

Ordinance No. 121093

Council Bill No. 114454

The City of Seattle  
Council Bill/Ordinance

AN ORDINANCE relating to land use and zoning, amending Sections 23.40.002, 23.47.004 and 23.47.006 of the Seattle Municipal Code, modifying requirements for use permits for principal use parking where permitted outright in commercial zones and adding an administrative conditional use process for temporary use as principal use parking in commercial zones where such use is not permitted; clarifying regulations, and correcting minor errors.

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

|                              |                      |  |
|------------------------------|----------------------|--|
| Date Introduced:             | JAN 21 2003          |  |
| Date 1st Referred:           | To: (committee)      | Land Use Committee   |
| Date Re - Referred:          | JAN 21 2003          |  |
| Date Re - Referred:          | To: (committee)      |  |
| Date Re - Referred:          | To: (committee)      |  |
| Date of Final Passage:       | Full Council Vote:   |  |
| 3-10-03                      | 8-0                  |  |
| Date Presented to Mayor:     | Date Approved:       |  |
| 3-11-03                      | 3/17/03              |  |
| Date Returned to City Clerk: | Date Published:      | T.O. <input checked="" type="checkbox"/><br>P.T. <input checked="" type="checkbox"/> |
| 3/17/03                      | 13:00                |  |
| Date Voted by Mayor:         | Date Veto Published: |  |
|                              |                      |  |
| Date Passed Over Veto:       | Veto Sustained:      |  |
|                              |                      |  |

03-04-03 PASS AS  
3-10-03 Pass  
CSXWSE

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

*[Signature]*  
Councilmember

**Committee Action:**

*(6)*

03-04-03 Pass as amended, 3-0 (IN, RC, MP)

3-10-03 Passed 8-0

*(Excused: Lrcata)*

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

*(initial/date)*

*Law Department*

Law Dept. Review

OMP Review

*(b)*

City Clerk Review

*Table  
Review  
Approved  
Full Text load of  
Attachment A Director Report  
Worked Note*

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Indexed

ORDINANCE 121093

1  
2  
3 AN ORDINANCE relating to land use and zoning, amending Sections 23.40.002, 23.47.004 and  
4 23.47.006 of the Seattle Municipal Code, modifying requirements for use permits for principal  
5 use parking where permitted outright in commercial zones and adding an administrative  
6 conditional use process for temporary use as principal use parking in commercial zones where  
7 such use is not permitted; clarifying regulations, and correcting minor errors.

8  
9 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

10 **Section 1.** Section 23.40.002 of the Seattle Municipal Code, which Section was last  
11 amended by Ordinance 119473, is amended as follows:

12 **23.40.002 Conformity with regulations required.**

13 The establishment or change of use of any structures, buildings or premises, or any part thereof,  
14 shall require approval according to the procedures set forth in Chapter 23.76, Procedures for Master Use  
15 Permits and Council Land Use Decisions, except as permitted in 23.47.004 I. No use of any structure or  
16 premises shall hereafter be commenced, and no structure or part of a structure shall be erected, moved,  
17 reconstructed, extended, enlarged or altered, except in conformity with the regulations specified in this  
18 title for the zone and overlay district, if any, in which it is or will be located. Owners of such structures,  
19 building or premises or parts thereof are responsible for any failure of such structures, buildings or  
20 premises to conform to the regulations of this title and for compliance with the provisions of this title in  
21 or on such structures, buildings or premises. Any other person who created, caused or contributed to a  
22 condition in or on such structure, building or premises, either alone or with others, is also responsible  
23 under this title for any failure to conform to the regulations of this title. Building and use permits on file  
24 shall be prima facie evidence of the time a building was built or modified, or a use commenced, and the  
burden of demonstrating to the contrary shall be upon the owner. Changes to existing structures may be  
permitted which make the structures nonconforming if the changes are required by law for reasons of  
health and safety.





COMMERCIAL USES: CHART A  
For Section 23.47.004

ZONES

|   | NC1               | NC2               | NC3               | C1                | C2                |
|---|-------------------|-------------------|-------------------|-------------------|-------------------|
| I. COMMERCIAL USE                                   |                   |                   |                   |                   |                   |
| A. Retail Sales and Services.                       |                   |                   |                   |                   |                   |
| 1. Personal and Household Retail Sales and Services |                   |                   |                   |                   |                   |
| - Multi-purpose convenience stores                  | P                 | P                 | P                 | P                 | P                 |
| - General retail sales and service                  | P                 | P                 | P                 | P                 | P                 |
| - Major durables sales, service and rental          | P                 | P                 | P                 | P                 | P                 |
| - Specialty food stores                             | P                 | P                 | P                 | P                 | P                 |
| 2. Medical Services                                 | P/CU <sup>1</sup> |
| 3. Animal Services <sup>2</sup>                     |                   |                   |                   |                   |                   |
| - Animal health services                            | P                 | P                 | P                 | P                 | P                 |
| - Kennels   | X                 | X                 | X                 | X                 | P                 |
| - Animal shelters                                   | X                 | X                 | X                 | X                 | X                 |
| - Pet grooming services                             | P                 | P                 | P                 | P                 | P                 |
| 4. Automotive Retail Sales and Services             |                   |                   |                   |                   |                   |
| - Gas Stations                                      | P                 | P                 | P                 | P                 | P                 |
| - Sales and rental of motorized vehicles            | X                 | P                 | P                 | P                 | P                 |
| - Vehicle repair, minor                             | P                 | P                 | P                 | P                 | P                 |
| - Vehicle repair, major                             | X                 | P                 | P                 | P                 | P                 |
| - Car wash  | X                 | P                 | P                 | P                 | P                 |
| - Towing services                                   | X                 | X                 | X                 | P                 | P                 |
| - Automotive parts or accessory sales               | P                 | P                 | P                 | P                 | P                 |
| 5. Marine Retail Sales and Services                 |                   |                   |                   |                   |                   |
| - Sales and rental of large boats                   | X                 | P                 | P                 | P                 | P                 |
| - Vessel repair, minor                              | P                 | P                 | P                 | P                 | P                 |
| - Vessel repair, major                              | X                 | X                 | X                 | S                 | S                 |
| - Marine service station                            | P                 | P                 | P                 | P                 | P                 |
| - Dry storage of boats                              | X                 | P                 | P                 | P                 | P                 |
| - Recreational marinas                              | S                 | S                 | S                 | S                 | S                 |
| - Commercial moorage                                | S                 | S                 | S                 | S                 | S                 |
| - Sale of boat parts or accessories                 | P                 | P                 | P                 | P                 | P                 |
| 6. Eating and Drinking Establishments               |                   |                   |                   |                   |                   |
| - Restaurants without cocktail lounges              | P                 | P                 | P                 | P                 | P                 |
| - Restaurants with cocktail lounges                 | X                 | P                 | P                 | P                 | P                 |
| - Fast-food restaurant (750 sq. ft. and under)      | P                 | P                 | P                 | P                 | P                 |
| - Fast-food restaurant (over 750 sq. ft.)           | CU                | CU                | CU                | CU                | CU                |
| - Tavern  | CU                | CU                | P                 | P                 | P                 |



COMMERCIAL USES: CHART A  
For Section 23.47.004 (Continued)

|    |  |                |                |                  |                  |                 |
|----|--|----------------|----------------|------------------|------------------|-----------------|
|    | - Brewpub  | CU             | CU             | P                | P                | P               |
| 7. | Lodging  |                |                |                  |                  |                 |
|    | - Hotel  | X              | X              | P                | P                | P               |
|    | - Motel  | X              | X              | P                | P                | P               |
|    | - Bed and breakfast  | P <sup>3</sup> | P <sup>3</sup> | P                | P                | P               |
| 8. | Mortuary Services  | X              | P              | P                | P                | P               |
| 9. | Existing Cemeteries <sup>14</sup>  | P              | P              | P                | P                | P               |
| B. | Principal Use Parking <sup>2</sup>   | <u>X/CU</u>    | <u>P/CU</u>    | <u>P/CU</u>      | <u>P/CU</u>      | <u>P/CU</u>     |
| C. | Non-Household Sales and Service  |                |                |                  |                  |                 |
| 1. | Business support services  | P              | P              | P                | P                | P               |
| 2. | Business incubator   | P              | P              | P                | P                | P               |
| 3. | Sales, service and rental of office equipment                                | X              | P              | P                | P                | P               |
| 4. | Sales, service and rental of commercial equipment and construction materials | X              | X              | P                | P                | P               |
| 5. | Sale of heating fuel   | X              | X              | P                | P                | P               |
| 6. | Heavy commercial services  | X              | X              | X                | P                | P               |
|    | - Construction services  | X              | X              | X                | P                | P               |
|    | - Commercial laundries   | X              | X              | X                | P                | P               |
| D. | Offices  |                |                |                  |                  |                 |
| 1. | Customer service office  | P              | P              | P                | P                | P               |
| 2. | Administrative office  | P              | P              | P                | P                | P               |
| E. | Entertainment  |                |                |                  |                  |                 |
| 1. | Places of Public Assembly  |                |                |                  |                  |                 |
|    | - Performing arts theater  | X              | P              | P                | P                | P               |
|    | - Spectator sports facility  | X              | P              | P                | P                | P               |
|    | - Lecture and meeting halls  | X              | P              | P                | P                | P               |
|    | - Motion picture theater   | X              | P              | P                | P                | P               |
|    | - Adult motion picture theater   | X              | P              | P                | P                | P               |
|    | - Adult panorams   | X              | X              | X                | X                | X               |
| 2. | Participant Sports and Recreation  |                |                |                  |                  |                 |
|    | - Indoor   | P              | P              | P                | P                | P               |
|    | - Outdoor  | X              | X              | X <sup>4</sup>   | P                | P               |
| F. | Wholesale Showroom   | X              | X              | P                | P                | P               |
| G. | Mini-Warehouse   | X              | X              | P                | P                | P               |
| H. | Warehouse  | X              | X              | P                | P                | P               |
| I. | Outdoor Storage  | X              | X              | X <sup>5</sup>   | P                | P               |
| J. | Transportation Facilities  |                |                |                  |                  |                 |
| 1. | Personal transportation services   | X              | X              | P                | P                | P               |
| 2. | Passenger terminals  | X              | X              | P                | P                | P               |
| 3. | Cargo terminals  | X              | X              | X                | S                | P               |
| 4. | Transit vehicle base   | X              | X              | X                | CCU <sup>6</sup> | CU <sup>6</sup> |
| 5. | Helistops  | X              | X              | CCU <sup>7</sup> | CCU <sup>7</sup> | CU <sup>7</sup> |
| 6. | Heliports  | X              | X              | X                | X                | X               |
| 7. | Airport, land-based  | X              | X              | X                | X                | X               |
| 8. | Airport, water-based   | X              | X              | X                | X                | S               |
| 9. | Railroad switchyard  | X              | X              | X                | X                | X               |

COMMERCIAL USES: CHART A  
For Section 23.47.004 (Continued)

|       |   |                 |     |     |     |     |
|-------|---|-----------------|-----|-----|-----|-----|
| 10.   | Railroad switchyard with mechanized hump  | X               | X   | X   | X   | X   |
| K.    | Food Processing and Craft Work  |                 |     |     |     |     |
| 1.    | Food processing for human consumption   | P               | P   | P   | P   | P   |
| 2.    | Custom and craft work   | P               | P   | P   | P   | P   |
| L.    | Research and Development Laboratories   | P               | P   | P   | P   | P   |
| II.   | SALVAGE AND RECYCLING   |                 |     |     |     |     |
| A.    | Recycling Collection Station  | P               | P   | P   | P   | P   |
| B.    | Recycling Center  | X               | X   | X   | P   | P   |
| C.    | Salvage Yard  | X               | X   | X   | X   | X   |
| III.  | UTILITIES   |                 |     |     |     |     |
| A.    | Utility Service Uses  | P               | P   | P   | P   | P   |
| B.    | Major Communication Utility <sup>8</sup>  | X               | X   | X   | CCU | CCU |
| C.    | Minor Communication Utility <sup>8</sup>  | P               | P   | P   | P   | P   |
| D.    | Solid Waste Transfer Station  | X               | X   | X   | X   | X   |
| E.    | Power Plants  | X               | X   | X   | X   | X   |
| F.    | Sewage Treatment Plants   | X               | X   | X   | X   | X   |
| G.    | Solid Waste Incineration Facility   | X               | X   | X   | X   | X   |
| H.    | Solid Waste Landfill  | X               | X   | X   | X   | X   |
| IV.   | MANUFACTURING   |                 |     |     |     |     |
| A.    | Light Manufacturing   | X               | P   | P   | P   | P   |
| B.    | General Manufacturing   | X               | X   | X   | P   | P   |
| C.    | Heavy Manufacturing   | X               | X   | X   | X   | X   |
| V.    | HIGH-IMPACT USES  | X               | X   | X   | X   | X   |
| VI.   | INSTITUTIONS  |                 |     |     |     |     |
| A.    | Institute for Advanced Study  | P               | P   | P   | P   | P   |
| B.    | Private Club  | P               | P   | P   | P   | P   |
| C.    | Child Care Center   | P               | P   | P   | P   | P   |
| D.    | Museum  | P               | P   | P   | P   | P   |
| E.    | School, Elementary or Secondary   | P               | P   | P   | P   | P   |
| F.    | College   | P               | P   | P   | P   | P   |
| G.    | Community Center  | P               | P   | P   | P   | P   |
| H.    | Community Club  | P               | P   | P   | P   | P   |
| I.    | Vocational or Fine Arts School  | P               | P   | P   | P   | P   |
| J.    | Hospital  | P               | P   | P   | P   | P   |
| K.    | Religious Facility  | P               | P   | P   | P   | P   |
| L.    | University  | P               | P   | P   | P   | P   |
| M.    | Major Institutions within a Major Institution Overlay District subject to Chapter 23.69 | P               | P   | P   | P   | P   |
| VII.  | PUBLIC FACILITIES   |                 |     |     |     |     |
| A.    | Jails   | X               | X   | X   | X   | X   |
| B.    | Work-release Center <sup>9</sup>  | CCU             | CCU | CCU | CCU | CCU |
| C.    | Secure Community Transition Facility <sup>9</sup>                                       | CCU             | CCU | CCU | CCU | CCU |
| VIII. | PARK AND POOL/RIDE LOT  |                 |     |     |     |     |
| A.    | Park and Pool Lots  | P <sup>10</sup> | P   | P   | P   | P   |
| B.    | Park and Ride Lots  | X               | X   | CU  | CU  | CU  |



COMMERCIAL USES: CHART A  
For Section 23.47.004 (Continued)

IX. RESIDENTIAL<sup>11</sup>

|                                 |                    |                    |                    |                    |                  |
|---------------------------------|--------------------|--------------------|--------------------|--------------------|------------------|
| A. Single-family Dwelling Units | P/CU <sup>12</sup> | P/CU <sup>12</sup> | P/CU <sup>12</sup> | P/CU <sup>12</sup> | CU <sup>12</sup> |
| B. Multifamily Structures       | P/CU               | P/CU               | P/CU               | P/CU               | CU               |
| C. Congregate Residences        | P/CU               | P/CU               | P/CU               | P/CU               | CU               |
| D. Floating Homes               | S                  | S                  | S                  | S                  | S                |
| E. Mobile Home Park             | X                  | X                  | X                  | P                  | CU               |
| F. Artist Studio/Dwelling       | P/CU               | P/CU               | P/CU               | P/CU               | CU               |
| G. Caretaker's Quarters         | P                  | P                  | P                  | P                  | P                |
| H. Adult Family Homes           | P/CU               | P/CU               | P/CU               | P/CU               | P                |
| I. Home Occupations             | P <sup>13</sup>    | P <sup>13</sup>    | P <sup>13</sup>    | P <sup>13</sup>    | P <sup>13</sup>  |
| J. Nursing Homes                | P                  | P                  | P                  | P                  | P                |
| K. Assisted Living Facilities   | P/CU               | P/CU               | P/CU               | P/CU               | CU               |

X. OPEN SPACE

|                |   |   |   |   |   |
|----------------|---|---|---|---|---|
| A. Parks       | P | P | P | P | P |
| B. Playgrounds | P | P | P | P | P |

XI. AGRICULTURAL USES

|                       |                 |                 |                 |                 |   |
|-----------------------|-----------------|-----------------|-----------------|-----------------|---|
| A. Animal Husbandry   | X <sup>13</sup> | X <sup>13</sup> | X <sup>13</sup> | X <sup>13</sup> | P |
| B. Horticultural Uses | P               | P               | P               | P               | P |
| C. Aquaculture        | P               | P               | P               | P               | P |

P - Permitted

X - Prohibited

CU - Administrative Conditional Use

CCU - Council Conditional Use

S - Permitted only in the Shoreline District, when permitted by the Seattle Shoreline Master Program

<sup>1</sup> Medical service uses over ten thousand (10,000) square feet, within two thousand five hundred (2,500) feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted Major Institution master plan or located in a downtown zone. See Section 23.47.006.

<sup>2</sup> The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.

<sup>3</sup> In existing structures only.

<sup>4</sup> Outdoor participant sports and recreation uses are permitted at Seattle Center.

<sup>5</sup> Outdoor storage is permitted at the Seattle Center, subject to the provisions of Section 23.47.011.

<sup>6</sup> New transit vehicle bases accommodating one hundred fifty (150) or fewer buses or existing transit vehicle bases seeking to expand.

<sup>7</sup> Permitted only as an accessory use according to Section 23.47.006.

<sup>8</sup> See Chapter 23.57 for regulation of communication utilities.

<sup>9</sup> Subject to criteria in Section 23.47.006.

COMMERCIAL USES: CHART A  
For Section 23.47.004 (Continued)

<sup>10</sup> Permitted only on parking lots existing at least five (5) years prior to the proposed establishment of the park and pool lot.

<sup>11</sup> Residential uses in mixed-use developments satisfying Section 23.47.008 and assisted living facilities are permitted outright in NC1, NC2, NC3, and C1 zones. Residential use in a single-purpose residential structure generally may be permitted in NC1, NC2, NC3 and C1 zones as an administrative conditional use pursuant to Section 23.47.006. Residential use in single-purpose residential structures is permitted outright in limited areas and circumstances, and is prohibited in certain areas as described in subsection 23.47.004 E. "Single-purpose residential structure" may include a structure with both residential and nonresidential uses but does not include an assisted living facility or any structure that is part of a mixed-use development meeting the standards in Section 23.47.008. All residential uses, other than nursing homes, in the C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed-use structure or single-purpose residential use, except in pedestrian-designated zones (See Section 23.47.040).

<sup>12</sup> An accessory dwelling unit added to a single-family residence shall be allowed outright and shall not require a separate conditional use permit. The unit shall be considered accessory to the single-family residence, shall meet the standards listed for accessory dwelling units in Section 23.44.041 and shall not be considered a separate dwelling unit for all development standard purposes in commercial zones.

<sup>13</sup> Permitted only as an accessory use.

<sup>14</sup> Subject to criteria in Section 23.47.004.

**Section 4.** Section 23.47.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 120691 is amended as follows:

**23.47.006 Conditional uses.**

\* \* \*

B. The following uses, identified as administrative conditional uses on Chart A of Section 23.47.004, may be permitted by the Director when the provisions of this subsection and subsection A are met:

1. Fast-food restaurants ((which)) that have a gross floor area greater than seven hundred fifty (750) square feet are identified as heavy traffic generators and may be permitted as a conditional use according to the following criteria:

a. The design of the structure, including architectural treatment, signage, landscaping and lighting, is compatible with other structures in the vicinity; and



- 1                   b.     Appropriate litter-control measures are provided; and
- 2                   c.     The applicant, if required by the Director, prepares an analysis of traffic,
- 3 circulation and parking impacts, and demonstrates that the use does not:
- 4                   (1)    Cause significant additional traffic to circulate through adjacent
- 5 residential neighborhoods, or
- 6                   (2)    Disrupt the pedestrian character of an area by significantly
- 7 increasing the potential for pedestrian-vehicle conflicts, or
- 8                   (3)    Create traffic or access problems which will require the
- 9 expenditure of City funds to mitigate, or
- 10                  (4)    Interfere with peak-hour transit operations, by causing auto traffic
- 11 to cross a designated high-occupancy vehicle lane adjacent to the lot, or
- 12                  (5)    Cause cars waiting to use the facility to queue across the sidewalk
- 13 or onto the street, or
- 14                  (6)    Interrupt established retail or service frontage designed to serve
- 15 pedestrians;
- 16                  d.     In addition to the criteria in subsections B1a, B1b and B1c, in pedestrian-
- 17 designated zones, the use shall not:
- 18                  (1)    Include a drive-in facility, or
- 19                  (2)    Provide any accessory parking, or
- 20                  (3)    Attract a significant number of customers who drive to the
- 21 pedestrian district for the primary purpose of patronizing the business. This shall be determined by a
- 22 transportation analysis of travel modes and patterns of customers of similar businesses in the same or
- 23 similar commercial areas, which shall be prepared by a traffic consultant retained by the applicant;
- 24



1 e. Fast-food restaurants which are drive-in businesses shall also comply with  
2 the provisions of Section 23.47.028, Standards for drive-in businesses.

3 2. Taverns and brewpubs in NC1 and NC2 zones may be permitted as conditional  
4 uses. A tavern or brewpub in an NC1 or NC2 zone shall be evaluated according to the following  
5 criteria:

6 a. The size of the tavern or brewpub, design of the structure, signing and  
7 illumination shall be compatible with the character of the commercial area and other structures in the  
8 vicinity, particularly in areas where a distinct and definite pattern or style has been established.

9 b. The location, access and design of parking shall be compatible with  
10 adjacent residential zones.

11 c. Special consideration shall be given to the location and design of the doors  
12 and windows of taverns and brewpubs to ensure that noise standards will not be exceeded. The Director  
13 may require additional setbacks and/or restrict openings on lots ((which)) that abut residential zones.

14 d. Taverns and brewpubs shall not generate traffic ((which)) that creates  
15 traffic congestion or further aggravates spillover parking on residential streets.

16 3. Park-and-ride lots in NC3, C1 and C2 zones may be permitted as conditional uses.

17 a. Conditional Use Criteria.

18 (1) The park-and-ride lot shall have direct vehicular access to a  
19 designated arterial improved to City standards.

20 (2) If the proposed park-and-ride lot is located on a lot containing  
21 accessory parking for other uses, there shall be no substantial conflict in the principal operating hours of  
22 the park-and-ride lot and the other uses.

23 b. Mitigating Measures. Landscaping and screening in addition to that  
24 required for surface parking areas, noise mitigation, vehicular access controls, signage restrictions, and



1 other measures may be required to provide comfort and safety for pedestrians and bicyclists and to  
2 insure the compatibility of the park-and-ride lot with the surrounding area.

3 4. Single-purpose residential structures may be permitted outright, permitted as an  
4 administrative conditional use or prohibited as provided by Section 23.47.004 E. In order to conserve  
5 the limited amount of commercially zoned land for commercial uses, single-purpose residential  
6 structures shall generally not be allowed in commercial zones. However, additions to, or on-site  
7 accessory structures for, existing single-family structures are permitted outright. Where single-purpose  
8 residential structures may be permitted as an administrative conditional use, such a permit may be  
9 granted only when the following circumstances exist:

10 a. Due to location or parcel size, the proposed site is not suited for  
11 commercial development; or

12 b. There is substantial excess supply of land available for commercial use  
13 near the proposed site, evidenced by such conditions as a lack of commercial activity in existing  
14 commercial structures for a sustained period, commercial structures in disrepair, and vacant or  
15 underused commercially zoned land; provided that single-purpose residential development shall not  
16 interrupt an established commercial street front. As used in this subsection, an "established commercial  
17 street front" may be intersected by streets or alleys, and some lots with no current commercial use.

18 5. Residential Uses in C2 Zones.

19 a. In order to conserve the limited amount of commercially zoned land for  
20 commercial uses, residential uses in single-purpose or mixed-use structures shall generally not be  
21 allowed in C2 zones. However, additions to, or on-site accessory structures for, existing single-family  
22 structures shall be permitted outright. Residential uses in single-purpose or mixed-use structures may be  
23 permitted in C2 zones as administrative conditional uses according to the following criteria:  
24

1 (1) Availability of Suitable Land for C2 Activities. Residential uses  
2 shall generally be discouraged in areas which have limited vacant land and where, due to terrain and  
3 large parcel size, land is particularly suitable for commercial rather than residential development.

4 (2) Relationship to Transportation Systems. Residential uses shall  
5 generally be discouraged in areas with direct access to major transportation systems such as freeways,  
6 state routes and freight rail lines.

7 (3) Compatibility With Surrounding Areas. Residential uses shall not  
8 be allowed in close proximity to industrial areas and/or in areas where nonresidential uses may create a  
9 nuisance or adversely affect the desirability of the area for living purposes.

10 b. Residential uses required to obtain a shoreline conditional use shall not be  
11 required to obtain an administrative conditional use.

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

19 a. Whether the amount of medical service use development existing and  
20 proposed in the vicinity would reduce the current viability or significantly impact the longer-term  
21 potential of the neighborhood-serving character of the commercial area; and

22 b. Whether medical service use development would displace existing  
23 neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front,  
24



1 particularly of retail and personal services uses, or significantly detract from an area's overall  
2 neighborhood-serving commercial character.

3 7. Change of One Nonconforming Use to Another.

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

6 (1) New uses shall be limited to those first permitted in the next more  
7 intensive zone;

8 (2) The relative impacts of size, parking, traffic, light, glare, noise,  
9 odor and similar impacts of the two (2) uses, and how these impacts could be mitigated.

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

12 8. Principal use parking may be authorized on a temporary basis as an administrative  
13 conditional use, except in pedestrian designated zones (P1 or P2) or within the Station Area Overlay  
14 District, under the circumstances described in subsection (a) below, subject to the conditions of  
15 subsection (b).

16 a. Eligible circumstances:

17 (1) Principal use parking is not permitted in the zone; and

18 (2) An existing surface parking area or structure has been used to  
19 provide accessory parking, and the use to which the parking was accessory has been discontinued; or

20 (3) The site has been cleared pursuant to an active permit authorizing  
21 construction and commencement of a new use on the property; or

22 (4) Development of the site, including what is to become accessory  
23 surface or structured parking, is partially complete, but the use to which the parking is to be accessory  
24 has not yet commenced.



1                    b. Conditions.

2                    (1) The permit may be issued for a two (2) year period. At the  
3 expiration of that period, the permit may be renewed for a maximum of two (2) additional years; and

4                    (2) Exterior lighting and vehicle lights shall be shielded or screened to  
5 minimize glare affecting nearby uses.

6                    \* \* \*

7                    **Section 5.** The provisions of this ordinance are declared to be separate and severable. The  
8 invalidity of any particular provision shall not affect the validity of any other provision.

9                    **Section 6.** 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 16<sup>th</sup> day of March, 2003, and signed by me  
13 in open session in authentication of its passage this 10<sup>th</sup> day of March, 2003.

14                    *Peter Stempert*

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

16                    Approved by me this 17 day of March, 2003.

17                    *Gregory J. Nickels*  
18                    Gregory J. Nickels, Mayor

19                    Filed by me this 17 day of Mar., 2003.

20                    *Sarah Cl.*  
21                    City Clerk

22 (SEAL)





# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

July 31, 2002

Honorable Peter Steinbrueck  
President  
Seattle City Council  
Municipal Building, 11<sup>th</sup> Floor

Dear Council President Steinbrueck:

Yesterday, I announced a program to improve the City's business climate. We must improve basic services to make it easier to do business in Seattle. A key part of that mission is my proposal to simplify and streamline the City's Land Use Code.

The attached legislation proposes to amend the Land Use Code to allow public parking, typically for a fee, in certain Commercial zones where parking has been permitted to serve a use that will no longer be present. Where public parking is permitted, no further process would be required (typically a permit is needed to establish or change a use). Where public parking is not allowed, an Administrative Conditional Use (ACU) process is proposed as a means for allowing parking for a limited time, no more than four years.

The intent of the proposal is to provide for some economic return on property that is either already developed and currently used for parking, but is vacant and waiting for a new tenant or buyer, or when a development project is started and cannot be completed (which would leave a cleared site or partially built foundation or garage). The site or partially completed project would otherwise be "dead space", if it could not be put to an economically viable use that provides some service to the community. The current code either prohibits principal use parking or the process requirements are a disincentive due to the time and cost involved.

Thank you for your consideration of this legislation. Should you have questions please contact Mike Podowski at 206-386-1988 or [mike.podowski@ci.seattle.wa.us](mailto:mike.podowski@ci.seattle.wa.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, stylized flourish that extends across the page.

GREG NICKELS  
Mayor of Seattle

cc Honorable Members of the Seattle City Council

600 Fourth Avenue, 12<sup>th</sup> Floor, Seattle, WA 98104-1873

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: [mayors.office@ci.seattle.wa.us](mailto:mayors.office@ci.seattle.wa.us)

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## **DIRECTOR'S REPORT AND RECOMMENDATION – INTERIM PRINCIPAL USE PARKING**

### **INTRODUCTION**

The Department of Design, Construction and Land Use (DCLU) proposes Land Use Code Amendments that would allow principal use parking in Commercial zones where accessory parking has been permitted to serve a use that is discontinued, or not yet in use. In these situations, where principal use parking is permitted in the zone, this would be allowed without additional process requirements (typically a permit is needed to establish or change a use). For situations where principal use parking is not an allowed use, an Administrative Conditional Use (ACU) process is proposed as a method for allowing principal use parking for a limited time – two years, plus a one-time renewal for an additional two years, for a maximum of four years.

### **PROPOSAL**

Under the current code, the establishment or change of use of any buildings or properties requires approval according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. As part of these procedures, use of any structure or property, and construction or remodeling must be done in conformance with all regulations.

The proposal is to no longer require use permits when changing between accessory and principal use parking. Accessory use parking is parking that is provided for a particular use or uses. Principal use parking is parking that is available to the general public, usually for a fee. Current code would require a use permit to change between these two types of parking. Compliance with development standards for parking lots is reviewed as part of the permit approval process. Development standards, such as landscaping and screening and drainage, must be satisfied in order for permits to be approved. The development standards are the same for accessory and principal use parking. When new development is proposed with accessory parking, all applicable standards must be met at the time permits are granted. In addition, when proposals are for establishing a new use or changing uses for parking with more than 20 spaces, environmental review is also required.

The proposed amendment treats situations where principal use parking is a use allowed in the zone differently from zones in which principal use parking is not a use permitted outright.

The amendments would allow use of a parking area as principal use parking without requiring a use permit when:

1. principal use parking is permitted outright, and
2. a principal use has been discontinued and its accessory parking remains in place, or parking was proposed as part of a permit approval for a project that is temporarily stopped at some stage in the construction process.

The amendments would allow principal use parking as an Administrative Conditional Use where principal use parking is not permitted outright in a commercial zone. Conditional use approval would be subject to meeting conditions that would allow the Director to require necessary information or studies to examine the potential impacts of such a request and apply conditions to mitigate those impacts. Along with conditional use review, proposals that include more than 20 parking spaces would also undergo environmental review pursuant to SEPA.

#### **ANALYSIS**

The intent of the proposal is to provide some economic return on property that is either already developed, but awaiting a tenant or buyer, or when a development project is started and cannot be completed, leaving a cleared site or partially built foundation or garage. The site or partially completed project would otherwise be "dead space" if it were not able to be put, at least on an interim basis, to an economically viable use that provides a service to the community. However, the current code either prohibits principal use parking or the process requirements are a disincentive, due to the time and cost involved.

#### **Application of Proposed Amendment**

Examples are presented below to illustrate how the new provisions would be applied:

1. In zones where principal use parking is permitted outright, and where a principal use has been discontinued and its accessory parking remains in place, the proposal is to allow use of that parking area as principal use parking (or as off-site accessory parking for nearby uses, which is currently allowed) without requiring a use permit. This situation may arise when a store with a large parking lot, such as a grocery store, closes down. The principal use parking goes away when a new owner or tenant resumes use of the structure and requires the parking spaces or when the site is redeveloped.
2. A development has completed all required reviews and is being constructed under permit; funding for the project unexpectedly becomes unavailable, or completion of the project is halted due to market conditions. The site has been cleared and is vacant. Under the proposal, the owner would be able to use it as principal use parking until construction can resume. Another version of this situation would occur when an approved project includes a garage for parking accessory to uses in the building. Funding dries up mid-construction, and the owner asks to complete

the garage only and use it for principal use parking until the approved project can be completed. In areas where principal use parking is permitted outright, this change could take place without additional permits.

3. The above two examples are also possible in areas where principal use parking is not permitted outright. The difference would be that the change would require an Administrative Conditional Use approval, and the permit would only be good for two years, with a possible extension for a maximum of two more years.

Parking is believed to be the best option for providing a revenue generating use for a site or partially developed project on an interim basis. The improvements needed are minimal, so the relative costs are better balanced against the return on the investment. This is especially true considering the short-term nature of the use. The parking use would be expected to go away when:

- financing becomes available;
- real estate market conditions are right; or
- the term of the conditional use approval expires.

Non-parking uses either would not be feasible in the case of a partially completed project (usually a cleared site or a portion of a parking garage), or the cost of improvements to meet life safety standards would be prohibitive, such as for residential use of a vacant building. Another consideration would be the relative difficulty of evicting non-parking uses from a site after the interim period expires.

Converting from accessory use parking to principal use parking without a permit saves time and process for the owner. For the community, the site would have activity or beneficial use until the site or the structure is back in use or completed. The principal use parking would return to accessory parking when a new tenant or owner resumes use of the structure or site or when the structure is completed. Since the development standards for accessory parking and principal use are the same, requiring a change of use permit would not change the appearance of the parking. It is important to remember, though, that the appearance would be no different than if the site or garage continues as unused accessory parking.

For the project that must go through the Administrative Conditional Use process, the parking use not ordinarily allowed in the zone would be allowed for a short-term, providing the owner with additional flexibility for use of the site. The community would gain some parking, and would at least have some activity associated with the site, rather than have the site remain vacant or a "hole in the ground."

### **Implications of Proposed Amendment**

A difference that could result from the change from accessory to principal use parking could be a change in the pattern or timing of use of the site or garage. As an example, accessory parking for a daytime use would be vacant in the evenings. If used as principal use parking, the use could be both day and evening. However, this is not anticipated to be a significant problem due to the nature of the demand for parking. If a demand exists,

the number of people looking for parking in the general vicinity will already exist. The peak periods of traffic would also vary depending on the use and the area, whether for accessory or principal use parking. Either or both could have peak morning and afternoon times, or could have traffic throughout the day depending on whether the need was for long or short-term use.

One issue that some might raise with the proposal is that it could encourage an owner to go ahead with construction of a project when the market may not support it, due to the possible economic return from the principal use parking. However, not completing a development project is a significant matter and it is not anticipated that one would purposely develop in such an incremental manner.

Another issue would be allowing principal use parking in some areas where such use is not currently allowed, due to policy or other reasons, such as limiting parking supply as a vehicle trip reduction measure. However, in areas where principal use parking is not allowed, such parking would only be allowed on an interim basis, and therefore of limited duration. Compliance with development standards will have occurred at the original time of permitting the use and its accessory parking. Additionally, ACU review would be required in circumstances where principal use parking is not a permitted use.

In summary, as demonstrated by the sample situations presented above and the analysis of issues, the parking that is the subject of the proposed amendment would either already be present or would have been permitted as part of a new development. Since development standards are the same for either type of parking, DCLU does not propose to require any additional permit review to establish or change the use from accessory to principal use parking where principal use parking is permitted outright. This would save both time and money, and would allow use of the site. In situations where principal use parking is not allowed, the ACU would provide the Director authority to require measures to address impacts from the new parking use, and would only be allowed for a limited period of time.

## **RECOMMENDATION**

The attached ordinance is a response to an identified inefficiency of existing use permit requirements. The proposal encourages the efficient use of sites and buildings that provide parking, and that have already received Master Use and/or Building Permits. This also allows an economic return on a site or partially completed project that is awaiting changes in the real estate market. Communities have expressed concerns in the past about the negative image vacant spaces or unfinished projects can convey about a neighborhood.

DCLU recommends approval of the attached ordinance.







COMMERCIAL USES: CHART A  
For Section 23.47.004

|    |  | ZONES             |                   |                   |                   |                   |
|----|--|-------------------|-------------------|-------------------|-------------------|-------------------|
|    |  | NC1               | NC2               | NC3               | C1                | C2                |
| I. | COMMERCIAL USE                                   |                   |                   |                   |                   |                   |
| A. | Retail Sales and Services.                       |                   |                   |                   |                   |                   |
| 1. | Personal and Household Retail Sales and Services |                   |                   |                   |                   |                   |
|    | - Multi-purpose convenience stores               | P                 | P                 | P                 | P                 | P                 |
|    | - General retail sales and service               | P                 | P                 | P                 | P                 | P                 |
|    | - Major durables sales, service and rental       | P                 | P                 | P                 | P                 | P                 |
|    | - Specialty food stores                          | P                 | P                 | P                 | P                 | P                 |
| 2. | Medical Services                                 | P/CU <sup>1</sup> |
| 3. | Animal Services <sup>2</sup>                     |                   |                   |                   |                   |                   |
|    | - Animal health services                         | P                 | P                 | P                 | P                 | P                 |
|    | - Kennels  | X                 | X                 | X                 | X                 | P                 |
|    | - Animal shelters                                | X                 | X                 | X                 | X                 | X                 |
|    | - Pet grooming services                          | P                 | P                 | P                 | P                 | P                 |
| 4. | Automotive Retail Sales and Services             |                   |                   |                   |                   |                   |
|    | - Gas Stations                                   | P                 | P                 | P                 | P                 | P                 |
|    | - Sales and rental of motorized vehicles         | X                 | P                 | P                 | P                 | P                 |
|    | - Vehicle repair, minor                          | P                 | P                 | P                 | P                 | P                 |
|    | - Vehicle repair, major                          | X                 | P                 | P                 | P                 | P                 |
|    | - Car wash                                       | X                 | P                 | P                 | P                 | P                 |
|    | - Towing services                                | X                 | X                 | X                 | P                 | P                 |
|    | - Automotive parts or accessory sales            | P                 | P                 | P                 | P                 | P                 |
| 5. | Marine Retail Sales and Services                 |                   |                   |                   |                   |                   |
|    | - Sales and rental of large boats                | X                 | P                 | P                 | P                 | P                 |
|    | - Vessel repair, minor                           | P                 | P                 | P                 | P                 | P                 |
|    | - Vessel repair, major                           | X                 | X                 | X                 | S                 | S                 |
|    | - Marine service station                         | P                 | P                 | P                 | P                 | P                 |
|    | - Dry storage of boats                           | X                 | P                 | P                 | P                 | P                 |
|    | - Recreational marinas                           | S                 | S                 | S                 | S                 | S                 |
|    | - Commercial moorage                             | S                 | S                 | S                 | S                 | S                 |
|    | - Sale of boat parts or accessories              | P                 | P                 | P                 | P                 | P                 |
| 6. | Eating and Drinking Establishments               |                   |                   |                   |                   |                   |
|    | - Restaurants without cocktail lounges           | P                 | P                 | P                 | P                 | P                 |
|    | - Restaurants with cocktail lounges              | X                 | P                 | P                 | P                 | P                 |
|    | - Fast-food restaurant (750 sq. ft. and under)   | P                 | P                 | P                 | P                 | P                 |
|    | - Fast-food restaurant (over 750 sq. ft.)        | CU                | CU                | CU                | CU                | CU                |
|    | - Tavern   | CU                | CU                | P                 | P                 | P                 |

COMMERCIAL USES: CHART A  
For Section 23.47.004 (Continued)

|    |  |                |                |                  |                  |                 |
|----|--|----------------|----------------|------------------|------------------|-----------------|
|    | - Brewpub  | CU             | CU             | P                | P                | P               |
| 7. | Lodging  |                |                |                  |                  |                 |
|    | - Hotel  | X              | X              | P                | P                | P               |
|    | - Motel  | X              | X              | P                | P                | P               |
|    | - Bed and breakfast  | P <sup>3</sup> | P <sup>3</sup> | P                | P                | P               |
| 8. | Mortuary Services  | X              | P              | P                | P                | P               |
| 9. | Existing Cemeteries <sup>14</sup>  | P              | P              | P                | P                | P               |
| B. | Principal Use Parking <sup>2</sup>   | <u>X/CU</u>    | <u>P/CU</u>    | <u>P/CU</u>      | <u>P/CU</u>      | <u>P/CU</u>     |
| C. | Non-Household Sales and Service  |                |                |                  |                  |                 |
| 1. | Business support services  | P              | P              | P                | P                | P               |
| 2. | Business incubator   | P              | P              | P                | P                | P               |
| 3. | Sales, service and rental of office equipment                                | X              | P              | P                | P                | P               |
| 4. | Sales, service and rental of commercial equipment and construction materials | X              | X              | P                | P                | P               |
| 5. | Sale of heating fuel   | X              | X              | P                | P                | P               |
| 6. | Heavy commercial services  | X              | X              | X                | P                | P               |
|    | - Construction services  | X              | X              | X                | P                | P               |
|    | - Commercial laundries   | X              | X              | X                | P                | P               |
| D. | Offices  |                |                |                  |                  |                 |
| 1. | Customer service office  | P              | P              | P                | P                | P               |
| 2. | Administrative office  | P              | P              | P                | P                | P               |
| E. | Entertainment  |                |                |                  |                  |                 |
| 1. | Places of Public Assembly  |                |                |                  |                  |                 |
|    | - Performing arts theater  | X              | P              | P                | P                | P               |
|    | - Spectator sports facility  | X              | P              | P                | P                | P               |
|    | - Lecture and meeting halls  | X              | P              | P                | P                | P               |
|    | - Motion picture theater   | X              | P              | P                | P                | P               |
|    | - Adult motion picture theater   | X              | P              | P                | P                | P               |
|    | - Adult panorams   | X              | X              | X                | X                | X               |
| 2. | Participant Sports and Recreation  |                |                |                  |                  |                 |
|    | - Indoor   | P              | P              | P                | P                | P               |
|    | - Outdoor  | X              | X              | X <sup>4</sup>   | P                | P               |
| F. | Wholesale Showroom   | X              | X              | P                | P                | P               |
| G. | Mini-Warehouse   | X              | X              | P                | P                | P               |
| H. | Warehouse  | X              | X              | P                | P                | P               |
| I. | Outdoor Storage  | X              | X              | X <sup>5</sup>   | P                | P               |
| J. | Transportation Facilities  |                |                |                  |                  |                 |
| 1. | Personal transportation services   | X              | X              | P                | P                | P               |
| 2. | Passenger terminals  | X              | X              | P                | P                | P               |
| 3. | Cargo terminals  | X              | X              | X                | S                | P               |
| 4. | Transit vehicle base   | X              | X              | X                | CCU <sup>6</sup> | CU <sup>6</sup> |
| 5. | Helistops  | X              | X              | CCU <sup>7</sup> | CCU <sup>7</sup> | CU <sup>7</sup> |
| 6. | Heliports  | X              | X              | X                | X                | X               |
| 7. | Airport, land-based  | X              | X              | X                | X                | X               |
| 8. | Airport, water-based   | X              | X              | X                | X                | S               |
| 9. | Railroad switchyard  | X              | X              | X                | X                | X               |

COMMERCIAL USES: CHART A  
For Section 23.47.004 (Continued)

|  |                 |     |     |     |     |
|--|-----------------|-----|-----|-----|-----|
| 10. Railroad switchyard with mechanized hump   | X               | X   | X   | X   | X   |
| K. Food Processing and Craft Work  |                 |     |     |     |     |
| 1. Food processing for human consumption   | P               | P   | P   | P   | P   |
| 2. Custom and craft work   | P               | P   | P   | P   | P   |
| L. Research and Development Laboratories   | P               | P   | P   | P   | P   |
| II. SALVAGE AND RECYCLING  |                 |     |     |     |     |
| A. Recycling Collection Station  | P               | P   | P   | P   | P   |
| B. Recycling Center  | X               | X   | X   | P   | P   |
| C. Salvage Yard  | X               | X   | X   | X   | X   |
| III. UTILITIES   |                 |     |     |     |     |
| A. Utility Service Uses  | P               | P   | P   | P   | P   |
| B. Major Communication Utility <sup>8</sup>  | X               | X   | X   | CCU | CCU |
| C. Minor Communication Utility <sup>8</sup>  | P               | P   | P   | P   | P   |
| D. Solid Waste Transfer Station  | X               | X   | X   | X   | X   |
| E. Power Plants  | X               | X   | X   | X   | X   |
| F. Sewage Treatment Plants   | X               | X   | X   | X   | X   |
| G. Solid Waste Incineration Facility   | X               | X   | X   | X   | X   |
| H. Solid Waste Landfill  | X               | X   | X   | X   | X   |
| IV. MANUFACTURING  |                 |     |     |     |     |
| A. Light Manufacturing   | X               | P   | P   | P   | P   |
| B. General Manufacturing   | X               | X   | X   | P   | P   |
| C. Heavy Manufacturing   | X               | X   | X   | X   | X   |
| V. HIGH-IMPACT USES  | X               | X   | X   | X   | X   |
| VI. INSTITUTIONS   |                 |     |     |     |     |
| A. Institute for Advanced Study  | P               | P   | P   | P   | P   |
| B. Private Club  | P               | P   | P   | P   | P   |
| C. Child Care Center   | P               | P   | P   | P   | P   |
| D. Museum  | P               | P   | P   | P   | P   |
| E. School, Elementary or Secondary   | P               | P   | P   | P   | P   |
| F. College   | P               | P   | P   | P   | P   |
| G. Community Center  | P               | P   | P   | P   | P   |
| H. Community Club  | P               | P   | P   | P   | P   |
| I. Vocational or Fine Arts School  | P               | P   | P   | P   | P   |
| J. Hospital  | P               | P   | P   | P   | P   |
| K. Religious Facility  | P               | P   | P   | P   | P   |
| L. University  | P               | P   | P   | P   | P   |
| M. Major Institutions within a Major Institution Overlay District subject to Chapter 23.69 | P               | P   | P   | P   | P   |
| VII. PUBLIC FACILITIES   |                 |     |     |     |     |
| A. Jails   | X               | X   | X   | X   | X   |
| B. Work-release Center <sup>9</sup>  | CCU             | CCU | CCU | CCU | CCU |
| VIII. PARK AND POOL/RIDE LOT   |                 |     |     |     |     |
| A. Park and Pool Lots  | P <sup>10</sup> | P   | P   | P   | P   |
| B. Park and Ride Lots  | X               | X   | CU  | CU  | CU  |

COMMERCIAL USES: CHART A  
For Section 23.47.004 (Continued)

|                                 |                    |                    |                    |                    |                  |
|---------------------------------|--------------------|--------------------|--------------------|--------------------|------------------|
| IX. RESIDENTIAL <sup>11</sup>   |                    |                    |                    |                    |                  |
| A. Single-family Dwelling Units | P/CU <sup>12</sup> | P/CU <sup>12</sup> | P/CU <sup>12</sup> | P/CU <sup>12</sup> | CU <sup>12</sup> |
| B. Multifamily Structures       | P/CU               | P/CU               | P/CU               | P/CU               | CU               |
| C. Congregate Residences        | P/CU               | P/CU               | P/CU               | P/CU               | CU               |
| D. Floating Homes               | S                  | S                  | S                  | S                  | S                |
| E. Mobile Home Park             | X                  | X                  | X                  | P                  | CU               |
| F. Artist Studio/Dwelling       | P/CU               | P/CU               | P/CU               | P/CU               | CU               |
| G. Caretaker's Quarters         | P                  | P                  | P                  | P                  | P                |
| H. Adult Family Homes           | P/CU               | P/CU               | P/CU               | P/CU               | P                |
| I. Home Occupations             | P <sup>13</sup>    | P <sup>13</sup>    | P <sup>13</sup>    | P <sup>13</sup>    | P <sup>13</sup>  |
| J. Nursing Homes                | P                  | P                  | P                  | P                  | P                |
| K. Assisted Living Facilities   | P/CU               | P/CU               | P/CU               | P/CU               | CU               |
| X. OPEN SPACE                   |                    |                    |                    |                    |                  |
| A. Parks                        | P                  | P                  | P                  | P                  | P                |
| B. Playgrounds                  | P                  | P                  | P                  | P                  | P                |
| XI. AGRICULTURAL USES           |                    |                    |                    |                    |                  |
| A. Animal Husbandry             | X <sup>13</sup>    | X <sup>13</sup>    | X <sup>13</sup>    | X <sup>13</sup>    | P                |
| B. Horticultural Uses           | P                  | P                  | P                  | P                  | P                |
| C. Aquaculture                  | P                  | P                  | P                  | P                  | P                |

P - Permitted

X - Prohibited

CU - Administrative Conditional Use

CCU - Council Conditional Use

S - Permitted only in the Shoreline District, when permitted by the Seattle Shoreline Master Program

<sup>1</sup> Medical service uses over ten thousand (10,000) square feet, within two thousand five hundred (2,500) feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted Major Institution master plan or located in a downtown zone. See Section 23.47.006.

<sup>2</sup> The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.

<sup>3</sup> In existing structures only.

<sup>4</sup> Outdoor participant sports and recreation uses are permitted at Seattle Center.

<sup>5</sup> Outdoor storage is permitted at the Seattle Center, subject to the provisions of Section 23.47.011.

<sup>6</sup> New transit vehicle bases accommodating one hundred fifty (150) or fewer buses or existing transit vehicle bases seeking to expand.

<sup>7</sup> Permitted only as an accessory use according to Section 23.47.006.

<sup>8</sup> See Chapter 23.57 for regulation of communication utilities.

<sup>9</sup> Subject to ((disposition)) criteria in Section 23.47.006.

COMMERCIAL USES: CHART A  
For Section 23.47.004 (Continued)

- <sup>10</sup> Permitted only on parking lots existing at least five (5) years prior to the proposed establishment of the park and pool lot.
- <sup>11</sup> Residential uses in mixed-use developments satisfying Section 23.47.008 and assisted living facilities are permitted outright in NC1, NC2, NC3, and C1 zones. Residential use in a single-purpose residential structure generally may be permitted in NC1, NC2, NC3 and C1 zones as an administrative conditional use pursuant to Section 23.47.006. Residential use in single-purpose residential structures is permitted outright in limited areas and circumstances, and is prohibited in certain areas as described in subsection 23.47.004 E. "Single-purpose residential structure" may include a structure with both residential and nonresidential uses but does not include an assisted living facility or any structure that is part of a mixed-use development meeting the standards in Section 23.47.008. All residential uses, other than nursing homes, in the C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed-use structure or single-purpose residential use, except in pedestrian-designated zones (See Section 23.47.040).
- <sup>12</sup> An accessory dwelling unit added to a single-family residence shall be allowed outright and shall not require a separate conditional use permit. The unit shall be considered accessory to the single-family residence, shall meet the standards listed for accessory dwelling units in Section 23.44.041 and shall not be considered a separate dwelling unit for all development standard purposes in commercial zones.
- <sup>13</sup> Permitted only as an accessory use.
- <sup>14</sup> Subject to criteria in Section 23.47.004.

**Section 4.** Section 23.47.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 120691 is amended as follows:

**23.47.006 Conditional uses.**

\* \* \*

B. The following uses, identified as administrative conditional uses on Chart A of Section 23.47.004, may be permitted by the Director when the provisions of this subsection and subsection A are met:

1. Fast-food restaurants ((which)) that have a gross floor area greater than seven hundred fifty (750) square feet are identified as heavy traffic generators and may be permitted as a conditional use according to the following criteria:

a. The design of the structure, including architectural treatment, signage, landscaping and lighting, is compatible with other structures in the vicinity; and

1                   b.     Appropriate litter-control measures are provided; and

2                   c.     The applicant, if required by the Director, prepares an analysis of traffic,  
3 circulation and parking impacts, and demonstrates that the use does not:

4                   (1)    Cause significant additional traffic to circulate through adjacent  
5 residential neighborhoods, or

6                   (2)    Disrupt the pedestrian character of an area by significantly  
7 increasing the potential for pedestrian-vehicle conflicts, or

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

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

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

14                  (6)    Interrupt established retail or service frontage designed to serve  
15 pedestrians;

16                  d.     In addition to the criteria in subsections B1a, B1b and B1c, in pedestrian-  
17 designated zones, the use shall not:

18                   (1)    Include a drive-in facility, or

19                   (2)    Provide any accessory parking, or

20                   (3)    Attract a significant number of customers who drive to the  
21 pedestrian district for the primary purpose of patronizing the business. This shall be determined by a  
22 transportation analysis of travel modes and patterns of customers of similar businesses in the same or  
23 similar commercial areas, which shall be prepared by a traffic consultant retained by the applicant;

1 e. Fast-food restaurants which are drive-in businesses shall also comply with  
2 the provisions of Section 23.47.028, Standards for drive-in businesses.

3 2. Taverns and brewpubs in NC1 and NC2 zones may be permitted as conditional  
4 uses. A tavern or brewpub in an NC1 or NC2 zone shall be evaluated according to the following  
5 criteria:

6 a. The size of the tavern or brewpub, design of the structure, signing and  
7 illumination shall be compatible with the character of the commercial area and other structures in the  
8 vicinity, particularly in areas where a distinct and definite pattern or style has been established.

9 b. The location, access and design of parking shall be compatible with  
10 adjacent residential zones.

11 c. Special consideration shall be given to the location and design of the doors  
12 and windows of taverns and brewpubs to ensure that noise standards will not be exceeded. The Director  
13 may require additional setbacks and/or restrict openings on lots (~~which~~) that abut residential zones.

14 d. Taverns and brewpubs shall not generate traffic (~~which~~) that creates  
15 traffic congestion or further aggravates spillover parking on residential streets.

16 3. Park-and-ride lots in NC3, C1 and C2 zones may be permitted as conditional uses.

17 a. Conditional Use Criteria.

18 (1) The park-and-ride lot shall have direct vehicular access to a  
19 designated arterial improved to City standards.

20 (2) If the proposed park-and-ride lot is located on a lot containing  
21 accessory parking for other uses, there shall be no substantial conflict in the principal operating hours of  
22 the park-and-ride lot and the other uses.

23 b. Mitigating Measures. Landscaping and screening in addition to that  
24 required for surface parking areas, noise mitigation, vehicular access controls, signage restrictions, and

1 other measures may be required to provide comfort and safety for pedestrians and bicyclists and to  
2 insure the compatibility of the park-and-ride lot with the surrounding area.

3 4. Single-purpose residential structures may be permitted outright, permitted as an  
4 administrative conditional use or prohibited as provided by Section 23.47.004 E. In order to conserve  
5 the limited amount of commercially zoned land for commercial uses, single-purpose residential  
6 structures shall generally not be allowed in commercial zones. However, additions to, or on-site  
7 accessory structures for, existing single-family structures are permitted outright. Where single-purpose  
8 residential structures may be permitted as an administrative conditional use, such a permit may be  
9 granted only when the following circumstances exist:

10 a. Due to location or parcel size, the proposed site is not suited for  
11 commercial development; or

12 b. There is substantial excess supply of land available for commercial use  
13 near the proposed site, evidenced by such conditions as a lack of commercial activity in existing  
14 commercial structures for a sustained period, commercial structures in disrepair, and vacant or  
15 underused commercially zoned land; provided that single-purpose residential development shall not  
16 interrupt an established commercial street front. As used in this subsection, an "established commercial  
17 street front" may be intersected by streets or alleys, and some lots with no current commercial use.

18 5. Residential Uses in C2 Zones.

19 a. In order to conserve the limited amount of commercially zoned land for  
20 commercial uses, residential uses in single-purpose or mixed-use structures shall generally not be  
21 allowed in C2 zones. However, additions to, or on-site accessory structures for, existing single-family  
22 structures shall be permitted outright. Residential uses in single-purpose or mixed-use structures may be  
23 permitted in C2 zones as administrative conditional uses according to the following criteria:  
24

1 (1) Availability of Suitable Land for C2 Activities. Residential uses  
2 shall generally be discouraged in areas which have limited vacant land and where, due to terrain and  
3 large parcel size, land is particularly suitable for commercial rather than residential development.

4 (2) Relationship to Transportation Systems. Residential uses shall  
5 generally be discouraged in areas with direct access to major transportation systems such as freeways,  
6 state routes and freight rail lines.

7 (3) Compatibility With Surrounding Areas. Residential uses shall not  
8 be allowed in close proximity to industrial areas and/or in areas where nonresidential uses may create a  
9 nuisance or adversely affect the desirability of the area for living purposes.

10 b. Residential uses required to obtain a shoreline conditional use shall not be  
11 required to obtain an administrative conditional use.

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

19 a. Whether the amount of medical service use development existing and  
20 proposed in the vicinity would reduce the current viability or significantly impact the longer-term  
21 potential of the neighborhood-serving character of the commercial area; and

22 b. Whether medical service use development would displace existing  
23 neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front,  
24

1 particularly of retail and personal services uses, or significantly detract from an area's overall  
2 neighborhood-serving commercial character.

3 7. Change of One Nonconforming Use to Another.

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

6 (1) New uses shall be limited to those first permitted in the next more  
7 intensive zone;

8 (2) The relative impacts of size, parking, traffic, light, glare, noise,  
9 odor and similar impacts of the two (2) uses, and how these impacts could be mitigated.

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

12 C. The following uses, identified as Council Conditional Uses on Chart A of Section  
13 23.47.004, may be permitted by the Council when the provisions of this subsection and subsection A of  
14 this section are met.

15 1. New bus bases for one hundred and fifty (150) or fewer buses, or existing bus  
16 bases which are proposed to be expanded to accommodate additional buses, in C1 or C2 zones.

17 a. Conditional Use Criteria.

18 (1) The bus base has vehicular access suitable for use by buses to a  
19 designated arterial improved to City standards; and

20 (2) The lot is of sufficient size so that the bus base includes adequate  
21 buffer space from the surrounding area.

22 b. Mitigating measures may include, but are not limited to:  
23  
24

1 (1) Noise mitigation measures, such as keeping maintenance building  
2 doors closed except when buses are entering or exiting; acoustic barriers; and noise-reducing operating  
3 procedures, shall be required when necessary.

4 (2) An employee ridesharing program established and promoted to  
5 reduce the impact of employee vehicles on streets in the vicinity of the bus base.

6 (3) Landscaping and screening, noise and odor mitigation, vehicular  
7 access controls, and other measures may be required to insure the compatibility of the bus base with the  
8 surrounding area and to mitigate any adverse impacts.

9 2. Helistops in NC3, C1 and C2 zones as accessory uses, according to the following  
10 standards and criteria:

11 a. The helistop is to be used for the takeoff and landing of helicopters  
12 serving public safety, news gathering or emergency medical care functions; is part of a City and regional  
13 transportation plan approved by the City Council and is a public facility; or is part of a City and regional  
14 transportation plan approved by the City Council and is not within two thousand (2,000) feet of a  
15 residential zone.

16 b. The helistop is located so as to minimize impacts on surrounding areas.

17 c. The lot is of sufficient size that the operations of the helistop are buffered  
18 from the surrounding area.

19 d. Open areas and landing pads are hard-surfaced.

20 e. The helistop meets all federal requirements, including those for safety,  
21 glide angles and approach lanes.

22 3. Work-Release Centers in all Commercial Zones -- Conditional Use Criteria.

23 a. Maximum Number of Residents. No work-release center shall house more  
24 than fifty (50) persons, excluding resident staff.

1  
2                   b.     If the work-release center is in a single-purpose residential structure, the  
3 requirements of Section 23.47.023 shall be followed. If the work-release center is in a mixed-use  
4 structure, the requirements for mixed-use structures in Chapter 23.47 shall be followed.

5                   c.     Dispersion Criteria.

6                   (1)    The lot line of any new or expanding work-release center shall be  
7 located six hundred (600) feet or more from any residential zone, any lot line of any special residence,  
8 and any lot line of any school.

9                   (2)    The lot line of any new or expanding work-release center shall be  
10 located one (1) mile or more from any lot line of any other work-release center.

11                  (3)    The Director shall determine whether a proposed facility meets the  
12 dispersion criteria from maps which shall note the location of current work-release centers and special  
13 residences. Any person who disputes the accuracy of the maps may furnish the Director with the new  
14 information and, if determined by the Director to be accurate, this information shall be used in  
15 processing the application.

16                  d.     The Council's decision shall be based on the following criteria:

17                  (1)    The extent to which the applicant can demonstrate the need for the  
18 new or expanding facility in the City, including a statement describing the public interest in establishing  
19 or expanding the facility;

20                  (2)    The extent to which the applicant has demonstrated that the facility  
21 can be made secure. The applicant shall submit a proposed security plan to the Director, and the  
22 Director, in consultation with the Seattle Police Department, shall consider and evaluate the plan. The  
23 security plan shall address, but is not limited to, the following:  
24

1 i. Plans to monitor and control the activities of residents,  
2 including methods to verify the presence of residents at jobs or training programs, policies on sign-outs  
3 for time periods consistent with the stated purpose of the absence for unescorted trips by residents away  
4 from the center, methods of checking the records of persons sponsoring outings for work-release  
5 residents, and policies on penalties for drug or alcohol use by residents, and

6 ii. Staff numbers, level of responsibilities, and scheduling, and

7 iii. Compliance with the security standards of the American  
8 Corrections Association;

9 (3) The extent to which proposed lighting is located so as to minimize  
10 spillover light on surrounding properties while maintaining appropriate intensity and hours of use to  
11 ensure that security is maintained;

12 (4) The extent to which the facility's landscape plan meets the  
13 requirements of the zone while allowing visual supervision of the residents of the facility;

14 (5) The extent to which appropriate measures are taken to minimize  
15 noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping,  
16 sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain  
17 areas;

18 (6) The extent to which the impacts of traffic and parking are  
19 mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the  
20 access to and location of off-street parking;

21 (7) The extent to which the facility is well-served by public  
22 transportation or to which the facility is committed to a program of encouraging the use of public or  
23 private mass transportation;

1 (8) Verification from the Department of Corrections (DOC), which  
2 shall be reviewed by the Police Department, that the proposed work-release center meets DOC standards  
3 for such facilities and that the facility will meet state laws and requirements.

4 D. Any authorized conditional use which has been discontinued shall not be re-established  
5 or recommenced except pursuant to a new conditional use permit. The following shall constitute  
6 conclusive evidence that the conditional use has been discontinued:

- 7 1. A permit to change the use of the property has been issued and the new use has  
8 been established; or  
9 2. The property has not been devoted to the authorized conditional use for more than  
10 twenty-four (24) consecutive months.

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

16 8. Principal use parking may be authorized on a temporary basis as an administrative  
17 conditional use, except in pedestrian designated zones (P1 or P2) or within the Station Area Overlay  
18 District, under the circumstances described in subsection (a) below, subject to the conditions of  
19 subsection (b).

20 a. Eligible circumstances:

- 21 (1) Principal use parking is not permitted in the zone; and  
22 (2) An existing surface parking area or structure has been used to  
23 provide accessory parking, and the use to which the parking was accessory has been discontinued; or  
24

1                                   (3) The site has been cleared pursuant to an active permit authorizing  
2 construction and commencement of a new use on the property; or

3                                   (4) Development of the site, including what is to become accessory  
4 surface or structured parking, is partially complete, but the use to which the parking is to be accessory  
5 has not yet commenced.

6                                   b. Conditions.

7                                   (1) The permit may be issued for a two (2) year period. At the  
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1 expiration of that period, the permit may be renewed for a maximum of two (2) additional years; and

2 (2) Exterior lighting and vehicle lights shall be shielded or screened to  
3 minimize glare affecting nearby uses.

4 \* \* \*

5 **Section 5.** The provisions of this ordinance are declared to be separate and severable. The  
6 invalidity of any particular provision shall not affect the validity of any other provision.

7 **Section 6.** This ordinance shall take effect and be in force thirty (30) days from and after its  
8 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
9 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

10 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2002, and signed by me  
11 in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2002.

12 \_\_\_\_\_  
13 President \_\_\_\_\_ of the City Council

14 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2002.

15 \_\_\_\_\_  
16 Gregory J. Nickels, Mayor

17 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2002.

18 \_\_\_\_\_  
19 City Clerk

20 (SEAL)

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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156356  
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

**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:ORDINANCE 121093

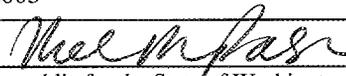
was published on

4/1/2003



Subscribed and sworn to before me on

4/1/2003



Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication

