

Ordinance No. 121277

Council Bill No. 114655

The City of Seattle Council Bill/Ordinance

An ordinance relating to land use and zoning; amending Seattle Municipal Code sections 23.42.040 and 23.76.004 to allow intermittent uses to be permitted for a period of up to one year.

9/5/03 - Appro

9-15-03 Pas

CF No. _____

| | | |
|------------------------------|----------------------|--|
| Date Introduced: | AUG 11 2003 | |
| Date 1st Referred: | AUG 11 2003 | |
| To: (committee) | Land Use Committee | |
| Date Re- Referred: | To: (committee) | |
| Date Re - Referred: | To: (committee) | |
| Date of Final Passage: | Full Council Vote: | |
| <u>9-15-03</u> | <u>8-0</u> | |
| Date Presented to Mayor: | Date Approved: | |
| <u>9-16-03</u> | <u>9/26/03</u> | |
| Date Returned to City Clerk: | Date Published: | T.O. <input type="checkbox"/> |
| <u>9/26/03</u> | <u>SPAC</u> | F.T. <input checked="" type="checkbox"/> |
| Date Vetoed by Mayor: | Date Veto Published: | |
| | | |
| Date Passed Over Veto: | Veto Sustained: | |
| | | |

This file is complete and ready

Law Department
Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by:

John A. Nicastro / NICASTRO
Councilmember

Committee Action:

4/5/03 - Approve 3-0 (UN, RC, MP)

8-15-03 Passed 8-0 (Excused: Drago)

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

Committee: _____

(initials)

Handwritten notes:
Final note about
to Department of Public
Utilities
for review
Call for review
Review on 8/15/03
New Bill

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

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ORDINANCE 121277

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Sections 23.42.040 and 23.76.004 to allow intermittent uses to be permitted for a period of up to one year.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.42.040 of the Seattle Municipal Code, which Section was last amended by Ordinance 119904, is amended as follows:

23.42.040 Intermittent and ((F)) temporary ((U)) uses.

The Director may grant, deny or condition applications for the following intermittent or temporary uses ((authorization for uses)) not otherwise permitted or not meeting development standards in the zone ((, which are in keeping with the spirit and purpose of the Land Use Code)).

A. Intermittent Uses.

1. A Master Use Permit for a time period of up to one (1) year may be authorized for any use that occurs no more than two (2) days per week and does not involve the erection of a permanent structure, provided that:

a. The use shall not be materially detrimental to the public welfare; and

b. The use shall not result in substantial injury to the property in the vicinity; and

c. The use shall be consistent with the spirit and purpose of the Land Use

Code.

((A-))B. Temporary Four (4) Week Use.



1 ~~((1-))~~ A Master Use Permit for a time period of up to ~~((any use which is to last no~~
2 ~~longer than))~~ four (4) weeks may be authorized for any use that ~~((and))~~ does not involve the
3 erection of a permanent structure and that meets the requirements of section A 1 a-c above. ~~((may~~
4 ~~be authorized under the following conditions:~~

- 5 ~~a. The use shall not be materially detrimental to the public welfare; and~~
6 ~~b. The use shall not be injurious to the property in the vicinity).~~

7 ~~((2. The Director may impose conditions to ensure compatibility with adjacent~~
8 ~~uses and structures and to mitigate adverse impacts.))~~

9
10 ~~((B-))~~ C. Temporary Uses for Up to Six (6) Months.

11 ~~((1-))~~ A Master Use Permit ~~((for any use of premises))~~ for a time period of up to
12 six (6) months may be authorized for any use that ~~((which))~~ does not involve the erection of any
13 permanent structure and that meets the requirements of section A 1 a-c above ~~((may be granted~~
14 ~~by the Director)).~~

15 ~~((2. In granting, conditioning or denying permits for temporary uses, the~~
16 ~~considerations recited in Section 23.42.040 A shall pertain.))~~

17
18 ~~((C-))~~ D. Boatbuilding Shelters.

19 1. A temporary use of premises, not involving the erection of any permanent
20 structure, for the express purpose of sheltering the construction of boatbuilding projects by
21 noncommercial home hobbyists, may be authorized by the Director by a revocable Master Use
22 Permit for a period of not more than one (1) year. One (1) year extensions may be granted by the
23 Director for a period not to exceed four (4) years. The permit is subject to the following
24 development standards:
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1 a. The boatbuilding shelter shall not detract from the general appearance
2 of the neighborhood.

3 b. The structure, though temporary, shall be sturdy enough to withstand
4 inclement weather conditions.

5 c. Measures which may be required to mitigate possible adverse impacts
6 of the boatbuilding shelter may include, but are not limited to, restrictions on height, size,
7 location or external treatment.
8

9 ~~((D-))~~ E. Temporary Relocation of Police and Fire Stations, Twelve (12) months or Less.
10 A Master Use Permit, issued for a period of twelve (12) months or less not involving the
11 construction of any permanent structure, may be authorized subject to the conditions of
12 subsection A of Section 23.42.040. Such permits shall not be renewable.
13

14 ~~((E-))~~ F. Light Rail Transit Facility Construction. A temporary structure or use that
15 supports the construction of a light rail transit facility may be authorized by the Director pursuant
16 to a Master Use Permit if:
17

18 1. The alignment, station locations, and maintenance base location of the light rail
19 transit system has been approved by the City Council by ordinance or resolution;

20 2. The temporary use or structure is authorized for only so long as is necessary to
21 support construction of the light rail transit system;

22 3. The applicant must submit plans for the establishment of temporary
23 construction uses and facilities to the Director for approval. When reviewing the application, the
24 Director shall consider the duration and severity of impacts, and the number and special needs of
25 people and businesses exposed, such as frail, elderly, and special needs residents. Following
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1 review of proposed plans and measures to mitigate impacts of light rail transit facility
2 construction, and prior to the issuance of any permits granting permission to establish
3 construction facilities and uses, the Director may impose reasonable conditions to reduce
4 construction impacts on surrounding businesses and residences, including but not limited to the
5 following:

6 a. Noise impacts will be governed by the Noise Control Ordinance
7 (SMC Chapter 25.08) and off-site impacts associated with grading and drainage will be governed
8 by the Stormwater, Grading and Drainage Ordinance (SMC Chapters 22.800 through 22.808).
9

10 b. Light. To the extent feasible, light should be shielded and directed
11 away from adjoining properties.
12

13 c. Best Management Practices. Construction activities on the site must
14 comply with Director's Rule #6-93, Best Management Practices for Construction Erosion and
15 Sedimentation Control Plans.
16

17 d. Parking and Traffic. Measures addressing parking and traffic impacts
18 associated with truck haul routes, truck loading and off-loading facilities, parking supply
19 displaced by construction activity, and resulting from temporary construction-worker parking,
20 including measures to reduce demand for parking by construction employees, must be included.
21

22 e. Local Businesses. The applicant must address measures to limit
23 disruption of local business, including pedestrian and/or auto access to business, loss of customer
24 activity, or other impacts due to protracted construction activity.
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1 f. Security. The applicant must address site security and undertake
2 measures to ensure the site is secure at all times and to limit trespassing or the attraction of illegal
3 activity to the surrounding neighborhood.

4 g. Site/Design. The construction site should be designed in a manner that
5 minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility
6 around the site and through adjoining neighborhoods. Measures should also be undertaken to
7 ensure appropriate screening of materials storage and other construction activities from
8 surrounding streets and properties.
9

10 h. Public Information. Actions should be taken that will inform
11 surrounding residents and businesses of construction activities taking place and their anticipated
12 duration, including a twenty-four (24) hour phone number to seek additional information or to
13 report problems.
14

15 i. Temporary structures must be constructed to withstand inclement
16 weather conditions.
17

18 j. Vibration. The applicant must consider measures to mitigate vibration
19 impacts on surrounding residents and businesses.

20 4. Site Restoration.

21 a. The applicant must also agree, in writing, to submit a restoration plan to
22 the Director for restoring areas occupied by temporary construction activities, uses or structures.
23

24 b. The restoration plan must be submitted and approved prior to the
25 applicant vacating the construction site and it must include proposals for cleaning, clearing,
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1 removing construction debris, grading, remediation of landscaping, and restoration of grade and
2 drainage.

3 c. Site restoration must generally be accomplished within one hundred
4 eighty (180) days of cessation of use of the site for construction uses and activities, unless
5 otherwise agreed to between the applicant and the Director.

6 d. The Director will approve plans for site restoration in accordance with
7 mitigation plans authorized under this section.

8
9 5. A master use permit for a temporary structure or use that supports the
10 construction of a light rail transit facility shall not be issued until the Director has received
11 satisfactory evidence that the applicant has obtained sufficient funding (which might include a
12 Full Funding Agreement with a federal agency) to complete the work described in the Master
13 Use Permit application.
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15 Section 2. Exhibit A of Section 23.76.004 of the Seattle Municipal Code, which Section
16 was last amended by Ordinance 119974, is amended as follows:
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**Exhibit 23.76.004 A
LAND USE DECISION FRAMEWORK**

**DIRECTOR'S AND HEARING EXAMINER'S
DECISIONS REQUIRING MASTER USE PERMITS**

| TYPE I Director's Decision (No Administrative Appeal) | TYPE II Director's Decision (Appealable to Hearing Examiner*) | TYPE III Hearing Examiner's Decision (No Administrative Appeal) |
|--|---|--|
| <ul style="list-style-type: none"> • Compliance with development standards • Uses permitted outright • Temporary uses, four weeks or less • <u>Intermittent uses</u> • Certain street uses • Lot boundary adjustments • Modifications of features bonused under Title 24 • Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation • Temporary uses, twelve months or less, for relocation of police and fire protection • Exemptions from right-of-way improvement requirements • Special accommodation • Reasonable accommodation • Minor amendment to a Major Phased Development Permit | <ul style="list-style-type: none"> • Temporary uses, more than four weeks • Variances • Administrative conditional uses • Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals) • Short subdivisions • Special Exceptions • Design review • Northgate General Development Plan • Light rail transit facilities • The following environmental determinations: <ol style="list-style-type: none"> 1. Determination of nonsignificance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) • Major Phased Development | <ul style="list-style-type: none"> • Subdivisions (preliminary plats) |



COUNCIL LAND USE DECISIONS

| TYPE IV (QUASI JUDICIAL) | TYPE V (LEGISLATIVE) |
|--|---|
| <ul style="list-style-type: none">• Land use map amendments (rezones)• Public project approvals• Major Institution master plans• Council conditional uses• Downtown planned community developments | <ul style="list-style-type: none">• Land Use Code text amendments• Rezones to implement new City Policies• Concept approval for City facilities• Major Institution designations• Waive or modify development standards for City facilities• Planned Action Ordinance |

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 15th day of September 2003, and signed by me in open session in authentication of its passage this 15th day of September 2003.

Peter Steinbrunn
President _____ of the City Council

Approved by me this 26 day of Sept, 2003.
Gregory J. Nickels
Gregory J. Nickels, Mayor

Filed by me this 26th day of Sept., 2003.
Judith E. Papp
City Clerk

(Seal)





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

June 30, 2003

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

The attached ordinance will amend the Land Use Code to provide a clearer permitting mechanism to allow farmer's markets and similar uses to operate in Seattle. If adopted, the proposal will grant the DCLU Director authority to permit, deny or condition applications for uses that occur up to two days per week for a period of up to one year. The DCLU Director's decision will be based on existing criteria for temporary use applications, which are designed to protect the public interest and the integrity of surrounding properties. Farmers markets and other intermittent uses play a vital role in stimulating neighborhood economic activity. They also provide an important community gathering place and an enjoyable outdoor shopping experience for Seattle citizens, while supplying them with fresh produce and locally made goods.

Thank you for your consideration of this legislation. Should you have questions please contact J. Roque Deherrera at (206) 615-0743.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Nickels', written over a large, faint, circular stamp or watermark.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 12th 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

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FISCAL NOTE FOR NON-CAPITAL PROJECTS

| Department: | Contact Person/Phone: | DOF Analyst/Phone: |
|--------------------|------------------------------|---------------------------|
| DCLU | Roque Deherrera/615-0743 | Casey Doyle/684-8075 |

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Sections 23.42.040 and 23.76.004 to allow intermittent uses to be permitted for a period of up to one year.

- **Summary of the Legislation:** The proposal would amend the Land Use Code to provide a clearer permitting mechanism to allow weekly events, such as farmers markets, various school fundraising activities, live music, festivals and other intermittent uses (uses that occur no more than two days per week for a period of up to one year) to be permitted in all zones, subject to existing conditions applicable to four week and six month temporary use applications.
- **Background:** When existing provisions for temporary uses were developed, farmers markets and similar intermittent uses, which are relatively new phenomena, were not considered. Recent complaints and legal proceedings regarding the Fremont Sunday Market, which rents space for the sale of miscellaneous household goods, have caused concern for such uses. The attached ordinance proposes a clear permitting mechanism for farmers markets, the Fremont Sunday Market, and other intermittent uses, including various school fundraising activities, live music, festivals, etc., that do not meet development standards.

This legislation does not have any financial implications.

Attachment: Director's Report and Recommendation



DIRECTOR'S REPORT AND RECOMMENDATION

Intermittent Uses

Introduction

The Department of Design, Construction and Land Use (DCLU) proposes to amend Seattle Municipal Code, Sections 23.42.004 and 23.76.004, to allow weekly events, such as farmer's markets, various school fundraising activities, live music, festivals and other intermittent uses (uses that occur no more than two days per week for a period of up to one year) to be permitted in all zones. Such uses would be subject to conditions currently applicable to four week and six month temporary use applications.

Background

The most recognizable examples of intermittent uses are Seattle's farmer's markets and similar markets, such as the Fremont Sunday Market. It is important to note that while these weekly markets will be the focus of this report, the intent of this proposal is to provide the flexibility to allow a wide range of appropriate intermittent uses, including but not limited to music performances, festivals and school fundraising activities. As the proposed ordinance states, the Director will have the ability to grant, deny or condition applications based on the appropriateness of such intermittent uses. This authority allows for mitigation of impacts to surrounding properties.

The Washington State Farmer's Market Association (WSFMA) was created in 1978 as a nonprofit organization and is a network of 72 farmer's markets located across the state. Member markets located in the City of Seattle include:

| <u>Market Name</u> | <u>Years in Operation</u> |
|-------------------------------------|---------------------------|
| Ballard Farmer's Market | 2 years |
| Columbia City Farmer's Market | 5 years |
| Lake City Farmer's Market | 1 year |
| Magnolia Farmer's Market | New in 2003 |
| Pike Place Market | 96 years ¹ |
| University District Farmer's Market | 10 years |
| West Seattle Farmer's Market | 4 years |

The WSFMA mission is to promote the sale of locally grown and produced Pacific Northwest agricultural products directly to the consumer through farmer's markets. Farmer's markets play a vital role in acknowledging the state's agricultural base and in stimulating neighborhood economic activity. They also provide an important community gathering place and an enjoyable outdoor shopping experience for Seattle citizens, while supplying them with fresh, locally grown produce. WSFMA farmer's markets and other markets have been operating in Seattle neighborhoods for years with little or no incident.



While farmer's markets and similar uses have become increasingly common and desirable in Seattle's neighborhoods, the Land Use Code does not clearly address them. When existing provisions for temporary uses were developed, farmer's markets and similar intermittent uses were not considered. The proposed ordinance provides a clear permitting mechanism for farmer's markets, the Fremont Sunday Market², and other intermittent uses, including various school fundraising activities, live music, festivals, etc., that do not meet development standards.

Analysis

The proposed amendment is similar to existing provisions for temporary uses. However, while existing provisions allow four week and six month temporary use approvals, there is no mechanism for recognizing the reduced impacts of uses that occur one or two days per week, often occupying spaces that are not otherwise used during evening or weekend hours. Specifically, existing Land Use Code Section 23.42.040 allows the DCLU Director to "...grant, deny or condition applications for temporary use authorization for uses not otherwise permitted or not meeting development standards in the zone, which are in keeping within the spirit and purpose of the Land Use Code." Such approvals may be granted for up to four weeks as a Type I decision (no administrative appeal) and up to six months as a Type II decision (appealable to the Hearing Examiner). In both instances, temporary use approvals may only be granted when the following conditions are met:

- *The use shall not be materially detrimental to the public welfare; and*
- *The use shall not be injurious to property in the vicinity.*

Existing four week and six months temporary use provisions do not allow the DCLU Director to translate four weeks to 28 nonconsecutive days, or six months to 180 nonconsecutive days. Instead, the approved uses have to occur within a specified and consecutive time period. For example, a four week temporary use permit could be granted for a flower stand that operates between November 27, 2003 and December 24, 2003, but could not be granted for a flower stand that occurs on 28 Sundays during the spring and summer months.

If adopted, the proposal would allow an intermittent use to occur up to 104 days, on a two-day-per-week basis for a period of up to one year. While more days may be allowed by the proposal, the impacts on surrounding businesses and residences are likely to be less due to the intermittent nature of the use. For example, a public market that operates for 28 consecutive days may have greater impacts on parking and traffic than a public market that occurs one or two weekend days per week.

Public markets, including most of the farmer's markets and the Fremont Sunday Market, are primarily located in the parking lots and garages of office buildings, or other uses that typically operate Monday through Friday during normal business hours. These lots and garages are primarily used by employees and area visitors during the work week, and then

used by the market and its shoppers one or two days per week on weekday evenings or weekends. As an example, the Columbia City Farmer's Market operates on Wednesdays from 3-7 PM in a surface parking area designated for a group of retail businesses. In this instance, the owner of the property determined that the parking demands of his tenants could be met while still providing space and parking for the market.

Impacts on surrounding properties that may result from intermittent use approvals vary, depending upon the specifics of a use or activity. The approval of a flower stand, for example, is likely to have very different impacts than the approval of weekly music concerts, or an outdoor market. For this reason, the proposal uses approval criteria currently specified for four week and six month temporary use permits³. The authority to grant, deny or condition such applications based on impacts to adjacent properties is retained. Typical conditions for such uses include: limited hours of operation; the provision of on site parking; and the creation and execution of a waste management plan.

Overall, the proposal recognizes the uniqueness and infrequency of intermittent uses by granting DCLU the discretion to allow such uses to occur no more than two days a week for a period of up to one year – a total of 104 days. The proposed language is as follows:

The Director may grant, deny or condition applications for the following intermittent or temporary uses not otherwise permitted or not meeting development standards in the zone.

A. Intermittent Uses.

1. A Master Use Permit for a time period of up to one (1) year may be authorized for any use that occurs no more than two (2) days per week and does not involve the erection of a permanent structure, provided that:

- a. The use shall not be materially detrimental to the public welfare; and*
- b. The use shall not result in substantial injury to the property in the vicinity; and*
- c. The use shall be consistent with the spirit and purpose of the Land Use Code.*



Applicable Comprehensive Plan Goals and Policies

Seattle's Comprehensive Plan outlines general goals and specific policies for all zones, as well as guidelines for Economic Development. According to the plan, "Goals represent the results that the City hopes to realize over time, perhaps within the twenty-year life of the plan... Whether expressed in terms of numbers or only as directions for future change, goals are not guarantees or mandates. The plan also states, "Policies should be read as if preceded by the words 'it is the City's general policy to'..." The following policies are applicable to the proposed Land Use Code amendment.

- Goal LG1 Maintain and enhance Seattle's character. Seattle's character includes large single-family areas of detached houses both inside and outside of urban villages, many thriving multifamily areas, mixed use commercial areas, industrial areas, major institutions and a densely developed downtown with surrounding high density neighborhoods.

- Goal LG2 Respect Seattle's human scale, history, aesthetics, natural environment, and sense of community identity.

- Goal LG9 More efficiently use limited land resources.

- Goal LG46 Encourage business creation, expansion and vitality by allowing for a mix of business activities, while maintaining compatibility with the neighborhood-serving of new businesses which are supportive of the goals for industrial areas.

- Goal EDG8 Recognize Seattle's cultural resources including institutions, art organizations, traditions, historic resources and creative people as important contributors to the City's economic vitality.

- Policy ED12 Support the development of Seattle's major public and non-profit institutions because they contribute to a diversified economy, bring family-wage jobs, new activity and capital into the economy, develop and promote advanced technology, and provide substantial public benefits and needed services to Seattle's residents. Balance this support with the interests and needs of the surrounding neighborhoods and other goals of this plan.

- Policy ED17 For regulatory activities that affect land development, consider ways to conduct permit processing within shorter timeframes, streamline regulations, eliminate unnecessary layers of control and promote predictability in the review of permit applications, consistent with the goals and policies of this Plan.



Policy ED34 Seek ways to improve the environment for small businesses to thrive in Seattle, where consistent with the goals and policies of this plan.

Recommendation

The proposed ordinance acknowledges the existence of farmer's markets and other intermittent uses, while ensuring a means to effectively protect neighborhoods from the negative impacts that are sometimes associated with such uses. The proposed Land Use Code amendments are consistent with the Comprehensive Plan's Land Use and Economic Development Policies and would allow farmer's markets and other intermittent uses to continue in Seattle neighborhoods.

DCLU recommends approval of the attached ordinance.

¹ The Pike Place Market was founded in 1907 and predates the WSFMA.

² The Fremont Sunday Market is not part of the WSFMA and is an example of a for-profit public market.

³ The proposal includes a change to existing four week and six month temporary use approval criteria. Specifically, in the second criterion (23.42.040 A.1.b), the phrase "substantial injury" has replaced the word "injury." This revision clarifies the intent of temporary and intermittent use reviews. It is the responsibility of the DCLU Director to address characteristic impacts, such as parking, noise and litter, while recognizing that the presence of these uses, which may be deemed reasonable in an urban context, will likely result in some increase in use of a site and in the general level of activity in an area.



STATE OF WASHINGTON – KING COUNTY

--SS.

163727
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

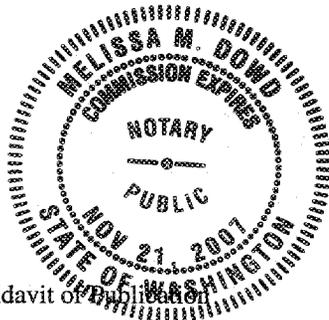
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

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

CT:121277 ORD IN FULL

was published on

10/9/2003



Affidavit of Publication

Jennifer Patton

Subscribed and sworn to before me on

10/9/2003

Melissa Dowd

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 121277

AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code Sections 23.42.040 and 23.76.004 to allow intermittent uses to be permitted for a period of up to one year.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.42.040 of the Seattle Municipal Code, which Section was last amended by Ordinance 119904, is amended as follows:

23.42.040 Intermittent and Temporary Uses.

The Director may grant, deny or condition applications for the following intermittent or temporary uses that are not otherwise permitted or not meeting development standards in the zone in which they are proposed, provided that the use complies with the spirit and purpose of the Land Use Code:

A. Intermittent Uses.

1. A Master Use Permit for a time period of up to one (1) year may be authorized for any use that occurs no more than two (2) days per week and does not involve the erection of a permanent structure, provided that:

- The use shall not be materially detrimental to the public welfare, and
- The use shall not result in substantial injury to the property in the vicinity, and
- The use shall be consistent with the spirit and purpose of the Land Use Code.

B. Temporary Four (4) Week Use.

1. A Master Use Permit for a time period of up to four (4) weeks that does not involve the erection of a permanent structure and that meets the requirements of section A.1.a-c above may be authorized under the following conditions:

- The use shall not be materially detrimental to the public welfare, and
- The use shall not be injurious to the property in the vicinity.

2. The Director may impose conditions to ensure compatibility with adjacent uses and structures and to mitigate adverse impacts.

C. Temporary Uses for Up to Six (6) Months.

1. A Master Use Permit for a time period of up to six (6) months for any use that does not involve the erection of any permanent structure and that meets the requirements of section A.1.a-c above may be granted by the Director if:

2. In granting, denying or conditioning permits for temporary uses, the considerations stated in Section 23.42.040 shall pertain.

D. Boatbuilding Shelters.

1. A temporary use of premises, not involving the erection of any permanent structure, for the express purpose of sheltering the construction of boatbuilding projects by noncommercial home hobbyists, may be authorized by the Director by a revocable Master Use Permit for a period of not more than one (1) year. One (1) year extensions may be granted by the Director for a period not to exceed four (4) years. The permit is subject to the following development standards:

- The boatbuilding shelter shall not detract from the general appearance of the neighborhood.
- The structure, though temporary, shall be sturdy enough to withstand inclement weather conditions.
- Measures which may be required to mitigate possible adverse impacts of the boatbuilding shelter may include, but are not limited to, restrictions on height, size, location or external treatment.

2. Temporary Relocation of Police and Fire Stations. Twelve (12) months or less. A Master Use Permit, issued for a period of twelve (12) months or less not involving the construction of any permanent structure, may be authorized subject to the conditions of subsection A. of Section 23.42.040. Such permits shall not be renewable.

3. Light Rail Transit Facility Construction. A temporary structure or use that supports the construction of a light rail transit facility may be authorized by the Director pursuant to a Master Use Permit if:

- The alignment, station locations, and maintenance base location of the light rail transit system has been approved by the City Council by ordinance or resolution;
- The temporary use or structure is authorized for only so long as is necessary to support construction of the light rail transit system;
- The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review and approval of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding businesses and residences, including but not limited to the following:
 - Noise impacts will be governed by the Noise Control Ordinance (SMC Chapter 25.08) and off-site impacts associated with grading and drainage will be governed by the Stormwater, Grading and Drainage Ordinance (SMC Chapters 22.800 through 22.808).
 - Light. To the extent feasible, light should be shielded and directed away from adjoining properties.
 - Best Management Practices. Construction activities on the site shall be subject to the Director's Rule 46-93, Best Management Practices for Construction Activities on the Site and Sedimentation.