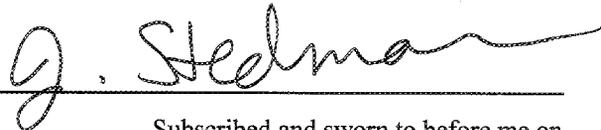
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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 12<sup>th</sup> 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:120452 ORD. IN FULL

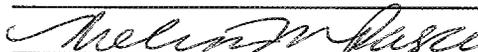
was published on

08/09/01

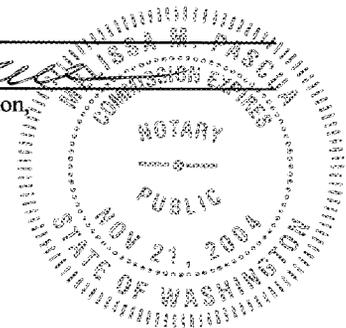


Subscribed and sworn to before me on

08/09/01

  
Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication



# State of Washington, King County

## City of Seattle

### ORDINANCE 120452

AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code (SMC) Sections 23.47.004, 23.47.008 and 23.47.009; adding a new Section 23.47.009, Locational Criteria -- Station Area Overlay District, to the SMC, and adding a new Chapter 23.61, Station Area Overlay District, to the SMC, amending Ordinance 120249 (Interim Overlay District) to expire on the effective date of this ordinance; all to establish a new permanent station area overlay district to prohibit uses incompatible with transit-oriented development and establish development standards supportive of transit-oriented development.

WHEREAS, RCW 81.104 directs municipalities to regulate land uses in a manner that supports high capacity transportation systems; and

WHEREAS, in November 1996, the voters of the three-county Sound Transit District approved SOUND MOVE, the ten-year regional transit system plan, which includes a 23-mile new electric light rail line connecting SeaTac, Tukwila, and Seattle; and

WHEREAS, Sound Transit is proceeding to implement the Sound Move plan, including the light rail component; and

WHEREAS, in April 1998, the City of Seattle and Sound Transit executed a Memorandum of Agreement for Intergovernmental Cooperation for the Central Light Rail Transit Project (hereinafter, the MOA), as authorized by Ordinance 118927; and

WHEREAS, under the terms of the MOA, the City is conducting station area planning for light rail station areas in Seattle; and

WHEREAS, the City Council adopted Resolution 29867 in December 1998, establishing goals and strategies to promote transit-oriented development in light rail station areas; and

WHEREAS, the City has given guidance to Sound Transit as to preferred light rail routes and station locations, and desired patterns for development around light rail stations, in previous legislation, including Resolution 30073 adopted on November 15, 1999; and

WHEREAS, on November 18, 1999, the Sound Transit Board of Directors identified the Locally Preferred Alternative (LPA) light rail alignment and station locations; and

WHEREAS, the Station Area Interim Overlay District was established in March 1999 by Ordinance 119394 around proposed Sound Transit Link light rail stations for the purpose of preserving opportunities for transit and pedestrian-oriented development in accordance with Council approved goals and objectives; and

WHEREAS, the boundaries of the Station Area Interim Overlay District were modified in November 1999 by Ordinance 119672; and

WHEREAS, the Station Area Interim Overlay District expiration date was extended until September 1, 2000 in February 2000 by Ordinance 119838; and

WHEREAS, the Station Area Interim Overlay District expiration date was extended until March 1, 2001 in August 2000 by Ordinance 120039; and

WHEREAS, the Station Area Interim Overlay District expiration date was extended until September 1, 2001 in February 2001 by Ordinance 120244; and

WHEREAS, the City Council adopted Resolution 30165 in September 2000, approving concept-level station area planning recommendations for the areas around the light rail stations; and

WHEREAS, the City Council adopted Resolutions 29942, 29930, 29979, 29976, 29995, 29869, 29903 and 29908 in 1998 through 1999, approving neighborhood plans applicable to each of the station areas affected by this ordinance; and

RCW 81.104, NC3, NC3R and C1 zones; provided that, for assisted living facilities, which are considered mixed-use development, private living units and parking accessory to those units are prohibited at street level.

\*\*\*

SECTION 3. Subsection D of Section 23.47.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 119739, is amended as follows:

23.47.008 MIXED USE DEVELOPMENT.

\*\*\*

D. Above thirteen (13) feet from finished grade, the residential portion of a structure containing residential and nonresidential uses shall be limited to a maximum lot coverage of sixty-four (64) percent. Portions of structures exempted from structures with as provided in Section 23.46.014 C shall also be exempt from lot coverage calculations. If the nonresidential and residential uses are located in separate structures, this provision shall apply only to the portion of the residential structure more than thirteen (13) feet above finished grade. This provision shall not apply when an area in an existing building, in non-residential use as of April 3, 1995, is converted to residential use, provided that the structure is not modified in any way that increases the coverage to greater than sixty-four (64) percent of the portion of the structure in residential use and over thirteen (13) feet above finished grade. This subsection D does not apply within the Station Area Overlay District, Chapter 23.61.

\*\*\*

SECTION 4. Subsection B of Section 23.47.009 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.47.009 DENSITY LIMITS FOR RESIDENTIAL USES.

\*\*\*

B. Density limits shall not apply to single-purpose residential structures within the Station Area Overlay District, pursuant to Chapter 23.61, or along selected streets in the Pike/Pine Overlay District, pursuant to Chapter 23.73. Where the Station Area Overlay District and the Pike/Pine Overlay District overlap, the provisions of the Pike/Pine Overlay District shall prevail.

\*\*\*

SECTION 5. A new Chapter 23.61, Station Area Overlay District, is hereby added to the Seattle Municipal Code to read as follows:

#### CHAPTER 23.61 STATION AREA OVERLAY DISTRICT

##### 23.61.002 PURPOSE AND INTENT.

The purpose and intent of this Chapter is to regulate land use and development in a manner that supports transit-oriented development near light rail stations.

##### 23.61.004 STATION AREA OVERLAY DISTRICT ESTABLISHED.

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Station Area Overlay District, as shown on the Official Land Use Map, Chapter 23.32.

##### 23.61.006 APPLICATION OF REGULATIONS.

All land located within the Station Area Overlay District is subject to the regulations of the underlying zone unless specifically modified by the provisions of this Chapter. In the event of a conflict between the provisions of the Station Area Overlay District and the underlying zone, the provisions of this Chapter prevail. Where a conflict exists between the provisions of this Chapter and the Pike/Pine Overlay district or the Shoreline Master Program, the provisions of the Pike/Pine Overlay District or the Shoreline Master Program prevail.

##### 23.61.008 PROHIBITED USES.

The following uses are prohibited within