

Ordinance No. 123547

Council Bill No. 117060

AN ORDINANCE related to land use and zoning, adopting new development standards for solid waste transfer stations and utility services uses, amending Seattle Municipal Code Sections 23.44.022, 23.45.504, 23.47A.016, 23.48.024, 23.49.029, 23.50.034, 23.50.036, and 23.50.038, and adopting new Sections 23.44.036 and 23.50.040.

Related Legislation File:

Date Introduced and Referred: <u>NW. 29, 2010</u>	To: (committee): <u>Regional Development and Sustainability</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>Feb. 28, 2011</u>	Date Presented to Mayor: <u>March 1, 2011</u>
Date Signed by Mayor: <u>3.9.11</u>	Date Returned to City Clerk: <u>3.9.11</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin

Committee Action:

Date	Recommendation	Vote
<u>2/15/11</u>	<u>substitute v.11</u>	<u>2-0</u> <i>Conlin</i> <i>o'Brige</i>
	<u>pass substitute (v.11)</u>	<u>2-0</u>

This file is complete and ready for presentation to Full Council. RC 2/15/11

Full Council Action:

Date	Decision	Vote
<u>Feb. 28, 2011</u>	<u>PASSED</u>	<u>8-0 (excused: Burgess)</u>

*Law Department*

ORDINANCE 123547

1  
2 AN ORDINANCE related to land use and zoning, adopting new development standards for solid  
3 waste transfer stations and utility services uses, amending Seattle Municipal Code  
4 Sections 23.44.022, 23.45.504, 23.47A.016, 23.48.024, 23.49.029, 23.50.034, 23.50.036,  
5 and 23.50.038, and adopting new Sections 23.44.036 and 23.50.040.

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

7 Section 1. Subsection K of Section 23.44.022 of the Seattle Municipal Code, which  
8 section was last amended by Ordinance 123209, is amended as follows:

9 **23.44.022 Institutions**

10 \*\*\*

11 K. Bulk and Siting.

12 \*\*\*

13 2. Yards. Yards of institutions shall be as required for uses permitted  
14 outright ~~((in))~~ pursuant to Section 23.44.014~~((23.44.008))~~, provided that no structure other than  
15 freestanding walls, fences, bulkheads or similar structures shall be closer than ~~((ten-))~~10~~((-))~~ feet  
16 to the side lot line. If the Director finds that a reduced setback will not significantly increase  
17 project impacts, including but not limited to noise, odor, and the scale of the structure in relation  
18 to nearby buildings, the sideyard setback may be reduced to 5 feet. ((The Director may permit  
19 yards less than (10) feet but not less than (5) feet after finding that the reduced setback will not  
20 significantly increase impacts, including but not limited to noise, odor and comparative scale, to  
21 adjacent lots zoned residential and there will be a demonstrable public benefit.)) Fences and  
22 freestanding walls of utility services uses, regulated under this Section 23.44.022 pursuant to  
23 Section 23.51A.002, shall be set back from the street lot line a minimum of 10 feet, and  
24 landscaping shall be provided between the fence or wall and the right-of-way. The Director may  
25  
26  
27  
28



1 reduce this setback after finding that the reduced setback will not significantly increase project  
2 impacts, including but not limited to noise, odor, and the scale of the fence, wall, or structure in  
3 relation to nearby buildings. Acceptable methods to reduce fence or wall impacts include  
4 changes in the height, design or construction of the fence or wall, including the use of materials,  
5 architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to  
6 provide visual interest facing the street lot line. Fences and walls may obstruct or allow views to  
7 the interior of a site. Where site dimensions and conditions allow, applicants are encouraged to  
8 provide both a landscaped setback between the fence or wall and the right-of-way, and a fence or  
9 wall that provides visual interest facing the street lot line, through the height, design or  
10 construction of the fence or wall, including the use of materials, architectural detailing, artwork,  
11 vegetated trellises, decorative fencing, or similar features.

12  
13  
14 \* \* \*

15 Section 2. A new Section 23.44.036 of the Seattle Municipal Code is adopted to read as  
16 follows:

17 **23.44.036 Public facilities**

18 Public facilities may be permitted in single-family zones as a council conditional use,  
19 according to the provisions of 23.51A.002. Public facilities include, but are not limited to, police  
20 precinct stations, fire stations, public boat moorages, and utility services uses.  
21

22  
23 Section 3. Section 23.45.504 of the Seattle Municipal Code, which section was last  
24 amended by Ordinance 123209, is amended as follows:

25 **23.45.504 Permitted and Prohibited Uses**  
26  
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1 A. All uses are permitted outright, prohibited or permitted as a conditional use according  
 2 to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A for  
 3 23.45.504 are prohibited, unless otherwise indicated in this Chapter 23.45 or Chapters 23.51A or  
 4 23.51B.

5 B. All permitted uses are allowed as a principal use or as an accessory use, unless  
 6 otherwise indicated in this Chapter 23.45.  
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11 **Table A for Section 23.45.504: Permitted and Prohibited Uses**

	Permitted and Prohibited Uses by Zone	
Uses	LDT, L1, L2, L3 and L4	MR and HR
A. Residential use	P	P
B. Institutions	P/CU <sup>1</sup>	P/CU <sup>1</sup>
C. Public Facilities		
C.1. Uses in public facilities that are similar to uses permitted outright in this Section 23.45.504	P <sup>2</sup>	P <sup>2</sup>
C.2. Police precinct stations; fire stations; public boat moorages; utility services uses <sup>3</sup> ; and other similar public facilities that meet the development standards for institutions in 23.45.570	P	P
C.3. Police precinct stations; fire stations; public boat moorages; utility service uses; and other similar public facilities not meeting the development standards for institutions in 23.45.570	Type IV or Type V decision <sup>(3)4</sup>	Type IV or Type V decision <sup>(3)4</sup>
C.4. New public facilities not listed in subsections C.1 and C.2 of this Table A for Section 23.45.504, and major expansions of such public facilities	Type IV or Type V decision <sup>(3)4</sup>	Type IV or Type V decision <sup>(3)4</sup>



1	D. Park and pool and park and ride lots	X/CU <sup>((4))5</sup>	X/CU <sup>((4))5</sup>
2	E. Parks and playgrounds including customary uses	P	P
3	F. Ground floor commercial uses <sup>((5))6</sup>	RC	P
4	G. Medical Service Uses other than permitted ground floor commercial uses	P/X <sup>((6))7</sup>	P/CU/X <sup>((6))7</sup>
5	H. Uses not otherwise permitted in landmark structures	CU	CU
6	I. Cemeteries	P/X <sup>((7))8</sup>	P/X <sup>((7))8</sup>
7	J. All other uses	X	X

1. Institutions meeting development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter shall apply to Major Institution uses as provided in Chapter 23.69.

2. These public facilities are subject to the same use regulations and development standards that govern the similar use.

3. Subject to subsection 23.45.504.H.

4. These public facilities may be permitted pursuant to Section 23.51A.004.

~~((4.))5.~~ Prohibited in Station Area Overlay Districts; otherwise, permitted as an administrative conditional use pursuant to Section 23.45.506.

~~((5.))6.~~ Subject to subsection 23.45.504.E.

~~((6.))7.~~ Subject to subsection 23.45.504.G and 23.45.506.F.

~~((7.))8.~~ Subject to subsection 23.45.504.F.

P = Permitted outright

CU = Permitted as an Administrative Conditional Use

RC = Permitted in areas zoned Residential Commercial (RC) zones, and subject to the provisions of the RC zone, Chapter 23.46.

\*\*\*

H. Fences and free standing walls of utility services uses shall be set back from the street lot line by an average of 7 feet, and be no less than 5 feet from the street lot line at any point.



1 Landscaping shall be provided between the fence or wall and the street lot line. The Director  
2 may reduce this setback after finding that the reduced setback will not significantly increase  
3 project impacts, including but not limited to noise, odor, and the scale of the structure in relation  
4 to nearby buildings. Acceptable methods to reduce fence or wall impacts include changes in the  
5 height, design or construction of the fence or wall, including the use of materials, architectural  
6 detailing, artwork, vegetated trellises, decorative fencing, or similar features to provide visual  
7 interest facing the street lot line. Fences and walls may obstruct or allow views to the interior of  
8 a site. Where site dimensions and conditions allow, applicants are encouraged to provide both a  
9 landscaped setback between the fence or wall and the right-of-way, and a fence or wall that  
10 provides visual interest facing the street lot line, through the height, design or construction of the  
11 fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises,  
12 decorative fencing, or similar features.

15 Section 4. Subsection D of Section 23.47A.016 of the Seattle Municipal Code, which  
16 section was last amended by Ordinance 123046, is amended as follows:

17 **23.47A.016 Landscaping and screening standards**

18 \*\*\*

19 D. Screening and landscaping requirements for specific uses. When there is more than  
20 one use that requires screening or landscaping, the requirement that results in the greater amount  
21 applies.  
22

23 \*\*\*

24 2. Fences or free-standing walls associated with utility services uses may obstruct  
25 or allow views to the interior of a site. Where site dimensions and site conditions allow,  
26 applicants are encouraged to provide both a landscaped setback between the fence or wall and  
27



1 the right-of-way, and a fence or wall that provides visual interest facing the street lot line,  
2 through the height, design or construction of the fence or wall, including the use of materials,  
3 architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. Any  
4 fence or free-standing wall for a utility services use must provide either:

5 a) A 5-foot-deep landscaped area between the wall or fence and the street  
6 lot line; or

7 b) Architectural detailing, artwork, vegetated trellises, decorative fencing,  
8 or similar features to provide visual interest facing the street lot line, as approved by the Director.

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11 ((2))3. Other uses or circumstances. Screening and landscaping is required  
12 according to Table D for 23.47A.016:

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16 Section 5. Subsection B of Section 23.48.024 of the Seattle Municipal Code, which  
17 section was last amended by Ordinance 121782, is amended as follows:

18 **23.48.024 Screening and landscaping standards((+))**

19 \*\*\*

20  
21 **B. Screening for Specific Uses**

22 \*\*\*

23 4. Fences or free-standing walls associated with utility services uses may obstruct  
24 or allow views to the interior of a site. Where site dimensions and site conditions allow,  
25 applicants are encouraged to provide both a landscaped setback between the fence or wall and  
26 the right-of-way, and a fence or wall that provides visual interest facing the street lot line,  
27



1 through the height, design or construction of the fence or wall, including the use of materials,  
2 architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to  
3 provide visual interest. Any fence or free-standing wall for a utility services use must provide  
4 either:

5 a) A 5-foot-deep landscaped area between the wall or fence and the street  
6 lot line; or

7 b) Architectural detailing, artwork, vegetated trellises, decorative fencing,  
8 or similar features to provide visual interest facing the street lot line, as approved by the Director.

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11 Section 6. A new Section 23.49.029 of the Seattle Municipal Code is adopted to read as  
12 follows:

13 **23.49.029 Utility services uses**

14 Utility services uses permitted as conditional use public facilities pursuant to this Chapter  
15 23.49 are subject to the following additional standards.

16 A. Fences or free-standing walls associated with utility services uses may obstruct  
17 or allow views to the interior of a site. Where site dimensions and site conditions allow,  
18 applicants are encouraged to provide both a landscaped setback between the fence or wall and  
19 the right-of-way, and a fence or wall that provides visual interest facing the street lot line,  
20 through the height, design or construction of the fence or wall, including the use of materials,  
21 architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to  
22 provide visual interest. Any fence or free-standing wall for a utility services use must provide  
23 either:  
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1                                    a) A 5-foot-deep landscaped area between the wall or fence and the street

2 lot line; or

3                                    b) Architectural detailing, artwork, vegetated trellises, decorative fencing,

4 or similar features to provide visual interest facing the street lot line, as approved by the Director.

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6                                    Section 7. Section 23.50.034 of the Seattle Municipal Code, which section was last  
7 amended by Ordinance 121477, is amended as follows:

8  
9 **23.50.034 Screening and landscaping((=))**

10                                    The following types of screening and landscaping may be required according to the  
11 provisions of Sections 23.50.036, ~~((and))~~ 23.50.038, and 23.50.040:

12                                    \*\*\*

13  
14 F. Landscaping meeting Seattle Green Factor standards, pursuant to Section 23.86.019.

15  
16                                    Section 8. Subsection D of Section 23.50.036 of the Seattle Municipal Code, which  
17 section was last amended by Ordinance 113658, is amended as follows:

18 **23.50.036 Industrial Buffer—Screening and landscaping(=)**

19                                    \*\*\*

20  
21 D. Screening, Landscaping and Setback Requirements for Specific Uses.

22                                    \*\*\*

23                                    7. Fences or free-standing walls associated with utility services uses may obstruct  
24 or allow views to the interior of a site. Where site dimensions and site conditions allow,  
25 applicants are encouraged to provide both a landscaped setback between the fence or wall and  
26 the right-of-way, and a fence or wall that provides visual interest facing the street lot line,  
27



1 through changes in the height, design or construction of the fence or wall, including the use of  
2 materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar  
3 features. Any fence or free-standing wall for a utility services use must provide either:

4 a) A 5-foot-deep landscaped area between the wall or fence and the street  
5 lot line; or

6 b) Architectural detailing, artwork, vegetated trellises, decorative fencing,  
7 or similar features to provide visual interest facing the street lot line, as approved by the Director.  
8

9  
10 Section 9. Subsection C of Section 23.50.038 of the Seattle Municipal Code, which  
11 section was last amended by Ordinance 123282, is amended as follows:

12 **23.50.038 Industrial Commercial—Screening and landscaping**

13 \*\*\*

14 C. Additional Screening and Landscaping Requirements for Specific Uses.

15 \*\*\*

16 6. Solid waste transfer stations.

17 a. All solid waste transfer stations shall provide landscaping meeting a  
18 minimum Green Factor score of 0.40, pursuant to Section 23.86.019. If the transfer station is  
19 part of a development located on separate parcels within 200 feet of each other, Green Factor  
20 scoring may be calculated for the multiple parcels considered as a whole. If the parcels are in  
21 zones having different Green Factor minimum scores, the development considered as a whole  
22 shall meet the highest applicable, minimum Green Factor score.

23 b. Solid waste transfer stations abutting or across the street from a lot in a  
24 commercial or residential zone, shall provide screening pursuant to Section 23.50.034.B.  
25



1                    7. Fences or free-standing walls associated with utility services uses may obstruct  
2 or allow views to the interior of a site. Where site dimensions and site conditions allow,  
3 applicants are encouraged to provide both a landscaped setback between the fence or wall and  
4 the right-of-way , and a fence or wall that provides visual interest facing the street lot line,  
5 through the height, design or construction of the fence or wall, including the use of materials,  
6 architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. If  
7 abutting or across the street from a lot in a residential, commercial, or downtown zone, fences or  
8 free-standing walls for a utility services use must provide either:

- 9
- 10                    a) A 5-foot-deep landscaped area between the wall or fence and the street  
11 lot line; or
- 12                    b) Architectural detailing, artwork, vegetated trellises, decorative fencing,  
13 or similar features to provide visual interest facing the street lot line, as approved by the Director.

14

15

16 Section 10. A new Section 23.50.040 of the Seattle Municipal Code is adopted to read as  
17 follows:

18 **23.50.040 Industrial General—Screening and landscaping for specific uses**

19                    A. Solid waste transfer stations.

20

21                    1. All solid waste transfer stations shall provide landscaping meeting a minimum  
22 Green Factor score of 0.40, pursuant to Section 23.86.019. If the transfer station is part of a  
23 development located on separate parcels within 200 feet of each other, Green Factor scoring may  
24 be calculated for the multiple parcels considered as a whole. If the parcels are in zones having  
25 different Green Factor minimum scores, the development considered as a whole shall meet the  
26 highest applicable, minimum Green Factor score.



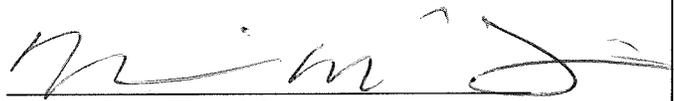


1 Section 12. This ordinance shall take effect and be in force thirty (30) days from and  
2 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)  
3 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.  
4

5  
6 Passed by the City Council the 28<sup>th</sup> day of Feb., 2011, and signed by me in  
7 open session in authentication of its passage this 28<sup>th</sup> day of Feb., 2011.  
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10   
11 President Conlin of the City Council

12 Approved by me this 9<sup>th</sup> day of March, 2011.  
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14   
15 Michael McGinn, Mayor  
16

17 Filed by me this 9<sup>th</sup> day of March, 2011.  
18

19   
20 City Clerk  
21

(Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Planning and Development	Dave LaClergue/733-9668	Joe Regis/5-0087

**Legislation Title:**

An ordinance related to land use and zoning, adopting new development standards for solid waste transfer stations and utility services uses, amending Seattle Municipal Code Sections 23.44.022, 23.45.504, 23.47A.016, 23.48.024, 23.49.029, 23.50.034, 23.50.036, and 23.50.038, and adopting new Sections 23.44.036 and 23.50.040.

**Summary of the Legislation:**

The proposed Land Use Code amendments would apply new landscaping and screening standards to solid waste transfer stations and utility services uses. These changes are proposed to reduce neighborhood impacts of large utility facilities.

Highlights of the proposed amendments include:

1. Apply a Seattle Green Factor landscaping standard to solid waste transfer stations. Green Factor is a scoring system for landscape amenities. The proposed language would require generous landscaping including trees and shrubs, with incentives for green roofs and walls, bioretention, permeable paving, and tree preservation.
2. Establish minimum setbacks in some zones for fences and free-standing walls around utility services uses, which include electrical substations, combined sewer overflows, pumping stations, and trolley transformers. Require landscaping in these setback areas.
3. Establish standards for architectural detailing and/or setbacks for utility services use fences/walls in other zones.

**Background:**

City Council requested that DPD develop new landscaping and screening provisions for solid waste transfer stations and utility services uses. DPD consulted with Seattle Public Utilities in developing this legislation. It is not anticipated that adoption of this legislation would add to the costs of developing these facilities as similar landscaping is typically provided. In addition, these new standards would not result in any added costs for DPD in reviewing permit applications for facilities subject to this legislation.

Please check one of the following:

**This legislation does not have any financial implications.**

**This legislation has financial implications.**



**Legislative Department  
Seattle City Council  
Memorandum**

**Date:** February 28, 2011  
**To:** To File  
**From:** Ketil Freeman, Council Central Staff  
**Subject:** Council Bill 117060 – Legislative History

This memo explains how version seven of Council Bill (CB) 117060, which was the version introduced, was amended through the legislative process to become version eleven, which was the version recommended for Council approval by the Regional Development and Sustainability (RDS) Committee.

On November 29, 2010, Council introduced CB 117060. The bill introduced was the seventh version of a bill developed by the Department of Planning and Development (DPD). CB 117060 makes two primary amendments to the Land Use Code:

1. The bill establishes a Green Factor requirement of .40 for solid waste transfer stations; and
2. The bill also clarifies landscaped setback requirements by zone category for utility service uses; utility service uses are structures used for the conveyance of utilities, examples include combined sewer overflow pump houses and electrical substations.

On January 4, 2011, RDS had an initial briefing and held a public hearing. Prior to that meeting Seattle Public Utilities (SPU) expressed concern about how application of the development standards would impact development of combined sewer overflow structures. RDS requested that DPD work with SPU to clarify the requirements.

On February 15, 2011, RDS considered version eleven of CB 117060, a substitute bill that included clarifications requested by SPU and other changes recommended by Councilmember Conlin. Version eleven of CB 117060, which represents four iterations of changes proposed by DPD and reviewed by SPU and the Law Department, made the following clarifications and changes to the introduced bill:

1. It clarified that, for utility service uses, a landscape treatment and screening can also provide visual access to the facility from the right-of-way to enhance security and forestall trespassing;
2. It clarified that for utility service uses decorative fencing is an acceptable screening treatment, approvable by the DPD Director;
3. It established design guidance to developers of utility service uses that both a landscaped setback and an interesting design treatment of walls are encouraged where site conditions allow; and
4. It established the requirement that utility service uses in Industrial Commercial and Industrial General zones must be screened when abutting or across the street from commercial and downtown zones, not just residential zones.

On February 15, 2011, RDS unanimously recommended approval of version eleven of CB 117060.

ORDINANCE \_\_\_\_\_

AN ORDINANCE related to land use and zoning, adopting new development standards for solid waste transfer stations and utility services uses, amending Seattle Municipal Code Sections 23.44.022, 23.45.504, 23.47A.016, 23.48.024, 23.49.029, 23.50.034, 23.50.036, and 23.50.038, and adopting new Sections 23.44.036 and 23.50.040.

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

Section 1. Subsection K of Section 23.44.022 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

**23.44.022 Institutions**

\*\*\*

K. Bulk and Siting.

\*\*\*

2. Yards. Yards of institutions shall be as required for uses permitted outright ~~((in))~~ pursuant to Section 23.44.014~~((23.44.008))~~, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ~~((ten-))~~10~~((-))~~ feet to the side lot line. If the Director finds that a reduced setback will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the structure in relation to nearby buildings, the sideyard setback may be reduced to 5 feet. ~~((The Director may permit yards less than (10) feet but not less than (5) feet after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.))~~ Fences and freestanding walls of utility services uses, regulated under this Section 23.44.022 pursuant to Section 23.51A.002, shall be set back from the street lot line a minimum of 10 feet, and landscaping shall be provided between the fence or wall and the right-of-way. The Director may

THIS VERSION IS NOT ADOPTED



1 reduce this setback after finding that the reduced setback will not significantly increase project  
2 impacts, including but not limited to noise, odor, and the scale of the structure in relation to  
3 nearby buildings.

4 \* \* \*

5 Section 2. A new Section 23.44.036 of the Seattle Municipal Code is adopted to read as  
6 follows:  
7

8 **23.44.036 Public facilities**

9 Public facilities may be permitted in single-family zones as a council conditional use,  
10 according to the provisions of 23.51A.002. Public facilities include, but are not limited to, police  
11 precinct stations, fire stations, public boat moorages, and utility services uses.  
12

13  
14 Section 3. Section 23.45.504 of the Seattle Municipal Code, which section was last  
15 amended by Ordinance 123209, is amended as follows:

16 **23.45.504 Permitted and Prohibited Uses**

17 A. All uses are permitted outright, prohibited or permitted as a conditional use according  
18 to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A for  
19 23.45.504 are prohibited, unless otherwise indicated in this Chapter 23.45 or Chapters 23.51A or  
20 23.51B.  
21

22 B. All permitted uses are allowed as a principal use or as an accessory use, unless  
23 otherwise indicated in this Chapter 23.45.  
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27  
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**Table A for Section 23.45.504: Permitted and Prohibited Uses**

	Permitted and Prohibited Uses by Zone	
Uses	LDT, L1, L2, L3 and L4	MR and HR
A. Residential use	P	P
B. Institutions	P/CU <sup>1</sup>	P/CU <sup>1</sup>
C. Public Facilities		
C.1. Uses in public facilities that are similar to uses permitted outright in this Section 23.45.504	P <sup>2</sup>	P <sup>2</sup>
C.2. Police precinct stations; fire stations; public boat moorages; utility services <sup>3</sup> ; and other similar public facilities that meet the development standards for institutions in 23.45.570	P	P
C.3. Police precinct stations; fire stations; public boat moorages; utility service uses; and other similar public facilities not meeting the development standards for institutions in 23.45.570	Type IV or Type V decision <sup>((3))4</sup>	Type IV or Type V decision <sup>((3))4</sup>
C.4. New public facilities not listed in subsections C.1 and C.2 of this Table A for Section 23.45.504, and major expansions of such public facilities	Type IV or Type V decision <sup>((3))4</sup>	Type IV or Type V decision <sup>((3))4</sup>
D. Park and pool and park and ride lots	X/CU <sup>((4))5</sup>	X/CU <sup>((4))5</sup>
E. Parks and playgrounds including customary uses	P	P
F. Ground floor commercial uses <sup>((5))6</sup>	RC	P
G. Medical Service Uses other than permitted ground floor commercial uses	P/X <sup>((6))7</sup>	P/CU/X <sup>((6))7</sup>
H. Uses not otherwise permitted in landmark structures	CU	CU
I. Cemeteries	P/X <sup>((7))8</sup>	P/X <sup>((7))8</sup>
J. All other uses	X	X

1. Institutions meeting development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter shall apply to Major Institution uses as provided in Chapter 23.69.

THIS VERSION IS NOT ADOPTED



1 2. These public facilities are subject to the same use regulations and development standards that govern the similar use.

2 3. Subject to subsection 23.45.504.H.

3 4. These public facilities may be permitted pursuant to Section 23.51A.004.

4 ((4.))5. Prohibited in Station Area Overlay Districts; otherwise, permitted as an administrative conditional use pursuant to Section 23.45.506.

5 ((5.))6. Subject to subsection 23.45.504.E.

6 ((6.))7. Subject to subsection 23.45.504.G and 23.45.506.F.

7 ((7.))8. Subject to subsection 23.45.504.F.

8 P = Permitted outright

9 CU = Permitted as an Administrative Conditional Use

10 RC = Permitted in areas zoned Residential Commercial (RC) zones, and subject to the provisions of the RC zone, Chapter 23.46.

11 \*\*\*

12 H. Fences and free standing walls of utility services uses shall be set back from the street

13 lot line by an average of 7 feet, and be no less than 5 feet from the street lot line at any point.

14 Landscaping shall be provided between the fence or wall and the street lot line. The Director

15 may reduce this setback after finding that the reduced setback will not significantly increase

16 project impacts, including but not limited to noise, odor, and the scale of the structure in relation

17 to nearby buildings.

18 Section 4. Subsection D of Section 23.47A.016 of the Seattle Municipal Code, which  
19 section was last amended by Ordinance 123046, is amended as follows:

20 **23.47A.016 Landscaping and screening standards**

21 \*\*\*

THIS VERSION IS NOT ADOPTED



1 D. Screening and landscaping requirements for specific uses. When there is more than  
2 one use that requires screening or landscaping, the requirement that results in the greater amount  
3 applies.

4 \*\*\*

5 2. Utility services uses shall provide either:

6 a) A 5-foot-deep landscaped area between any wall or fence and the street  
7 lot line; or

8 b) Architectural detailing, artwork, vegetated trellises, or similar features  
9 to provide visual interest on any walls or fences facing the street lot line when approved by the  
10 Director.

11 ((2))3. Other uses or circumstances. Screening and landscaping is required  
12 according to Table D for 23.47A.016:

13 \*\*\*

14 Section 5. Subsection B of Section 23.48.024 of the Seattle Municipal Code, which  
15 section was last amended by Ordinance 121782, is amended as follows:

16 **23.48.024 Screening and landscaping standards((,))**

17 \*\*\*

18 B. Screening for Specific Uses

19 \*\*\*

20 4. Utility services uses shall provide either:

21 a) A 5-foot-deep landscaped area between any wall or fence and the street  
22 lot line; or

b) Architectural detailing, artwork, vegetated trellises, or similar features

to provide visual interest on any walls or fences facing the street lot line when approved by the

Director.

Section 6. A new Section 23.49.029 of the Seattle Municipal Code is adopted to read as follows:

**23.49.029 Utility services uses**

Utility services uses permitted as conditional use public facilities pursuant to this Chapter 23.49 are subject to the following additional standards.

A. Utility services uses shall provide either:

1. A 5-foot-deep landscaped area between any wall or fence and the street lot line;

or

2. Architectural detailing, artwork, vegetated trellises, or similar features to provide visual interest on any walls or fences facing the street lot line when approved by the Director.

Section 7. Section 23.50.034 of the Seattle Municipal Code, which section was last amended by Ordinance 121477, is amended as follows;

**23.50.034 Screening and landscaping((-))**

The following types of screening and landscaping may be required according to the provisions of Sections 23.50.036, ~~((and))~~ 23.50.038, and 23.50.040:

\*\*\*

F. Landscaping meeting Seattle Green Factor standards, pursuant to Section 23.86.019.

THIS VERSION IS NOT ADOPTED



1  
2 Section 8. Subsection D of Section 23.50.036 of the Seattle Municipal Code, which  
3 section was last amended by Ordinance 113658, is amended as follows:

4 **23.50.036 Industrial Buffer—Screening and landscaping(=)**

5 \*\*\*

6 D. Screening, Landscaping and Setback Requirements for Specific Uses.

7 \*\*\*

8  
9 7. Utility services uses shall provide either:

10 a) A 5-foot-deep landscaped area between any wall or fence and the street  
11 lot line; or

12 b) Architectural detailing, artwork, vegetated trellises, or similar features  
13 to provide visual interest on any walls or fences facing the street lot line when approved by the  
14 Director.

15  
16  
17 Section 9. Subsection C of Section 23.50.038 of the Seattle Municipal Code, which  
18 section was last amended by Ordinance 123282, is amended as follows:

19 **23.50.038 Industrial Commercial—Screening and landscaping**

20 \*\*\*

21  
22 C. Additional Screening and Landscaping Requirements for Specific Uses.

23 \*\*\*

24 6. Solid waste transfer stations.

25 a. All solid waste transfer stations shall provide landscaping meeting a  
26 minimum Green Factor score of 0.40, pursuant to Section 23.86.019. If the transfer station is  
27

1 part of a development located on separate parcels within 200 feet of each other, Green Factor  
2 scoring may be calculated for the multiple parcels considered as a whole. If the parcels are in  
3 zones having different Green Factor minimum scores, the development considered as a whole  
4 shall meet the highest applicable, minimum Green Factor score.

5 b. Solid waste transfer stations abutting or across the street from a lot in a  
6 commercial or residential zone, shall provide screening pursuant to Section 23.50.034.B.

7 7. Utility services uses. If abutting or across the street from a lot in a residential  
8 zone, utility services uses shall provide either:

9 a) A 5-foot-deep landscaped area between any wall or fence and the street  
10 lot line; or

11 b) Architectural detailing, artwork, vegetated trellises, or similar features  
12 to provide visual interest on any walls or fences facing the street lot line when approved by the  
13 Director.

14  
15  
16  
17 Section 10. A new Section 23.50.040 of the Seattle Municipal Code is adopted to read as  
18 follows:

19 **23.50.040 Industrial General—Screening and landscaping for specific uses**

20  
21 **A. Solid waste transfer stations.**

22 1. All solid waste transfer stations shall provide landscaping meeting a minimum  
23 Green Factor score of 0.40, pursuant to Section 23.86.019. If the transfer station is part of a  
24 development located on separate parcels within 200 feet of each other, Green Factor scoring may  
25 be calculated for the multiple parcels considered as a whole. If the parcels are in zones having  
26

1 different Green Factor minimum scores, the development considered as a whole shall meet the  
2 highest applicable, minimum Green Factor score.

3           2. When a solid waste transfer station is abutting or across the street from a lot in  
4 a commercial or residential zone, screening is required pursuant to subsection 23.50.034.B.

5           B. Utility services uses. If adjacent to or across the street from a lot in a residential zone,  
6 utility services uses with fences or free standing walls shall provide either:

- 7                   1. A 5-foot-deep landscaped area between the wall and the street lot line; or  
8                   2. Architectural detailing, artwork, vegetated trellises, or similar features  
9 providing visual interest when approved by the Director.  
10

11           Section 11. The provisions of this ordinance are declared to be separate and severable.  
12  
13 The invalidity of any clause, sentence, paragraph, sub-division, section or portion of this  
14 ordinance, or the invalidity of the application thereof to any person or circumstance shall not  
15 affect the validity of the remainder of this ordinance, or the validity of its application to other  
16 persons or circumstances.  
17  
18

19           Section 12. This ordinance shall take effect and be in force thirty (30) days from and  
20 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)  
21 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.  
22  
23  
24  
25  
26  
27  
28



1 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2010, and signed by me in  
2 open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2010.

3  
4  
5 \_\_\_\_\_  
6 President Conlin of the City Council

7 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2010.

8  
9 \_\_\_\_\_  
10 Michael McGinn, Mayor

11 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2010.

12  
13  
14 \_\_\_\_\_  
15 City Clerk

16 (Seal)

THIS VERSION IS NOT ADULTED



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STATE OF WASHINGTON – KING COUNTY

--SS.

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268254  
CITY OF SEATTLE, CLERKS OFFICE

No. 123546-552

**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: TITLE ONLY ORDINANCE

was published on

03/11/11

The amount of the fee charged for the foregoing publication is the sum of \$ 109.20, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

03/11/11

Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on February 28, 2011, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For further information, contact the Seattle City Clerk at 684-8344.

#### ORDINANCE NO. 123546

AN ORDINANCE relating to habitable and vacant buildings; amending Sections 22.206.040, 22.206.090, 22.206.130, 22.206.160, 22.206.200, and 23.91.002 of the Seattle Municipal Code to update habitable and vacant building regulations and related enforcement provisions.

#### ORDINANCE NO. 123547

AN ORDINANCE related to land use and zoning, adopting new development standards for solid waste transfer stations and utility services uses, amending Seattle Municipal Code Sections 23.44.022, 23.45.504, 23.47A.016, 23.48.024, 23.49.029, 23.50.034, 23.50.036, and 23.50.038, and adopting new Sections 23.44.036 and 23.50.040.

#### ORDINANCE NO. 123548

AN ORDINANCE relating to grant funds from the US Department of Justice (DOJ), Bureau of Justice Assistance; authorizing the Mayor or his designee to execute related agreements; increasing an appropriation in the 2011 Adopted Budget for the Police Department; and ratifying and confirming certain prior acts; all by a three-fourths vote of the City Council.

#### ORDINANCE NO. 123549

AN ORDINANCE relating to replacing the South Park Bridge; authorizing execution of an Interlocal Agreement between King County and the City of Seattle regarding mutual roles and responsibilities regarding the funding and construction of a new South Park Bridge, and ratifying and confirming prior acts.

#### ORDINANCE NO. 123550

AN ORDINANCE relating to the Multifamily Housing Property Tax Exemption Program; amending Sections 5.73.040, 5.73.050, 5.73.060, 5.73.065, 5.73.080, 5.73.090, and 5.73.120 of the Seattle Municipal Code; amending Section 2 of Ordinance 121415; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 123551

AN ORDINANCE relating to security from terrorism; authorizing the City to partner with the State of Washington and King County to receive financial assistance from the Department of Homeland Security (DHS), Office for State and Local Government Coordination and Preparedness under the Urban Areas Security Initiative Grant for Federal Fiscal Year (FFY) 2010 (UASI FFY '10), authorizing an application for allocation of funds under that agreement, increasing appropriations to the Police Department and Fire Department in the 2011 Budget, and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

#### ORDINANCE NO. 123552

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, March 11, 2011.

3/11(268254)